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NOTES ON THE MEETING OF THE TECHNICAL COMMITTEE ON VIOLENCE HELD ON MONDAY 10 MAY 1993

PRESENT

Mr P Hatty
Mr V Ntsubane
Ms A Seegers
Mr H Vilakazi

Due to representatives from the National Peace Committee being unable to attend, it was decided to reschedule the meeting for Wednesday 12 May 1993, and to continue through Thursday 13 May 1993.

DRAFT MINUTES OF THE MEETING OF THE TECHNICAL COMMITTEE ON VIOLENCE HELD ON WEDNNESDAY 12 MAY 1993

PRESENT

Mr P Hatty (Chairperson)
Mr W Felgate
Mr S Mufamadi
Mr GB Myburgh
Mr V Ntsubane
Adv P Oosthuizen
Prof A Seegers
Mr HW Vilakazi

1. Mr P Hatty was appointed as chairperson and would be responsible for co-ordinating the report back where required.

2. It was decided that the following documents would be examined and perused as background documentation:
   - The report by Working Group 1 of Codesa (**Addendum A**)
   - National Peace Accord (**Addendum B**)
   - Submissions as proposals for the strengthening of the Peace Accord (**Addendum C**)
   - Recommendations of the Goldstone Commission (**Addendum D**)
   - The report from the Government on aspects of Codesa Working Group 1 recommendations in regard to whether they have been implemented (**Addendum E**).
   - Reports of the National Peace Committee Complaints Investigating Sub-Committee (**Addendum F**)

3. The Committee decided to acquire as many documents of the afore-mentioned by 14 may 1993.

4. The meeting adjourned and would reconvene on Thursday 13 May 1993.

DRAFT AGENDA FOR THE MEETING OF THE TECHNICAL COMMITTEE ON VIOLENCE: 13 MAY 1993

1. Examine and peruse the following background documents:

1.1 The report by Working Group 1 of Codesa (Document 1)
(The relevant sections are 10 (g) and 11 (h))

1.2 National Peace Accord (Document 2)

1.3 Submissions as proposals for the strengthening of the National Peace Accord (Document 3)

1.4 Recommendations of the Goldstone Commission
(Document 4)

2. Explanation and discussion on the structures of the National Peace Accord

3. Documents needed as background information but not available at present

3.1 Government report on aspects of Codesa Working Group 1 recommendations in regard to whether they have been implemented

3.2 Reports of the National Peace Committee Complaints Investigating Sub-Committee

4. Situation report of the Sub-Committee for the strengthening of the National Peace Accord (Document 5)

5. Review the following submmissions on violence:

5.1 Opening statement by Dr FT Mdlalose, National Chairperson of the IFP, to the Negotiating Council, 26 April 1993 (pg 1)

5.2 Resolution to ensure peaceful conditions for constitutional negotiations and free political activity in South Africa (pg 8)

5.3 Solidarity Party (pg 11)

5.4 Inyandza National Movement (pg 13)

5.5 Venda Government (pg 14)

5.6 Submission to the Negotiatinng Council: Mr MJ Mahlangu (pg 16)

6. Prepare report for submission to the Negotiating Council

ADDENDUM A

DOCUMENT 1

at the same discussions.

9.1.10 Complaints/Disputes and Monitoring

It was agreed that the Independent Body shall, with Parliamentary sanction by way of legislation, set up structures as may be necessary, inter-alia for:

9.1.10.1 adjudicating disputes;

9.1.10.2 monitoring the efficiency of the licensee and to ascertain whether licensees comply with their licensee conditions;

9.1.10.3 investigating complaints and for giving effect to remedial actions

9.1.11 Code of Conduct

9.1.11.1 It was agreed that the Independent Body shall lay down the standards to be complied with by licensed broadcasters (such standards could be included in a Code).

9.1.11.2 Individual Broadcasters shall compile a Code of Conduct to which they will have to comply and which could be made a condition of their licenses.

9.1.12 The following issues were raised but discussions have not been completed:

9.1.12.1 affirmative action

9.1.12.2 cross-ownership restrictions

9.2 Printed Media

The SA Government agreed to repeal Section 4 (a) and (b) of the Registration of Newspapers Amendment Act of 1982 which relate to Ministerial powers to cancel the registration of a newspaper. The repeal of these sections will be dealt with in a General Law Amendment Bill.

10 **(g) The Successful implementation of the National Peace Accord**

In the light of the current levels of violence that is devastating the prospects of peace and stability in our country, all political parties, organisations, government and administrations, participating in CODESA, in order to signify our common purpose to bring an end to political violence, recommit ourselves both in letter and spirit to the NPA.

Signed: 14 September 1991.

In doing so, we once again join hands in the pursuit of our common belief and objectives; peace and stability for all in our country.

In rallying behind this common objective we acknowledge that the act of having signed the NPA binds us much more than the content of the NPA itself. From that we can, none of us, escape since we have committed ourselves to the NPA and in this way, we have given it life and meaning.

SG2 received several submissions on the implementation of the NPA. In addition, Dr Antonie Gildenhuys, chairperson of the National Peace Secretariat, and Mr John Hall, chairperson of the NPC, were invited to hold discussions with SG2 on the implementation of the NPA. In order to strengthen the NPA, the following matters were agreed to:

10.1 General

It was agreed that:

10.1.1 In so far as the promotion of peace is concerned, the leadership of organisations is urged urgently to come together at peace rallies and meetings and to be seen by all to be jointly and collectively working towards peace and stability in our country. These peace rallies and meetings should be held under the auspices of the NPS and should augment the efforts of religious leaders in this regard.

10.1.2 The successful implementation of the NPA is fundamental to the creation of a climate for free political activity, peace and stability in our country. In this regard, it is strongly recommended to the signatories of the NPA to take active steps to ensure that they appoint senior office bearer(s) whose specific responsibility it will be to manage the organisation/party's duties in regard to the NPA. It is further recommended that, where possible, such persons be relieved of all other organisational/party obligations to facilitate the above.

10.2 RDRC's and LDRC's (Clause 7.4 of the NPA)

It was agreed that:

10.2.1 A full time Chairperson/officer/employee/s be appointed by consensus by each RDRC on the understanding that at least one such functionary will be appointed and that the said functionary will be remunerated for his/her services by the NPA;

10.2.2 Delegates to RDRC's and LDRC's who suffer financially as a result of their participation in NPA activities be reimbursed;

10.2.3 Organisations participating in the NPA activities be requested not to vary the appointment of delegates to RDRC's and LDRC's as this seriously inhibits the progress of the work of the NPA;

10.2.4 Permanent offices with appropriate staff and equipment be established in each area provided for in clause 3.7.5 of the NPA;

10.2.5 The NPS should seek to facilitate the participation of delegates on NPA structures, having special regard for the normal work commitments of delegates;

10.2.6 The reference to "Business representatives" in clause 7.4.4.3 of the NPA be interpreted to include representatives from professional organisations.

10.3 Justices of the Peace (Clause 7.5 of the NPA)

It was agreed that:

10.3.1 In view of the current preparation of legislation to implement clause 7.5 of the NPA, it

be recommended that the legislation be put before parliament during its current session.

10.3.2 All signatories to the NPA be urged to ensure that the process of consultation required by clause 7.5.1 of the NPA to precede the appointment of Justices of the Peace, proceed expeditiously in anticipation of legislation being passed to provide for matters pertaining to the appointment, powers, etc of the Justices of the Peace.

10.4 Police Reporting Officers (clause 3.2.4 of the NPA)

It was agreed that:

10.4.1 All police reporting officers already nominated be appointed to their positions forthwith.

10.4.2 In the appointment of members of the special investigation unit appointed in terms of clause 3.2.4.1 of the NPA, sensitivity regarding the acceptability and credibility of members of the SAP be taken into account.

10.5 The inclusion of representatives of tribal authorities in the RDRC's (clause 7.4.4.4 of the NPA)

It was agreed that:

10.5.1 The NPC makes special efforts to include representatives of relevant local and tribal authorities into all RDRC and LDRC structures.

10.5.2 Special efforts be made to create an awareness of the NPA amongst tribal and local authorities.

10.6 Measures to facilitate socio-economic reconstruction and development (Clause 5.7 of the NPA)

It was agreed that:

10.6.1 It should be recommended to the NPA and the RDRCs that they appoint sub-committees on socio-economic reconstruction and development as a matter of urgency;

10.6.2 Members of such sub-committees appointed i.t.o. clause 5.7 of the NPA should not only consist of members of the relevant RDRC, but should primarily consist of people with knowledge and expertise in the relevant fields.

10.7 The Police Board (Clause 3.3 of the NPA)

10.7.1 It was agreed that the Police Board, in addition to their other functions and duties:

10.7.1.1 should advise on ways in which the procedures of the special units appointed in terms of 3.2.4.1 can be given public credibility;

10.7.1.2 should advise on ways in which the credibility of the police in the community could be improved;

10.7.2 It was further agreed that the reports by the special police investigative units appointed i.t.o. clause 3.2.2.6 which are made available to the NPC, be distributed to the relevant RDRC's and LDRC's as a matter of standard procedure.

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10.8 Relations between the community and the police

10.8.1 It was agreed that in many areas improvement of the relationship between the community and the police can contribute towards the resolution of conflict and that all factors that create alienation between the police and communities be addressed urgently by means of, inter alia:

10.8.1.1 Facilitating police/community liaison, including workshops between relevant parties;

10.8.1.2 Ensuring strict adherence by all parties to the provisions of the NPA.

10.8.2 It was recommended to the NPC that they take active steps to achieve greater support for the police and co-operation by communities in effective policing.

10.9 Recommendations by RDRC's to the police

In relation to the SAP, the Venda Police Force, the Kangwane Police Force, the Gazankulu Police Force, the Kwandebele Police Force and the Lebowa Police Force, it was agreed that the RDRCs could make recommendations to the relevant police authorities as to:

10.9.1 The selection of top police officers for township stations;

10.9.2 The appointment of officers commanding and members of special police investigation units established in terms of clause 3.2.2.6.;

10.9.3 Where circumstances permit, determining the nature of police action in conflict areas, i.e. the nature of security force action, the duration of their action, the SAP and SADF mix in these actions, the timeous negotiations between the security forces and community leaders to defuse hostility, etc.

10.10 Self protection units/neighbourhood watch groups (clause 3.7 of the NPA)

It was agreed that:

10.10.1 It be recommended to the NPC that RDRC/LDRC's take urgent steps to encourage the formation of nonpartisan community based self protection groups/neighbourhood watch groups, as provided for in clause 3.7 of the NPA, in order to promote peace and the effective combatting of crime. These self protection units/neighbourhood watch groups should work in close cooperation with the relevant police authorities, as provided for in clause 3.7.5. of the NPA.

10.10.2 It be recommended to the RDRC's/LDRC's to take steps to monitor the activities of such formations and to encourage cooperation between such formations and the relevant police authorities.

10.11 In relation to points 10.7 to 10.9 the meeting encourages all other police forces to adopt a similar approach.

10.12 Dangerous weapons and the possession of illegal fire-arms

It was agreed that:

10.12.1 Stronger sentences and other measures be imposed for the possession of illegal firearms and the possession, carrying and displaying of dangerous weapons or other firearms in contravention of the regulations issued as provided for in 3.6.4 of the NPA.

10.12.2 The police increase their searches for illegal firearms and other dangerous weapons.

10.12.3 A record be kept of the political affiliation (if any) of persons arrested for the possession of illegal fire-arms or dangerous weapons.

10.12.4 The above be undertaken in the context of impartial policing.

10.13 Monitoring Commissions

It was agreed that:

10.13.1 Regional monitoring commissions be created in each RDRC region.

10.13.2 These monitoring commissions be constituted from amongst the parties and organisations represented on these RDRC's and/or drawn from independent, local monitoring agencies or persons.

10.13.3 Persons serving on these monitoring commissions be given the necessary training and certification to enable them to efficiently perform their functions in an impartial and objective manner.

10.13.4 The assistance of professional dispute resolution agencies be used in the training and development of such local/regional monitoring commissions.

10.13.5 The functions of these regional monitoring commissions be:

10.13.5.1 to monitor the compliance by the NPA signatories to the code of conduct as provided for in the Accord;

10.13.5.2 to monitor the behaviour of parties and organisations at grassroots level in relation to violence;

10.13.5.3 to monitor the compliance of parties and organisations to the NPA after it has been brought to their attention that they have been in violation of the Accord.

10.13.6 Political parties and members of RDRC's should refrain from making inflammatory remarks in relation to the causes of violence, and should desist from apportioning blame based on unsubstantiated evidence while matters are under review or investigation by the Commission.

10.14 Budget and infrastructure problems

It was agreed that:

10.14.1 Codesa calls on the international community to provide financial and other assistance to facilitate the successful implementation of the NPA.

10.14.2 It be recommended to the National Peace Secretariat that it prepares and submits a budget to government outlining the funding requirements of the peace process, as provided for in clause

6.12.5 of the NPA.

10.14.3 It be further recommended to the National Peace Secretariat to take active steps to solicit assistance from local sources in order to obtain funding for the NPA. These steps include the holding of peace musical concerts, peace sports events, and other such activities: as well as approaches to the business sector in this regard.

10.15 Commission of Enquiry Regarding the Prevention of Public Violence and Intimidation

It was agreed to recommend to the NPS and NPC:

10.15.1 to take active steps to implement and monitor the implementation of the recommendations of the Commission.

10.15.2 to distribute timeously the relevant recommendations of the Commission to the relevant RDRC/LDRC and the political parties in order to ensure that these recommendations are implemented in accordance with the Code of Conduct for political parties as set out in the NPA.

10.16 Legal Enforceability

It was agreed that it be recommended to the NPC to take active and urgent steps to ensure the legal enforceability of the Code of Conduct for Political Parties as provided for in clause 9.6 of the NPA.

10.17 Transgressions of the NPA by political parties

It was agreed that:

10.17.1 The NPC take active steps to ensure that transgressing political parties, on presentation of the Commission's findings to them, respond in writing to the NPC, as provided for in the NPA.

10.17.2 The findings of the Commission be made public in order to bring such parties to account for their transgression of the NPA.

10.18 Outstanding matters for discussion:

It was agreed that the following matters relating to the implementation of the NPA should still be discussed:

10.18.1 Co-ordination between 3 levels of NPA.

10.18.2 Education Programmes/Publicity.

10.18.3 Liaison between NPC and organisations and NPC and Codesa.

11 **(h) The prevention of violence-related crime and matters giving rise thereto:**

11.1 It was agreed that:

11.1.1 Government security forces should bring those responsible for the smuggling of AK47s and other illegal weapons into the country from the neighbouring states to book as a matter of urgency.

11.1.2 Political parties should adhere to the guidelines as set out in the National Peace Accord in so far as mass action is concerned.

11.1.3 Socio-economic conditions should be improved to curb the high crime rate.

11.2 Consensus could not be reached on the following:

11.2.1 The use of the death penalty as a deterrent to criminal activity.

11.2.2 A call by Codesa for the lifting of sanctions as a means of improving socio-economic conditions.

12 **(i) The Composition and role of the security forces in South Africa and the TBVC states**

It was agreed that:

12.1 All participants at Codesa commit themselves to the peaceful settlement of political disputes.

12.2 National security in South Africa should be sought primarily through efforts to meet the social, political and economic needs of the people.

12.3 The security forces in South Africa shall:

12.3.1 be bound by the principle of constitutional supremacy;

12.3.2 be politically non-partisan;

12.3.3 be committed to resolving conflict primarily through non-violent means;

12.3.4 respect human rights, non-racialism and democracy;

12.3.5 strive to be representative of South African society as a whole.

12.4 For the purpose of addressing our terms of reference, the WG is satisfied that all the Security Forces should be placed under the control of interim/transitional governmental structures. In this regard, this WG takes notice of the proposals tabled in WG3 to set up preparatory councils including one or more specifically intended to deal with the Security Forces. The WG supports the said abovementioned principle and agrees that the details of such councils be worked out by WG3.

12.5 Mechanisms should be implemented to ensure the public accountability of the security forces.

12.6 Codes of Conduct for the security forces should be agreed to and implemented.

12.7 A programme of orientation, designed with a view to improving security force-community relations, specifically with regard to the respect for human rights, non-racialism and democracy, should be implemented.

12.8 The following matters are outstanding:

12.8.1 The composition of the security forces

ADDENDUM B

DOCUMENT 2

NATIONAL PEACE ACCORD

NATIONAL PEACE ACCORD

14 September 1991

NATIONAL PEACE ACCORD

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NATIONAL PEACE ACCORD

To signify 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

WE, participants in the political process in South Africa, representing the political parties and organisations and governments indicated beneath our signatures, condemn the scourge of political violence which has afflicted our country and all such practices as have contributed to such violence in the past, and commit ourselves and the parties, organisations and governments we represent to this National Peace Accord.

The current prevalence of political violence in the country has already caused untold hardship, disruption and loss of life and property in our country. It now jeopardizes the very process of peaceful political transformation and threatens to leave a legacy of insurmountable division and deep bitterness in our country. Many, probably millions, of citizens live in continuous fear as a result of the climate of violence. This dehumanising factor must be eliminated from our society.

In order to achieve some measure of stability and to consolidate the peace process, a priority shall be the introduction of reconstruction actions aimed at addressing the worst effects of political violence at a local level. This would achieve a measure of stability based on common effort thereby facilitating a base for broader socio-economic development.

Reconstruction and developmental actions of the communities as referred to above, shall be conducted within the wider context of socio-economic development.

In order to effectively eradicate intimidation and violence, mechanisms need to be created which shall on the one hand deal with the investigation of incidents and the causes of violence and intimidation and on the other hand actively combat the occurrence of violence and intimidation.

The police force, which by definition shall include the police forces of all self-governing territories, has a central role to play in terminating the violence and in preventing the future perpetration of such violence. However, the perception of the past role of the police has engendered suspicion and distrust between the police and many of the affected communities. 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 the communities are necessary.

This Accord is intended to promote peace and prosperity in violence-stricken communities. The right of all people to live in peace and harmony will be promoted by the implementation of this Accord.

The Accord is of such a nature that every peace-loving person can support it. The Accord reflects the values of all key players in the arena of negotiation and reconciliation.

The implementation and monitoring of the Peace Accord represents a crucial phase in the process to restore peace and prosperity to all the people of South Africa.

14 September 1991

Noting that the majority of South Africans are God-fearing citizens, we ask for His blessing, care and protection upon our Nation to fulfil the trust placed upon us to ensure freedom and security for all.

Bearing in mind the values which we hold, be these religious or humanitarian, we pledge ourselves with integrity of purpose to make this land a prosperous one where we can all live, work and play together in peace and harmony.

The signatories have agreed upon:

* a Code of Conduct for political parties and organisations to be followed by all the political parties and organisations that are signatories to this Accord;

* a Code of Conduct to be adhered to by every police official to the best of his or her ability, as well as a detailed agreement on the security forces;

* the guidelines for the reconstruction and development of the communities;

* the establishment of mechanisms to implement the provisions of this Accord.

The signatories acknowledge that the provisions of this Peace Accord are subject to existing laws, rules and procedures and budgetary constraints. New structures should not be created where appropriate existing structures can be used.

This Accord will not be construed so as to detract from the validity of bilateral agreements between any of the signatories.

WE, THE SIGNATORIES ACCORDINGLY SOLEMNLY BIND OURSELVES TO THIS ACCORD AND SHALL ENSURE AS FAR AS HUMANLY POSSIBLE THAT ALL OUR MEMBERS AND SUPPORTERS WILL COMPLY WITH THE PROVISIONS OF THIS ACCORD AND WILL RESPECT ITS UNDERLYING RIGHTS AND VALUES AND WE, THE GOVERNMENT SIGNATORIES, UNDERTAKE TO PURSUE THE OBJECTIVES OF THIS ACCORD AND SEEK TO GIVE EFFECT TO ITS PROVISIONS BY WAY OF THE LEGISLATIVE, EXECUTIVE AND BUDGETING PROCEDURES TO WHICH WE HAVE ACCESS.

CHAPTER 1
PRINCIPLES

1.1 The establishment of a multi-party democracy in South Africa is our common goal. Democracy is impossible in a climate of violence, intimidation and fear. In order to ensure democratic political activity all political participants must recognise and uphold certain fundamental rights described below and the corresponding responsibilities underlying those rights.

1.2 These fundamental rights include the right of every individual to:

* freedom of conscience and belief;
* freedom of speech and expression;
* freedom of association with others;
* peaceful assembly;
* freedom of movement;
* participate freely in peaceful political activity.

1.3 The fundamental rights and responsibilities derive from established democratic principles namely:

* democratic sovereignty derives from the people, whose right it is to elect their government and hold it accountable at the polls for its conduct of their affairs;
* the citizens must therefore be informed and aware that political parties and the media must be free to impart information and opinion;
* there should be an active civil society with different interest groups freely participating therein;
* political parties and organisations, as well as political leaders and other citizens, have an obligation to refrain from incitement to violence and hatred.

1.4 The process of reconstruction and socio-economic development aimed at addressing the causes of violent conflict, must be conducted in a non-partisan manner, that is, without being controlled by any political organisation or being to the advantage of any political group at the expense of another.

1.5 Reconstruction and developmental projects must actively involve the affected communities. Through a process of inclusive negotiations involving recipients, experts and donors, the community must be able to conceive, implement and take responsibility for projects in a co-ordinated way as close to the grassroots as possible. In addition, reconstruction and development must facilitate the development of the economic and human resources of the communities concerned.

1.6 The initiatives referred to in 1.4 and 1.5 above, should in no way abrogate the right and duty of governments to continue their normal developmental activity, except that in doing so they should be sensitive to the spirit and contents of any agreement that may be reached in terms of 1.5 above.

1.7 The parties to this process commit themselves to facilitating the rapid removal of political, legislative and administrative obstacles to development and economic growth.

1.8 The implementation of a system to combat violence and intimidation will only succeed if the parties involved have a sincere commitment to reach this objective. Only then will all the people of South Africa be able to fulfil their potential and create a better future.

1.9 It is clear that violence and intimidation declines when it is investigated and when the background and reasons for it is exposed and given media attention. There is, therefore, need for an effective instrument to do just that. It is agreed that the Commission established by the Prevention of Public Violence and Intimidation Act, 1991, be used as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation.

1.10 Since insufficient instruments exist to actively prevent violence and intimidation at regional and local levels, it is agreed that committees be appointed at regional and local levels to assist in this regard. Peace bodies are therefore to be established at both regional and local levels to be styled "Regional Dispute Resolution Committees" (RDRC) and "Local Dispute Resolution Committees" (LDRC) respectively. These bodies will be guided and co-ordinated at a national level by a National Peace Secretariat. At the local level the bodies will be assisted by Justices of the Peace.

1.11 The Preparatory Committee has played a crucial role in the process of bringing the major actors together to negotiate a Peace Accord. There is still much to be done to implement the Accord and establish the institutions of peace. To assist in this regard, a National Peace Committee shall be established.

1.12 There should be simple and expeditious procedures for the resolution of disputes regarding transgressions of the Code for Political Parties and Organisations by political parties and organisations who are signatories to the National Peace Accord. These disputes should wherever possible, be settled at grassroots level, through participation of the parties themselves; and by using the proven methods of mediation, arbitration and adjudication.

1.13 An effective and credible criminal judicial system requires the swift and just dispensation of justice. This in turn will promote the restoration of peace and prosperity to communities, freeing them of the ravages of violence and intimidation. Special attention should be given to unrest related cases by setting up Special Criminal Courts specifically for this purpose.

CHAPTER 2

CODE OF CONDUCT FOR POLITICAL PARTIES AND ORGANISATIONS

The signatories to this Accord agree to the following Code of Conduct:

2.1 We recognise the essential role played by political parties and organisations as mediators in a democratic political process, permitting the expression, aggregation and reconciliation of different views and interests, and facilitating the translation of the outcome of this process into law and public policy, and respect the activities of political parties and organisations in organising their respective structures, canvassing for support, arranging and conducting public meetings, and encouraging voting.

2.2 All political parties and organisations shall actively contribute to the creation of a climate of democratic tolerance by:

* publicly and repeatedly condemning political violence and encouraging among their followers an understanding of the importance of democratic pluralism and a culture of political tolerance; and

* acting positively, also *vis-a-vis* all public authorities including local and traditional authorities, to support the right of all political parties and organisations to have reasonable freedom of access to their members, supporters and other persons in rural and urban areas, whether they be housed on public or private property.

2.3 No political party or organisation or any official or representative of any such party, shall:

* kill, injure, apply violence to, intimidate or threaten any other person in connection with that person's political beliefs, words, writings or actions;

* remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any other political party or organisation;

* interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend, any gathering for political purposes;

* seek to compel, by force or threat of force, any person to join any party or organisation, attend any meeting, make any contribution, resign from any post or office, boycott any occasion or commercial activity or withhold his or her labour or fail to perform a lawful obligation; or

* obstruct or interfere with any official or representative of any other political party or organisation's message to contact or address any group of people.

2.4 All political parties and organisations shall respect and give effect to the obligation to refrain from incitement to violence or hatred. In pursuit hereof no language calculated or likely to incite violence or hatred, including that directed against any political party or personality, nor any wilfully false allegation, shall be used at any political meeting, nor shall pamphlets, posters or other written material containing such language be prepared or circulated, either in the name of any party, or anonymously.

2.5 All political parties and organisations shall:

* ensure that the appropriate authorities are properly informed of the date, place, duration and, where applicable, routing of each public meeting, rally, march or other event organised by the party or organisation;

* take into account local sentiment and foreseeable consequences, as well as any other meetings already arranged on the same date in close proximity to the planned event, provided that this shall not detract from the right of any political party or organisation freely to propagate its political views; and

* immediately and at all times, establish and keep current effective lines of communication between one another at national, regional and local levels, by ensuring a reciprocal exchange of the correct names, addresses and contact numbers of key leaders at each level, and by appointing liaison personnel in each location to deal with any problems which may arise.

2.6 All political parties and organisations shall provide full assistance and co-operation to the police in the investigation of violence and the apprehension of individuals involved. The signatories to this Accord specifically undertake not to protect or harbour their members and supporters to prevent them from being subjected to the processes of justice.

CHAPTER 3

SECURITY FORCES : GENERAL PROVISIONS

3.1 GENERAL PRINCIPLES

3.1.1 The police shall endeavour to protect the people of South Africa from all criminal acts and shall do so in a rigorously non-partisan fashion, regardless of the political belief and affiliation, race, religion, gender or ethnic origin of the perpetrators or victims of such acts.

3.1.2 The police shall endeavour to prevent crimes and shall attempt to arrest and investigate all those reasonably suspected of committing crimes and shall take the necessary steps to facilitate the judicial process.

3.1.3 The police shall be guided by a belief that they are accountable to society in rendering their policing services and shall therefore conduct themselves so as to secure and retain the respect and approval of the public. Through such accountability and friendly, effective and prompt service, the police shall endeavour to obtain the co-operation of the public whose partnership in the task of crime control and prevention is essential.

3.1.4 The police, as law enforcement officers, shall expect a higher standard of conduct from its members in the execution of their duties than they expect from others and in pursuance hereof, supports prompt and efficient investigation and prosecution of its own members alleged to have acted unlawfully and shall commit itself to continue the proper training and retraining of its members in line with the objectives of professional policing and the principles set out in Chapters 3 and 4 of this Accord. The police in particular shall emphasise that there is no place in the police force for policing practices based on personal or racial prejudice, corruption, excessive force or any unlawful actions.

3.1.5 The police shall exercise restraint in the pursuance of their duties and shall use the minimum force that is appropriate in the circumstances.

3.1.6 Parties, organisations and individuals acknowledge that they too have a contribution to make in the process of sustaining, developing and encouraging a police force of which all South Africans can be proud. This involves a respect for the professionalism of the police force, and assisting the police in the performance of their legitimate duties.

3.2 THE POLICE SHALL OBSERVE THE FOLLOWING MORE DETAILED SET OF REQUIREMENTS:

3.2.1 **The police shall endeavour to protect the people of South Africa from all criminal acts and acts of political violence, and shall do so in a rigorously non-partisan fashion, regardless of the political belief and affiliation, religion, gender, race, or ethnic origin of the perpetrators or victims of such acts.**

3.2.1.1 The police must always respond promptly to calls for assistance and intervention.

3.2.1.2 Where prior notification is given of possible violence, the police must take all reasonable steps to prevent such an outbreak of violence.

3.2.1.3 The police shall endeavour to disarm those persons illegally bearing dangerous weapons in any gathering or procession.

3.2.2 **The police shall endeavour to prevent crimes and shall attempt to arrest and investigate all those reasonably suspected of committing crimes and shall take the necessary steps to facilitate the judicial process.**

3.2.2.1 Where violent clashes occur the police shall attempt to arrest all those reasonably suspected of participating in any unlawful act. If the police are unable for any reason to arrest all suspects, efforts must be made to photograph, video or otherwise identify the suspects.

3.2.2.2 After a suspect has been arrested, the police shall conduct a full, proper and expeditious investigation into the complaint, shall endeavour to submit the necessary evidence to the Attorney-General as soon as possible and shall give all the necessary co-operation in this regard.

3.2.2.3 In addition to rights arrested persons have in terms of the law, suspects arrested solely for crimes related to political violence should be informed of their rights and given the opportunity to telephone their family or a lawyer. Judges Rules shall consistently be applied by all police officials.

3.2.2.4 All criminal complaints shall be accepted at a charge office. After the complaint is accepted, the complainant shall be given a form containing the complaint number and the nature of the charge. The name and the telephone number of the investigating officer shall be made available or dispatched within seven days to the complainant.

3.2.2.5 The complainant shall, upon request, be entitled to any relevant information from the investigating officer on the progress and outcome of the investigation.

3.2.2.6 In order to investigate all crimes relating to "political violence", which includes public violence as defined in the Prevention of Public Violence and Intimidation Act, 1991, the police shall establish a special police investigation unit on the following basis:

(i) A police investigation unit shall be established under the command of a police general (or senior police officer in the case of self-governing territories).

(ii) This police general shall monitor, co-ordinate and supervise investigations into crimes of political violence.

(iii) A senior police officer shall be appointed in the region of each special criminal court and shall carry out his duties and functions under the command of the said police general.

(iv) It will be the responsibility of each such officer as assisted by such officials as are seconded to him or appointed on an *ad hoc* basis to assist him, to conduct or supervise investigations into crimes of political violence, in the region of that special criminal court.

(v) When necessary each such officer shall liaise with the prosecutor of the special court in regard to the conduct of investigations into crimes of political violence.

(vi) Each such officer may personally investigate such crimes and/or supervise investigations performed by ordinary units of the police.

(vii) The police general who commands the special investigation unit as well as each such officer shall, where possible, have sufficient personnel and

resources at his disposal to enable him to effectively carry out his powers and functions.

(viii) Each such officer shall be responsible for compiling a monthly report on the progress of investigations and for referring it to the police general who commands the special investigation unit. The Standing Commission and/or the National Peace Committee may inquire on the progress of the investigations and the police general shall submit a report.

(ix) In all cases where an affidavit containing evidence is submitted to the National Peace Committee or Regional Dispute Resolution Committee to the effect that the local police in any station and/or district have acted with bias towards a political party or organisation in that district, the investigation into any incident of alleged political violence shall, on basis of the affidavit, be conducted by the special investigation unit with jurisdiction in that region or under the supervision of an officer from such unit.

(x) The National Peace Committee shall be informed of the appointment of the police general and the senior officers.

(xi) The Commissioner of Police shall have regard to recommendations of the National Peace Committee.

3.2.3 **The police shall be guided by a belief that they are accountable to society in rendering their policing services and shall therefore conduct themselves so as to secure and retain the respect and approval of the public.**

Accountability in this paragraph and also referred to in clause 3.1.3 above, as well as in the Police Code of conduct, entails the following:

3.2.3.1 In order to facilitate better communication with the community, the police shall, in each locality where a Local Dispute Resolution Committee exists:

(i) consult regularly with:

(a) the Local Dispute Resolution Committee, or in its absence, community leaders, including representatives of signatories to this accord, and

(b) community leaders,

on the efficient functioning of the police in that community and shall regularly communicate with such committee, representatives or leaders on the issues raised by them with the police.

(ii) establish a liaison officer of rank not lower than a warrant officer, in each police district, to which requests for urgent assistance may be directed. The police shall notify the LDRC of the identity of liaison officers.

3.2.3.2 In addition to the normal channels available within the Department of Law and Order, complaints against the police may also be referred to the Police Reporting Officer or, depending on the nature of such complaints, to the Standing Commission on Violence and Intimidation.

3.2.3.3 If the police feel that they are unfairly victimised or harassed by any person or body or organisation they will have the right to raise a complaint to the National Peace Committee or any other appropriate body.

3.2.4 **The police shall expect a higher standard of conduct from themselves than they expect from others**

3.2.4.1 Complaints of alleged police misconduct which is of such a serious nature that it may detrimentally affect police/community relations should be referred to the Police Reporting Officer or the Commissioner of Police, for investigation by a unit of the police specifically established for this purpose, under the supervision of a designated general of the police. Where the complaint is directed to the Police Reporting Officer it should be referred by him to the Commissioner of Police for investigation by such a unit. The units will be available as far as possible in each police region.

3.2.4.2 The unit shall submit to the Police Reporting Officer, a report on the complaints submitted to it, as well as the progress and outcome of investigations into complaints. The Police Reporting Officer will have the authority to ensure that the investigation is a full and proper investigation and accordingly will be entitled to refer the report back to the unit. The Police Reporting Officer shall be appointed in the following manner:

(i) The Association of Law Societies and General Council of the Bar shall recommend to the Minister of Law and Order three candidates per region for the appointment of a Regional Police Reporting Officer. If the Minister is not prepared to make an appointment from the names so received, he may refer the recommendation back to the Association of Law Societies and the General Council of the Bar for additional three names from which he has to make an appointment.

(ii) Such Police Reporting Officer may be a former prosecutor, a former member of the attorney general's staff, a lawyer in private practice, a former magistrate, or a former policeman.

3.2.4.3 The Police Reporting Officer may recommend to the Commissioner of Police the suspension or transfer of the police official under investigation until the completion of the investigation.

3.2.4.4 The Police Reporting Officer shall, on the completion of the investigation, make a recommendation to the Commissioner of Police as to the disciplinary action that should be taken against the police involved in the misconduct. The complainant shall be notified of the recommendations and the outcome of this complaint. The Police Reporting Officer may, with the consent of the complainant, provide the National Peace Committee with the recommendations and outcome of the investigation.

3.2.4.5 All police officials in uniform should carry a legible external form of identification.

3.2.4.6 All official police vehicles shall have an identification number painted on the side, and all military vehicles acting in support of the police shall display an identification number on the side and no such number may be removed for as long as such military vehicles are used in support of the police, provided that this shall not apply to police vehicles which are required for official undercover work, not in breach of clause 3.5 related to clandestine or covert operations. It shall be an offence for a police or military vehicle to be driven on a public road without numberplates or without the numberplates allocated to such vehicle by the relevant registration authority.

3.2.5 **The police shall exercise restraint in the pursuance of their duties and shall use the minimum force that is appropriate in the circumstances.**

3.2.5.1 Clear guidelines shall be issued by the police for dealing with unlawful gatherings and the following aspects shall clearly be addressed in such guidelines.

(i) When a confrontation between a police unit and a gathering is reasonably foreseeable, a senior police official shall where possible be in command of that unit.

(ii) The police unit performing crowd control duties shall, where possible, be equipped with public address systems and someone who can address the crowd in a language the crowd will understand.

(iii) Before ordering a gathering to disperse, an attempt must be made to ascertain the purpose of the gathering and to negotiate the immediate dispersal of the group.

(iv) Where residents of a community or a hostel are clearly the subject of an attack, the police shall endeavour to disarm and disperse the aggressors.

(v) A reasonable time must be given to the gathering to comply with the requests or instructions of the commanding officer.

(vi) The commanding officer shall only authorise the use of injurious or forceful methods of crowd dispersal if he believes that the crowd constitutes a danger to the public safety or to the safety of any individual or to any valuable movable or immovable property and if he has reason to believe that less injurious methods will not succeed in dispersing the gathering. The least possible degree of force should be used in attaining the aim of policing. Unless circumstances prevent it, persuasion, advice and warnings should be used to secure co-operation, compliance with the law and the restoration of order.

(vii) The police should focus on making less injurious equipment also available to police stations in order to minimize the risk of forceful actions.

3.3 POLICE BOARD

3.3.1 A Police Board shall be established whose composition shall comprise of both members of the public and representatives of the police in equal numbers. The chairperson is to be appointed by the Minister of Law and Order from one of the members representing the public.

3.3.2 The members of the public shall be appointed by the Minister of Law and Order to the Police Board from names put forward by unanimous decision by the National Peace Committee. The Minister of Law and Order shall have the discretion to appoint further members from parties who are not represented on the National Peace Committee.

3.3.3 The function of the Police Board shall be to consider and to make recommendations to the Minister of Law and Order in regard to the policy relating to the training and efficient functioning of the police, with a view to reconcile the interests of the community with that of the police.

3.3.4 The Police Board shall be empowered to do research and call for representations from the public regarding any investigation conducted by it.

3.3.5 The Police Board shall not have a role in regard to the day to day functioning of the police.

3.3.6 The recommendations of the Police Board in regard to the above matters shall be made public, insofar as it is essential in reconciling the interests of the community with that of the police.

3.4. COMPOSITION OF THE POLICE FORCE

3.4.1 The relationship between, and the status of, the South African Police and the Police Forces in the Self-governing Territories in the transitional phase, can only be decided by the interested parties through negotiations.

3.4.2 Where the Police Forces of any self-governing territory is alleged to be a party to the conflict, the Standing Commission shall investigate this and make appropriate recommendations.

3.5 CLANDESTINE OR COVERT OPERATIONS

3.5.1 No public funds shall be used to promote the interests of any political party or political organisation and no political party or political organisation shall accept any public funds to promote its interests which shall have the effect of interfering negatively in the political process.

3.5.2 The government shall not allow any operation by the security forces with the intention to undermine, promote or influence any political party or political organisation at the expense of another by means of any acts, or by means of disinformation.

3.5.3 If any of the signatories to this accord has reason to believe that any operation is being conducted in breach of this clause, it may lodge a complaint with the Police Reporting Officer or the Commission as the case may be.

3.5.4 In addition to any civil/criminal liability he/she may incur, any individual member of the police who is found to have breached this clause shall be dealt with in accordance with the Police Act, Regulations and Standing Orders.

3.5.5 In addition to any civil/criminal liability he/she may incur, any individual member of the defence force who is found to have breached this clause shall be dealt with in accordance with the defence statutes and codes and the Code of Conduct for the members of the defence force.

3.5.6 In order to monitor ongoing compliance with this provision the Commission, or a person authorised by it, shall upon receipt of any request by a party, or a complaint or on information received by it, be entitled by warrant to enter and inspect any place and interrogate any security force member, and seize any record or piece of evidence.

3.6. DANGEROUS WEAPONS

3.6.1 The parties agree that the disastrous consequences of widespread violence and the urgent requirement of peace and stability on which to build the common future make it necessary to act decisively to eliminate violence or the threat of violence from a political sphere.

3.6.2 In pursuit of this understanding the parties agree that no weapons or fire-arms may be possessed, carried or displayed by members of the general public attending any political gathering, procession or meeting.

3.6.3 All political parties and organisations shall actively discourage and seek to prevent their members and supporters from possessing, carrying or displaying weapons or fire-arms when attending any political gathering, procession or meeting.

3.6.4 The Government undertakes to issue the necessary proclamations to implement the principles of paragraph 3.6.2 after consultation with the interested parties.

3.7 SELF PROTECTION UNITS (previously called self-defence units)

3.7.1 The Law accords all individuals the right to protect themselves and their property, and to establish voluntary associations or self protection units in any neighbourhood to prevent crime and to prevent any invasion of the lawful rights of such communities. This shall include the right to bear licensed arms and to use them in legitimate and lawful self-defence.

3.7.2 The parties also agree that no party or political organisation shall establish such units on the basis of party or political affiliation, such units being considered private armies.

3.7.3 No private armies shall be allowed or formed.

3.7.4 The parties also recognise that a liaison structure should operate between any community based self protection unit and the police so as to facilitate education on citizens' rights, police responsiveness and other aspects in respect of which there is a legitimate and common interest.

3.7.5 The police remains responsible for the maintenance of law and order and shall not be hindered in executing their task by any self protection unit.

3.7.6 All existing structures called self-defence units shall be transformed into self protection units which shall function in accordance with the principles contained in paragraph 3.7.

3.8 GENERAL

3.8.1 This Accord shall, where applicable, be issued as a directive by the Commissioner of Police and if necessary, the Police Act and regulations will be amended accordingly.

3.8.2 In view of the changing policing demands of a changing South Africa the police shall continue to take steps to retrain their members on the proper functions of the police as set out in the Code and in this agreement and in particular in methods of defusing conflict through discussion.

3.8.3 This Accord shall, where applicable, be honoured by and shall in terms of paragraph 3.8.1 be binding on the police.

3.8.4 This Accord shall, where applicable, be binding on the defence force in as much as it performs any ordinary policing function.

3.8.5 Where a government of a self-governing territory becomes a signatory to this Accord, the provisions of this Accord will, *mutatis mutandis*, be applicable to such a government as well as the police force of such a government.

3.8.6 A government of a self-governing territory which is a signatory to this Accord may opt to accept the jurisdiction of the Police Board or Police Reporting Officer established in respect of the South African Police Force.

3.9 CODE OF CONDUCT FOR MEMBERS OF THE DEFENCE FORCE

A Code is in the process of being negotiated under the auspices of the National Peace Committee.

CHAPTER 4

SECURITY FORCES : POLICE CODE OF CONDUCT

MISSION OF THE SOUTH AFRICAN POLICE

"We undertake, impartially and with respect for the norms of the law and society, to protect the interests of the country and everyone therein against any criminal violation, through efficient service rendered in an accountable manner."

CODE OF CONDUCT OF THE SOUTH AFRICAN POLICE

All members of the South African Police shall commit themselves to abide by the Code of Conduct in the following terms:

As a member of the South African Police, I undertake to adhere to the following Code of Conduct to the best of my abilities:

As POLICE OFFICIAL I will observe the oath of loyalty which I made to the Republic of South Africa by performing the task that is required of me by law, with untiring zeal, single-mindedness and devotion to duty, realising that I accept the following principles:

* In order to preserve the fundamental and constitutional rights of each individual by the use of preventive measures, or alternatively, in the event of disruption, to restore social order by the use of reactive policing.

* The authority and powers accorded to the Police for the maintenance of social order, and the subsidiary objectives they adopt are dependent upon and subject to public approval, and the ability to secure and retain the respect of the public.

* The attainment and retention of public approval and respect include the co-operation of the public in the voluntary observance of the laws.

* Any offence or alleged offence by any member of the South African Police, of the common law or statutory law, including the Police Act and the regulations promulgated in accordance thereof, shall be thoroughly investigated and in the event of any violation thereof, appropriate measures shall be taken. Such an offence or alleged offence, depending on the nature thereof, may be referred to a Police Reporting Officer or the Commission established in terms of the Prevention of Violence and Intimidation Act, 1991, or to a commission that shall be specifically appointed for that purpose. All assistance and co-operation possible shall be rendered to a commission such as this, and the Police Reporting Officer and where investigations are undertaken by the Police at the request of the commission or the Police Reporting Officer, a special investigation team shall be used for this purpose.

* The extent and quality of public co-operation proportionally diminishes the need for corrective measures.

The favour and approval of the public shall be sought by:

- enforcing the law firmly, sensitively and with constant and absolute impartiality;
- giving effective and friendly service to each individual, regardless of the political and religious belief, race, gender or ethnic origin;
- reacting as quickly as possible on requests for help or service;
- making personal sacrifices in order to save lives; and
- encouraging police community relationships, and by promoting participation by the community.

* The least possible degree of force be used in attaining the aim of policing, and then only when persuasion, advice and warnings have failed to secure co-operation, compliance with the law and the restoration of order.

* Judges' Rules shall consistently be applied by all police officials.

* Police officials must adhere to the executive function of policing and refrain from taking it upon themselves to perform a judicial function.

* All police officials in uniform shall wear a clearly distinguishable mark of identification.

* The integrity of policing is reflected by the degree of personal moral responsibility and professional altruism evident in the behaviour and actions of every individual member of the police.

* The stability of society, and the vitality and continuity of democratic ideals are dependent upon policing that:

  - is consistently aware of the sensitive balance between individual freedom and collective security;
  - is consistently aware of the dangers inherent in illegal and informal coercive actions and methods; and
  - will never give in to the temptation to sacrifice principles by resorting to reprehensible means to secure good ends.

* The professionalisation of policing depends primarily upon intensive selection, training, planning and research.

* The needs of the community shall be considered in the training programme of the Police, and the contribution made by communities in this regard, shall be taken into account.

* Every member should strive and apply him/herself to individual and institutional professionalism by self-improvement and study.

* Any offence by any member of the police, committed in the presence of a fellow member of the police, shall be dealt with by such a fellow member in accordance with the powers and duties conferred upon him or her by any act relating to such an offence. In addition such a fellow member shall forthwith notify his or her commander.

In order to maintain these principles, I undertake to:

* make my personal life an example worthy to be followed by all;

* develop my own personality and also create the opportunity for others to do likewise;

* treat my subordinates as well as my seniors in a decent manner;

* fulfil my duty faithfully despite danger, insult or threat;

* develop self-control, remain honest in thought and deed, both on and off duty;

* be an example in obeying the law of the land and the precepts of the Force;

* prevent personal feelings, prejudice, antagonism or friendships from influencing my judgement;

* receive no unlawful reward or compensation; and

* remain worthy of the trust of the public, by unselfish service, seek satisfaction in being ready to serve and to dedicate myself in the service to my God and my country.

"SERVAMUS ET SERVIMUS - WE PROTECT AND WE SERVE"

CHAPTER 5

MEASURES TO FACILITATE SOCIO-ECONOMIC RECONSTRUCTION AND DEVELOPMENT

5.1 Reconstruction and development projects must actively involve the affected communities. Through a process of inclusive negotiations involving recipients, experts and donors, the community must be able to conceive, implement and take responsibility for projects in a co-ordinated way as close to the grassroots as possible. In addition reconstruction and development must facilitate the development of the economic and human resources of the communities concerned.

5.2 Projects at a local level require the co-operation of all members of the community irrespective of their political affiliation. The people within local communities must see local organisations working together on the ground with common purpose. Parties with constituency support in an area must commit themselves to facilitating such an approach to development projects.

5.3 Reconstruction projects must work on the ground at local level. This requires a combined effort by all political organisations and affected parties to raise the required level of capital and human resources for development. Public and private funds will have to be mobilised for this purpose.

5.4 Sustainable development implies that all individuals must be assisted and encouraged to accept responsibility for their socio-economic well-being. Each actor must define and accept his/her role and there must be an acceptance of co-responsibility for and co-determination of socio-economic development.

5.5 This development initiative should in no way abrogate the right and duty of governments to continue their normal development activity, except that in doing so they should be sensitive to the spirit and contents of any agreement that may be reached.

5.6 The parties to this process commit themselves to facilitating the rapid removal of political, legislative and administrative obstacles to development and economic growth.

5.7 The National Peace Committee and the Regional Dispute Resolution Committees will establish permanent sub-committees on socio-economic reconstruction and development.

5.8 Both the national and regional sub-committees defined above could establish advisory and consulting groups to facilitate their work.

5.9 The functions of these sub-committees would be to:

5.9.1 assist the peace structures in regard to socio-economic reconstruction and development;

5.9.2 take initiatives to implement the principles outlined above and to deal with the issues set out hereunder;

5.9.3 the combined inputs of the sub-committees participants would be to facilitate, co-ordinate and expedite reconstruction and development in terms of the principles outlined above.

5.10 The general guideline on issues to be dealt with is to move from immediate issues related to violence and the peace process toward pre-emption of violence and then toward integrating into the overall need for socio-economic development.

5.11 The sub-committees should identify areas at community level where they could begin to facilitate the co-ordination of the following issues:

* reconstruction of damaged property;
* reintegration of displaced persons into the community;
* expansion of infrastructure to assist in consolidating the peace process; and
* community involvement in the maintenance and improvement of existing community facilities and the environment.

5.12 The sub-committees should facilitate crisis assistance that will link to socio-economic development in the following areas:

* dealing with the immediate effects of violence and the resultant social effects, displaced persons problem and homelessness; and
* where infrastructure is itself a spark to violence, eg water, electricity transportation, schools etc.

5.13 In addressing the above issues attention will have to be paid to:

* the equitable allocation of state resources, including state-funded development agencies (physical and financial) for both public and community-based initiatives;
* mobilisation of additional resources - both public and private;
* the cumbersome nature of governmental structures in the provision of resources and services;
* the position of the very poor and marginalised groups;
* land, its accessibility and use;
* basic housing;
* provision of basic services;
* education;
* health and welfare;
* job creation and unemployment; and
* the availability of land for housing and basic services.

5.14 The sub-committees should identify potential flash points and co-ordinate socio-economic development that will defuse tension eg squatter settlements: squatter settlement-township interfaces; hostels: hostel-township interfaces, provision and maintenance of basic services and rural resource constraints. The sub-committees should identify areas of socio-economic development that would prevent violence.

5.15 The sub-committee would attempt to ensure that overall socio-economic development is cognizant of the need to reinforce the peace process and defuse the potential for violence.

CHAPTER 6

COMMISSION OF INQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION ("the Commission")

6.1 It is acknowledged that the police is primarily responsible for the investigation of crime. The police is, as a result, also responsible for the investigation and bringing to book of all perpetrators of violence and intimidation.

6.2 *Post mortem* inquests play an important role in exposing and opening up circumstances relating to unrest and violence. Inquests with judges as presiding officers have taken place more frequently since the implementation of the Inquests Amendment Act, 1990 (Act 45 of 1990). The Inquests Amendment Act, 1991 (Act 8 of 1991), has furthermore streamlined the process and inquests can be disposed of more rapidly. Records of all inquest proceedings relating to public violence should be submitted to the Commission.

6.3 It is clear that violence and intimidation declines when it is investigated and when the background and reasons for it is exposed and given media attention. There is therefore need for an effective instrument to do just that. It is agreed that the Commission established by the Prevention of Public Violence and Intimidation Act, 1991, be used as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation. However, in order to improve the efficacy of the Act in preventing violence it may be necessary to amend the Act, to accommodate the provisions of this Chapter. Where amendments are necessary, the National Peace Committee shall send its proposals to the Minister of Justice as soon as possible.

6.4 In terms of the Prevention of Public Violence and Intimidation Act, 1991, the Commission shall function as follows:

6.5 The Commission shall function on a permanent basis.

6.6 The Commission's objectives shall be to:

6.6.1 inquire into the phenomenon of public violence and intimidation in the Republic, the nature and causes thereof and what persons are involved therein;

6.6.2 inquire into any steps that should be taken in order to prevent public violence and intimidation;

6.6.3 make recommendations to the State President regarding:

6.6.3.1 the general policy which ought to be followed in respect of the prevention of public violence and intimidation;

6.6.3.2 steps to prevent public violence or intimidation;

6.6.3.3 any other steps it may deem necessary or expedient, including proposals for the passing of legislation, to prevent a repetition or continuation of any act of omission relating to public violence or intimidation;

6.6.3.4 the generation of income by the State to prevent public violence and intimidation as well as the compensating of persons who were prejudiced and suffered patrimonial loss thereby;

6.6.3.5 any other matter which may contribute to preventing public violence and intimidation.

6.7 It is agreed that the Commission shall be composed as follows:

6.7.1 A judge or retired judge of the Supreme Court or a senior advocate with at least 10 years experience in the enforcement of the law. This will ensure that the Commission has suitable, independent and objective leadership, fully versed in the law and fearlessly given to grant all parties an equal opportunity to state their views and give their facts. This person will be the chairman.

6.7.2 A senior advocate or a senior attorney or a senior professor of law. The incumbent will assist the chairman of the Commission, providing balance from a legal point of view. Because of his status this person will not be susceptible to influence from other parties. This person will be the vice-chairman.

6.7.3 Three other duly qualified persons.

6.8 The National Peace Committee shall submit a short list of persons to be considered for appointment.

6.9 It is acknowledged that it is desirable that the Commission should be and be seen to be independent and non-partisan.

6.10 Members of the Commission are appointed for a period of three years.

6.11 The Commission will be assisted by a secretariat to provide administrative and logistical services.

6.12 The Commission's functions will include the following:

6.12.1 to investigate the causes of violence and intimidation;
6.12.2 to recommend measures capable of containing the cycle of violence;
6.12.3 to recommend measures in order to prevent further violence;
6.12.4 to initiate research programmes for the establishment of scientific empirical data on violence; and
6.12.5 to make recommendations concerning the funding of the process of peace.

6.13 Any individual will be able to approach the Commission with a request to investigate any particular matter relevant to combating violence and intimidation. If any such individual is held in detention, the relevant authorities will facilitate the transmission of such a request to the Commission. If a request is unfounded, trivial or designed for purposes other than the prevention of violence and intimidation, the Commission may in its discretion decline to act upon the request. The Commission does not only act upon receiving a request from an individual, but may of its own accord investigate matters.

6.14 The investigation by or at the behest of the Commission shall not affect any legal processes.

6.15 Where a matter has already been dealt with as a result of legal processes, the Commission shall not re-investigate the matter but may take cognizance of the evidence presented during such processes and the findings emanating from such proceedings.

6.16 The Commission shall be empowered to enlist the help of other institutions in its investigations. Investigations by the Police Reporting Officer referred to in this Accord shall not be affected by the Commission.

6.17 Members of the Commission and its secretariat (insofar as they may not be employed by the State) shall be remunerated by the State. The State shall provide funds for the operation of the Commission.

6.18 The Commission shall be empowered in order to conduct an investigation and insofar as it may be relevant to:

6.18.1 require any person to give evidence on the matter being investigated;

6.18.2 require any person to put any document or other evidentiary material at the disposal of the Commission;

6.18.3 order that the identity of any person mentioned in 6.18.1 and 6.18.2 shall not be revealed if that person's life or property or his family may be endangered because of his assistance to the Commission;

6.18.4 order that the relevant authority provide appropriate protection to a person mentioned in 6.18.1 and 6.18.2 if his life is endangered because of his assistance to the Commission; and

6.18.5 order that the contents of any document or other evidentiary material shall not be revealed or published if circumstances so demand.

6.19 The proceedings of the Commission shall take place in public, unless the Commission decides that circumstances demand otherwise. This is designed to ensure that the safety of witnesses can be guaranteed.

6.20 The Commission shall determine if legal representation is desirable in any particular given case.

6.21 After completion of an investigation the Commission shall compile a report on its findings and recommendations. This report will be handed to the State President who may make known for public information the facts in question and the findings of the Commission which he deems necessary in the public interest. Without derogating from the State President's discretion, the State President is requested to make such reports available to *inter alia* the National Peace Committee.

6.22 Measures shall be enacted to provide for the expenses and mechanisms of the Commission.

6.23 In order to ensure that steps are taken against perpetrators of violence and intimidation, the Commission may refer any evidence constituting an offence to the relevant Attorney-General and to the Special Criminal Courts.

6.24 Anyone hampering or influencing the Commission or any of its members in the execution of their duties shall be guilty of an offence. This will ensure that the status of the Commission is established and that it does not fall prey to pressures.

6.25 The above-mentioned is reflected in the Prevention of Public Violence and Intimidation Act, 1991.

6.26 Fully aware of the fact that the composition of the proposed body will determine its relevancy and legitimacy, the Minister of Justice indicated during the Second Reading Debate of the Act that no appointments would be made without

consultation and negotiation with the relevant role players. Consensus will be the key word. It is agreed that for this system to be effective, it needs to be credible.

6.27 In terms of section 4 of the Act, committees may be established to assist the Commission in the exercise of its functions. The relevant players will therefore also be able to be represented on these committees by their own members and experts. These committees will enjoy the same far-reaching powers as the Commission itself. Regional committees of the Commission should be established in each of the regions identified by the Commission to monitor and inquire into public violence and intimidation. Local and regional security force commanders, and the LDRC and RDRC members, should advise the Commission or a Sub-committee of the Commission of any advance warning of anticipated or current public violence.

6.28 The parties agree that for the Commission to be effective it needs to be a credible instrument. It will furthermore only obtain credibility if it is to be constituted after the National Peace Committee has been consulted. If this condition is met, the establishment of the Commission should be given unconditional support.

6.29 In order to function properly within a legal framework, to exercise the considerable powers given and to obtain State funding, there is no alternative to making use of a statutory enactment, such as the Act. It is suggested that the Act be employed to fulfil this role, because it can be utilised immediately and does not require further statutory attention.

CHAPTER 7

NATIONAL PEACE SECRETARIAT, REGIONAL AND LOCAL DISPUTE RESOLUTION COMMITTEES

7.1 It is clear from the aforegoing that sufficient instruments exist to investigate violence and intimidation and to bring the perpetrators thereof to book. Insufficient instruments exists however to actively combat violence and intimidation at grassroots level. It is therefore proposed that committees be appointed at regional and local levels to assist in this regard. These committees will require national co-ordination.

7.2 In order to provide management skills, budgetary commitment and statutory empowerment and sanction, State involvement is essential.

7.3 **A National Peace Secretariat**

7.3.1 A National Peace Secretariat shall be established, comprising at least four persons nominated by the National Peace Committee and one representative of the Department of Justice. Further members, up to a maximum of four may also be appointed.

7.3.2 The function of the National Peace Secretariat will be to establish and co-ordinate Regional Dispute Resolution Committees and thereby Local Dispute Resolution Committees.

7.3.3 The National Peace Secretariat will take decisions on a consensus basis.

7.3.4 The required financial and administrative resources of the National Peace Secretariat, and the other bodies established by it, will be provided by the Department of Justice.

7.4 **Regional and Local Dispute Committees**

7.4.1 Peace bodies are to be established at both regional and local level, to be styled "Regional Dispute Resolution Committees" (RDRC) and "Local Dispute Resolution Committees" (LDRC) respectively.

7.4.2 Just as the Commission will gain its legitimacy from its composition, reflecting the interested and relevant organisations, the RDRC's and LDRC's will gain their legitimacy by representing the people and communities they are designed to serve.

7.4.3 The areas of jurisdiction of the RDRC's shall be decided by the National Peace Secretariat until such time as statutory provision is made.

7.4.4 RDRC's will be constituted as follows:

7.4.4.1 representatives from relevant political organisations;

7.4.4.2 representatives from relevant churches;

7.4.4.3 representatives of relevant trade unions, industry and business in the region;

7.4.4.4 representatives of relevant local and tribal authorities; and

7.4.4.5 representatives from the police and the defence force.

7.4.5 Duties of RDRC's shall include the following:

7.4.5.1 attending to any matter referred to it by the LDRC, the National Peace Secretariat or the Commission;

7.4.5.2 advising the Commission on matters causing violence and intimidation in its region;

7.4.5.3 settling disputes causing public violence or intimidation by negotiating with the parties concerned and recording the terms of such settlements;

7.4.5.4 guiding LDRC's in their duties;

7.4.5.5 monitoring current applicable peace accords and future peace agreements entered into in the relevant region and settling disputes arising from them;

7.4.5.6 informing the National Peace Secretariat of steps taken to prevent violence and intimidation in its region including breaches of Peace Agreements; and

7.4.5.7 consulting with relevant authorities in its region to combat or prevent violence and intimidation.

7.4.6 The communities within which LDRC's are to be established should be identified by the RDRC's.

7.4.7 LDRC's will be constituted by drawing representatives reflecting the needs of the relevant community.

7.4.8 Duties of the LDRC's shall include the following:

7.4.8.1 attending to any matter referred to it by either the Commission or the RDRC's;

7.4.8.2 creating trust and reconciliation between grassroots community leadership of relevant organisations, including the police and the defence force;

7.4.8.3 co-operating with the local Justice of the Peace in combating and preventing violence and intimidation;

7.3.8.4 settling disputes causing public violence or intimidation by negotiating with the parties concerned and recording the terms of such settlements;

7.4.8.5 eliminating conditions which may harm peace accords or peaceful relations;

7.4.8.6 reporting and making recommendations to the relevant RDRC's;

7.4.8.7 to promote compliance with currently valid and future peace accords and agreements entered into in the relevant area;

7.4.8.8 to agree upon rules and conditions relating to marches, rallies and gatherings; and

7.4.8.9 liaise with local police and local magistrates on matters concerning the prevention of violence, the holding of rallies, marches and gatherings.

7.5 **Justices of the Peace**

7.5.1 It is proposed that additional Justices of the Peace be appointed after consultation with the relevant parties and the LDRC's. The purpose of the Justices of the Peace will essentially be to promote the peace process at grassroots level and to assist the LDRC's in their activities.

7.5.2 Duties of Justices of the Peace shall include the following:

7.5.2.1 investigating any complaint received from anyone pertaining to public violence and intimidation, except where legal processes or investigations instituted by the South African Police, other police forces, the Commission, the RDRC's, the Police Reporting Officer or a commission of inquiry are dealing with the relevant matter;

7.5.2.2 mediating between relevant parties to a dispute by negotiation;

7.5.2.3 applying rules of natural justice when issuing an order which will be fair and just in the particular circumstances in order to restore peaceful relations;

7.5.2.4 referring facts constituting an offence to the relevant Attorney-General;

7.5.2.5 in co-operation with parties and in consultation with the LDRC's acting as the ears and eyes of LDRC's and reacting in urgent cases;

7.5.2.6 in all matters relating to public violence reporting to the LDRC; and

7.5.2.7 to pronounce as a judgment the terms of a settlement reached at LDRC's or RDRC's, provided that the terms of such settlement are executable.

7.6 **RDRC's, LDRC's and Justices of the Peace shall be empowered to:**

7.6.1 request the presence of any person with knowledge of any acts of violence or intimidation to give evidence;

7.6.2 request that any person in possession of any relevant document or other evidentiary material put the same at their disposal; and

7.6.3 protect the identity and safety of anyone assisting the relevant body as contemplated in 7.6.1 and 7.6.2 by excluding the public and/or media from its proceedings or by limiting access to its documents or reports or by prohibiting the publication of the contents of any of its documents or reports.

7.7 The National Peace Secretariat shall assist RDRC's in the exercise of their duties.

7.8 RDRC's may limit the number of members of a LDRC taking into account the prevailing circumstances in the community.

7.9 RDRC's shall determine the boundaries of the area constituting the jurisdiction of LDRC's within their own areas of jurisdiction.

7.10 The National Peace Secretariat and the Commission will advise on the policy to be applied to and by the RDRC's and the LDRC's and the management of the said bodies.

7.11 Members of the RDRC's, LDRC's and Justices of the Peace not in the full-time employment of the State shall be entitled to remuneration and allowances to be paid by the State.

7.12 RDRC's and LDRC's shall appoint chairmen and vice-chairmen to represent the RDRC or LDRC concerned for a period of one year.

7.13 RDRC's and LDRC's shall furnish the National Peace Secretariat, the Commission or the relevant RDRC, as the case may be, with any information required by such bodies.

7.14 In view of the lack of effective peace promoting mechanisms at grassroots level it is urgent that these proposals be implemented as soon as possible. Because of the said urgency, it is agreed that the proposals be implemented on a voluntary basis at the outset. In order to give permanency and effectivity to the proposed structures it will have to be given statutory recognition as soon as possible. This should also ensure that the structures be funded by the State. In drafting the required legislation there should be wide consultation including with the National Peace Committee. The proposed legislation will also be published for general information and comment.

7.15 In order to ensure the proper functioning of the LDRC's, it is necessary to:

7.15.1 give them high status in their communities for their role in the peace process;

7.15.2 compensate the members of LDRC's for out-of-pocket expenses for attending meetings; and

7.15.3 train the members of the LDRC's in conciliating disputes, running meetings, negotiating skills, etc.

CHAPTER 8

NATIONAL PEACE COMMITTEE

8.1 COMPOSITION

8.1.1 Those political parties and organisations currently represented on the Preparatory Committee shall constitute the National Peace Committee together with representatives drawn from other signatory parties where the National Peace Committee believes such inclusion will give effect to the National Peace Accord.

8.1.2 The National Peace Committee shall appoint a chairperson and vice-chairperson, who shall be drawn from the religious and business communities.

8.2 OBJECTIVE

The objective of the National Peace Committee is to monitor and to make recommendation on the implementation of the National Peace Accord as a whole and to ensure compliance with the Code of Conduct for Political Parties and Organisations.

8.3 FUNCTIONS

8.3.1 The functions of the National Peace Committee shall be, *inter alia* to:

8.3.1.1 perform those functions imposed upon it by the National Peace Accord;

8.3.1.2 receive and consider reports by the National Peace Secretariat and the Commission;

8.3.1.3 decide disputes concerning the interpretation of the Code of Conduct for Political Parties and Organisations;

8.3.1.4 resolve disputes concerning alleged transgressions of the Code of Conduct for Political Parties and Organisations;

8.3.1.5 convene a meeting of the signatories in the event of an unresolved breach of the National Peace Accord; and

8.3.1.6 recommend legislation to give effect to the National Peace Accord.

8.4 POWERS

8.4.1 The National Peace Committee shall have the following powers:

8.4.1.1 promote the aims and spirit of the National Peace Accord;

8.4.1.2 convene a meeting of the signatories where necessary;

8.4.1.3 amend the constitution of the National Peace Committee;

8.4.1.4 negotiate and conclude further agreements to achieve the objects of the National Peace Accord.

8.5 MEETINGS

8.5.1 The National Peace Committee shall elect a chairperson who shall not be a representative of any of the signatory parties.

8.5.2 Meetings shall take place on a regular basis at a date and time agreed to in advance.

8.5.3 Urgent meetings shall be convened by the chairperson on not less than 48 hours' notice in writing to the authorised representatives.

8.5.4 The service of written notice of a meeting at the specified address of the authorised person shall constitute due notice.

8.5.5 An urgent meeting shall be called by the chairperson on a written request of one of the signatory parties to the National Peace Accord.

8.6 VOTING

8.6.1 All decisions shall be by consensus.

8.6.2 In the event of a dispute over the interpretation of the National Peace Accord, the failure of the National Peace Committee to achieve consensus at the meeting at which the dispute is raised or at such further meetings as agreed, the dispute shall be referred to expedited arbitration in the manner set out in paragraph 9.4.

8.6.3 In the event of a breach of the National Peace Accord not being resolved by consensus at a meeting of the National Peace Committee, the chairperson of the National Peace Committee shall convene a meeting of national leadership of the signatories within 30 days of that meeting.

CHAPTER 9

ENFORCING THE PEACE AGREEMENT BETWEEN THE PARTIES

9.1 There should be simple and expeditious procedures for the resolution of disputes regarding transgressions of the Code of Conduct for Political Parties and Organisations by political parties and organisations who are signatories of the National Peace Accord. These disputes should wherever possible, be settled:

9.1.1 at grassroots level;

9.1.2 through the participation of the parties themselves; and

9.1.3 by using the proven methods of mediation, arbitration and adjudication.

9.2 Disputes and complaints regarding the transgression of the Code of Conduct for Political Parties and Organisations shall be referred to the National Peace Committee or a committee to whom it has referred the matter for resolution, if the parties were not able to resolve the dispute themselves.

9.3 Where the dispute cannot be resolved by the National Peace Committee or the committee to whom it has been referred to by the National Peace Committee, it shall be referred for arbitration.

9.4 The arbitrator shall be a person with legal skills, appointed by the relevant parties by consensus, failing which the arbitrator shall be appointed by the National Peace Committee within 21 days of being requested to do so in writing and failing which the Chairperson of the National Peace Committee shall appoint an arbitrator.

9.5 Subject to the above, the procedure of the arbitration shall be as follows:

9.5.1 the complaint shall be referred to the arbitrator by the complaining parties;

9.5.2 the arbitrator shall decide on a date of hearing and call upon the parties to the dispute to be present at the hearing with their witnesses;

9.5.3 the hearing shall be conducted in private;

9.5.4 the arbitrator shall make a finding on the facts and make an order on the organisation concerned to remedy the breach either by a public distancing of the organisation from the events or by steps to be taken to prevent further breaches of the Code and the time within which the order has to be implemented;

9.5.5 the arbitrator shall hold a compliance hearing once the time period has expired to determine compliance;

9.5.6 the arbitrator will then submit a report of its findings to the National Peace Committee.

9.6 The signatories agree to consult each other in the National Peace Committee on methods of ensuring that the Code of Conduct for Political Parties and Organisations is enforceable on all such bodies, including the possibility of statutory enforcement.

CHAPTER 10

SPECIAL CRIMINAL COURTS

10.1 An effective and credible criminal judicial system requires the swift but just dispensation of justice. This in turn will promote the restoration of peace and prosperity to communities, freeing them of the ravages of violence and intimidation. Special attention should be given to unrest related cases, cases of public violence and cases involving intimidation by setting up Special Criminal Courts specifically for the purpose.

10.2 It is agreed that the Department of Justice, in co-operation with local legal practitioners of the Law Societies and the Bar, should establish project committees to advise the Department of Justice on the administration of the proposed Special Criminal Courts.

10.3 These Special Criminal Courts will not deal with ordinary day-to-day crime. Its function will be to deal with unrest related cases. As a result, cases being heard in these courts will be disposed of swiftly and effectively without delay. Cognizance is taken of the initiative to establish mobile courts in certain areas to bring justice closer to the people. The initiative is supported.

10.4 Special Criminal Courts should be located in areas where its services are most urgently needed. This implies that cases can be heard more expeditiously than ordinary criminal courts would be able to. This ensures that perpetrators of violence and intimidation will not unnecessarily be let out on bail enabling them to become re-involved in violence and intimidation. This also ensures that those who are maliciously accused of being violent can have their names cleared sooner than is the case at present.

10.5 The Criminal Law Amendment Act of 1991 provides a mechanism for a programme of witness protection. It is based on the voluntary co-operation of the person threatened by others and can also protect his family members. It is agreed that these provisions be actively utilised in areas affected by unrest.

10.6 For unrest, political violence and intimidation related offences to be effectively combated, criminals should be prosecuted as effectively as possible and at the earliest instance.

10.7 It is acknowledged that for Special Criminal Courts to be effective, special procedural and evidential rules should apply. The parties therefore commit themselves to promoting procedural and evidential rules that will facilitate the expeditious and effective hearing of criminal cases.

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ADDENDUM C

DOCUMENT 3

NATIONAL PEACE COMMITTEE

PROPOSALS FOR THE STRENGTHENING OF THE NATIONAL PEACE ACCORD

1. **Proposals on the strengthening of the National Peace Accord has been received from the following parties/organisations:**

1.1 National Peace Secretariat - 17 March 1993 (**Document 1**)
1.2 News report (**Document 2**)
1.3 Proposals for strengthening of the National Peace Accord: For use at the Subcommittee of the NPC - SA Government (**Document 3**)
1.4 The United Nations Observer Mission in South Africa - 1 March 1993 (**Document 4**)
1.5 Commonwealth Observer Mission to South Africa (**Document 5**)
1.6 European Community Observer Mission in South Africa - 26 February 1993 (**Document 6**)
1.7 European Community Observer Mission in South Africa (ECOMSA) - 3 March 1993 (**Document 7**)
1.8 The Report of the commonwealth Observer Mission to South Africa (**Document 8**)
1.9 Suggestions for strengthening the National Peace Accord from the OAU Observer Mission (**Document 9**)
1.10 Comments on the National Peace Accord submitted by the Complaints Investigating Committee (**Document 10**)
1.11 The Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation: Report on the regulation of gatherings (**Document 11**)
1.12 Minutes of a meeting of the National Peace Secretariat and the Chairpersons of the Regional Dispute Resolution Committees (4 + 5 November 1992) (**Document 12**)
1.13 Meeting of the National Peace Secretariat and the Chairpersons of the Regional Dispute Resolution Committees held at the Strand Pavilion on 8 and 9 February 1993 (**Document 13**)
1.14 African National Congress, Congress of South African Trade Unions and the South African Communist Party, Recommended amendments to the National Peace Accord (**Document 14**)
1.15 Draft amendments to the National Peace Accord (**Document 15**)

1.16 Report by Codesa Working Group 1 on the execution of its assignments (**Document 16**)

1.17 Draft Resolution on Violence, Negotiating Forum, 1 April 1993 (**Document 17**)

2. **The following amendments to the National Peace Accord were suggested:**

CHAPTER 2

Chapter 2: As far as Chapter 2 of the National Peace Accord is concerned, it would appear as if on a strict interpretation of the provisions of Chapter 2 the Code of Conduct is only applicable to the signatories of the Accord and in many instances contraventions of the Accord by non-signatories take place or the alleged contraventions are committed by an organisation within the structure of one of the signatories, but it is not possible to determine whether or not the contravening organisation is in fact bound by the terms of the National Peace Accord by virtue of the parent body being a signatory to the National Peace Accord.

Several complaints are submitted by individual members of the public or small organisations who are either supporters or opponents of one or other of the signatories and it is not quire clear whether or not the Complaints Investigating Committee has the power to investigate such complaints.

On a more practical note, it is suggested that the numbering of the various Clauses of Chapter 2 of the National Peace Accord be restructured, so as to do away with the use of asterisks and to make use of proper numerals to identify the various Clauses.

As far as Clause 2.3 of the National Peace Accord is concerned, an Adjudicating Panel had difficulty in deciding whether the National Flag was in fact a symbol of a political party or organisation.

In view of the experience thus far gained by the Complaints Investigating Committee and Adjudicating Panels, it has become abundantly clear that unless the Signatories to the National Peace Accord seriously bind themselves to the aims of the National Peace

Accord, viz to bring an end to political violence in the country and to abide by the Codes of Conduct, procedures and mechanisms laid down to achieve this goal, the Complaints Investigating Committee will in fact not be making any worthwhile contribution towards the implementation of the National Peace Accord and the Achieving of peace. (**Document 10, page 5-6**)

CHAPTER 3

Par 3.2.2.6: With regard to the SAP, ref. Chapter 3, para. 3.2.2.6 (i), it has been suggested that the concept of "a police investigation unit" for cases of alleged misconduct on the part of the SAP might be more efficiently and usefully replaced by "an independent investigation unit". (**Document 4, page 2**)

Par 3.2.2.1: Police and all security forces should be urged to use minimum force in support of law and order during the course of peace-fully demonstrations, marches and picketing, for example. The last sentence under 3.2.2.1 should be deleted. (**Document 4, page 2**)

Par 3.9: Despite assurances that a similar or related code of conduct had all but been agreed by and for the SADF, text etc is still awaited. (**Document 4, page 2**)

Par 3.3: Elsewhere in this report, reference is made to COMSA's dealings with the Police Board, which could play a vital role in helping to improve Police/Community relations. This fledgling body needs to be given every encouragment, and to become far better known both at a national and community level. (**Document 5, page 64**)

Par 3.7: The term "private armies" referred to in para 3.3.7.3 requires definition. It is suggested that any private organisation, body, society, company, political party or group whose members are organised in a group to hold firearms or explosives of any sort for any reason other than that defined in para 3.7.1 shall be termed a private army and outlawed. (**Document 6, page 2**)

Par 3.9: Clearly the ongoing delay in agreeing on a code of conduct for the SADF only serves to undermine the National Peace Accord's effectiveness while doing nothing to enhance the credibility of the defence forces. This omission should be made good as a matter of urgency. (**Document 4, page 10**)

Par 3.2.3.1: Much more needs to be done to strengthen provisions 3.2.3.1 in the Accord regarding communications between police and community. The commitment to improved community relations work looks hollow when measured against continuing patrols by heavily armed personnel in armored vehicles. (**Document 4, page 3**)

Par 3.2.4.2: The Police Reporting Officer's appear to be restricted by a network of bureaucratic rules and regulations. the Officers need to be given authority. (**Document 7, page 1**)

Par 3.3: There was a lack of clarity among the members of the Police Board about their terms of reference and operations as the wording of the NPA was vague. (**Document 13, page 5**)

Par 3.2.4.2: The appointment of a police reporting officer but that he was concerned that the committee had not been consulted. (**Document 13, page 6**)

Par 3.9: The status of the SADF Code of Conduct had been raised as a question by the SADF itself. (**Document 13, page 13**)

Par 3.9: The SADF Code of Conduct, a draft had been formulated. (**Document 13, page 13**)

Par 3.9: Defence Force Code of Conduct: This code of conduct has yet to be finalised and agreed upon between the parties. In view of the recent rvelations regarding military intelligence operations, it should be negotiated and finalised as soon as possible. At the moment the only NPA clause specifically binding the Defence Force is clause 3.8.4 which states that the

Defence Force is bound by the provisions of the Accord insofar as it performs any ordinary policing function. (**Document 14, page 1**)

Par 3.2.4: Police Reporting Officers: Police Reporting Officers, appointed in terms of clause 3.2.4 of the Peace Accord, are responsible for supervising investigations into alleged police misconduct and police crimes. The system of Police Reporting Officers needs to be substantially strengthened with the aim of ultimately building a structurally separate department of investigation into police crimes and misconduct headed in each region by full time officials (civilians appointed by consensus) and under the ultimate command of an independent and highly respected person. The Accord needs to be amended to provide for such an independent department with its own structurally separate investigation unit. (This proposal accords with propsals made by both the police themselves and the Police Board). The procedure for the appointment of Police Reporting Officers should also be amended by agreement between the parties to the Accord. There need to be sufficient PRO's and investigators in order to ensure that all investigations into police crimes and police misconduct are properly supervised and carried out. The PRO's should be empowered to provide Local and Regional Peace Committees with their recommendations and the outcome of their investigations as well as the NPC. This issue needs to be given at least the same priority as the establishment of special criminal courts and the prosecution of crimes relating to political violence. (**Document 14, page 6-7**)

Par 3.2.2.6: Special Investigation Units into crimes of political violence: The senior police officer appointed to head special investigation units should be appointed in consultation with and with the approval of Local and Regional Peace Committees and should report to them. Their appointments and work must be subject to constant review by the Peace Committees. Clause 3.2.2.6 (viii) should therefore be amended as it only provides at the moment for commanding officers to report to the Police General and for the National Peace Committee to enquire on the progress of investigations. The most important issue as far as

these units are concerned is for them to demonstrate over time that they are operating effectively and impartially and that they are increasing the prosecution rate into crimes of political violence. An increase in the number of dockets alone is of little assistance. (**Document 14, page 7**)

Par 3.3: Police Board: The ANC proposes that the parties to the peace Accord negotiate effective and appropriate executive powers for the Police Board. The Board should be independently resourced, from the law and order budget or elsewhere, not via the Law and Order Ministry or CVommissioner's office. It should be given the power to hire independent researchers, advisers and consultants in its discretion. Clause 3.3.6 of the Accord should be amended to provide that the recommendations of the Police Board be made public as a matter of course. The ANC proposes as a general recommendation that the Police Board and the Goldstone Commission meet on at least an occasional basis to discuss matters of common concern.

Par 3.8: A second area in which this clause could be utilised is the whole problem of police/community relations at the local and regional level. There is still great suspicion of the police in most communities and antagonistic relationships between communities and police have not yet been broken down. Under the auspices of the National Peace Committee, Local Peace Committees and Regional Peace Committees could negotiate a variety of agreements with the police to assist in breaking down the barriers between the police and the community, increasing the transparency of police activity and building confidence between communities and police. One proposal which the ANC believes could profitably be included in such agreements would the appointment of "lay monitors", i.e. respected members of the community in each locality with the power to enter any police station in their area and speak to any prisoners held there at any time and report on their findings. Such monitors could do a great deal to assist the police in putting an end to allegations of police abuse of persons in their custody. (**Document 14, page 16**)

CHAPTER 4

Chapter 4: Chapter 4's "Mission of the South African Police" should be amended to make clear that its provisions also apply to the independent police departments of those self-governing territories which are signatories to the Accord. Consideration might also be given to requiring that self-defence units also subscribe to the police code of conduct. (**Document 4, page 2**)

Chapter 4: Police officials in uniform very frequently do not wear a clearly distinguishable mark of identification as required. A variety of excuses are advanced e.g. no name tags available due to budget restrictions, tags will not stick on flak jackets. These trivial excuses should not be tolerated and this regulation must be enforced. (**Document 6, page 2**)

Chapter 4: The code of conduct in chapter 4 should not be limited to members of the SAP but should be extended to cover the police forces of all self-governing territories that are signatories to the Accord. (**Document 4, page 10**)

CHAPTER 5

Chapter 5: It is unclear where the SERD committees fit into the hierarchy of Peace Accord structures. The responsibility for socio-economic reconstruction and the hierarchy of structures relating thereto should be defined with greater clarity. (**Document 1, page 2**)

Par 5.3 & 5.5: As to measures dealing with socio-economic reconstruction and development (SERDS), the Accord should emphasize the need for close consultation with provincial and local administrations as well as community-based organisations at the regional and local levels when it comes to planning and implementation. This could be made more explicit in pars 5.3 and 5.5. (**Document 4, page 3**)

Chapter 5: Furthermore, although page 4 of the Accord specifies that "new structures should not be created where appropriate existing structures can be used". Chapter 5 does not reflect this. given the existence of several other socio-economic development forums such as the Regional Economic Development Forum, the Urban Foundation etc, it is both difficult and confusing to get people involved in yet another sub-committee. (**Document 4, page 3**)

Chapter 5: ECOMSA strongly supports the shift in emphasis from dispute resolution to socio-economic reconstruction and believes this could reap rich rewards. (**Document 6, page 2**)

Chapter 5: The measures delineated in chapter 5 of the Accord to facilitate socio-economic reconstruction and development should be more specific. Contrary to para 5.13 (page 21), State resources are not always allocated in direct relation to the needs of the population. State-funded development agencies, including regional agencies, are often very slow in this regard.
Furthermore, since most RDRC and LDRC members are already overstretched and development planning and finance raising are very specialised disciplines, SERD sub-committees should be strengthened and given real powers of implementation. In this regard, the NPC might consider appointing full-time regional co-ordinators to chair and advise the SERD sub-committees. (**Document 4, page 11**)

Par 5.1: The NPA Trust was a legal body empowered to receive money and dispense it for project activities agreed to by the peace structures. (Document 13, page 46)

CHAPTER 6

Chapter 6: Of the 4 regional commissions it would appear that only the Durban commission is operating at full steam.
The commission appears to lack either the infrastructure or the power (or both) to ensure that its recommendations are

implemented. Some form of formal follow-up and or progress report in this respect seems indicated. (**Document 6, page 1**)

Par 6.18: The RDRC was not formally informed of this or of the unit's terms of reference and modus operandi. (**Document 12, page 4**)

Chapter 6: Goldstone Commission: The Goldstone commission's investigation team is performing invaluable work in certain regions. The ANC proposes that this investigation team be strengthened by, for instance, giving it access to dockets, in order to ensure that it is able to effectively investigate allegations whenever it is called upon to do so. In general, the Goldstone Commission should attempt to operate in tandem with the collective structures of the Peace Accord, and particularly the Peace Committees and procedures implemented by the parties for the purpose of negotiating agreements between them. The Commission's reports and recommendations should be made available as a matter of course to all signatories and any other relevant party to whom a recommendation may apply. At the momewnt there is no procedure for assessing whether recommendations have been implemented. The ANC suggests that the Commission itself, at a suitable time after the completion and distribution of each report, assess and report on progress in implementing recommendations. Each party to which recommendations apply should be required within a reasonable time after receiving recommendations, to state what steps have been taken to implement recommendations, and to explain any failure to implement recommendations. (**Document 14, page 7-8**)

CHAPTER 7

Par 7.4 & Par 7.4.7: The composition of the regional and local dispute resolution committees is often critized on the basis that there is inadequate representation of grass root organisations, specifically "civic society" including women's organisations and youth organisations. It is suggested that the regional and local committees should have authority to admit organisations from

"civic society" which wheels influence in the areas concerned. (**Document 1, page 1**)

Par 7.4.4: Efforts should be ongoing to broaden the range of participants and representative bodies within the Accord. These should include groups such as civil service associations, educators and student organisations, employers, non-governmental organisations as well as civic, business and women's groups. (**Document 4, page 1**)

Chapter 7: Members of the peace structures should be duly recognised for their role in the peace process. They should be able to take official time off from their work to contribute to the work of the peace structures without fear of being penalized by their employers. Therefore, a letter from the NPS recognising their peace "credentials" and certifying their absence from work in connection with such work (marches, demonstrations, meetings etc) would enable them to commit more efforts to such work. (**Document 4, page 1**)

Par 7.5: Regarding the concept of the Justice of the Peace (7.5), it has been suggested that some smaller communities might not find the concept viable if invested in a single individual. Such communities might be more accepting of the neutrality of a "Justice of Peace Panel". (**Document 4, page 2**)

Par 7.4.4 & 7.4.7: Nature of Participation and Grassroots Support: COMSA, in its contacts with the NPS and related structures was concerned by the perception that participation in these structures was narrow-based, and that the structures were little known among the communities which they served. Without in any way underrating the dedication and hard work of those involved, COMSA feels that one of the reasons for this perception is the fact that the majority of the leaders of these structures are white, often serving in predominantly black communities. (**Document 5, page 62**)

Chapter 7: Shift in Focus to Socio-Economic Reconstruction: COMSA fully support the recent shift in focus of the Peace Accord structures from dispute resolution to socio-economic reconstruction, encapsulated in the proposed name change of Regional Dispute Resolution Committees (RDRCs) and Local Dispute Resolution Committees (LDRCs) to local and regional Peace and Development Committees. Such a shift rightly puts the emphasis on the root cause of violence in South, which, if not addressed, will forever thwart attempts to combat violence. (**Document 5, page 64**)

Par 7.5: Full implementation of key Sections of the Accord: While much has been done to set up the institutions envisaged by the Accord, some provisions have still only been partially implemented, or not implemented at all. Despite provisions for the appointment of Justices of the Peace to promote peace at the grassroots level, and to assist dispute resolution committees in their activities, none have yet been appointed. This is the more disappointing because under the terms of the Peace Accord, the justices of the Peace would be empowered to investigate complaints pertaining to public violence and intimidation, and to issue orders to restore peaceful relations. COMSA joins the NPS in urging local communities to submit names of suitable candidates for appointments as Justices of the Peace, who could play an important role in giving the Accord teeth. (**Document 5, page 64**)

Chapter 7: It would appear to us that the National Peace Secretariat is currently understaffed for the wide range of functions it has to cover and could benefit from additional staff at national level. (**Document 6, page 1**)

Chapter 7: The fact that so very few additional JP's have been appointed under the terms of Chapter 7.5 of the Accord seems to denote either a lack of enthusiasm by suitably qualified individuals to put themselves forward or due to a flawed selection system, or some other reason. It is suggested that a small sub-committee be set up at once to investigate this problem and to make relevan

remedial recommendations as a matter of priority (**Document 6, page 2**).

Par 7.4.4: There exists a need to take energetic steps to recruit more black Africans to become members in view of the predominant white membership of some LDRC's and RDRC's. (**Document 6, page 2**)

Chapter 7: The regional and local emphasis on dispute resolution rather than peace promotion also projects negative connotations. Redubbing the RDRCs and LDRCs as Regional and Local Peace Promotion Committees (RPPCs & LPPCs) might help extend their outreach and broaden their support base. (**Document 6, page 10**)

Par 7.4.5.4: RDRCs should be taking a more aggressive approach towards fulfilling their responsibilities (7.4.5.4) with regard to identifying those communities which urgently require LDRCs. There are still too many hot-spots lacking any peace structure. Renewed commitment and effort on the part of the NPS and the RDRC network is needed. (**Document 4, page 12**)

Chapter 7: The National Peace Structure at local and regional level are in need of basic office equipment, i.e. colindictors, fax machines, etc.. (**Document 7, page 2**)

Chapter 7: Consulting with and educating the grassroots prior to the establishment of Peace Committees and involving them in the whole process should constitute the first line of action in strengthening the Accord. (**Document 9, page 2**)

Chapter 7: In particular, people who run local and regional peace structures, should be acceptable to a broad spectrum of the communities they are supposed to serve. (**Document 9, page 3**)

Par 7.4: The members of the committees will hold office for periods of 18 months after which time there would be a review and possible reconfirmation. (**Document 12, page 2**)

Par 7.4: The NPS should be informed of changes so that new members could be appointed formally. (**Document 12, page 3**)

Par 7.4: Period of appointment to LDRC's would also be 18 months, after which reappointment would be possible. (**Document 12, page 3**)

Par 7.4: RDRC needed to draw up clear procedures for responding to the possible withdrawal of parties from DRCs. Recommendations had been put forward. (**Document 12, page 6**)

Chapter 7: Regional chairpersons and the UN observers would attend the meeting of the signatories. (**Document 12, page 9**)

Par 7.4.4: An amendment should be made to the NPA to reflect that other relevant groupings could be included at the discretion of regional committees. (**Document 13, page 26**)

Par 7.5: Justices of the Peace: Only a few justices of the peace have thus far been appointed in terms of clause 7.5 of the Peace Accord. The appointment of additional justices of peace and the powers which they should have are issues which are presently under consideration by members of the Peace Committees. Although there is a need for more justices of the peace to be appointed to ensure that agreements reached in Local and Regional Peace Committees are enforceable, there first needs to be greater clarity on their role and justices of the peace must have the support of all relevant parties. The requirement that they be appointed in consultation with the Peace Committees should be interpreted in practice to require the agreement of all relevant parties in the Peace Committees. (**Document 14, page 2**)

Chapter 7: Regional and Local Peace Committees: The emphasis should be on maximising the strength, effectiveness and status of these committees in the communities in which they operate. (**Document 14, page 6**)

Par 7.4: Names of Bodies: Local Dispute Resolution Committees and Regional Dispute Resolution Committees should be re-named Local and Regional peace Committees as these names more effectively convey their functions and will be more easily remembered by ordinary people. (**Document 14, page 8-9**)

CHAPTER 8

Chapter 8: Breaches of the Accord: COMSA welcomes suggestions within the NPS that a set of procedures be developed for addressing the issue of members who withdraw from the Accord, or cease to participate in its activities. COMSA also endorses the idea of a permanent Task Force of "wise men and women" to help resolve disputes that arise in relation to the Accord. (**Document 5, page 62**)

Chapter 8: Regional chairpersons and the UN observers would attend the meeting of the signatories. (**Document 12, page 9**)

Par 8.1.2: Composition of the National Peace Committee: Clause 8.1.2 which requires that the Chairperson and Vice-chairperson of the National Peace Committee be drawn from the religious and business communities should be amended to provide that the Chairperson and Vice-chairperson be persons who are independent and seen to be independent. (**Document 14, page 9**)

Par 8.4.1.4: NPC power to negotiate further agreements: Clause 8.4.1.4 of the Accord gives the National Peace Committee the power to negotiate and conclude further agreements to achieve the objects of the National Peace Accord. This clause has not yet been utilised but could well be made use of for several purposes. (**Document 14, page 15**)

CHAPTER 9

Chapter 9: Problems experienced with the adjudication process include -

Chapter 9: Non-Statutory Mechanisms: Non-statutory enforcement mechanisms could be inserted into the Accord by means of a further amendment of Chapter 9. Such a mechanism could entail:

* the appointment of a full-time adjudicator, which could be a retired judge who is acceptable to all parties;
* procedure of a summarily informal nature. Record of the proceeding should however be kept;
* the power to impose a fine on a party/organisation;
* that the decision of such an adjudicator be final; and
* that all parties bind themselves to such decision and the payment of a fine which is imposed on it. (**Document 3, page 7-8**)

Chapter 9: Statutory Mechanisms: Serious consideration should be given to the possibility of making the code of Conduct for Political Parties and Organisations, as is contained in Chapter 2 of the NPA, applicable on all political parties and organisations, irrespective of the fact that they are signatories to the NPA or not. This could however only be done if the Code of Conduct is given statutory power, and sanctions, applicable to all political parties and organisations, are contained in such an Act.

Although the present procedures as set out in Chapter 9 of the Accord and strengthened by the proposal in paragraph 6.1.1 (above) could be sufficient for minor breaches, more serious breaches or recurring breaches should, be heard by an impartial person or body which could be constituted from retired judges. A possibility would be that a tribunal consisting of three judges be appointed or that a single judge hear the dispute or complaint in the first instance with a right of appeal to such a tribunal.

It would, however, be necessary to give statutory powers of enforcement to such body. This could be done by giving the code of Conduct statutory status as mentioned in paragraph 6.2.1 (above). (**Document 3, page 8-9**)

Chapter 9: In connection with settling disputes, it is suggested that consideration be given to preparing an Annex to the National Peace Accord setting out procedures to be followed along the lines

of the "Agenda for Settling Disputes" which was adopted by the Bronkhorstspruit local peace committee in Northern Transvaal. (**Document 4, page 1**)

Chapter 9:

AGENDA FOR SETTLING DISPUTES

1. Submission must be made to the LDRC in writing stating the following:
   - 1.1 Specific facts of declared disputes in detail (no broad statement) with motivations and the effect on peace in the region
   - 1.2 The time and the place the disputes took place
   - 1.3 All parties involved
2. Involved parties to react in writing to LDRC stating the following:
   - 2.1 Their views of the facts surrounding the declared dispute (no broad statements)
   - 2.2 State whether the dispute disrupted peace in our region
3. All parties involved then to submit in writing to the LDRC the following:
   - 3.1 Total submission of all the relevant documents in writing within reasonable time
   - 3.2 A proposed agenda for settling the dispute
   - 3.3 Forward the name of the person who they would prefer to facilitate in settling the dispute
   - 3.4 The name of the person representing them at the resolution meeting
4. Executive committee to appoint a facilitator with assistance from the parties involved
5. Facilitator to negotiate the following:
   - 5.1 Agenda for resolution meeting
   - 5.2 Date and venue for resolution meeting
6. Facilitator to chair meetings between parties until:
   - 6.1 A solution is reached
   - 6.1.1 Implement the decision reached
   - 6.1.2 Report back to LDRC full details of resolution being adopted in writing

6.1.3 Report to LDRC on any other related matters which need attention

6.2 If no solution can be reached:

6.2.1 Refer the dispute to LDRC Executive with a report signed by all parties involved stating the following:

- Reasons why no solution was reached
- To whom the dispute should be referred to

Executive to refer the dispute to RDRC or the Justice of Peace to attend to this matter until it is resolved

(**Document 4, page 4**)

Chapter 9: One of the questions to be decided was, whether the proceedings could continue in the absence of a party to whom proper notice to be present at the hearing had been given, and in terms of the amended paragraph 9.5.4.1, it has now been agreed that the hearing can continue in the absence of such party and to date all the hearings have in fact taken place in the absence of the offending party, although in all instances the findings of the Adjudicators have been referred to the party concerned and orders in terms of Clause 9.5.6 were also made and conveyed to the offending party.

It is indeed sad to state that none of the offending parties have in fact reacted to the finding of the Adjudicators other than to give belated reasons for their failure to attend the adjudication hearing or to once again raise objections to the constitutions of the Adjudicating Panel.

In terms of Clause 9.5.9 of the National Peace Accord, the Adjudicators are to hold compliance hearings once the time period during which the offending party has to remedy the breach by either publicly distancing itself from the events complained of, or by taking steps to prevent the recurrence thereof, has expired.

To date no compliance hearings have been held for the reason that it would appear as if the parties are not viewing such transgressions in a serious light and it often appears to be difficult to ascertain whether the findings of the Adjudicating Committee have come to the notice of the correct organisation of the offending party.

In terms of Clause 9.5.3 of the National Peace Accord, the hearing of an Adjudicating committee shall be conducted in private, whereas Clause 9.5.8 provides that a report submitted by the Chair Person on a hearing of an Adjudicating Committee shall be made available to the media.

The provisions of these two Clauses to a certain extent appear to be in conflict with each other as the media are in the one instance barred from attending hearings, but the finding of the Committee may be made available to the media. (**Document 10, page 3-4**)

Chapter 9: It is suggested that each of the Signatories to the National Peace Accord must have a permanent contact person with whom the Secretariat of the Complaints Investigating committee can be in constant liaison to obtain information regarding the alleged contraventions of the National Peace Accord and to whom findings of the various Committees can be conveyed in order to ensure that proper contact with the Signatories is maintained.

As far as sanctions are concerned, much can be said about the imposition of fines against the offending party, but bearing in mind that fact that we are dealing with political parties and not with individuals, the imposition of a fine will have to be rather substantial to be of any effect whatsoever, and mechanisms will also have to be created to enforce payment of a fine and it will also have to be decided what is to become of the monies collected by way of these fines.

To impose a fine for a contravention of the National Peace Accord does not appear to be a very effective way in which to enforce compliance with the National Peace Accord.

Another consideration to enforce compliance with the terms of the National Peace Accord, is to bar the offending party from some form of participation in the peace proceedings, but the success of such a suggestion will once again depend entirely on the attitude of the offending party towards the National Peace Accord and thus far there is justifiable cause for concern regarding this question. (**Document 10, page 6-7**)

The remaining solution is one of publicity and in this regard the assistance of the media is essential, but then the media must be allowed to attend the full hearings of the Complaints Investigating Committee or Adjudication proceedings and to report in detail on the facts submitted to the Complaints Investigating Committee for consideration.

The procedures adopted by the Complaints Investigating Committee and Adjudicators must be as simple as possible and the complaints submitted must be dealt with as expeditiously as possible after the alleged occurrence thereof in order to be effective.

All parties must be fully acquainted with the composition of the Complaints Investigating Committee and the appointment of Adjudicators, so that time is not wasted at any of the hearings due to the fact that the one or the other of the parties wishes to object to the presence of one or more of the Adjudicators.

It is realised that at present there are logistic problems arising from the fact that hearings of the Adjudicating Panel take place in Johannesburg only and the possibility of recommending that additional Complaints Investigating Committee's be established in other parts of the country has also been discussed, but at present it is recommended that until such time as the working of the existing Complaints Investigating Committee and Adjudicating Panel has become firmly established and effective, no purpose will be served by appointing additional Complaints Investigating Committees who will no doubt experience exactly the same difficulties as the existing Committee does. **(Document 10, page 7)**

Chapter 9: On the other hand there are cogent arguments for putting greater pressure on parties to comply with the provisions of the code of conduct and the Peace Acccord. although the possibility of criminal sanctions would be one source of pressure on parties to ensure that their representatives and members comply with the Accord, the ANC wishes to propose alternative remedies to avoid the problems of grafting criminal penalties onto the Accord which are set out above. **(Document 14, page 13)**

Chapter 9: There are some kinds of conduct which would constitute breaches of the Code of Conduct but which would not, in fact, be criminalised by the proposed Bill on Gatherings. This problem could be dealt with if the parties to the Peace Accord negotiated a set of procedures and agreed sanctions for breaches of the Accord, which all would then be obliged to accept. Such an agreement should set out the agreed process for dealing with disputes between parties and alleged breaches of the Accord. Disputes should be dealt with by local and regional Peace Committees wherever possible. Only if it is not possible to resolve them at that level should they be reerre dto national structures for resolution or arbitration. The agreement could set out a range of possible sanctions to be implemented by parties in breach of the Accord ranging from relatively simple requirements, such as disciplining members, party leaders apologising for breaches and repudiating breaches committed by their members, to more severe sanctions, such as financial penalties and suspension and expulsion of members for serious or repeated breaches. Arbitrators or adjudicators could be empowered to assess whether a party in breach has taken adequate steps against its guilty members. The agreement would also need to set out agreed time periods for hearings and agreed penalties if hearings are not attended or diciplinary steps not implemented. Such an agreement could fall under clause 8.4.1.4 of the Accord which gives the National Peace Committee the power to negotiate and conclude further agreements to achieve the objects of the Accord. **(Document 14, page 14-15)**

CHAPTER 10

Chapter 10: COMSA is pleased to learn that Chapter Ten, of the Accord, providing for Special Criminal courts, is now operational in the form of a law permitting violence-related cases to be dealt with expeditiously. It is hoped that this provision will be put to maximum effect in enhancing confidence in the criminal justice system, as well as acting as a deterrent against further violence. **(Document 5, page 64-65)**

Chapter 10: With regard to the expedition of criminal cases through the courts, the National Peace Accord contemplates the establishment of Special Criminal Courts to dispose of cases more quickly and effectively, However, COMSA was informed that rather than establish new judicial institutions, legislation had been enacted to permit existing courts to identify particular cases, involving politically motivated violence, to be handled in an expeditious manner. This legislation only came into operation in October 1992 and its effect and impact on the processing of criminal cases have yet to be determined. (**Document 8, page 4**)

Chapter 10: There was unanimity in opposition to special courts. The special procedures under the criminal Amendment act were never followed. (**Document 13, page 52**)

Chapter 10: Special Criminal Courts: Chapter 10 of the Peace Accord proposed that special criminal courts be established to ensure the swift, effective and credible dispensation of justice. To our knowledge, none of these courts have yet been established. The Accord provides that these courts should give special attention to unrest related cases. The ANC proposes that the Accord be amended so as to provide for these courts to also deal with police misconduct and crimes committed by the police. (**Document 14, page 2**)

Par 10.7: Clause 10.7 of the Accord calls for special procedural and evidential rules to apply in special criminal courts. However, the ANC believes that prosecutions for violence related offences can best be disposed of swiftly and effectively by improving police investigation of such offences and by more effective prosecutions in court. Special criminal courts should be seen as the last post of an effective streamlined procedure for dealing with political violence and police crimes. This should begin at the crime, proceed via one of the two special investigation units and the Police Reporting Officers (all established by the Accord to deal with these kinds of crimes) to the courts. The courts should be staffed by experienced and capable prosecutors drawn wherever possible in consultation with relevant parties and their legal

adivsers. These prosecutors should be used from the first appearance of the accused and they should pay particular attention to the risks attendant on granting bail to people accused of committing violent political crimes. The courts should be presided over by experienced Magistrates drawn wherever possible from the regional courts. (**Document 14, page 3**)

11. GENERAL / TO BE INCORPORATED IN A NEW CHAPTER

New Chapter: A chapter should be considered for inclusion in any revised version of the Accord devoted to the role of the mass media in promoting the Peace Accord and its provisions. Such efforts should take into account prevailing illiteracy rates. (**Document 4, page 2**)

New Chapter: One suggestion is that the Goldstone Commission's guidelines on the conduct of public demonstrations should be incorporated into the Peace Accord. This would make crowd control easier for police and defence forces while making them more accountable, and it would lead to a better and more responsible understanding of the rights and duties of organisers and local authorities in this area countrywide. (**Document 4, page 10**)

Publicity: Urgent attention should be given to disseminating information on the Peace Accord at the grassroots level and among teachers and students. The continuing failure to translate the Accord into the major languages is a major handicap to efforts to make the Accord and its provisions better known. (**Document 6 page 11**)

New Chapter: The National Peace Structure is heavily reliant upon volunteers. It may be of help to the National Peace Structure if the staff is salaried. (**Document 7, page 1**)

New Chapter: Marketing of the Accord must be pursued with more vigour to educate the local communities on the ideals of the Accord. There is an urgent need to pursue the translation of the

Accord into the major languages with a greater sense of urgency. (**Document 9, page 3**)

General: There is need to substantially enlarge the signatories base of the Accord. Many politically significant organisations including the PAC, AZAPO, some Homeland Administrations, civic, church and women's groups are yet to be co-opted into the Accord as signatories. It is important to encourage such parties and organisations to become part of the Peace Accord, particularly since the Code of Conduct aims at ensuring compliance by all political parties and organisations. (**Document 9, page 4**)

New Chapter: While being mindful of the need to avoid controversies over funds, Accord structures must not only operate freely but be seen to be operating independently of governmental structures. Apart from providing for personnel involved in Peace Committee's activities and the Secretariat, issues of socio-economic deprivation have to be addressed by the Accord. In this connection, there is need to ensure that an adequate provision is made in the Accord to ensure that resources flow to areas in need of socio-economic reconstruction and development. (**Document 9, page 6**)

New Chapter: The Commission of Inquiry regarding the Prevention of Public Violence and Intimidation: Report on the regulation of gatherings - see the Act. (**Document 11, page 1**)

New Chapter: Closer co-operation between the structures of the Peace Accord would facilitate greater effectiveness. (**Document 12, page 5**)

New Chapter: The lack of co-ordination between Peace Accord structures. (**Document 12, page 7**)

New Chapter: A co-ordinated fundraising plan was needed to ensure that the efforts of various sections of the Accord do not conflict with one another. (**Document 12, page 8**)

New Chapter: Three major weaknesses were identified: the political climate, security and judicial systems, and the NPA structures. (**Document 13, page 2**)

New Chapter: The independent, uncoordinated operation of the three peace structures was not in the interests of the initiatives. (**Document 13, page 23**)

New Chapter: Overall management structure for the NPA was under discussion. (**Document 13, page 24**)

New Chapter: It was agreed that the committee to examine a management structure for the peace initiative would include Mssrs. Lamprecht, Pretorius, Durand and Rudman. (**Document 13, page 25**)

New Chapter: The Amakosi were asked to draw up a code of conduct pertaining to their participation. (**Document 13, page 26-27**)

New Chapter: Decisions Reached at Codesa: the National Peace Accord and the question of amendments to it were discussed by Working Group 1 at CODESA. Pages 11 to 15 of the final report of Working Group 1 summarised the decisions taken by Working Group 1 regarding strengthening and amending the National Peace Accord. A copy of the relevant extract of the final report of Working Group 1 is attached. The ANC supports all of the decisions contains in the report. (**Document 14, page 1**)

New Chapter: Although it is not itself part of the National Peace Accord, chapters 5 and 6 of the Criminal Law Second Amendment Act 126 of 1992 establish special rules regarding the trial of so-called special offences and matters relating to unlawful possession of weaponry. This legislation constitutes a unilateral step on the part of the government to apply special procedural and evidential rules to persons alleged to have committed certain offences. The legislation is unacceptable to the ANC for a number of reasons, including:

- the legislation was adopted without consultation and agreement among NPA signatories;
- the legislation gives members of the Attorney-General's office draconian powers to refuse bail;
- the legislation undermines the right of an accused to remain silent at his trial;
- the legislation gives members of the Attorney-General's office an unfettered discretion to determine which offences shall be considered special offences (this discretion has been used, for example, to define offences allegedly committed by members of the Police and Prisons Civil Rights Union (POPCRU) in the course of recent prisons strikes in Natal as special offences);
- the legislation prescribes mandatory sentences, thus undermining the jurisdiction of the courts to determine sentences appropriate to the crime, the interests of society and the offender;
- the legislation allows for magisterially imposed detention without trial;
- the legislation prohibits access by family members to those detained by Magistrates. (**Document 14, page 4-5**)

New Chapter: Operational Problems: The major problems with established Peace Accord structures cannot be solved by amending the accord itself. People active in Peace Accord structures indicate that the biggest problems are a lack of ready access to adequate financial resources to Peace Committees by organisations, poor communication within organisations, for instance between the local, regional and national level regarding developments within and around Peace Accord structures and an unwillingness on the part of organisations to ensure that their members comply with the Accord and that those who breach the Accord are duly disciplined.

The ANC proposes that an adequate amount of money be set aside by the State on an annual basis to fund the peace process. Peace committees should prepare annual budgets in advance and these should, as far as possible, form the basis of budgeting allocations to the Peace Committees. The principle of framework autonomy

should apply to the financial affairs of the Peace Committees. The money should be controlled and administered by an independent trust and people attending Peace Committee meetings should in fact be compensated for out of pocket expenses as provided in clause 7.15.2 of the Accord (if employers are unable to compensate). Peace Committees should be entitled to employ full time persons when necessary and every organisation should be encouraged to establish efficient and effective peace desks with full time employees which have the sole task of ensuring that their organisation complies with the Accord at every level. Regional and Local Peace Committees should be accorded a greater role in socio-economic development and, in particular, in socio-economic upgrades in crisis areas such as hostels, informal settlements and so on. (**Document 14, page 10-11**)

New Chapter: The possibility of statutory enforcement of the code of conduct: The question of statutory enforcement of the code of conduct and other provisions of the Peace Accord should be approached with circumspection. The following cautionary comments are relevant:

- on purely technical grounds, it is difficult to impose statutory sanctions and obligations on parties to the Peace Accord since they may contract in or out of the Peace Accord like any parties to a civil agreement;
- as a matter of policy it is undersirable to move away from the principle of collective political sanction contained in the NPA to one of statutory enforcement through the criminal courts;
- the possibility of statutory enforcement would allow the state, via the criminal justice system, to act unilaterally against offending parties, a development at variance with the whole thrust of the NPA which is to promote collective responsibility and decision making;
- if criminal sanctions exist for breaches of the code, the final decision on whether or not to prosecute will still lie with the Attorneys-General and there is no guarantee that the Attorneys-General would exercise their discretion in a way that would be to the satisfaction of all parties.

- should criminal penalties be imposed, it is by no means certain that they would have a beneficial effect. Pursuing criminal charges against certain parties or individuals could be counter productive to the search for peace. It could lay Peace Accord structures open to accusations of bias and make the Accord appear to operate more harshly against some organisations than against others. It could alienate organisations/members of organisations who are subject to criminal penalties and it could promote a defensive posture among affected organisations. This would contradict the whole purpose of the Peace Committees which is to draw into them in as active a way as possible, those organisations who are regularly guilty of breaches of the Accord;
- should criminal penalties be imposed it is not clear against whom they would work local representatives on the Peace Committee, office bearers of the organisation at the local level, regional level, national level? (**Document 14, page 11-12**)

New Chapter: One result of the Goldstone Commission's investigations has been the publication of a draft Bill on gatherings. It has the advantage of criminalising a variety of activities which constitute breaches of the Accord without undermining the collective and volutary character of the Accord itself. The ANC has a variety of problems with the Bill in its current form, and will submit detailed recommendations in this regard to the Commission. The proposed Bill has important consequences and it should not be passed until consensus has been reached. Assuming that the proposed consultation process will lead to consensus, the ANC believes that the Bill will constitute a better route to go regarding sanctions for unacceptable conduct, rather than imposing criminal sanctions under the Accord itself. (**Document 14, page 13-14**)

New Chapter: The Electoral Commission could decide on sanctions for conduct that constitutes breaches of the code of conduct during the course of the forthcoming election. This could allow the electoral commission to impose sanctions which are not criminal in nature and will not constitute unilateral action on behalf

of the state, but will nevertheless encourage parties to comply with the code of conduct for the benefit of their electoral campaigns. This proposal is obviously dependant on the envisaged character, powers and duties of the Electoral Commission. (**Document 14, page 15**)

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Your Ref:

Date: 17 March 1993

Mr Paul Hatti

c/o National Peace Committee

PER FAX NO : 441 1877

Dear Paul

re: PROPOSED AMENDMENTS TO THE NATIONAL PEACE ACCORD FOR STRENGTHENING THE PEACE ACCORD

The National Peace Secretariat has resolved to request the National Peace Committee to consider the following possible amendments to the National Peace Accord in order to strengthen the Accord. The suggestions contained hereunder only relate to amendments of the Peace Accord, and not to other measures which can be taken to strengthen the Accord.

1 The name **Regional Dispute Resolution Committee** and **Local Dispute Resolution Committee** are cumbersome and misleading. The functions of the regional and local committees extent far beyond the resolution of disputes. It is requested that the names be changed to **Regional Peace Committees** and **Local Peace Committees**. Many of the RDRC's and LDRC's are already using these new names.

2 The composition of the regional and local dispute resolution committees is often critised on the basis that there is inadequate representation of grass root organisations, specifically "civic society" including women's organisations and youth organisations. It is suggested that the regional and local committees should have authority to admit organisations from "civic society" which wheels influence in the areas concerned.

*7.4.4
*7.4.7

3 The cumbersome way in which formal complaints on breaches of the Peace Accord are handled, causes great concern. This is not the fault of the Peace Committee or the sub-

Members: Dr A Gildenhuys (Chairman); Adv C Fismer (NP); Mr J Naidoo (ANC); Mr T Sexwale (ANC); Adv P Castrow (DP); Ms S Vos (IFP); Mr S Mfayela (IFP); Mr C Collis (Labour Party); and Dr F J Steenkamp (NP); Adv D Rudman (Department of Justice)

committee concerned, but rather the result of the procedures contained in Chapter 9. A more effective procedure should be designed, with strong reference to regional operation.

4 It is unclear where the serd committees fit into the hierarchy of Peace Accord structures. The responsibility for socio-economic reconstruction and the hierarchy of structures relating thereto should be defined with greater clarity.

*Chapt 5

5 Should the responsibility for Peace Accord structures be transferred by the Government to the Department of Home Affairs, or should framework independence be granted to the National Peace Secretariat, this will require further amendments to the National Peace Accord.

6 A sub-committee of the chairpersons of the regional dispute resolution committees is looking at an overall management structure for the Peace Accord. If their proposals are adopted, further amendments to the Peace Accord may be required.

The above are all the amendments we can think of at this stage. I will keep you posted on progress on 5 and 6. If you have any queries, please let me know.

Yours faithfully

ANTONIE GILDENHUYS
CHAIRMAN

Appeal for tougher peace accord code

BILLY PADDOCK

CRIMINAL statutory sanction should be incorporated into the peace accord's code of conduct to strengthen it, Home Affairs Minister Danie Schutte said yesterday.

Speaking at a Pretoria media briefing he said the code for political parties should be given statutory sanction and, in certain cases and in line with Goldstone commission proposals, be invested with criminal sanctions.

He said government had called for an urgent meeting of the national peace committee to look at measures to stem politically inspired lawlessness, strengthen the accord and convene a meeting of all its signatories.

All signatories had a responsibility to come forward with proposals to avoid a recurrence of Wednesday's riots, Schutte said.

At the same briefing, Justice Minister Kobie Coetsee said the Goldstone commission's draft Bill on the Regulation of Gatherings and Demonstrations was nearly ready to be put to Parliament.

He said that the period for comment on the draft Bill, drawn up by the commission after its investigation into the prevention of public violence, had almost lapsed.

The provisions of the draft Bill, published for comment in February, include:

☐ The police being able to use force, including the use of firearms and other weapons if necessary, to prevent death or injury during a demonstration;

☐ Organisers of demonstrations being liable for damage which took place before, during or immediately after such a demonstration; and

☐ Strict conditions for the conduct of participants in gatherings or demonstrations.

In response to questions, Coetsee said criminal law in SA did not acknowledge political motive as an excuse for murder. Prior to October 1990 prisoners could apply for indemnity and therefore Chris Hani's alleged killer, Janus Waluz, would not get indemnity if he were sentenced for the killing.

He rejected "third degree treatment" to extract information from a still silent Waluz.

Coetsee said government had noted statements by a senior political leader in the PWV area (believed to be ANC PWV regional leader Tokyo Sexwale) that normal legal processes should be circumvented to allow the people to try to convict Waluz.

"If this is a correct reflection of the official point of view of that individual then it is a deplorable approach. It questions that party's commitment to democracy."

ejp/working.do3

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WORKING DOCUMENT: PROPOSALS FOR STRENGTHENING OF THE NATIONAL PEACE ACCORD: FOR USE AT THE SUBCOMMITTEE OF THE NPC

1. BACKGROUND:

1.1 Democracy is impossible in a climate of violence and fear. Consequently the Peace Accord deals with various aspects designed to act as a catalyst in order to bring about and promote co-operation aimed at the prevention of violence and the attainment of peace.

1.2 One of the important functions of the NPC is to mediate and adjudicate disputes between parties, which is performed both formally and informally. The adjudication, however, does not interfere with the normal function of the courts.

1.3 Problems experienced with the adjudication process include -

Chapt 9

* parties against whom complaints are made, delay adjudication proceedings through the taking of trivial technical points.

* parties do not view the Peace Accord with the necessary seriousness. Examples can be sited where parties did not even attend adjudication proceedings.

* parties do not adhere to the findings of adjudicators.

* adjudications are not expedited and take too long to be concluded.

* bad communication exist between the Committee, adjudicators and parties.

* Chapt 9

* uncertainty about adjudication procedures.

* rules of the Peace Accord are not strictly adhered to.

2. TRANSGRESSIONS OF THE NATIONAL PEACE ACCORD

2.1 Transgressions of the NPA can be divided into -

A. Transgressions of the NPA which have been or are subject to formal adjudication by the National Peace Committee.

B. Transgressions which have been or are subject to informal investigation by the National Peace Committee.

C. Transgressions of a serious criminal nature which are dealt with through the normal criminal courts

2.2 Since the signing of the Peace Accord, 11 complaints were formally adjudicated, a further two must still be adjudicated, whilst the National Peace Committee has investigated more than 15(informal complaints.

3. CODESA ON THE NATIONAL PEACE ACCORD

3.1 Working Group One of the Convention for a Democratic South Africa (CODESA) discussed and agreed on certain aspects of the successful implementation of the National Peace Accord.

3.2 It was agreed that:

"In the light of the current level of violence that is devastating the prospects of peace and stability in our country, all political parties, organisations and administrations, participating in CODESA, in order to signify our common purpose to bring an end to political violence, recommit ourselves both in letter and spirit to the National Peace Accord."

(14 September 1991)

and

"It was agreed that it be recommended to the NPC to take active and urgent steps to ensure the legal enforceability of the Code of Conduct for political parties as provided for in clause 9.6 of the National Peace Accord."

(10.16)

3.3 Agreement was furthermore reached on matters pertaining specifically to transgressions of the National Peace Accord by political parties.

"The NPC take active steps to ensure that transgressing political parties, on presentation of the Commission's findings to them, respond in writing to the NPC, as provided for in the National Peace Accord..

(10.17.1)

* Chapt. 9.

"The finding of the Commission be made public in order to bring such parties to account for their transgression of the National Peace Accord.

(10.17.2)

4. RECENT AMENDMENTS OF THE NATIONAL PEACE ACCORD

4.1 The most important shortcoming of the Peace Accord, which leads to the problems mentioned in paragraph 1.3 relate to the fact that the Accord does not contain any specific sanctions for non-compliance with the outcome of mediation, arbitration and adjudication procedures as is set out in Chapter 9 of the Accord.

4.2 Recent amendments to the Accord had the simplifying and clarification of the procedures as contained in Chapter 9 of the Accord, as objective. The amendments contain provisions to the effect that a breach of the Code of Conduct for Political Parties and Organisations be referred to the National Peace Committee (NPC) or the Executive Committee of the NPC for resolution. If it is found that the breach did in fact occur, the NPC or Executive Committee may order the offending party to remedy the breach by

either publicly distancing itself from the events or by taking steps to prevent recurrence thereof. A period in which the order must be complied with may also be fixed.

4.3 If the NPC cannot resolve the dispute or complaint, it shall be referred for adjudication by an adjudicator agreed on by the parties. If such adjudicator or adjudicators find that the Code of Conduct has been breached it may also (as is the case with resolution by the NPC) order the offending party to remedy the breach by either publicly distancing itself from the events complained of or by taking steps to prevent a recurrence. In this case a period may also be fixed in which the order must be complied with. The adjudicator(s) shall also submit a report to the Chairperson of the NPC who shall make the report available to the media.

4.4 The effect of these amendments are that the arbitration procedures, as previously contained in the Accord, are done away with.

4.5 It does, however, seem that the amended procedures have little or no deterrent effect. Apart from making public the finding of the NPC or adjudicators no mechanisms by which a party can in fact be "punished" for breaches of the Code are brought about. Furthermore, the fact that the report is made available to the media is no guarantee that it will be published.

4.6 The record of political parties/organisations with regard to the breach of the Code of Conduct is an clear indication that the procedures as contained in Chapter 9 has no or little deterrent effect.

5. POSSIBLE ENFORCEABLE SANCTIONS

5.1 In order to obtain some deterrent effect with regard to breaches of the Code of Conduct other sanctions also need to be considered.

5.2 Goldstone Commission Proposals

5.2.1 Amongst others, the Goldstone Commission proposed in its report regarding the Bisho-insident that the ANC leadership should censure Mr Kasrils and others. In the Third Interim Report of the Goldstone Commission it is said that "consideration should be given to agreement on the withholding of permission to address public meetings for a given time as a legally enforceable penalty for clear breaches of this kind".

5.2.2 In the Thokoza-report the Goldstone Commission said the following in paragraph 2.5:

> "Rumour is clearly a trigger for violence. Where rumour is deliberately and maliciously started, and is false or is based on a negligently unsubstantiated allegation, it is potentially much more dangerous than a bomb threat, which

does in fact carry criminal sanctions. We therefore recommend that urgent consideration be given to imposing criminal sanctions on anyone acting in that way."

6. POSSIBLE SANCTIONS AND MECHANISMS

Strengthening of the Accord could be done either by non-statutory or statutory means and consideration should be given to the adjudication of less serious transgression by the NPC or an adjudicator on an expeditious way, whilst more serious transgressions should be heard by a statutory body and be enforceable by courts of law.

6.1 Non-Statutory Mechanisms

6.1.1 Non-statutory enforcement mechanisms could be inserted into the Accord by means of a further amendment of Chapter 9. Such a mechanism could entail:

*Chapt 9

* the appointment of a full-time adjudicator, which could be a retired judge who is acceptable to all parties;

* procedure of a summarily informal nature. Record of the proceeding should however be kept;

* the power to impose a fine on a party/organisation;

- that the decision of such an adjudicator be final; and

- that all parties bind themselves to such decision and the payment of a fine which is imposed on it.

*Chapt 9

6.2 Statutory Mechanisms

6.2.1 Serious consideration should be given to the possibility of making the Code of Conduct for Political Parties and Organisations, as is contained in Chapter 2 of the NPA, applicable on all political parties and organisations, irrespective of the fact that they are signatories to the NPA or not. This could however only be done if the Code of Conduct is given statutory power, and sanctions, applicable to all political parties and organisations, are contained in such an Act.

⊗ Chapter 2.

6.2.2 Although the present procedures as set out in Chapter 9 of the Accord and strengthened by the proposal in paragraph 6.1.1 (above) could be sufficient for minor breaches, more serious breaches or recurring breaches should, be heard by an impartial person or body which could be constituted from retired judges. A possibility would be that a tribunal consisting of three judges be appointed or that a single judge hear the dispute or complaint in the first instance with a right of appeal to such a tribunal.

6.2.3 It would, however, be necessary to give statutory powers of enforcement to such body. This could be done by giving the Code of Conduct statutory status as mentioned in paragraph 6.2.1 above.

7. FORUM FOR ADJUDICATION OF SPECIFIC BREACHES

7.1 Because the seriousness of a specific breach or transgression of the NPA may differ from incident to incident, it would not be an easy task to determine which acts, constituting a breach, should be heard by which forum. It is, however, felt that all wilful acts which has the potential to lead to bloodshed or serious damage to property should be heard by a statutory body as set out in paragraph 6.2. Such body could be empowered to make the following orders:

* impose a fine on a party or person, which fine shall have the effect of a civil judgement, but could be reduced if a party publicly distance itself from the events or take steps to prevent recurrence thereof;

* prohibit the publication of any statements of political leaders and political propaganda of a party or organisation;

* to bar the receipt of foreign financial aid;

* freeze internal funds; and/or

* in the case of serious breach or recurring breaches order the cancellation of registration or banning of a political party/organisation.

7.2 Examples of the power to declare a political party unconstitutional is found in the laws of Germany, Portugal and Australia. The German Federal Constitutional Court (FCC) may declare a political party unconstitutional in terms of Article 21(2) of the Constitution if such party seek to impair or abolish the free democratic basic order to endanger the existence of the Federal Republic of Germany. It may also rule that fundamental rights be forfeited on the grounds of actions hostile to the Constitutions. [Van der Westhuizen: The protection of human rights and a constitutional court for South Africa: some questions and ideas, with reference to the German experience; De Jure 1991(1).] Similar provisions are contained in Portugal's Constitution, which in Section 225.2.e provides that the Constitutional Court may pass judgement on the legality of the constitution of political parties and their alliances, as well as to order their dismemberment. The Australian Crimes Act 1914-1973 contains provisions by which the Attorney-General may call on any body or persons to show cause in the High Court why it should not be declared an unlawful association if such body advocates or encourages, inter alia, the overthrow by force or violence of the government, or destruction or injury of property.

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1 March 1993

To: The National Peace Secretariat

From: The United Nations Observer Mission in South Africa

Subject: Strengthening the Peace Accord

UNOMSA has already commented at length on the Peace Accord and its structures in presentations to the RDRC Chairpersons' meetings of December 1992 and February 1993 in Johannesburg and Cape Town. Therefore, in response to the request for further input from Mr.Paul R. Hatty, please note that the observations which follow will be brief.

Efforts should be ongoing to broaden the range of participants and representative bodies within the Accord. These should include groups such as civil service associations, educators and student organisations, employers, non-governmental organisations as well as civic, business and women's groups. * 7.4.4

Involvement and commitment by non-signatory political entities and other groups in the peace structures would be enhanced and reinforced if those desiring to participate had first to sign a letter or agreement of intent. In exchange, the local or regional structure could issue a Peace Accord credential entitling the bearer group's representative to certain emoluments and expenses in connection with their peace committee work.

Members of the peace structures should be duly recognised for their role in the peace process. They should be able to take official time off from their work to contribute to the work of the peace structures without fear of being penalized by their employers. Therefore, a letter from the NPS recognising their peace "credentials" and certifying their absence from work in connection with such work (marches, demonstrations, meetings etc) would enable them to commit more efforts to such work. * Chapt 7

Signing a letter of intent incorporating agreement regarding level and consistency of representation at peace committee meetings and a commitment to respect the principle of impartiality might usefully be extended to cover all representatives, including the signatory groups.

The above might also serve to strengthen the peace committee's collective hand in circumstances where a party not signatory to the Accord does not feel bound by its principles to negotiate.

In connection with settling disputes, it is suggested that consideration be given to preparing an Annex to the National Peace Accord setting out procedures to be followed along the lines of the "Agenda for Settling Disputes" which was adopted by the Bronkhorstspruit local peace committee in Northern Transvaal (attached). * Chapt 9

page 2

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Changes in existing laws and regulations have not kept pace with the process and objectives of the peaceful transition to the nonracial, democratic and peaceful South Africa. As a result, conflicts among parties in negotiating decisions that, while they are clearly within the spirit of the Accord, may nevertheless contradict existing laws and rules. This has clearly been the experience in matters relating to local government/administration and the holding of marches and demonstrations.

Again, it is proposed that the Goldstone guildelines regarding the holding of marches and demonstrations should be incorporated into the National Peace Accord to ensure uniformity of approach to such matters by all parties.

In the area of local government, many of the negotiations underway involving local peace structures might benefit were orientation and training workshops on the principles and provisions of the Peace Accord conducted for government employees at all levels.

The mass media could do a lot more to disseminate information about the Accord, especially concerning successful initiatives in peace and development efforts at the local level. A chapter should be considered for inclusion in any revised version of the Accord devoted to the role of the mass media in promoting the Peace Accord and its provisions. Such efforts should take into account prevailing illiteracy rates. * New Chapter

With regard to the SAP, ref. Chapter 3, para.3.2.2.6. (i), it has been suggested that the concept of "a police investigation unit" for cases of alleged misconduct on the part of the SAP might be more efficiently and usefully replaced by "an independent investigation unit". * 3.2.2.6

Police and all security forces should be urged to use minimum force in support of law and order during the course of peaceful demonstrations, marches and picketing, for example. The last sentence under 3.2.2.1 should be deleted. 3.2.2.1

Chapter 4's "Mission of the South African Police" should be amended to make clear that its provisions also apply to the independent police departments of those self-governing territories which are signatories to the Accord. Consideration might also be given to requiring that self-defence units also subscribe to the police code of conduct. * Chapt 4

Despite assurances that a similar or related code of conduct had all but been agreed by and for the SADF, text etc is still awaited. * 3.9

Regarding the concept of the Justice of the Peace (7.5), it has been suggested that some smaller communities might not find the concept viable if invested in a single individual. Such communities might be more accepting of the neutrality of a "Justice of the Peace Panel". * 7.5

page 3

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As to measures dealing with socio-economic reconstruction and development (SERDS), the Accord should emphasize the need for close consultation with provincial and local administrations as well as community-based organisations at the regional and local levels when it comes to planning and implementation. This could be made more explicit in paras 5.3 and 5.5. 5.3 5.5

Furthermore, although page 4 of the Accord specifies that "new structures should not be created where appropriate existing structures can be used", Chapter 5 does not reflect this. Given the existence of several other socio-economic development forums such as the Regional Economic Development Forum, the Urban Foundation etc, it is both difficult and confusing to get people involved in yet another sub-committee. Chapt 5

NATIONAL PEACE CONVENTION

LOCAL DISPUTE RESOLUTION COMMITTEE
PLAASLIKE DISPUUT RESOLUSIEKOMITEE
BRONKHORSTSPRUIT

P.O. BOX 1723 BRONKHORSTSPRUIT 1020 • TEL (01212) 20137 • FAX (01212) 23171

AGENDA FOR SETTLING DISPUTES

1. Submission must be made to the LDRC in writing stating the following:

   1.1 Specific facts of declared disputes in detail (no broad statements) with motivations and the effect on peace in the region

   1.2 The time and the place the disputes took place

   1.3 All parties involved

2. Involved parties to react in writing to LDRC stating the following:

   2.1 Their views of the facts surrounding the declared dispute (no broad statements)

   2.2 State whether the dispute disrupted peace in our region

3. All parties involved then to submit in writing to the LDRC the following:

   3.1 Total submission of all the relevant documents in writing within reasonable time

   3.2 A proposed agenda for settling the dispute

   3.3 Forward the name of the person who they would prefer to facilitate in settling the dispute

   3.4 The name of the person representing them at the resolution meeting.

4. Executive committee to appoint a facilitator with assistance from the parties involved

5. Facilitator to negotiate the following:

   5.1 Agenda for resolution meeting

   5.2 Date and venue for resolution meeting

6. Facilitator to chair meetings between parties until:

   6.1 A solution is reached

   6.1.1 Implement the decision reached

   6.1.2 Report back to LDRC full details of resolution being adopted in writing

   6.1.3 Report to LDRC on any other related matters which need attention

   6.2 If no solution can be reached:

   6.2.1 Refer the dispute to LDRC Executive with a report signed by all parties involved stating the following:

   - Reasons why no solution was reached

   - To whom the dispute should be referred to

   Executive to refer the dispute to RDRC or the Justice of Peace t attend to this matter until it is resolved

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7 February 1993

UNITED NATIONS OBSERVER MISSION IN SOUTH AFRICA

Strengths and weaknesses in the peace structures

In his report to the Security Council on the question of South Africa (document S/25004), the United Nations Secretary-General notes that while progress has been made in enhancing and reinforcing the structures established under the National Peace Accord, "much more remains to be done". In this regard, he suggests that the Government of South Africa "should ensure that adequate resources are made available to facilitate the operations of the National Peace Committee and the National Peace Secretariat at all levels".

The Secretary-General calls on all parties to attend the planned meeting of signatories to the National Peace Accord "in order to examine ways and means of putting an end to the violence and to strengthening the structures". He further notes that "scrupulous adherance" by all parties to the Goldstone Commission guidelines for the conduct of public demonstrations "would also foster and sustain the peace process".

A review of UNOMSA observer reports from throughout the regions over the period since the last national meeting of RDRC chairpersons clearly shows that "much more remains to be done". For example, the need for "adequate resources" is clearly expressing itself in terms of regional and local demand for budget and personnel without which regional and local peace structures may falter, losing the momentum they had built up to at the end of last year.

When UNOMSA reported to the RDRC Chairpersons' meeting on 1 December last, we commented on the importance of perceptions which could be crucial in determining the success or failure of the Peace Accord and its structures. We noted a sense among some segments of the community that the Accord reflected the organized and formal structures of South Africa and that it was therefore a "top-down" prescription for grassroot ailments. The objectivity and impartiality of the structures were questioned by some, with the representatives of some constituencies reluctant to participate fully and effectively in the RDRC/LDRC mechanisms.

In the context of the evolving new South Africa, it is essential that such views, valid or otherwise, should be addressed and addressed immediately and effectively. Failure to do so could condemn the peace structures to marginalisation, something that has happened in some less fortunate communities. Renewed efforts need to be made to persuade the sceptical, the unrepresented and those who somehow feel they have been either rejected or left out that they are essential to the peace process and that its structures have a relevance and a place for them.

Those who find the housing of RDRCs in government offices or the staffing of RDRCs by seconded Government personnel a deterrent to their participation in regional and local peace structures feel they are reasonable in questioning the credibility and impartiality of such institutions. To ignore or overrule their misgivings would be to the detriment of the peace process and its structures. Trust and credibility, transparancy and accountability, representativeness and responsiveness are essential ingredients if the communal pact the Peace Accord represents is to flourish.

Perhaps what is required is a renewed commitment on the part of the original signatories to "ensure as far as humanly possible" that all their members and supporters - not just national and regional level but right down to the grassroots level - will be informed of and comply with the provisions of the Peace Accord and respect its underlying rights and values while the Government signatories' continue to undertake to give effect to the Accord's provisions in legislative, executive and budgetary terms.

Peace structures and communications

The performance of the peace structures varies considerably but a number of trends have been apparant of late. For example, some of our observers have noted that in several areas peace committees have been experiencing difficulty gaining access to regular information to help them fucntion effectively. Even where the information source is a member of the peace structure member group - the parties, the NPS proper or the SAP, for example, this can apply. Whether the information sought concerns the size and timing of a march, the availabilty of funding for a training workshop or input/feedback regarding the declaration of an "unrest area", it should be readily accessible.

In the Vaal and Western Cape, observers have sought to bridge some of these gaps and improve the flow of information especially between peace structures and police. In fact, regular meetings have been instituted with SAP personnel. However, in this connection we believe that the NPS and this meeting might wish to consider a standard reporting system for use by SAP/SADF representatives when they report to LDRC/RDRC meetings.

The appointment in several of the regions of senior SAP officers charged with establishing improved police community relations is a welcome breakthrough and one we hope will serve to strengthen the peace structures. Their work will be watched with interest especially to assess the impact it may have on relationships within the community and at every level of the peace process.

Observers have also noted a growing tendency on the part of some individual memebrs of LDRCs to request the presence of international observers at events either without involving or consulting the LDRC proper. Such unilateral requests, whether they deliberately or inadvertently bypass the peace mechanisms, are counterproductive and can often serve to undermine the peace process.

This random sampling only serves to underscore the importance of standardizing staffing and budgetary guidelines and provisions system-wide. Increasingly too, the need is emerging for more and more staff resources to ensure that the potential outreach of the peace structures can be realised on a sustainable basis.

We have noted a faltering or even a falling away among some of the peace committees. For example, LDRCs in Eastern Transvaal and the Orange Free State have ceased functioning. Elsewhere, a slackening off or a higher turnover of voluntary personnel only serves to show that even the commendably committed talent pool of stalwarts who are the backbone of the peace structures cannot give of their time indefinitely and at the ongoing expense of their personal and professional reponsibilities.

Perhaps therefore it is a time to review membership of the peace structures at all levels and to make a fresh bid to ensure their representativeness. It might be appropriate to look to ways to make the Peace Accord and the application of its principals all the more accessible to the community.

This can be done by bringing the Accord into the schools and all the structures of the community. It can be reinforced by simple measures such as rotating or changing the venues of RDRCs meetings so as to familiarize people throughout the region with the peace process in action.

Just as the original signatories can help revitalize the peace process by rededicating themselves to the Accord's provisions so it is important to remember that that process begins and ends with the people. It must not be allowed to become peripheral to the concerns of women and youth, civic and community service organizations and a whole host of vital non-signatory organizations. Their participation can only serve to strengthen and ensure a broad-based, genuine grassroots structure representative and empowering of all facets of the community.

1 December 1992 page 8

UNITED NATIONS OBSERVER MISSION IN SOUTH AFRICA

Some observations and proposals for strengthening the National Peace Accord

UNOMSA's role falls into the category of preventive diplomacy as defined in the United Nations Secretary-General's "Agenda for Peace" which was launched in June 1992. Such diplomacy seeks to (i) prevent the proliferation of disputes; (ii) contain them lest they become conflicts; and (iii) limit their spread when they occur.

Under resolution 772 of 17 August 1992, the role of the UN and other observers is to help reduce tension in order that negotiations may resume and in so doing to fact-find on areas of concern to the Security Council while helping to strengthen the structures set up under the National Peace Accord.

With 50 observers now deployed in teams throughout all 11 regions, UNOMSA provides regular, impartial and objective on-the-ground reporting to the Secretary-General and the Security Council on such issues of concern as the question of violence, the hostel situation, the role of the security forces and other armed formations, as well as the conduct of political parties, and mass demonstrations.

Furthermore, by stating that the people of South Africa expect the United Nations to help them remove obstacles to the resumption of the negotiation process, resolution 772 provides for the international observers to play an active support role to help the peace process by strengthening the very structures upon which peace is being built. Hence the commitment of the UNOMSA, Commonwealth, European Community and OAU observers to helping strengthen the structures set up under the National Peace Accord -- the National Peace Committee, the Goldstone Commission, and the National Peace Secretariat.

Because the majority of our observer teams work closely with the National Peace Secretariat through the network of RDRCs and LDRCs, we feel an especial affinity with the NPS's role and activities at regional and local levels. It is in this context, therefore, that we offer our own observations, many of which you already will be familiar with.

If we focus on perceived areas of weakness it is done so in the interest of today's exercise which is devoted to strengthening the structures of the peace process. It should not overshadow the many pluses being recorded daily through the Peace Accord mechanisms.

Examples of these successes include the following:

- real dialogue going on at grassroots level between different political parties and the SAP/SADF;
- the excellent training workshops being launched in many regions;
- the growing facilitation/mediation capacity;
- the spread of community oriented projects;
- the reduction of tension in public places;
- the deterrent role played by peace process mechanisms in helping regulate marches, funerals, rallies and other potentially confrontational situations.

The quiet consensus

The National Peace Accord is South Africa's only consensus document, providing a common framework of understanding among its signatories concerning their mutual commitment to promote peace and stablility and to establish multi-party democracy in South Africa. The Accord spells out ways and means to help end the violence as well as reconstruction activities to address the effects of violence.

Yet today, some fourteen and a half months after being signed, key segments of the Peace Accord remain incomplete (for example, the proposed code of conduct for the defence forces) or unfulfilled (the provision for police reporting officers). Moreover, the Accord is little known, even misunderstood, and it still awaits official translation from English into any of the country's other major languages, including Afrikaans and Xhosa.

Perceptions

There is a sense that the Accord has been negotiated at the national level by the Government, that it reflects the organized and formal structures of South Africa and is a "top-down" prescription for grassroot ailments. In this connection, some question the objectivity and impartiality of the structures and there is a concomitant reluctance among the representatives of some constituencies to participate fully and effectively in the RDRC/LDRC mechanisms. For example, some RDRCs are housed in government offices, while many are partly staffed by seconded Government personnel. In some quarters, this is perceived as inhibiting the independence of action of regional and local peace structures and a threat to their credibility.

There is also a perceived failure to take into account the need to mobilise and include the concerns of women and youth, civic and community service organizations and a whole host of non-signatory organizations whose participation would strengthen and ensure a broad-based, genuine grassroots structure representative and empowering of all facets of the community. One option would be to amend the sub-clauses in paragraph 7.4.4 accordingly and to encourage the groups already listed therein to similarly adjust their representation.

The regional and local emphasis on dispute resolution rather than peace promotion also projects negative connotations. Redubbing the RDRCs and LDRCs as Regional and Local Peace Promotion Committees (RPPCs & LPPCs) might help extend their outreach and broaden their support base. 7

Annexing guidelines to the Peace Accord for the the establishment of local peace structures incorporating some of these features and taking some of these sensitivities into account would be a welcome step.

Codes of Conduct:
SAP, SADF, other groups, marches and observers

Clearly the ongoing delay in agreeing on a code of conduct for the SADF only serves to undermine the National Peace Accord's effectiveness while doing nothing to enhance the credibility of the defence forces. This omission should be made good as a matter of urgency. 3.9

Much more needs to be done to strengthen provisions 3.2.3.1. in the Accord regarding communications between police and community. The commitment to improved community relations work looks hollow when measured against continuing patrols by heavily armed personnel in armoured vehicles. 3.2.3.1

The code of conduct in chapter 4 should not be limited to members of the SAP but should be extended to cover the police forces of all self-governing territories that are signatories to the Accord. 4

Similarly, Self Protection Units should also be held more accountable for their actions.

However, the concept of codes of conduct should not be confined to those presently delineated or proposed in the National Peace Accord. The concept could usefully be applied to other groups as well - e.g. civil servants, local government bodies etc.

Confusion persists about the rules or code of conduct pertaining to public demonstrations. What, for example, are the regulations concerning permits amd how much advance notice should be given by march organizers? Such confusion breeds distrust and fuels potential confrontation.

One suggestion is that the Goldstone Commission's guidelines on the conduct of public demonstrations should be incorporated into the Peace Accord. This would make crowd control easier for police and defence forces while making them more accountable, and it would lead to a better and more responsible understanding of the rights and duties of organizers and local authorities in this area countrywide. New Chap

In this regard, it might also be useful to spell out the duties and obligations of the international observers not just in connection with their attendance at marches but in general terms.

Local government

The role, power and limitations of local and provincial authorities is an area of widespread concern and confusion. The perceived lack of accountability and the apparant inability of local government authorities to consult adequately and representatively often leads to tension and conflict. Many local government practices are seen as having been little altered since the apartheid system was abolished.

This has clear implications across the board for all aspects of community interactions ranging from the police community relations mentioned above to the implemenation of measures to facilitate socio-economic reconstruction and development. Actions taken to remedy this situation by pinpointing the precise interface where communities in the new South Africa can bring their concerns before responsible and accountable local government would surely serve to strengthen the Peace Accord.

Socio-economic reconstruction and development

The measures delineated in chapter 5 of the Accord to facilitate socio-economic reconstruction and development should be more specific. Contrary to para 5.13 (page 21), state resources are not always allocated in direct relation to the needs of the population. State-funded development agencies, including regional agencies, are often very slow in this regard. *5

Furthermore, since most RDRC and LDRC members are already overstretched and development planning and finance raising are very specialized disciplines, SERD sub-committees should be strengthened and given real powers of implementation. In this regard, the NPC might consider appointing full-time regional co-ordinators to chair and advise the SERD sub-committees.

Government officials at whatever level who are involved with SERD activities should be encouraged to consult closely and regularly with the LDRCs in order to determine the real priority communal needs for and the allocation of available development funding.

Reinforcement through training and information

Urgent attention should be given to disseminating information on the Peace Accord at the grassroots level and among teachers and students. The continuing failure to translate the Accord into the major languages is a major handicap to efforts to make the Accord and its provisions better known. Publicity

2

There is also clear need to support the work of RDRC and LDRC peace committee activities with full-time coordinators trained in mediation and community development. Mechanisms to help prepare grassroots communities for the kind of interactions necessary for peace-building are needed. People need every help they can get to overcome the heritage of mistrust, suspicion and alienation.

RDRCs should be taking a more aggressive approach towards fulfilling their responsibilities (7.4.5.4.) with regard to identifying those communities which urgently require LDRCs. There are still too many hot-spots lacking any peace structure. Renewed commitment and effort on the part of the NPS and the RDRC network is needed. 7.454

CHAPTER FOUR

STRENGTHENING THE STRUCTURES SET UP UNDER THE NATIONAL PEACE ACCORD

5

Introduction

Commonwealth Observer Mission to South Africa

United Nations Resolution 772 of 17 August 1992 called on international observers both to work in close co-ordination with, and help strengthen the structures set up under the National Peace Accord. This document, signed by a broad spectrum of political parties and other interest groups on 14 September 1991, is one of the few truly consensual documents to have emerged in South Africa over the last two years. Its provisions are comprehensive; applications far reaching and its relevance extends well into the future.

Among the most positive impressions that COMSA will carry from the first phase of its mission is the image of men and women from vastly different walks of life, racial and ethnic backgrounds, and political persuasions, sitting around a table under the umbrella of the Peace Accord structures, to resolve their differences. The Peace Accord is, in the first instance, a forum for the reconciliation of South Africa's peoples, without which there can be little hope for a new tomorrow.

COMSA is proud to have been associated with the Accord, and is firmly of the view that without it, the levels of violence in South Africa would have been considerably higher.

The fact remains, however, that levels of violence are still unacceptably high. Those involved in the workings of the Peace Accord structures are painfully aware of its shortcomings and are engaged in an introspective exercise to improve its efficacy. This report, in outlining COMSA's interaction with the structures set up under the National Peace Accord, will therefore simply highlight the areas of the Accord which COMSA feels could be strengthened, and some of the initiatives COMSA has undertaken in this regard.

The National Peace Committee

Comprising the top leaders of all the signatories to the Accord, under the chairmanship of a South African businessman John Hall, the NPC is at the apex of the Peace Accord structure. Its key preoccupation is to secure the continued political commitment of the signatories to the functioning of the Accord. This, no doubt, is one of the most difficult tasks of all. For while it has proved fashionable to sign the Accord, there are few mechanisms to bind signatories to the agreement.

During its stay in South Africa, COMSA has followed efforts by Mr Hall and his team to resolve the dispute between the leaders of the IFP and ANC over whether or not the ANC breached the Accord by calling Inkatha a surrogate of the Government in a speech made by the ANC leader to the United Nations Security Council. It has also followed the announcement by representatives of the two parties at an NPC meeting on 24 November 1992 that preparations would be put in motion for a meeting between Chief

Buthelezi and Mr Nelson Mandela. COMSA welcomes indications from officials of both parties, who have been preparing for this summit, that such a meeting might soon take place.

In light of the growing public disillusion over the lack of commitment by politicians to the Peace Accord, COMSA also strongly endorses the call by the NPC for a summit of leaders of all signatories to the Accord at the earliest possible date. Such a meeting, though not necessarily linked to multiparty constitutional negotiations, could act as a powerful catalyst for the crucial resumption of such talks.

The National Peace Secretariat

During its first three-month phase, COMSA had extensive contact with the NPS, which sees to the day to day functioning of the Accord, particularly the establishment of Regional and Local structures, which are covered in greater detail below. Regular meetings were held by COMSA and other international observer groups with the NPS to co-ordinate activities and to exchange ideas. Further, COMSA often received requests for assistance in various problem areas from the NPS and it was to the NPS which COMSA first turned for help whenever confronted with problems. COMSA also attended two policy meetings of the NPS in November and December 1992. These are to be followed by a meeting from 8 to 10 February 1993, where important strategic decisions on the way forward can be expected. The reflections under the heading "Weaknesses in the Accord" at the end of this chapter to a large extent mirror views already held by participants in these

structures, but are offered as areas which COMSA, from its contacts feel to be particularly important.

RDRCs and LDRCs

Unlike UNOMSA, COMSA does not have the human resources to designate observers to specific localities on a full time basis. However, COMSA has endeavoured to work closely with Regional Dispute Resolution Committees (RDRCs) and Local Dispute Resolution Committees (LDRCs) in areas facing particular difficulties. The following are some examples of the work undertaken by COMSA to help strengthen structures set up under the National Peace Accord.

Natal

At the time of the arrival of the Commonwealth team in Natal, only six of the 26 LDRCs envisaged had been set up in the province; and of these only Pinetown and Umlazi LDRC's appeared to be functioning.

There were a number of reasons for this state of affairs. As a group the Amakosi (chiefs) had not signed the Peace Accord and there appeared to have been no consistent and sustained effort to educate them on its purposes and workings. As individuals, some were suspicious of the local LDRC's, which they seemed to perceive as taking on functions that properly belonged to chiefs. Then there were the rivalries between the political parties, which went to stuntify efforts to achieve peace. The killing of a

number of political leaders involved in the peace process only compounded matters.

At the time of COMSA's arrival, the general perception was that Natal was sliding towards an "all out civil war", and that the violence had gathered a momentum that could no longer be contained. (Weekly Mail, 30 October-8 November, 1992).

Against this background the Commonwealth group based in Durban concentrated most of its efforts on helping to form peace committees and to strengthen them where they existed.

Umbumbulu

Umbumbulu, a sprawling rural district of some 400,000 people in the upper south coast of Natal, was the first area in which the COMSA (Natal) group worked. It was the area worst affected by violence in the whole country, and at the beginning of November 1992, shortly after the group's arrival, was declared an unrest area.

Previous efforts by the Natal/KwaZulu RDRC to bring the ANC and IFP together in an LDRC had proved futile. At the request of the Amanzimtoti Crisis Centre, an NGO catering for the needs of victims of the violence, and in consultation with the political parties and Amakosi, COMSA agreed to help form an LDRC for the area.

It was clear from the outset that if the initiative was to prosper it would need to have the support of the Amakosi in addition to that of the political parties. The group therefore approached Inkosi Wellington Hlengwa, President of the Umbumbulu Regional Authority, the equivalent of the House of Chiefs for the region, who agreed to co-operate. He called a meeting of the regional authority on 20 November 1992 at which the Amakosi gave their support for the initiative.

This was followed a week later on 27 November 1992 by a larger meeting which included the Amakosi, representatives of the IFP and ANC, business, church leaders, the RDRC and NGO's. It was this second meeting which formally authorised the formation of an LDRC for Umbumbulu which was duly launched on 4 December 1992. The establishment of the LDRC was described by the New Nation newspaper as an "unsurpassed feet in the strife-torn Natal Upper South Coast."

Port Shepstone Area

The next area of major COMSA effort in Natal was in the Ensimbini Valley of the Port Shepstone area, on the Natal Lower South Coast, an area of some 50 square kilometres, with a population of 73,000.

Violence had been endemic in the area since the beginning of 1990. From its establishment in March 1992, the LDRC had made several unsuccessful attempts to end the violence. The conflict had also generated a substantial contingent of refugees who made

no less than three attempts to return to their homes, with each attempt ending in violence and deaths. By August 1992, the local press had effectively written the off the area as a "wasteland."

As in Umbumbulu, the request for Commonwealth assistance in the Ensimbini Valley came from one of the most senior chiefs in the area, Chief Khawula of Umzumbe. The initiative was undertaken with the blessing of the Port Shepstone LDRC.

The two localities in question were KwaNdwalane and KwaMavundla, respectively ruled by Inkosi Aaron Ndwalane and Inkosi Samuel Mavundla.

Inkosi Ndwalane was a particularly controversial figure. He had earlier served a prison sentence for the illegal possession of firearms, and at the time of the launching of the initiative was on bail charged with eleven counts of murder. It would appear that he had run his area with something of an iron hand in the course of which he had alienated many of the youth. An uprising of the youth against the perceived excesses of traditional rule at the beginning of 1990 compelled him to flee the area and to seek refuge at Umzumbe (in Inkosi Khawula's domain).

Between January 1991 and June 1992 the traditional forces launched a counter offensive and systematically regained control of the area. According to local accounts, Inkosi Ndwalane personally led some of the worst reprisals against the ANC-supporting youth, driving hundreds of them into internal exile, some of them as far afield as Durban.

By the time COMSA began to work in the area, feelings had hardened. Inkosi Ndwalane had come to be seen by many as no more than an IFP warlord. When the group first announced to a full meeting of the Port Shepstone LDRC that Inkosi Ndwalane wanted Commonwealth assistance to bring peace back to his locality, hardly anyone would believe this. It was therefore important first to ascertain the sincerity of Inkosi Ndwalane's peace intentions, and thereafter to convince all concerned, especially the ANC and the refugees, of this.

In the course of the protracted negotiations that followed the Inkosi gave a number of undertakings to the group. He agreed to observe scrupulously his traditional role as the father of the entire community irrespective of political affiliation and as such to be above partisan politics. He also agreed to allow the return of the refugees.

For their part, the ANC and the refugees informed the group that as long the Inkosi was truly non-partisan, and acted as father figure to every member of the community, they would have no problem in recognising his authority and according him due respect.

COMSA felt that these mutual undertakings needed to be made public as a way of effectively underpinning the peace process. Accordingly a peace rally was convened at Nyandezulu in KwaNdwalane on 6 December 1992. At this rally the Inkosi and representatives of the ANC and the refugees made public their pledges.

As part of the agreement, a Resettlement and Development Committee was formed to supervise the orderly return and resettlement of the refugees; repair the houses damaged in the violence; settle local political differences and promote the long term socio-economic development of the area.

In KwaMavundla, COMSA followed broadly the same strategy as that pursued in KwaNdwalane. Unlike Inkosi Ndwalane, Inkosi Mavundla was no controversial figure. True, the uprising of the youth early in 1990 had similarly compelled him to seek refuge in Ulundi; but his return had been considerably more peaceful than that of Inkosi Ndwalane. He was associated with no excesses, and it proved a great deal easier to convince the ANC, the refugees, and others, of his good intentions.

The subsequent public rally in his area on 12 December 1992, which was attended by some 500 people, paved the way for the return of refugees and the establishment of a Reconciliation and Development Committee with broadly the same objectives as that at KwaNdwalane.

A third rally, held on 13 December 1992 at Murchison in KwaNdwalane was the biggest of the peace rallies in the Ensimbini Valley. It attracted no less than 6000 people, and was jointly addressed by regional leaders of the ANC and IFP all of whom called on their supporters to turn away from violence and to co-operate to make peace a reality in the valley. On 23 December 1992, between 350 and 400 refugees finally returned to their homes after a three year absence.

The COMSA initiative in the Ensimbini Valley was described by the **South Coast Herald** as "a major breakthrough" which brought new hope to the people of KwaZulu and southern Natal." At the height of the violence in Port Shepstone area, the monthly death rate averaged between 25 and 40. Since the beginning of December 1992, there have only been two confirmed deaths.

Umbumbulu and Port Shepstone are now being held up as the only two peaceful areas in the whole of Natal/KwaZulu. In this regard, it is significant to note that in its statement of 15 January 1993 the Continuation Committee of the IFP and the ANC preparing the ground for a meeting between Mr Mandela and Chief Buthelezi "warmly welcomed the positive developments that have taken place in such areas as Umbumbulu and Port Shepstone where the levels of conflict have been drastically reduced as a result of agreements arrived at by the IFP and the ANC." The statement went on to urge "all communities afflicted by violence such as Bruntville and Empangeni to follow these excellent examples." Press cutting of COMSA's work in Natal are attached at **Annex B.**

Pretoria/Witswatersrand/Vaal

In the PWV Area, COMSA has worked closely with the Wits/Vaal and Northern Transvaal RDRCs, and their associated LDRCs. A large part of this work has involved providing encouragement by simply attending meetings and seminars and feeding back discreet advice to these structures as appropriate.

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However, COMSA's particular range of skills has also been put to use in various forms of specialist involvement. For example, COMSA has actively supported a Police/Community Relations sub-committee of the Wits/Vaal RDRC (see also Chapter on Policing and the Way Forward).

In its attendance of rallies and demonstrations, COMSA's policing and diplomatic skills have frequently been called on to avert what would otherwise have been sure incidents of violence. Examples of this are provided in Chapter Five, under the sub-heading **Policing and the Way Forward.** After relaying this experience and similar experiences to the National Peace Secretariat, the NPS arranged a meeting between COMSA and the police to discuss its observations on policing methods at public gatherings. These examples proved to be the basis of an interesting and constructive discussion with police at the grassroots level.

COMSA has also frequently interacted with the Interim Crisis Committee (ICC) of Alexandra. Located in the northern suburbs of Johannesburg, Alexandra is a black township with an estimated area of 2 sq. miles, and a population of some 350,000. The initial briefing to COMSA members by the ICC suggested the existence of enormous problems in Alexandra. There were serious political differences between the IFP and ANC which surfaced in tensions between the hostel dwellers, and other township residents. Unemployment and crime rates were also extremely high. Some of the residents were forced out of their homes due to the continuous violence.

Much progress has since been made through the genuine and commendable efforts of members of the ICC. Some Rands3.5 million was made available through the NPA to address socio-economic problems. The ICC facilitated talks between the hostel dwellers and the local residents. This was followed by joint efforts by the local residents and the local authorities to clean up the area commonly know as 'Beirut'. Following concerted effort by the ICC, the first official bilateral talks between the local ANC and the IFP in the area took place on 16 December 1992. The visible progress in Alexandra is an encouraging example of what the Peace Accord structures can achieve.

A highlight of the association by COMSA with the Wits/Vaal area was its attendance, along with other observers, and the Vaal LDRC of a Peace Summit convened by the ANC/COSATU/SACP alliance in the Wits/Vaal region in November 1992. The meeting arose out

[illegible]

[illegible] fraught with difficulties. The presence of international observers played a crucial role in keeping the meeting on course. Indeed the final communique referred to the "inspiration" drawn from the presence of these observers. The meeting [illegible] the announcement of a Programme of Action in both parts of the area, including a Code of Conduct to which all members of the alliance would be asked to adhere.

As a follow up to this, local level meetings have been held to publicise the agreements reached at the Summit. Initially, community leaders were undecided over whether or not to invite international observers to attend these meetings. However, through personal contacts initiated by COMSA, international observers were invited to the first such meeting, which also provided the opportunity for them to interact with people in areas considered unsafe for strangers.

COMSA is heartened by the recent statement by the PWV branch of the ANC - which suspended participation in the Peace Accord structures in this region following the massacre at Boipatong - that the flaws of the Accord do not warrant withdrawal from its structures. COMSA endorses the ANC-PWV statement that despite these flaws:

> "The Peace Accord has the potential of laying a firm basis for peace in our country provided all signatories strictly adhere to the terms of the document."

Border/Ciskei

Although COMSA had no observers based in this area during the first phase, it has followed, through several contacts, and four trips back and forth to the area, efforts to resuscitate the Peace Accord structures there. The problems stem from the withdrawal of Ciskei from the Border/Ciskei PDRC early last year, on grounds of a lack of neutrality within the structure. As a result, the Peace Accord structures were rendered impotent at a

time when they were most needed - following the outbreak of the Bisho massacre and subsequent spiral of violence in the region during the last quarter of 1992. This occurred as a result of attacks by ANC supporters on the property of Ciskei officials, and counter-attacks on the ANC, which also alleged misconduct by the Ciskei Defence force, and SADF (called in to help protect Ciskei).

COMSA viewed these developments seriously because of their potential to spiral out of control, opening a new frontier of violence in the country. The primary responsibility for helping to ease the tensions in the area has rested with the NPS. However, COMSA, through visits to the area by police experts, members of its team with diplomatic and legal skills and - on three occasions - the COMSA chairman, tried to the best of its ability to support those efforts.

An underlying cause of the conflict in the area is the lack of free political activity in Ciskei. This is closely linked to the broader issue of the reintegration of the homelands into a new South Africa: crucial to any lasting solution to the current problems afflicting the region.

In the immediate context, COMSA welcomes a number of recent positive developments in the area, which it in part believes occurred as a result of international pressure. These include: the recent withdrawal of the SADF from Ciskei; an abating of the ANC/Ciskei linked violence; and a Court case that has led to the

overturning of section 26 of the National Security Act which permitted detention without trial.

Of grave disappointment to COMSA is the rejection by Ciskei of a compromise formula put forward by the NPS aimed at making it possible for Ciskei to participate again in the Peace Accord structures. COMSA strongly urges the Ciskei to reconsider this position.

Goldstone Commission

Another key structure provided for in the National Peace Accord (Chapter 6) is the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation. Universally known as the Goldstone Commission, after its founding Chairperson, Mr Justice Richard Goldstone, a Judge of the Appellate Division of the Supreme Court of South Africa, this body's primary mandate under the Peace Accord is to "be used as an instrument to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation".

To carry out this mandate the Goldstone Commission has been vested with very extensive powers including the right to compel testimony from those under investigation and to provide documents and other evidential material. In addition to the Chairperson, four other persons including the former Attorney-General of the Cape Province , and a leading black advocate, comprise the appointed membership of the Commission.

Since its establishment the Goldstone Commission has held a substantial number of Inquiries , most of them conducted in public, and has launched investigation into many sensitive and controversial issues. For example, at the time of the arrival of COMSA members in the country the Commission had just released its preliminary report on the Bisho massacre. Subsequently, COMSA members attended the Goldstone Commission hearings at Vereeniging, investigating the Boipatong massacre. At those hearings the COMSA members had an opportunity to be introduced to Mr Justice Goldstone and his colleagues on the Commission.

In November 1992 the COMSA Chairperson, together with another member of the Group with legal qualifications, and a member of the Commonwealth Secretariat, met privately with Mr Justice Goldstone to discuss the work of his Commission. At that meeting it was agreed that COMSA would observe Commission hearings and, where appropriate, follow the public aspects of the Commission's investigatory work. Mr Justice Goldstone also explained the roles already being performed within his Commission by foreign police officers seconded to it by the European Community. These officers were, he said, invaluable aides to the investigators appointed to the Commission from within South Africa, giving enhanced credibility and strength to their endeavours.

Very shortly after this meeting the Goldstone Commission announced that its investigators had conducted a raid on a secret base, maintained by an arm of the SADF Military Intelligence, and had seized documents which revealed the continuing conduct of

covert operations against the ANC. This revelation, which received massive publicity in South Africa and abroad, prompted strong national and international condemnation.

Bold and courageous actions like these have won the Goldstone Commission a justified reputation for being one of the few official bodies in contemporary South Africa which is widely regarded as impartial and independent in the conduct of its business. These qualities are, as is made apparent in Chapter Five, still lacking at present in another national investigatory body, the SAP.

COMSA members have observed the following Goldstone Commission activities, in addition to those mentioned above:

Durban: 2-3 December 1992. Public hearings on the Violence in the Province of Natal.

Cape Town: 10-11 December 1992. Preliminary Inquiry into Automatic Weapons.

Apart from these observations COMSA members have held a number of informal discussions with members of the Goldstone Commission and its staff. As a result of these observations and interactions COMSA has formed the strong opinion that the Goldstone Commission represents one of the lynchpins of the National Peace Accord, and is deserving of the fullest support from all signatories to that Accord as well as from the broader spectrum of South African society.

Despite its public stature, and the prodigious workload it has assumed, the Goldstone Commission would still seem to be a very thinly resourced body. Its members have in many cases not been able to relinquish fully other responsibilities including, in the case of Mr Justice Goldstone, obligations as an Appeal Court Judge. Much of the Commission's work is undertaken in Committees, established with other part-time members. The investigatory staff would also appear to be overstretched, and there is an apparent shortage of experienced and trustworthy police officers available from within the country to bolster their numbers. It is in this area that the international community, including observer groups, may in the longer term be able to provide further aid, assistance and advice.

Nevertheless, the innate strength of the Goldstone Commission is its indigenous origins and membership. Although spurned by some as another tool of the "existing regime", the Goldstone Commission has risen above the mistrust in the current criminal justice system to provide a symbol of justice and fairness for the new South Africa.

Weaknesses in the National Peace Accord

Extent of participation: An obvious weakness of the Accord is that not all parties and interest groups are signatories. This includes several political parties both to the left and right of the political spectrum, and also some of the homelands. In its meetings with representatives of all such groups, COMSA has endorsed the call by the NPS for all parties to participate in

the structures of the Accord, whether or not they are signatories, and to consider acceding to it as soon as possible.

Breaches of the Accord: COMSA welcomes suggestions within the NPS that a set of procedures be developed for addressing the issue of members who withdraw from the Accord, or cease to participate in its activities. COMSA also endorses the idea of a permanent Task Force of "wise men and women" to help resolve disputes that arise in relation to the Accord. * Chapt 8

Nature of Participation and Grassroots Support: COMSA, in its contacts with the NPS and related structures was concerned by the perception that participation in these structures was narrow-based, and that the structures were little known among the communities which they served. Without in any way underrating the dedication and hard work of those involved , COMSA feels that one of the reasons for this perception is the fact that the majority of the leaders of these structures are white, often serving in predominantly black communities. ⊛ 7.4.4+7.4.7

One of the explanations offered is that, in order to assure the neutrality of chairpersons, these are drawn from the business community or churches, and - at least in the former case - are more likely than not to be white. Another explanation is the lukewarm attitude of predominantly black political parties to the Peace Accord structures in some areas.

Whatever the case, COMSA is of the view that - given the fact that the overwhelming majority of South Africa's population

is black; that the worst incidents of violence take place in black areas and is directed against black people, and that for the Peace Accord structures to be effective, they must take root in the communities they serve - a conscious effort needs to be made to make the leadership of the structures more racially balanced.

Publicity: The Peace Accord structures also need to be better known. The NPS is embarking on a major media campaign which should help publicise the Accord. The Accord is also - after some delay - being translated into various languages. However, COMSA is of the view that for the Peace Accord to take root, there need to be more meetings between its structures and the community generally, fashioned after the "kgotla" and "indaba" which traditionally are the fora for resolving problems. An example of this is at work in Katlehong, where the LDRC has initiated frequent community meetings, often with no specific agenda, to allow the community to air its views, as well as familiarise it with the work of the LDRC. The decision by the NPS to more actively encourage participation by NGO's, and particular segments of society, like women and youth, are also a welcome move in broadening participation and popularising its work.

Shift in Focus to Socio-Economic Reconstruction: COMSA fully supports the recent shift in focus of the Peace Accord structures from dispute resolution to socio-economic reconstruction, encapsulated in the proposed name change of Regional Dispute Resolution Committees (RDRCs) and Local Dispute Resolution Committees (LDRCs) to local and regional Peace and Development

*Chapt 7

Committees. Such a shift rightly puts the emphasis on the root cause of violence in South, which, if not addressed, will forever thwart attempts to combat violence.

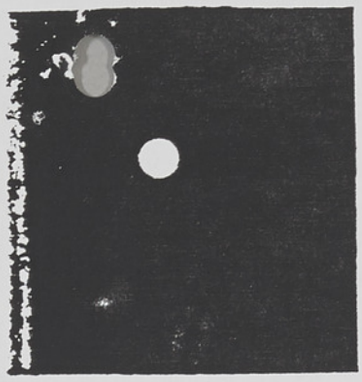
Full Implementation of key Sections of the Accord: While much has been done to set up the institutions envisaged by the Accord, some provisions have still only been partially implemented, or not implemented at all. Despite provisions for the appointment of Justices of the Peace to promote peace at the grassroots level, and to assist dispute resolution committees in their activities, none have yet been appointed. This is the more disappointing because under the terms of the Peace Accord, the justices of the Peace would be empowered to investigate complaints pertaining to public violence and intimidation, and to issue orders to restore peaceful relations. COMSA joins the NPS in urging local communities to submit names of suitable candidates for appointments as Justices of the Peace, who could play an important role in giving the Accord teeth. * 7.5

Elsewhere in this report, reference is made to COMSA's dealings with the Police Board, which could play a vital role in helping to improve Police/Community relations. This fledgling body needs to be given every encouragement, and to become far better known both at a national and community level. * 3.3

COMSA is pleased to learn that Chapter Ten, of the Accord, providing for Special Criminal Courts, is now operational in the form of a law permitting violence-related cases to be dealt with expeditiously. It is hoped that this provision will be put to

* 10.

maximum effect in enhancing confidence in the criminal justice system, as well as acting as a deterrent against further violence.



European Community Observer Mission in South Africa
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26 February 1993

NATIONAL PEACE COMMITTEE
MR PAUL R HATTY
P.O. BOX 78861
SANDTON
2146

Please find below that ECOMSA's comments on and proposals for the strengthening of the peace accord as requested in your fax of 15 February 1993.

General comments

It is our opinion that the National Peace Accord has made and is continuing to make a quite unmeasurable contribution to peace and stability in South Africa.

It would appear to us that the National Peace Secretariat is currently understaffed for the wide range of functions it has to cover and could benefit from additional staff at national level. *7

However in spite of the above recommendation it seems to us that decision making needs to be more decentralised to local and regional levels. This is particularly important in view of the fact that under the present set-up there seems to be a long delay between the time of decision and the resulting implementation action. This factor seems to have contributed to some loss of faith in the NPS where rapid decisions are often necessary. This also applies in cases where associated organizations (civic associations ICC's e.t.c)need a coordinating mechanism to ensure that their requests are brought to LDRC's in a timely manner.

Goldstone Commission

1)Of the 4 regional commissions it would appear that only the Durban Commission is operating at full steam.

2)The commission appears to lack either the infrastructure or the power(or both) to ensure that its recommendations are implemented. Some form of formal follow-up and or progress report in this respect seems indicated. *6

Comments on the National Peace Accord

Chapter 3-Self Protection Units

The term "private armies" referred to in para 3.3.7.3 requires definition. It is suggested that any private organization, body, society, company, political party or group whose members are organized in a group to hold firearms or explosives of any sort for any reason other than that defined in para 3.7.1 shall be termed a private army and outlawed. *3.7

Legally authorized self protection units shall not wear any uniform which resembles in colour and design those worn by members of the SADF and SAP.

Chapter 4-Code of Conduct for the SAP

Police officials in uniform very frequently do not wear a clearly distinguishable mark of identification as required. A variety of excuses are advanced e.g. no name tags available due to budget restrictions, tags will not stick on flak jackets. These trivial excuses should not be tolerated and this regulation must be enforced. *4

Chapter 7.5-Justices of the Peace

The fact that so very few additional JP's have been appointed under the terms of Chapter 7.5 of the Accord seems to denote either a lack of enthusiasm by suitably qualified individuals to put themselves forward or due to a flawed selection system, or some other reason.

It is suggested that a small sub-committee be set up at once to investigate this problem and to make relevant remedial recommendations as a matter of priority. *7

Chapter 7-RDRC's and LDRC's

The proposal to entitle LDRC's and RDRC's Peace Committees is supported.

Their exists a need to take energetic steps to recruit more black Africans to become members in view of the predominant white membership of some LDRC's and RDRC's. *7.4.4

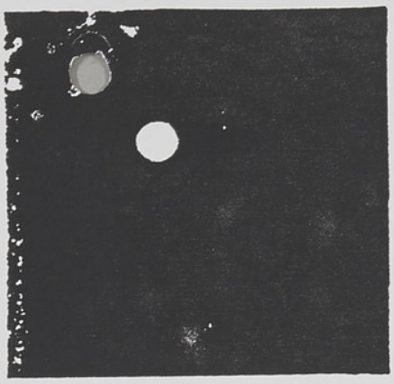
ECOMSA strongly supports the shift in emphasis from dispute resolution to socio-economic reconstruction and believes this could reap rich rewards. *5

Chapter 5-SERD

Full time SERD coordinators would be useful at regional levels in order that available resources are utilised in a coordinated and effective manner and thereafter are properly controlled and monitored.

SERD sub-committees could usefully be appointed at local levels

P. Bentsen (Head of Mission)



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3 March 1993

Mr P R Hatty
National Peace Committee
P O Box 78861
Sandton
2146

Dear Mr Hatty,

Detailed below are further comments by ECOMSA observers with regard to 'Strengthening the National Peace Accord'. We apologise for the late submission of these comments.

1. In order to strengthen the National Peace Accord Structure, the NPS needs to become aware of other organisations which are setting up committees to address similar problems. For example, the South African Police Force is currently setting up national crime-prevention programmes.

2. Penalties cannot be imposed on organisations for setting up committees to deal with similar problems. The problems need to be solved by means of negotiations between the parties involved.

3. The Police Reporting Officer's appear to be restricted by a network of bureaucratic rules and regulations. The Officers need to be given authority.] 3.2.4.2

4. The National Peace Structure is heavily reliant upon volunteers. It may be of help to the National Peace Structure if the staff is salaried.] New Chapt.

5. Agenda's should be available prior to meetings taking place in order to facilitate a result-orientated process.

6. All parties should be represented at decision-making level.

7. Attention needs to be given to press reports where perpetrators of crimes which are not necessarily political in nature are identified as being members of political parties thus adding fuel to the fire.

8. The National Peace Structure at local and regional level are in need of basic office equipment, i.e. colindictors, fax machines, etc..

9. Attorneys appointed by victims of crime or the next-of-kin of victims killed as a result of violence should be granted access to the relevant police dockets.

Sincerely,

POUL BENTSEN
Head of Mission

15-FEB-1993 15:22

Gorje,
Please ask Duncan Chappell at COMSA if we can have a full copy of the COMSA report.

8

728-274
4437

VIOLENCE IN SOUTH AFRICA

The Report of the Commonwealth Observer Mission
to South Africa
Phase I: October 1992 – January 1993

ADVANCE COPY

COMMONWEALTH SECRETARIAT

CHAPTER 5

The Administration of Justice

Few areas of government in a nation state provide more compelling evidence of that state's commitment to the rule of law, and to the protection of human rights, than the administration of justice. Under the former apartheid regime in South Africa, the system of criminal justice – police, prosecution, courts and corrections – played a central role in enforcing the draconian laws which supported the apartheid structure. Under the guise of a set of legal rules and principles this system administered justice in a ruthless and efficient manner which paid scant regard to either the rule of law or basic civil liberties.

With the dismantling of the legal framework established by the apartheid state the entire South African system of criminal justice has been thrown into disarray. The massive enforcement apparatus put in place to administer these now defunct laws is still grappling with the task of identifying and responding to the needs of a new South Africa. Many of these needs and aspirations will eventually be incorporated into a new constitution. Almost certainly, that constitution will include a Bill of Rights which will set out the basic freedoms that all South Africans will enjoy. Such a constitution will place new responsibilities upon the courts and, to a degree largely unknown in the past, will require an independent judiciary to be the final arbiter of the rights of citizens.

Arriving as it did in the middle of this transition process, COMSA was able to observe at first hand the disarray in the criminal justice system. Most of these observations were of the police component of this system and much of this report is, therefore, taken up with descriptions of the police response to the problems of violence, and of the issues associated with the establishment of a new police service. However, COMSA members also formed impressions on the current status of the prosecution, court and correctional components of the system through, for example, comprehensive discussions with faculty members of universities and criminological institutes; legal practitioners in both private and public practice; individual citizens, many of whom had been the victims of crime; and other informed observers of the contemporary administration of justice in South Africa.

Based on these sources of information, and on their extensive background reading of official reports and documentation on aspects of criminal justice in South Africa, COMSA formed the following views:

- The criminal justice system, already discredited by decades of associa-

tion with the structures of apartheid, has now lost the confidence and respect of most South Africans. This situation is especially evident in the nation's townships where the formal justice system has in many cases been ignored in favour of an informal system administered by members of local communities. This informal system has often been arbitrary and brutal. Swift and terrible retribution has been exacted upon some offenders in the form of 'necklacing' and other lethal punishments.

In some communities, however, a more organised, fair, but still informal, justice system has been developed. In the Western Cape Province, for example, COMSA was impressed by the work of the Legal Education Action Project (LEAP), based at the University of Cape Town's Institute of Criminology, which has done much to assist with the development of such informal systems in local communities.

- As a result of the lack of public trust in the criminal justice system, few crimes are reported to the police, fewer still are detected and an even smaller number are prosecuted successfully. This Report contains many examples of the failures by the police to detect those responsible for the gravest crimes. Even when detection does occur, prosecution seems all too often to fail because of the intimidation or disappearance of key witnesses; the incompetence of those responsible for gathering the evidence for the prosecution; or the simple absconding of alleged offenders released on bail (see also Chapter 6).

- On the granting of bail in general, COMSA noted with surprise the release, sometimes on small sureties or bonds, of persons charged with murder or other very serious crimes. In cases of violence, the message sent out is that the courts are not interested in the protection of human life or limb.

- The courts are seen by the public as elitist and ill-equipped to dispose quickly of the volume of criminal cases which come before them. Despite the public's reluctance to report crime, which has been noted earlier, this volume is still very large. In the period from 1 July 1990 to 30 June 1991, for example, more than 2.2 million criminal cases were dealt with in the District Courts alone.

  This volume of cases is reported to have caused a backlog of 20,000 persons in custody and awaiting trial. So overcrowded are South Africa's prisons that in early January 1993 the Correctional Services Minister announced that 7,500 convicted criminals were to be released from jails around the country to help relieve the pressure. The existing prison system, which was originally designed to hold 84,000 prisoners, is believed to currently hold 110,000, of whom 9,000 are children.

- The past sentencing practices of South African courts have been strongly influenced by the philosophies of deterrence and retribution. Apart from the massive use of imprisonment, South African courts have been

12-02-1993 17:42 COMMONWEALTH SECRETARIAT 44 71_9306128628 P.07

A shortage of this type undoubtedly exists in South Africa, where entry into legal practice has for decades been virtually the exclusive preserve of whites. Since the 1980s, that situation has begun to change slowly as more non-white students have gained admission to law schools. The composition of the benches of the nation's courts remains, however, overwhelmingly white and male.

Redressing the racial and gender balance of South African courts, and of the legal profession at large, will be just one of the challenging and time-consuming tasks which must be confronted by those committed to the process of democratic reform. Conferences like that held on the right to legal representation provide welcome and encouraging signs that these tasks are already being grappled with in a concerted and imaginative way.

Further evidence of the changes being considered or implemented was brought to the attention of COMSA by the Department of Justice. Following a press conference given by COMSA on 17 December 1992 in Johannesburg to describe some of the initial impressions gained by the group, including those relating to the administration of justice, the department issued its own press statement responding to many of the issues raised by COMSA. Copies of the statements by COMSA and the department, which were widely reported in the media, are attached at *Annex II* together with a number of clippings and editorial comments.

In early January, COMSA took up an invitation to meet with senior members of the Department of Justice to exchange views about the justice system. As a result of that meeting, which was attended by the department's Director-General and three of his deputies together with a representative of the NPS, COMSA hopes to hold a series of discussions with judicial officers, and other significant persons involved in the administration of justice, during the next phase of its mission. In addition to these discussions, COMSA intends to observe courts at work and to visit a number of correctional institutions in order to see at first hand how each of these components of South Africa's criminal justice system operates. From such discussions and observations may well flow proposals for ways in which practical advice and assistance can be provided by Commonwealth countries to those engaged in the daunting process of reform.

able to dispense capital punishment for murder and like crimes, as well as corporal punishment. A moratorium, which COMSA hopes becomes a permanent one, is in place on executing those sentenced to death. It is also COMSA's view that corporal punishment should have no place in the new South Africa.

- Given the overall severity of the sentences still available to and imposed by South African courts, COMSA noticed that the level of sentences sometimes provided for after conviction tends to convey the impression that violent crime, and even that ending in the loss of human life, is treated with less gravity than the simplest offences against property, such as the stealing of goods. For an effective control of crimes of violence this public perception of the sentencing practices of the courts needs to be removed.

- With regard to the expedition of criminal cases through the courts, the National Peace Accord contemplates the establishment of Special Criminal Courts to dispose of cases more quickly and effectively. However, COMSA was informed that rather than establish new judicial institutions, legislation had been enacted to permit existing courts to identify particular cases, involving politically motivated violence, to be handled in an expeditious manner. This legislation only came into operation in October 1992 and its effect and impact on the processing of criminal cases have yet to be determined.

- In the vast majority of the criminal cases which are processed through the courts defendants lack the benefit of legal representation. Until quite recently legal aid has only been available on a very limited basis in South African courts. A pilot public defender scheme has now been initiated in Johannesburg which if, as appears likely, is successful may well become a model for a much more expansive national programme with the commitment of substantially more funding to legal aid in general.

In late October 1992, a major conference was held in Johannesburg on the topic of 'The Right to Legal Representation: A Public Defender Service in a Democratic South Africa'. At this conference, which was attended by a COMSA member with legal qualifications, lawyers from a wide range of backgrounds and experience, including visiting experts from North America, Europe and a number of developing countries, discussed the difficult issues associated with the development of the right to legal representation in the new South Africa. It was recognised at this conference that even rich developed nations like the United States and Canada were finding the economic burdens of legal aid increasingly debilitating. Lawyers from countries like the Philippines and Chile stressed that, in the context of developing nations, competing demands for essential services like health care, housing and education often outstripped the need to invest funds in legal aid. There were also problems in delivering legal services of all types in the developing world because of the shortage of trained lawyers.

12-02-1993 17:43 COMMONWEALTH SECRETARIAT 44 71 5302612828 P.08

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9

ORGANIZATION OF AFRICAN UNITY

OBSERVER MISSION
IN SOUTH AFRICA
Tel: 333-8209
Fax: 333-8441

FAX MESSAGE

TO: Mr. Paul Hatty
National Peace Secretariat
Sandton

Fax No.: 880-8716
No. of pages: 6 including this c
Ref: OAU/OMSA/POL/39
Date: 2/4/93

FROM: Sam Ibok

RE : STRENGTHENING THE PEACE ACCORD

Please, refer to your fax message of 3/3/93 on the above-mentioned and find attached herewith Input from our Mission on the strengthening of the Peace Accord.

We regret the delay in re-acting to your request which was due to circumstances beyond our control.

We trust that our Input will assist you in your endeavours and the search for peace in South Africa.

Warm Regards.

SUGGESTIONS FOR STRENGTHENING THE NATIONAL PEACE ACCORD FROM THE OAU OBSERVER MISSION

The National Peace Accord signed on 14 September 1991, apart from representing the broadest consensus ever achieved in South Africa, provides a comprehensive frame-work for ending violence in the country. However, some of the mechanisms and structures established by the Accord, suffer from a number of disadvantages and deficiencies.

a) ABSENCE OF PEACE STRUCTURES

Under the mandate of UN Security Council Resolution 772, International Observers are expected to strengthen the Accord and its structures. Regrettably, some of those structures are not yet even established in many parts of the country, often as a direct consequence of the reluctance of political organisations to set up Peace Committees. The time seems appropriate for signatories to stop paying lip service to the National Peace Accord and pressurise their local structures to co-operate with facilitators working towards the attainment of those goals envisaged by the Accord, especially in violence prone areas. Consulting with and educating the grassroots prior to the establishment of Peace Committees and involving them in the whole process should constitute the first line of action in strengthening the Accord.

b) CREDIBILITY OF THE ACCORD

At the National, Regional and Local levels, there is no sense of identification with the National Peace Accord. To some South Africans, the Accord is just another government set-up which lacks the kind of broad acceptance it needs to succeed because of its perceived unrepresentative nature. In particular, people who run local and regional peace structures, should be acceptable to a broad spectrum of the communities they are supposed to serve. Marketing of the Accord must be pursued with more vigour to educate the local communities on the ideals of the Accord. There is an urgent need to pursue the translation of the Accord into the major languages with a greater sense of urgency. Current efforts to encourage blacks and other races to function at different levels of the National Peace Accord structures including the National Peace Secretariat should be given further impetus because of the symbolism it would represent to target communities of the Accord. A strong enlightenment campaign backed by adequate resources is absolutely essential because the implementation of the Accord provisions calls for collective support. Failure to obtain a

sustainable commitment from the vast majority of the people of South Africa, would mean that even in its envisaged modified form, the Accord will remain a document with limited potentials, let alone achievements.

c) ENLARGING THE SIGNATORIES BASE OF THE ACCORD

There is need to substantially enlarge the signatories base of the Accord. Many politically significant organisations including the PAC, AZAPO, some Homeland Administrations, civic, church and women's groups are yet to be co-opted into the Accord as signatories. It is important to encourage such parties and organisations to become part of the Peace Accord, particularly since the Code of Conduct aims at ensuring compliance by all political parties and organizations. Presently, apart from the Accord signatories, many non-signatories tend to flout its provisions with impunity to the detriment of the efforts by so many to attain the lofty goals of the Accord.

d) ENFORCEMENT

It is common knowledge that as a result of the lack of political will on the part of the signatories, the National Peace Accord lacks the necessary powers

to have its decisions and sanctions enforced. While it is important to put in place stronger enforcement measures and publicly sanction those who breach Agreements they entered into voluntarily, care should be taken to encourage greater participation rather than emphasising the application of sanctions which might discourage parties and organisations from taking part.

e) REPRESENTATION OF THE SECURITY FORCES

In spite of provisions dealing with the security forces, a crisis of confidence persists in the relationship between the police and local communities. In order to promote effectiveness, fairness and efficiency in policing engagements, the need for a Police Board assumes some urgent significance. Police community relations and community participation in policing must be pursued with vigour. The Accord must re-inforce the urgent need to appoint and deploy Justices of the Peace. Until sufficient trust builds up between the community and the police, the former can rely more on Justices of the Peace in seeking redress rather than resorting to political violence.

f) FUNDING OF THE ACCORD STRUCTURES

New Chapter

While being mindful of the need to avoid controversies over funds, Accord structures must not only operate freely but be seen to be operating independently of governmental structures. Apart from providing for personnel involved in Peace Committee's activities and the Secretariat, issues of socio-economic deprivation have to be addressed by the Accord. In this connection, there is need to ensure that an adequate provision is made in the Accord to ensure that resources flow to areas in need of socio-economic reconstruction and development. Experience has shown that some of the poorest regions in South Africa are the richest in political violence. Such a linkage can only be removed if signatories to the Accord begin to address bread and butter politics for the vast majority of the people of South Africa instead of seeking to score political points in their engagements and search for peace.

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NATIONAL PEACE COMMITTEE **10**

COMMENTS ON THE NATIONAL PEACE ACCORD SUBMITTED BY THE COMPLAINTS INVESTIGATING COMMITTEE.

1.

The Complaints Investigating Committee was established on the 18th of June 1992 in terms of Clause 8.3.1.4 of the National Peace Accord to assist the National Peace Committee in investigating alleged transgressions of the Code of Conduct for political parties and organizations.

2.

The Complaints Investigating Committee has to date investigated 159 alleged contraventions of the National Peace Accord and in terms of Clause 9.4 et seq of the National Peace Accord, members of the Complaints Investigating Committee have also acted as Adjudicators in matters referred to it by the National Peace Committee or the Executive Committee of the National Peace Committee.

3.

The Complaints Investigating Committee mainly concerns itself with the provisions of Chapters 2 and 9 of the National Peace Accord, which respectively deal with the Code of Conduct for political parties and organizations and the means of enforcing the Peace Agreement between parties.

4.

The Complaints Investigating Committee is comprised of six practicing attorneys, who were all elected by the Transvaal Law Society to assist the National Peace Committee in this regard.

5.

The nature of the complaints thus far dealt with, has varied from petty complaints such as the alleged misconduct of a Traffic Inspector to a visiting foreign tourist to serious allegations concerning the actions of some of the major political parties and/or sub-organizations of such parties, as well as the Government and Senior Government Officials.

6.

Most of the matters dealt with relate to newspaper reports concerning certain actions and/or statements made by members of the Government and/or political parties.

7.

The Complaints Investigating Committee acts on the basis that a complaint is referred to it by the National Peace Committee whereupon the Secretariat of the Complaints Investigating Committee immediately calls for such comment by the alleged transgressor as would appear to be required in the particular instance and thereafter both the original complaint and the reply received thereto are discussed at a meeting of the Complaints Investigating Committee and the Complaints Investigating Committee then decides whether to either call for further information and/or to act against the offending party in terms of Chapter 9 of the National Peace Accord.

8.

During the very first investigation by the Complaints Investigating Committee, it became clear that parties were not reacting to calls made upon them by the Complaints Investigating Committee to either furnish further information and/or to comply with the finding of the Complaints Investigating Committee and recommendations were then made for some of the issues to be referred to adjudication in terms of Chapter 9 of the National Peace Accord.

9.

To date five (5) adjudication hearings have been held and once again it soon became clear that the provisions of Chapter 9 of the National Peace Accord were so vague that it was virtually impossible to enforce compliance with the provisions of the National Peace Accord against any offending party and recommendations were made to the National Peace Committee to amend the provisions of Chapter 9 of the National Peace Accord and these recommendations have now been incorporated in amendments to Clauses 9.2 to 9.6 of the National Peace Accord.

10.

In terms of Clause 9.1 of the National Peace Accord, it is required that there should be simple and expeditious procedures for the resolution of disputes, etc. but at the very first hearing of an adjudicating Committee, one of the

parties involved in the dispute raised such technicalities as the following.

1. Whether the members of the Adjudicating Committee had been properly appointed.

2. Whether the provisions of the Arbitration Act were to be applicable to the proceedings.

3. Whether witnesses were to be sworn in as such.

4. Whether cross examination of witnesses was to be allowed.

5. Whether the proceedings were to be held in private, that is with the exclusion of the press or other media.

11.

The result was that the first adjudication hearing was aborted until more clarity on the procedures to be followed was given by the National Peace Committee.

12.

One of the questions to be decided was, whether the proceedings could continue in the absence of a party to whom proper notice to be present at the hearing had been given, and in terms of the amended paragraph 9.5.4.1, it has now been agreed that the hearing can continue in the absence of such party and to date all the hearings have in fact taken place in the absence of the offending party, although in all instances the findings of the Adjudicators have been referred to the party concerned and orders in terms of Clause 9.5.6 were also made and conveyed to the offending party.

13.

It is indeed sad to state that none of the offending parties have in fact reacted to the finding of the Adjudicators other than to give belated reasons for their failure to attend the adjudication hearing or to once again raise objections to the constitution of the Adjudicating Panel.

14.

In terms of Clause 9.5.9 of the National Peace Accord, the Adjudicators are to hold compliance hearings once the time period during which the offending party has to remedy the breach by either publicly distancing itself from the events complained of, or by taking steps to prevent the recurrence thereof, has expired.

15.

To date no compliance hearings have been held for the reason that it would appear as if the parties are not viewing such transgressions in a serious light and it often appears to be difficult to ascertain whether the findings of the Adjudicating Committee have come to the notice of the correct organization of the offending party.

16.

At present the greatest problem facing the Adjudicators is the lack of means by means of which orders of an Adjudicating Committee can be enforced.

17.

In terms of Clause 9.5.3 of the National Peace Accord, the hearing of an Adjudicating Committee shall be conducted in private, whereas Clause 9.5.8 provides that a report submitted by the Chair Person on a hearing of an Adjudicating Committee shall be made available to the media.

18.

The provisions of these two Clauses to a certain extent appear to be in conflict with each other as the media are in the one instance barred from attending hearings, but the finding of the Committee may be made available to the media.

19.

To date the only real sanction that the Adjudicating Committee has had, is the fact that negative publicity against the offending party is reflected in the media, but if the media are barred from attending the hearings, much of the news value is lost and to simply report in a short paragraph what the finding of the Adjudicating Committee may have been, hardly warrants the trouble of reporting it at all.

20.

Much time is spent by members of the Complaints Investigating Committee and the Adjudicators in investigating the alleged transgressions of the National Peace Accord, but because of the lack of proper sanctions to enforce findings of the Complaints Investigating Committee or Adjudicating Committees, the members are becoming frustrated because of their inability to really make a worthwhile contribution towards enforcing the provisions of the National Peace Accord.

21.

As far as Chapter 2 of the National Peace Accord is concerned, it would appear as if on a strict interpretation of the provisions of Chapter 2 the Code of Conduct is only applicable to the signatories of the Accord and in many instances contraventions of the Accord by non-signatories take place or the alleged contraventions are committed by an organization within the structure of one of the signatories, but it is not possible to determine whether or not the contravening organization is in fact bound by the terms of the National Peace Accord by virtue of the parent body being a signatory to the National Peace Accord.

22.

Several complaints are submitted by individual members of the public or small organizations who are either supporters or opponents of one or other of the signatories and it is not quite clear whether or not the Complaints Investigating Committee has the power to investigate such complaints.

23.

On a more practical note, it is suggested that the numbering of the various Clauses of Chapter 2 of the National Peace Accord be restructured, so as to do away with the use of asterisks and to make use of proper numerals to identify the various Clauses.

24.

As far as Clause 2.3 of the National Peace Accord is concerned, an Adjudicating Panel had difficulty in deciding whether the National Flag was in fact a symbol a political party or organization.

RECOMMENDATIONS

1.

In view of the experience thus far gained by the Complaints Investigating Committee and Adjudicating Panels, it has become abundantly clear that unless the Signatories to the National Peace Accord seriously bind themselves to the aims of the National Peace Accord, viz to bring an end to political violence in the country and to abide by the Codes of Conduct, procedures and mechanisms laid down to achieve this goal, the Complaints Investigating Committee will in fact not be making any worthwhile contribution towards the implementa-

tion of the National Peace Accord and the achieving of peace.

2.

The inability of the Complaints Investigating Committee or Adjudicators to enforce any orders made in terms of Chapter 9 of the National Peace Accord, must in fact be viewed as a serious shortcoming of the present National Peace Accord.

3.

It is suggested that each of the Signatories to the National Peace Accord must have a permanent contact person with whom the Secretariat of the Complaints Investigating Committee can be in constant liaison to obtain information regarding the alleged contraventions of the National Peace Accord and to whom findings of the various Committees can be conveyed in order to ensure that proper contact with the Signatories is maintained.

4.

During the deliberations of the Complaints Investigating Committee, the possibility of conducting investigations and/or hearings in the presence of permanent representatives of the Signatories was suggested, and the National Peace Committee is requested to consider this proposal.

5.

As far as sanctions are concerned, much can be said about the imposition of fines against the offending party, but bearing in mind the fact that we are dealing with political parties and not with individuals, the imposition of a fine will have to be rather substantial to be of any effect whatsoever, and mechanisms will also have to be created to enforce payment of a fine and it will also have to be decided what is to become of the monies collected by way of these fines.

6.

To impose a fine for a contravention of the National Peace Accord does not appear to be a very effective way in which to enforce compliance with the National Peace Accord.

7.

Another consideration to enforce compliance with the terms of the National Peace Accord, is to bar the offending party from some form of participation in the peace proceedings, but the success of such a suggestion will once again depend entirely

FAX TO : MR JOHAN GRESSE
CHAIRMAN, COMPLAINTS INVESTIGATING COMMITTEE
FAX NO : 766-2022
FROM : PAUL HATTY
DATE : 15 February 1993

STRENTHENING THE PEACE ACCORD

Further to our discussions at your last CIC meeting on 10 February, I would like to confirm that we do need input from you and your Committee on how we can strengthen the Peace Accord.

I enclose a memo on what we are proposing to do. There are the three different aspects in Section A, labelled 1, 2 and 3, and it is these three that we would like you to address.

With regard to 1, I would accept a NPA document marked with changes suggested.

Many thanks. If you have any queries, please contact me.

PAUL R HATTY

Encl.

on the attitude of the offending party towards the National Peace Accord and thus far there is justifiable cause for concern regarding this question.

8.

The remaining solution is one of publicity and in this regard the assistance of the media is essential, but then the media must be allowed to attend the full hearings of the Complaints Investigating Committee or Adjudication proceedings and to report in detail on the facts submitted to the Complaints Investigating Committee for consideration.

9.

The procedures adopted by the Complaints Investigating Committee and Adjudicators must be as simple as possible and the complaints submitted must be dealt with as expeditiously as possible after the alleged occurrence thereof in order to be effective.

10.

All parties must be fully acquainted with the composition of the Complaints Investigating Committee and the appointment of Adjudicators, so that time is not wasted at any of the hearings due to the fact that the one or the other of the parties wishes to object to the presence of one or more of the Adjudicators.

11.

It is realised that at present there are logistic problems arising from the fact that hearings of the Adjudicating Panel take place in Johannesburg only and the possibility of recommending that additional Complaints Investigating Committee's be established in other parts of the country has also been discussed, but at present it is recommended that until such time as the working of the existing Complaints Investigating Committee and Adjudicating Panel has become firmly established and effective, no purpose will be served by appointing additional Complaints Investigating Committees who will no doubt experience exactly the same difficulties as the existing Committee does.

12.

The Complaints Investigating Committee has referred numerous complaints to LDRC's where these are in existence, and with the creation of the newly established Police Boards, matters concerning the S A Police have been referred to the Police

Boards for investigation.

In conclusion it must be stated that members of the Complaints Investigating Committee are quite prepared to give of their time to investigate complaints, etc. but unless the system becomes more effective, we must of necessity, ask the question whether we are serving any purpose at all.

[proof\peace.3]

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FAX TO : AMBASSADOR LEGAAILA
OAUOMSA
FAX NO : 333-8441
FROM : PAUL HATTY
DATE : 3 March 1993

STRENGTHENING THE PEACE ACCORD

Further to our telephone conversation today, I wish to confirm our request for your Mission to submit input to us which we should consider for the 'Strengthening of the Peace Accord". This input should be based not only on your staff's knowledge and experience, but also from observations in the field.

We are particularly looking for :

i. Clauses or aspects of the NPA which should be modified or changed to improve the effect of the Accord.

ii. New or additional clauses which should be added to the Accord to give it greater effect.

iii. Consider and make proposals on any aspect of the Accord which could or should be reinforced by way of sanctions or statutory means to which specific penalties could be introducted for those parties found contravening the letter or the spirit of the Accord.

Your input will be greatly appreciated.

PAUL HATTY

ejp/word.dos

MINUTES OF A MEETING OF THE
NATIONAL PEACE SECRETARIAT
AND THE CHAIRPERSONS OF THE
REGIONAL DISPUTE RESOLUTION COMMITTEES

Held on 4 and 5 November 1992
at the Glenburn Lodge, Johannesburg

---

4 November 1992

The meeting convened at 16h20.

Bishop de Bruyn began the meeting with prayer.

1. Introduction

1.A Opening Remarks

Dr Gildenhuys announced that the Internal Peace Institutions Act had come into effect that morning and that the membership of the National Peace Secretariat (NPS) had been confirmed. They are: Dr Antonie Gildenhuys as the chairperson of the Secretariat, Mr Peter Gastrow, MP representing the Democratic Party (DP) who was abroad to observe the USA Presidential elections, Ms Suzanne Vos of the Inkatha Freedom Party (IFP), Mr Jayendra Naidoo of COSATU representing the ANC Alliance, Mr Chris Fismer, MP of the National Party, Mr Senzo Mfayela, regional organiser of the IFP in Natal, Mr Tokyo Sexwale of the ANC Dr Johan Steenkamp, MP of the National Party in Natal, and Mr Deon Rudman. Messrs Mfayela, Sexwale and

Steenkamp were welcomed as new members of the Secretariat. An apology was noted for Mr Tokyo Sexwale.

1.B Programme

Dr Gildenhuys said that the programme for the day would include some formal announcements, a review of domestic arrangements by Anton Venter, reports of chairpersons from the regions, and the NPS chairperson's report. After the reports there would be general discussion. National Peace Committee chairperson Mr John Hall would join at 19h30 to report on his shuttle diplomacy activities. A braai was planned for 20h00, weather permitting. The following morning the meeting would examine Socio-economic reconstruction until tea time and would then discuss international and local observers, crisis lines and operations centres.

1.C Internal Peace Institutions Act

Mr Rudman said that the Internal Peace Institutions Act would be circulated to all chairpersons of the RDRCs. The NPS had that morning ratified the election of its chairperson, Dr Gildenhuys and ratified other decisions taken prior to the coming into force of the Act, including the establishment of the Training, Research, and Marketing Subcommittees. The NPS had also ratified the establishment of the 11 regional dispute resolution committees. The members of the committees will hold office for periods of 18 months after which time there would be a review and possible reconfirmation. The establishment of the LDRCs was also confirmed as well as the appointment of the members of those committees.

7.4

Mr Rudman said that the first meetings of regional committees under the Act were to be held at dates to be determined by the NPS. He said that he would have discussions with the RDRCs to confirm the dates of their next meetings.

Reverend Mabunda said that difficulties might arise from the fact that the regions would determine the composition of their

committees whereas the appointments would have to be made by the Secretariat.

Mr Rudman said that people would be eligible for reappointment. The eighteen months term would commence immediately, as of 4 November 1992.

Mr Pretorius said that nothing should stop constituencies from changing their nominees. The NPS should be informed of changes so that new members could be appointed formally. 7.4

1.D Composition of Executive Structures and LDRCs

Rev. Mabunda noted that the members of executive committees would be elected by the signatories , not by their constituencies. He asked if constituencies could change these appointments, if desired.

Mr Rudman said that the composition of executive committees would be determined by the regional committees.

Mr Rudman said that the RDRC's could appoint executive committees and suggested that this be ratified at their next meetings. RDRC's could establish LDRC's and it was recommended that the establishment of these committees be ratified at the next meetings of the RDRC's. Mr Rudman said that this information would be set out in a newsletter to the chairpersons. The membership of LDRC's should be ratified by the LDRC's and it should be noted that the period of appointment to LDRC's would also be 18 months, after which reappointment would be possible. 7.4

Mr Rudman said that Section 14(2)(b) of the Act requires that an RDRC determine the date and place of a first meeting of an LDRC. This could be determined in consultation with the chairpersons of the RDRC's. Section 16 of the Act requires that the RDRC supervise the activities of LDRC's in the region and that a written report on their activities be submitted to the NPS every

three months. The NPS would on this basis submit a report to be tabled in Parliament.

The Commonwealth observers requested to receive copies of the reports on LDRCs.

2. Reports from the regions

Dr Gildenhuys said that each region would be asked to make a report. Written reports would be taken up in the minutes.

2.A EASTERN CAPE

2.A.1 State of the region

Mr Smith said that he would be unable to stay for the duration of the meeting but that his secundus, Mr Mhlana would remain. He said that his co-chair was forced to resign because of ill health. Another RDRC Executive member, Brig. Van Der Merwe was promoted to general and would be moving to Natal. Two excellent executive members would have to be replaced at an upcoming meeting of the full RDRC.

Dr Gildenhuys said that he would be attend that meeting.

2.A.2 Activities and LDRC formation

Mr Smith said that during September there had been protest actions relating to the Bisho shooting which were monitored and went off relatively peacefully. The region has formally established LDRCs at Port Elizabeth, Uitenhage, and Grahamstown. An additional 3 or 4 were underway. Last week 2 UN monitors arrived in the area and had become involved in activities. Several small disputes had arisen, particularly in rural areas where farming communities and groups like the AWB were opposing any form of mass action. Several interventions between political groups and communities had been undertaken. The DRC's also dealt with several disputes

regarding evictions. They were currently dealing with an on-going dispute arising after marches into Despatch and addressing issues concerning the role of the police in Uitenhage.

2.A.3 Staff and administration

Mr Smith said that on 1 November the region had appointed a full time co-ordinator who is expected to be a tremendous help to The Committee. The region had also undertaken its first promotional activity. There was a full page article in the Weekend Post on Peace Accord structures. This had resulted in a number of phone calls and significant interest in the work of the committees. He said that problems surrounding bureaucratic difficulties needed to be sorted out. Clearer guide-lines on salaries and qualifications for appointments were needed. Restrictions were also not clear. The role of the SACS also needed to be clarified as they had become possessive and instructed RDRC staff to report to them.

Mr Naidoo asked for clarification with regard to the activities of the SACS in the region.

Mr Smith said that the new RDRC co-ordinator had reported that the local head of the SACS had said that he should meet with him every Monday morning. Mr Smith told the co-ordinator that he did not need to meet with anyone as he would report to the RDRC Executive. SACS provided the offices for the committee. The co-ordinator had gained the impression that there was a dual reporting relationship.

Mr Durand said that at the last meeting a list of issues was kept during the reports and suggested that the same be done.

Mr Aardvold informed Mr Smith that two European Community observers had been despatched to East London and would cover the Eastern Cape region. It was agreed that detail would be furnished to Mr Mhlanga.

2.B WESTERN CAPE

Mr Durand said that he would submit a written report to be attached to the minutes.

Several specific proposals deal with the following issues:

Various organisations were being formed in communities to deal with disputes. Recognition by authorities was a problem. The question is posed whether recognition under the peace accord could be considered because these structures play a key role in local politics.

Communities often identify well-known and credible facilitators who are not on the NPS panel. Greater flexibility is necessary. Post de facto accreditation should be considered.

Mr Durand asked about the position regarding constitutions for LDRC's and asked if it would be possible for LDRC's to formulate these.

Mr Durand asked if a free post system for RDRC and LDRC correspondence could be considered. He said that a medical scheme for contract staff should be looked into particularly in view of threats to some of their lives.

2.C NORTHERN CAPE

A written report was submitted to be attached to the minutes.

2.D BORDER/CISKEI

2.D.1 State of the region

Bishop de Bruyn said that there had been a deterioration in the area and an escalation of violence. This was largely a result of the Bisho shooting. There had been attacks on security forces and allegations of attacks by security forces on community members.

The RDRC continues to be hampered by the withdrawal of the Ciskei Government.

2.D.2 Activities, Administration and LDRC formation

Bishop de Bruyn said that three LDRC's are currently functioning. The establishment of an East London Committee is hampered by Ciskei's withdrawal. Queenstown has been unable to commence operations, partially due to the Ciskei situation. The Alice LDRC went suspended activities due to the Ciskei situation although the chair and secretary continue to facilitate unofficially. The King William's Town LDRC is also inactive but an effort is underway to reactivate it because most areas affected by violence fall under its jurisdiction.

Bishop de Bruyn said that the RDRC was examining the establishment of additional LDRC's. They had moved ahead with appointment of two additional full time staff. They were facilitating a number of disputes on an on-going basis on schooling and water disputes and some other minor issues. The RDRC had monitored two memorial services, a night vigil and a funeral after the Bisho shootings. They were greatly assisted by the presence of UN and Commonwealth observers. Smaller events which were monitored included school exams when there was fear of intimidation.

Bishop de Bruyn said that the RDRC executive was functioning well. An improvement in relations between the SAP and community members could in part be attributed to the Bisho incident. A new co-chair was appointed. The appointment of a second co-chair was planned but held in abeyance pending the possible appointment of a professional facilitator to assist in the region.

2.D.3 Ciskei involvement

Mr Gaylard asked about the prospects of drawing the Ciskei back to the RDRC.

Dr Gildenhuys said that Brig Quoza had requested separate peace structures for the Ciskei consisting only of persons from the Ciskei. It was the view of the NPS and the Border/Ciskei committee that this proposal was not feasible as the communities were largely integrated and many residents commuted daily from Ciskei to neighbouring areas. Discussions were held with the ANC, the RDRC and the Ciskei government. The Ciskei Government had agreed to nominate 4 persons and the ANC did the same, for a preliminary meeting with a view to the possible return of the Ciskei to the regional committee. The day before that meeting a Ciskei official was killed in an ambush and several other injured. A meeting is now planned for 11 November. The NPS has appointed a retired attorney from Johannesburg to act as chairperson in order to facilitate the return of the Ciskei Government to the Committee. A great deal of negotiation lay ahead. A major stumbling block is the issue of a separate Ciskei peace structure.

Mr Durand said that the Ciskei Government was a signatory to the Accord and that the proposal for a separate committee was contrary to the spirit of the Accord.

Dr Gildenhuys said that the Ciskei had threatened to totally withdraw from the NPA but that this had been averted and was regarded as most undesirable.

2.E ORANGE FREE STATE

A written report was submitted to be attached to the minutes.

2.E.1 State of the region

Rev Mabunda stressed that despite common perceptions, there was indeed violence in the Free State, although it assumed a different form than in other areas.

The issues of transport, remuneration, and the need for identification methods were cited for later review.

Mr Fismer asked for clarification with regard to the need cited in Rev. Mabunda's report for socio-economic reconstruction. He asked if activities in this regard were underway.

Rev Mabunda said that there was nothing underway to date but that there were high hopes.

2.E.2 Representation on structures

Dr Steenkamp asked how representative the committees in the OFS were.

Rev Mabunda said that three LDRC's were in place and that an additional eight were envisaged in view of the increase in disputes.

Dr Steenkamp said that the DRC's should include the troublemakers,

Rev Mabunda said that problems were likely to arise with regard to the CP and the AWB who refused to participate, but that other parties were very willing to take part.

2.E.3 Facilitation and administrative assistance

Mr Lorimer said that it was apparent that the OFS, because of its size, was very much in need of administrative and facilitative assistance.

Mr Rudman said that this was available if requested by the region.

Mr Lorimer asked if staff appointments had been made or if assistance was needed from the NPS in that regard.

Rev. Mabunda said that assistance from Mr Rudman was needed.

2.E.4 Bophuthatswana involvement

Dr Gildenhuys said that discussions with Bophuthatswana had been held and that a meeting had been set up between the Bophuthatswana Government and the ANC Alliance to discuss the issue of free political activity but that this meeting had been aborted. Renewed efforts in this regard were underway.

2.E.5 Involvement of non-signatories

Dr Gildenhuys said that discussions had been held with the CP and that he was not optimistic regarding their potential participation in peace structures but that he was more optimistic about prospects for engaging the Afrikaner Volkparty and the PAC. He noted that the AWB did participate in some LDRCs.

Mrs King said that the three UN observers active in the OFS had reported that there was violence in the area, despite the lack of media reports.

2.F NATAL/KWAZULU

2.F.1 Co-ordination between peace structures

Mr Pretorius said that he would fax through a written report. He said that although the chairman and members of the NPS, NPC, the Goldstone Commission and the RDRC had all been extremely busy in recent months, it was highly regrettable that they were each operating in total isolation from the others. He said that this made the NPA less efficient and cited several examples including the creation of a Goldstone Commission investigation unit in Pietermaritzburg. The RDRC was not formally informed of this or of the unit's terms of reference and modus operandi. The RDRC ha requested a meeting with Mr Justice Goldstone to discuss this and other matters as members of both the ANC and IFP indicated dissatisfaction with the operations of the Commission. This meeting was scheduled to take place on 17 November 1992.

6.18

Mr Pretorius said that on 1 November 1992 Mr Hall said on television that one of the main issues being discussed by the NPC was the violence in Natal. Mr Hall visited Chief Buthelezi. The RDRC was not consulted in this regard. He said that it would be most interesting to hear the NPC's analysis of how to resolve the problems in Natal. He said that the NPS newsletter did not provide information with regard to the thinking and the plans underway in the NPC and the NPS.

2.F.2 Issues impeding the work of the RDRC

Mr Pretorius said that with regard to the work of the RDRC, difficulties still existed around the question of venues. Access to facilities in KwaZulu is linked to recognition of tribal authorities. A resolution on recognition of tribal authorities and acceptance of chieftainship had been adopted by the ANC Alliance. The ANC requested that chiefs operate in a scrupulously non-partisan fashion. Mr Sithele refused to accede to the resolution. The matter was referred to the NPC but no reply had yet been received.

Mr Pretorius said that the question of the jurisdiction of the KwaZulu Police had been referred to the NPC at the last chairpersons meeting. No progress had been reported in this regard. The RDRC was unaware of the appointment of any police reporting officers in the area. He said that closer co-operation between the structures of the Peace Accord would facilitate greater effectiveness. He said that a very successful meeting with the ANC leadership in three regions in Natal had been held as well as a meeting with Dr Buthelezi and his Cabinet and that the international observers had taken part in these discussions.

2.F.3 State of the region

Mr Pretorius said that the state of the region was the worst since 1985. He said that he had predicted this in his last report to the NPS. He said that the tension between political leadership at regional and local levels was higher than ever and that civil

war was being openly discussed. A high-level ANC meeting was held to reappraise of their position vis-a-vis the Peace Accord. He asked Mr Naidoo if he wished to comment in this regard.

Mr Naidoo said that the issue of Natal should be put on the agenda as a separate item to be discussed later.

Mr Pretorius said that there were many reports of parties considering military action. Over 140 people had been killed in recent weeks. He said that there was a clear indication that the communities at grass roots level were sick and tired of violence and that this sentiment could be exploited upon.

2.F.4 Obstacles to progress

Mr Pretorius identified several major obstacles to peace work in the region: ANC and IFP were attempting to utilise the structures of the NPA to further their own political interests; many requests for assistance in resolving alleged violations of the Accord were time-consuming to deal with and often did not come to fruition. The monitoring of rallies, marches and funerals was being dealt with successfully. He said that the issue of the planned Ulundi march required attention. He said that the RDRC had determined that its primary function was to establish LDRC's in areas of conflict. Five had been created. More could not be established as long as the parties refuse to designate members or agree on facilitators. The office had a full staff compliment of people who were operating extremely successfully. The team was kept very busy mediating in violent conflict. Problems dealt with include access to venues, return of refugees, and recognition of tribal authorities. Four operations centres were fully equipped but it was proving extremely difficult to find suitable staff to serve as fieldworkers, although this was being addressed.

2.F.5 Monitoring and subcommittee activities

Mr Pretorius said that the RDRC was extremely pleased with the work of the UN and the co-operation between the observers and the

peace structures. He thanked Mr Steiner and his team for their valuable work. They were willing at all times to assist and attend meetings.

Mr Pretorius said that RDRC subcommittees had been established. The Reconstruction and Development subcommittee was moving slowly but a new fieldworker would begin to work shortly. Two separate subcommittees were looking at Reconstruction and Development in Port Shepstone and Umlazi. Regular contact was maintained with the international community. Ambassadors from several countries had visited. A very successful meeting was held with the editors of newspapers and heads of television stations in Natal. Media reporting was done realistically and responsibly.

2.F.6 New operations strategy

Mr Pretorius said that the RDRC had devised a new operations strategy based on the following premises: imminent threat of civil war, repeated threats by the ANC and IFP of withdrawal from structures or refusal to join, the unclear and inconsistent commitment of leaders, and the repeated imposition of preconditions with regard to participation in local structures. He said that on the ground there was frustration with the inability of the Peace Structures to deliver the goods. RDRC members lack sufficient authority to elicit the participation of members in other areas.

Mr Pretorius said that the following steps had been proposed: to request Drs. Mandela and Buthelezi to issue a strong statement encouraging supporters to support the NPA and to participate in local structures, particularly in certain areas of Natal; to propose that the most senior regional leaders personally ensure the nomination of local leaders for membership of the structures. The RDRC would propose a schedule of launches of LDRC's to take place in the next 3 months. Successful discussions were held with Messrs. F Mdlalose and Jacob Zuma. It was suggested that these two gentlemen and three representatives from each organisation should meet to discuss a programme to implement the provisions of the NPA and to devise a plan to ensure attendance and

representation. Parties attend executive meetings but not RDRC and LDRC meetings. LDRC areas have been determined by the parties.

Mr Pretorius said that the issue of acknowledgement of the KwaZulu government by the ANC was crucial. Access to venues and the practice of free political activities in areas was also of key importance. A plan was needed for the repatriation of refugees. It was agreed that the UNHCR would be asked for assistance in this regard. The role and powers of amakozi must be clarified and agreed to. A lawyer had been employed in this regard.

7.4 Mr Pretorius said that the RDRC needed to draw up clear procedures for responding to the possible withdrawal of parties from DRCs. Recommendations had been put forward.

Mr Pretorius said that some form of discussion needed to be held with regard to protection for participants in DRCs. He said that agreement on these various points would facilitate the effective functioning of the NPA in Natal.

Dr Gildenhuys said that the co-ordination between NPA structures, the question of Natal generally and the problem of threatened withdrawals would be discussed later.

Dr Gildenhuys reported that the progress of shuttle diplomacy initiatives to achieve peace in Natal would be discussed by Mr Hall at 7.30. He said that he had received reports regarding unhappiness about the operations of the Goldstone Commission and that a meeting had been held in this regard. He said that they had discussed the tasks of the new investigation units and that it was understood that their primary role would be the monitoring of police investigations.

2.F.7 National report-back to regions

Mr Pretorius said that it was essential that national issues be reported to the RDRC's. The RDRC's were continually bombarded

with questions with regard to the Commission's operations and these were difficult to answer.

Dr Gildenhuys said that non-confidential report-backs were relayed in newsletters but some information could not be transmitted in this fashion due to sensitivity with regard to initiatives in progress. He said that on-going contact was difficult to maintain.

Mr Rudman said that the newsletter focused on information relevant to all areas.

Mr Pretorius said that the only effective way to keep people abreast of events would be to send them detailed minutes.

Dr Gildenhuys said that he would address the question of police reporting officers in his report. He said that the KZP-issue had been referred to the authorities concerned but that no solution had been found and the NPS could not force the issue.

2.G EASTERN TRANSVAAL

Mr Dibden said that he would submit a written report to be attached to the minutes.

2.H WITS/VAAL

2.H.1 State of the region

Mr Lorimer said that he had been away and only returned the previous night at which time he learned that he would represent the region to this forum. Tensions continue in certain localities including Ratanda, the Vaal, and Katlehong. Recurring train violence has not ceased. An unfortunate press report was released about Alexandra. Such reports had dangerous potential. Taxi disputes were recurring throughout the region. A meeting had been scheduled in Warmbaths for Johannesburg and Northern Transvaal taxi associations to meet to discuss issues of the transport of

passengers. RDRC chairperson Andre Lamprecht facilitated the successful resolution of the hospital workers strike. The return to work was monitored successfully. The assistance of international observers was much appreciated and thought to be of significant value.

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Mr Lorimer said that he supported Mr Pretorius regarding the lack of co-ordination between Peace Accord structures. He said that attendance problems were experienced in a number of areas. He suggested that this matter be placed on the agenda of a high level meeting of signatories. He said that the issue of a name change from DRCs to "peace committees" should be promoted. The major march by Inkatha in Johannesburg went peacefully. He said that the commitment by participants to the NPA was inadequate at regional and local level. There was point-scoring rather than real commitment to the Accord.

2.H.2 Co-ordination and administration

Mr Lorimer said that the RDRC still operated from the offices of IMSSA and received excellent co-ordination services from them. Other offices had, however, been located and staff was sought. He said that the creation of local offices should be expedited. He said that an establishment committee had been created and was having difficulty getting down to work. He said that he would submit a written report to be attached to the minutes.

Dr Gildenhuys said that the issue of attendance would be considered. The question of name changes had been discussed but problems were foreseen due to the complexity of changing legislation and the NPA.

Mr Fismer said that he had attended a meeting of the Wits/Vaal RDRC chaired by Bishop Storey where he had raised the issue of operations centres. People seemed not to know what he was referring to.

Mr Lorimer said that the matter had been raised and discussed at many executive meetings.

2.I NORTHERN TRANSVAAL

2.I.1 State of the region

Mr Schalkwyk said that the RDRC meetings were being better attended, primarily because the committee was providing its own secretarial services rather than relying on the SACS. There was heightened interest in the peace process. Two very successful LDRC's were in place and one was in the process of being established in Moutsi. The LDRC's were involved in dispute resolution on taxi and other issues. He said that no LDRCs had been formed in the metropolitan Pretoria area as the town council was battling to put a structure in place. A steering committee was established in KwaMhlanga. The Socio Economic Reconstruction and Development subcommittee was functioning and parties were discussing socio-economic issues. Two UN monitors were based in Pretoria. He said that the region was relatively quiet but that there were concerns about inter-party conflict and squatter conflicts in Atteridgeville and Mamelodi. Taxi disputes were ongoing in several areas. Mediation was undertaken at Garankuwa between NEHAWU and hospital administrators. Training for the RDRC had been held and was scheduled for the Bronkhorstspruit and Brits LDRC's. Training for monitors was also planned.

2.I.2 Staff and subcommittees

Mr Schalkwyk said that the appointment of permanent staff was underway. Several subcommittees had been convened to deal with training, marketing, and information. The RDRC had received media attention in the Pretoria News and in the Citizen.

2.J FAR NORTHERN TRANSVAAL

2.J.1 State of the region

Mr Searle said that the Executive was under extreme pressure because of all the issues arising on a daily basis. Clarification with regard to personnel was still pending but it was thought that this would relieve some of the pressure on the Executive. He said that a drawing contest on peace was underway. Money had been raised and the NPC was asked to match these funds. A SERD subcommittee had been established. Water was a major problem due to the drought. He said that he looked forward to addressing these problems in greater detail tomorrow.

2.J.2 Formation of LDRCs

Mr Searle said that requests for the establishment of LDRCs in Lebowa had been received. A course on conflict resolution had been held for members of the RDRC and some LDRC members. This was very successful and the results were visible at subsequent meetings. The Phalaborwa LDRC was functioning well as were two others. One committee included representatives from the AWB. It was hoped that they would also participate in the Pietersburg committee.

Mr Searle noted that much effort goes into forming LDRC's and helping them to begin functioning and understand their role. He said that regional representatives attend LDRC meetings to assist in the running of the meetings. He thanked Mr Bezuidenhout for getting UN representatives to Potgietersrus to monitor a march which the right wing had threatened to block. He said that the incident had resulted in a potential boycott. One of the biggest difficulties in the area emanates from the right wing. Town councils are right-wing aligned and do not want to participate in LDRC's. Boycotts have been called in several areas due to friction with right wing elements. Tribal problems were experienced in some areas. He said that it was a historic and

highly sensitive problem and that the RDRC did not yet know how it would be resolved.

2.J.3 Local authorities

Mr Searle said that there were complaints by some civics of problems with the administration of Transvaal local authorities. Territories of Lebowa, Gazankulu, Venda and South Africa all fall under the RDRC's jurisdiction. He recounted an incident in which a community hall was burnt down and media reports were highly sensational, indicating that the incident was racially motivated. In another incident the RDRC chair was called on to intervene in a threatened boycott to protest against the prohibition of a march.

2.J.4 Taxi violence

Mr Searle said that taxi violence was a major problem. A meeting was scheduled in Warmbaths and it had been requested that representatives from the NPS and the Wits/Vaal attend. The dispute revolves around the transport of passengers from the PWV area.

Dr Gildenhuys said that Mr Fismer would attend the meeting.

Mr Searle said that the matter should be referred to the NPC as taxi violence was a national issue. He said that the UN representative in the area had settled in and was well received. He thanked them for their efforts.

Dr Gildenhuys said that he had noted the issue of taxi violence as an issue to be looked at nationally.

Mr Higgo asked if the issue of public and media relations could be discussed.

Mr Pretorius asked if the dove as a proposed national symbol could be discussed.

Mr Naidoo asked if the administration of the taxi and transport industry could be discussed as intense levels of competition were creating strife in the broader transport arena.

Dr Steenkamp asked if it would be possible for feedback from the regions on the effects of the stalling in the national negotiation process on the climate of violence throughout the country.

3. Chairperson's Report

Dr Gildenhuys reviewed his report which was submitted in writing to be attached to the minutes. He said that the addition of new members should make the Secretariat's work easier. He said that the increase in the size of the Secretariat's staff was indicative of the increase in work. He noted that the role of the SACS had been rejected by RDRC's due to government involvement and that the necessity of employing independent persons had slowed the appointment of regional executives.

The following corrections to the chairperson's report were noted for amendment:

An additional 12 committees were under formation in Natal, bringing the total number of LDRCs in progress to 42.

The contribution of IMSSA and the CBM extended far beyond secretarial services and included comprehensive co-ordination of regional peace initiatives.

The reports made today would be added to the list of successes achieved by the peace structures.

Dr Gildenhuys noted that the services of Ms Pauquet as media liaison officer to the peace structures were available to the RDRC's on request.

4. Comment and Discussion on NPS Reports

4.A Need for further discussion

Mr Durand asked whether time would be available to discuss the long list of issues which had been raised as there seemed to be no available time on the agenda for the next day. He said that he would not wish the meeting to rush through the issues.

Dr Gildenhuys said that participants should consider whether they might be able to stay later in the afternoon the following day.

4.B International Observers

Mr Aarvold said that the EC observers had now been deployed. The group had ten members: 4 in Durban, 2 in East London, 2 in Cape Town and 4 in Johannesburg. A full complement of 15 would ultimately be deployed.

4.C Funding

Mr Barnes asked if it was necessary for further external funding to be sought by the Secretariat as the NPS was funded by the government and funding was sought for other activities including SERD.

Dr Gildenhuys said that funding was needed for research and that the availability of funds for training would free up monies for additional staff.

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Mr Barnes said that a co-ordinated fundraising plan was needed to ensure that the efforts of various sections of the Accord do not conflict with one another.

Dr Gildenhuys thanked everyone for the reports and welcomed Mr John Hall.

5. Report by NPC Chairperson

5.A Proposed meeting of signatories and Five Point Plan

Mr Hall said that a meeting of signatories to the NPA had been scheduled for 30 July and that the purpose was to review the NPA and its achievements since its inception. Statistics had been gathered by the HSRC for the occasion so that violence-related and civil disorder statistics could be correlated. The second part of the meeting was to be devoted to the way forward. A five point resolution was developed to help structures to more efficiently tackle issues on the ground. Point one called for a greater commitment to tolerance. Point two called for the appointment of ombudspersons in areas where the effectiveness of committees was being impaired by politicking. Point three was an attempt to dismantle the barriers to formation of SERD in communities. Point four was an attempt to promote the reintegration of police into communities. He noted that some attention had been given to this need. Point five dealt with the introduction of observers into communities. This was formulated prior to the arrival of international monitors. The observers were to have been drawn from local pools of lawyers, clergy, and others.

5.B ANC-IFP Adjudication Initiative

Mr Hall said that a series of draw-backs had arisen. At UN proceedings in New York Dr Mandela made a speech accusing the IFP of being surrogates of the SA government, asking why it was necessary to negotiate with two groups when you could as effectively deal with only one. The IFP considered this to be a contravention of the NPA and would not attend the signatories' meeting until the dispute was resolved. Mediation was arranged with Dr Kenneth Kaunda serving as adjudicator. The ANC had requested that a retired SA judge be recruited to assist. It was difficult to identify a suitable individual. Eventually Judge G Coetzee was approached and the adjudication was put initiated. The IFP and ANC brought counsel to present their cases.

Mr Hall said that the NPA did not provide for adjudication on the merits of the charge, but rather called for adjudication of whether the remarks were provocative and an incitement to violence. The ANC argued that it was an issue of robust politics. The IFP argued that this was a mortal blow as its constituency had heard the organisation being undermined as a player in the national negotiation process. Both arguments were found to be compelling. Counsel for the parties indicated that an adjudicated settlement might not contribute to the peace process and that an alternative settlement may be required. Kaunda suggested that Mandela and Buthelezi get together to seek a way around the barriers to a meeting of signatories.

5.C Bush Summit

Mr Hall said that it was agreed that a bush summit of the IFP, ANC, and Government be held for parties to examine the violence in Natal, among other issues. Difficulties arose with regard to the troika image of the three parties as some others might have argued that there were many key players in the SA national situation.

Mr Hall said that the initial process was to invite parties to list all problems identified as reasons for the violence. Difficulty was experienced in arriving at solutions. The group nevertheless put forward an agenda for a multi-party conference. The issues earmarked to receive priority were: MK, the armed forces, SAP, KZP, the suspension of mass action, political freedom, a review of the peace process, the record of understanding and the negotiation process. It was felt that the conference signatories to the Accord.

Mr Hall said that the summit had also discussed interim measures to restore peace in Natal. They agreed that a further agenda needed to be established for meetings between political parties to launch a united peace drive in Natal. The meeting resolved that Mr Hall should canvass the agenda and interim measures in Natal with Buthelezi, Mandela and de Klerk. He said that he could not

give this information out to the press. It was simply announced that the retreat was productive and that a way forward would be discussed with the three leaders. The information is still media sensitive. All three leaders accepted the agenda for the multi-party conference. The concept of a meeting of the signatories as to initiate the conference was agreed to. The interim measures were agreed to.

5.D Leadership meetings in Preparation for Multi-Party Conference

Mr Hall said that it was also agreed to establish an agenda for the meeting of leadership. This was agreed on Wednesday but shortly thereafter Dr Mandela said on television that he did not see much merit in meeting Buthelezi. Buthelezi reacted by supporting the merits of a meeting.

Mr Hall said that he chose to interpret the words of Mr Mandela to mean that homework would need to be done within both organisations to ensure the success of a meeting. The session should not be acrimonious, too pre-occupied with history, or an exercise in dredging up the mistakes of the past. Both parties accepted the view that executive members must work together to draw up an agenda. The agenda-building exercise might make it possible to have the meeting of signatories by next Thursday or within days thereafter. The agenda would include items identified at the bush summit and the question of a multi-party congress to be held within days of the meeting of signatories.

Mr Hall said that in discussions he semsed a will to make it work. The media attacks were easing off and everyone was alarmed by the levels of violence.

6. Comment and Discussion on NPC Chairperson's Report

6.A Role of the Natal/KwaZulu RDRC in national initiatives

Rev Mabunda raised concern regarding the credibility of the RDRC in Natal. He asked if the RDRC had been consulted in regard to these initiatives as people might now avoid the RDRC in favour of Mr Hall's efforts.

Mr Hall said that the answer was no. The regional issue was included in a national issue. He said that the aim had been to compile an agenda to surmount the problems impeding the meeting of leadership. He said that he acknowledged that regional structures should not be ignored.

6.B Purpose of leadership meetings and multi-party conference

It was clarified that the main issues under consideration were a meeting of Mandela and Buthelezi and thereafter of signatories.

Mr Naidoo asked about the role of the proposed multi-party conference and its relationship to the national negotiation process.

Mr Hall said that the conference would cover the whole spectrum of political views in the country. It would have nothing to do with the NPA as it was a political gathering. It was felt that many, if not all, of the problems faced in trying to resolve the violence had their roots in political conflict at national level. It would also include a review of the peace process.

7. 8 Mr Searle asked if it was envisaged that the regional chairpersons and the UN observers would attend the meeting of the signatories to put more pressure on political role players to get on with the process.

Mr Hall said that he had not yet considered this. Attendance was an important issue that was unresolved.

Dr Gildenhuys said that the chairpersons should have been invited to the July meeting.

6.C Co-ordination between NPC and regions

Mr Pretorius said that he felt that there should be much closer co-operation and co-ordination between the structures of the NPA. He said that the fact that the discussions at the bush summit had gone into detail on the violence in Natal without the involvement of the RDRC was an example of the lack of co-operation he cited earlier.

Ms Pauquet said that the press was eager for information on the matters discussed by Mr Hall and that persons should exercise caution not to discuss the report.

Rev. Mabunda said that contradictions between the NPC and the activities and statements of the RDRC's could be problematic and cause embarrassment to regional structures. He said that the NPC should undertake to ensure that relevant information with regard to their activities be made available quickly and directly to the RDRCs so that the regional structures would not be placed in the position of receiving such reports through the media or other channels.

Ms King asked where this process put CODESA and whether it meant that CODESA had been shelved.

Mr Hall said that he wished to answer that question informally.

The meeting adjourned until the following day and it was agreed that the meeting would begin at 7.30 on the morning of 5 November 1992.

5 November 1992

7. Introduction

The meeting Reconvened at 7.45.

Dr Gildenhuys said that it would only be possible to extend the day's session for an hour or two and that an alternative was to meet for another day towards the end of the month to revisit issues which were not covered in full. Such meeting would be devoted to a think-tank on the efficacy of the peace structures. It would probably be held at Jan Smuts airport.

8. Dove Symbol

Dr Gildenhuys said that several urgent matters had to be dealt with, including the dove symbol introduced at the marketing meeting yesterday. The meeting needed to decide whether the symbol was approved of and this sentiment needed to be passed along to the NPC.

Mr Pretorius said that if it was adopted as a symbol it should be used throughout the structures as soon as possible.

Mr Higgo said that another meeting of the marketing subcommittee would be held on the 17th of November. He said that the sub-committee's decisions needed to be approved by the NPC and the NPS and that some questions on the detail of the symbol were still unresolved. He suggested that the symbol be tabled for final approval by the regional chairpersons at the meeting at the end of the month. This was agreed.

Mr Searle asked if there was an embargo on the emblem at present.

Dr Gildenhuys said that it should not be used yet as it was not finalised.

Bishop de Bruyn asked if there should be some wording, perhaps the word "peace" in different languages.

Mr Higgo said that this was being looked at but that it would have to be English or nothing.

Dr Gildenhuys asked if everyone was happy with the slogan, "peace in our land." this was agreed.

8. Socio-Economic Reconstruction

Mr Barnes was asked to open the discussion on socio-economic reconstruction, or SERD.

Mr Barnes said that a great deal of time had been allocated to SERD in the programme. He said that he thought it would be useful for chairpersons to get some exposure to the market of development and for them to be able to understand the environment and obligations surrounding SERD activities. He said that Chapter 5 was a very serious obligation of peace structures. He said that as the committees had to date focused primarily on dispute resolution it was thought that it would be useful to help them focus some attention on SERD. Several guests were invited to assist in this process. He introduced Mr Solly Nortje, a senior representative of the Development Bank of Southern Africa (DBSA).

8.A.1 DEVELOPMENT BANK OF SOUTHERN AFRICA - PRESENTATION

8.A.1.a Overview of DBSA operations

Mr. Nortje said that he was standing in for the general manager and had been called in at the last minute. He said that his remarks would focus on an overview of the kind of support which the bank provides and possible linkages between the bank and the efforts of the peace structures. The DBSA does not interact directly with beneficiaries but works through other channels including public sector and beneficiary assistance groups. They operate from the premise that communities must be closely involve

in development projects. NGOs are thought to be much closer to communities that governmental agencies. World-wide development aid is increasingly channelled through these agencies. DBSA is an apolitical institution. It recognises that socio-economic needs cannot be divorced from political realities. In decision making political factors are, however, not taken into consideration.

Mr Nortje said that the DBSA's projects are considered based upon their economic merits. He noted that 40% of the South African people are unemployed and that the country's current labour absorption capacity is less than 12%. These factors seriously influence the political scene. The DBSA plays a supportive role in providing aid in the form of finance to groups in a spectrum of needs including urbanisation, rural development, human resources development, business and entrepreneurial development. the DBSA provides technical assistance to support the enhancement of the capacity of institutions providing development support. These institutions include both NGO's and public sector agencies. The DBSA plays a supportive and facilitative role with regard to regional initiatives and plays a role in the various national forums which have come into existence.

8.A.1.b Prospects for co-ordination with peace structures

Mr Nortje said that he encouraged the peace structures to become involved in regional forums. He said that the DBSA keeps an extensive databank on socio-economic issues. That information is available to the public on request. He said that there was a proliferation of development agencies and initiatives. He said that the DBSA supported rationalisation of these efforts as capacity was limited and energies should not be spread too thinly. Because of this the DBSA works closely with the IDT and the Kagisc Trust. At regional level institutional co-ordination is crucial to avoid duplication and wasting of resources. The DBSA is aware of and sympathetic to the needs of the peace structures to have access to financial resources. He said that these needs could be met without the establishment of an additional development agency. He said that there was an awareness that the bank was sometimes

regarded as a slow moving bureaucracy but that efforts were being made to expedite the process of initiating projects. He welcomed questions from the floor.

8.A.2 DEVELOPMENT BANK OF SOUTHERN AFRICA - DISCUSSION

8.A.2.a SERD subcommittee mission

Mr Barnes said that it was worth remembering that there is a proliferation of development structures and that the perception that another development agency was being created within the peace initiative needed to be avoided. The mission of the SERD subcommittees was to be a catalyst for the initiation of activities through the existing peace structures in co-operation with development agents. The task of peace structures was to prioritise needs, identify actors and their resources and engage them to take responsibility for the work. The ideal would be to act as a catalyst in such a way that no emergency funds allotted specifically to the peace initiative were ever engaged in the process. The structures should merely act as a trigger by calling attention to major priorities and identify agents in positions to meet pressing needs. He said that DBSA could provide technical advice on feasibility and that the databank resources gathered by the DBSA should be called upon. He opened the floor to questions.

8.A.2.b DBSA Funding

Mr Lorimer asked about the background philosophy underlying the priorities of the DBSA.

Mr Nortje said that the DBSA received some funds from the South African treasury and that they mobilise resources from private capital markets here and abroad. They were working towards a three-way balance of public, domestic private sector and international funds. He said that full income generation potential projects were considered in market related terms. Infrastructural and human resource projects were funded at a rate of 5% and technical assistance at a rate of 4% over a 10 year period. These

figures are determined upon income generation return projections. Technical assistance is aimed specifically at capacity building. In situations where institutions cannot pay back loans grant are sometimes made available.

M Lorimer asked how much money the government made available to the DBSA.

Mr Nortje said that the DBSA received 500 million Rand.

8.A.2.c Role of peace structures in SERD

Mr Durand said that he had the uncomfortable feeling that as far as SERD was concerned he was unsure of where the peace initiative was going and what they would be doing. He said that he knew they would identify needs and get agencies engaged in providing for them by getting the necessary loans, etc. He asked if it would be possible to simplify the explanation, perhaps through a case study. He said that he was unclear as to what the procedure was once a specific need was identified.

Mr Nortje said that there were two levels in which the NPA structures could play a key role. The DBSA only supports projects when there is full community participation. They spend more time on the process than on the project. All local role players must be involved. Workshops are held so that communities can determine their own needs. He said that the peace structures could participate in these initiatives and in identifying needs through regional mechanisms. In cases where specific projects were identified, it was necessary to recognise that the DBSA could only react to information coming from the communities with regard to needs and priorities. The LDRCs could assist in this regard.

8.A.2.d Community support for development initiatives

Mr Durand asked about the definition of community support. How wide does the support of role-players need to be? He suggested that political divisions would make it almost impossible to rally

the support of all role players. He asked if the support of the peace structures would be considered to be sufficient.

Mr Nortje said that the DBSA has specialists who assist in building multi-party consensus. He said that they had discovered that people approached these decisions in a rational way. He said that in the Western Cape people from across the political spectrum were working together on issues of housing and basic needs. He said that the challenge was to get as many people as possible together but that it was difficult to define what constituted sufficient consensus.

Mr Barnes said that the RDRC co-ordinators working in this area would need expertise to identify and solve problems which arose in this regard. He said that if there were insecurities regarding this process it would be worthwhile to set aside more time to address these at a later time. Some of these insecurities would be addressed during the course of presentations by outside speakers.

Mr Durand said that it was crucial that the role of the structures be understood.

Mr Nortje said that the Bank was organised on a regional basis and suggested that contact be initiated between the regions of the Bank and the regional NPA structures.

8.A.2.e Drought relief

Mr Searle said that in the Far Northern Transvaal there was an effort to bring parties together to deal with SERD issues. The most urgent problem was the drought situation in some communities. Emergency measures seemed to be needed. The possibility of engaging SADF or TPA vehicles was being considered in this regard. He asked how the committee should proceed and whether the drought relief task force should be called in.

Mr Barnes said that someone from the drought relief structure would be addressing the group later in the day.

Mr Searle asked if someone from the DBSA had been seconded to the peace effort to attend the meetings.

Mr Nortje said that he would perform this role.

8.A.2.f Resource allocation and project evaluation

Ms King asked if, when priorities were being set, resources were divided between a variety of needs according to a prescribed formula and whether there were impact evaluation systems for projects.

Mr Nortje said that because the DBSA was a service agency projects were determined on a needs-based basis. There were certain broad priorities, including drought relief at the present time. More than 60% of resources were currently being channeled into infra-structure projects. He said that cost benefit analyses were done on each and every proposed project. There was an evaluation unit and the information gathered by it is used to help structure future initiatives.

Mr Steiner asked if there was really an over-abundance of development agencies given the proliferation of problems and needs.

Mr Nortje said that the agencies with capacity had no legitimacy and visa versa. He said that duplication needed to be avoided but that excessive centralisation and the elimination of competition was not necessarily desirable.

8.A.2.g Co-ordination with international development agencies

Mr Steiner asked about the DBSA's relationship with international and regional development agencies and asked what strategies were contemplated in that regard.

Mr Nortje said that the DBSA had very close relationships with these agencies and that the World Bank worked through the DBSA in its involvement in the country. Close relations with the African Development Bank and Untied Nations development initiatives were also being maintained.

8.B.1 DEVELOPMENT CONSULTANT - PRESENTATION

8.B.1.a Introduction

Mr Barnes thanked Mr Nortje and introduced Mr Collin Appleton, a development consultant with a great deal of grass roots experience. Mr Appleton is currently doing a great deal of work for the IDT in assisting them with the establishment of effective community structures to assist with the development of projects on the ground. He was asked to share his experience with the development of community structures and to discuss any assistance he might be able to provide.

8.B.1.b IDT housing development project

Mr Appleton said that he was a consultant to the IDT and that he would focus his remarks on the IDT's major housing development project. He said that the focus of the project was a capital subsidy scheme to service 100,000 sites throughout the country. Central to the thinking was the necessity to make the community an integral part of the process. The scheme was launched by asking developers to submit applications for the development of schemes on a site and service basis. 640,000 sites were applied for by 404 developers from around the country. 104 developers were approved and negotiations were undertaken at sites around the country.

8.B.1.c Community consultation initiatives

Mr Appleton said that his role in the process was to ensure that community structures were established and that the relationship between those structures and developers be concretised to ensure

that development takes on an on-going basis with the support of communities. Projects were underway in Boipatong, Alexandra, Phola Park, and other mostly urban areas. He said that structures which included role players in the relevant area needed to be put in place. An elaborate system of community based trusts had been created in some areas. The trusts are broadly representative. There is a measure of skills transfer in each project so that the partnership between developers and communities is not permanently one of unequals. The validity of the contribution of all participants in the process must be acknowledged. If committee members feel that they do not have an equal role to play in the process, they tend to drop out.

Mr Appleton said that in areas where there are no identifiable community structures, relevant parties must be identified. This was the case in an area between Boipatong, Bophelong, Sharpeville, and Evaton. Relevant community groups from all four townships needed to be engaged. In this case a steering committee of civics was formed. The terms of reference of the steering committee were clearly laid out and dealt with services, layout, communications plans, resource needs to back up the communication structure, and site allocation criteria. 5000 applications came in for 1600 stands. The criteria and process for application review had to be agreed on as did dispute resolution mechanisms to break deadlock.

Mr Appleton said that in some situations up to 26 organisations were involved in joint venture agreements. The identification of who should and should not be at the table needed to be undertaken carefully. Provision had to be made for new organisations coming into the picture. Development could be very divisive as scarce financial resources were being put into communities which had been historically under-endowed. In the absence of legitimate local governing structures parties vied for credit for and control over the funds.

8.B.1.c Role of political power dynamics

Mr Appleton said that parties tend to each want a disproportionate portion of the benefits of projects. The Sharpeville civic split into three fragments with each claiming to represent the homeless community in the area. In Sasolburg one civic was left out of the project and chose to demonstrate its ability to thwart it. Processes had to be as inclusive as possible and structures needed to be as flexible as possible to adapt to changing power dynamics. Civics were fragile structures without resources. Leaders lacked education, transport and mechanisms of communicating with their constituencies. It was often necessary to assist existing structures to involve the community as a whole.

8.B.1.d Capacity-building initiatives

Mr Appleton said that skills transfer and communication were the cornerstones of successful projects. In each of the 104 projects underway, there was an embryonic structure formed to deal with the delivery of the capital in some of the most violent townships in the country. There were projects currently going forward in the Ciskei because the roles and relationships of parties had been clearly outlined.

8.B.1.e Potential co-ordination with peace structures

Mr Appleton said that the next phase of the capital subsidy programme could involve the LDRC's. The IDT sees "site-and-service" as merely a first step. The next step is the institutionalisation of the projects within the communities. The question in each case is whether there is an organisation or agent positioned to act as a development agency in the area on an on-going basis after being broadened as much as possible in terms of participation. It was vital to ensure that these local agencies are not open to political hijacking. Model documents had been prepared for the establishment of such structures. The structures would need skills. This would be funded as would the appointment of a community development officer. The officer's role would be to net-

work to get projects off the ground. Resource materials for these individuals were being prepared to equip them to engage assistance and funding. He said that training programmes for trustees and liaison officers were being prepared.

8.B.2 DEVELOPMENT CONSULTANT - DISCUSSION

8.B.2.a Involvement of community power bases

Mr Lorimer asked how the presence and powers of illegitimate town councils were dealt with by these initiatives.

Mr Appleton said that they had been engaged in some cases. He said that not many councils remained in operation. It was generally easier to deal with administrators. In KwaZulu the government recognises the local authorities and does not recognise other parties. What was done there was to negotiate through developers to set up two structures, one of political groupings and the other of government aligned structures between which the developer worked to facilitate consensus. Development is being fought over by a variety of groups seeking to enhance their power bases. No party comes out on top clearly. Relationships must be developed. Compromises are crucial. The key is to record and agree upon the roles of the parties and ensure that all parties understand the role of the trust.

Mr Durand thanked Mr Appleton for his very lucid presentation. He said that it confirmed his awareness that the peace structures would need to be modest in conceiving of their own role.

Rev. Mabunda said that it was widely recognised that councillors were not key role players. He said that he was concerned that civics were not democratically elected. He questioned the role of provincial administrators and said that there were cases when the IDT would enter areas through provincial administrators who would misdirect them, as could civic associations acting in accordance with a self-serving agenda.

Mr Appleton reminded the group that he was not an IDT representative. He said that in the case of the housing subsidy scheme no more funds were currently available. He said that questions with regard to the legitimacy of civics and other structures could become highly problematic. There were often several civics in place which were aligned to various political parties. He said that the only guide-line was to keep forums as broad as possible and to include non-partisan community groups, including ministers of religion, business, teachers, etc. in an effort to de-politicise the initiative. By broadening the base beyond political groupings the efforts of parties to hijack the process could be blocked.

8.B.2.b Direct community liaison

Mr Mfayela asked if there was any attempt to go beyond structures into the communities themselves.

Mr Appleton said that to do that mass meetings would have to be held which could raise tensions among the organisations. In some cases organisations involved had called open community meetings.

Mr Barnes thanked Mr Appleton.

8.C.1 DROUGHT RELIEF PROGRAMME - PRESENTATION

Mr Barnes introduced Mr Bruce Corbett a senior consultant from the IDT's drought relief effort. He said that the drought relief programme was formed by a consortium of concerned organisations.

8.C.1.a Programme overview

Mr Corbett said that he would try to explain the process that had been followed with regard to drought relief and the structures that had been put in place. The IDT had devoted 100 million Rand to drought relief. It was known as the relief and development programme. The drought problems in the country were linked to developmental issues. The effort was to provide relief in a

fashion which would support development. The project had a rural focus because these communities were most affected by the drought and because most developmental efforts are concentrated on urban areas. The focus is on the poorest and neediest. There is a willingness to work with any agency that can assist in the process.

8.C.1.b Drought relief forum

Mr Corbett said that a consultative forum on the drought was formed by parties which agreed to co-ordinate their activities. The IDT underwrites the forum. The first conference was called by Kagiso and the IDT together. The forum and its activities are not IDT owned. The initial conference and resulting forum includes the government, political parties, churches, NGOS, development agencies, and homeland governments. These groups agreed that under no circumstances would they give up their present positions and difficulties with one another but that there was a need to co-operate on drought-related issues. Many parties also have their own drought relief activities which continue.

Mr Corbett said that the effort is to co-ordinate all initiatives without giving over control to any party. Five task forces were formed on water, nutrition, employment, agriculture, and development. These task forces were given a brief to generate co-operation and agreement between their members. The water task force has an implementation arm because in areas including the Northern Transvaal and Natal/KwaZulu shortages were so serious that an immediate operational strategy was needed. An operations information room for the drought relief programme was set up and is staffed by persons seconded from various organisations who co-ordinate information dissemination and help identify priority areas.

8.C.1.c Information gathering difficulties

Mr Corbett said that difficulties were being experienced with regard to the fact that the information available to identify

priorities and areas of need is difficult to collate and sketchy. Decisions are being made without sufficient information. An early warning system was set up to help remedy this. The information on needs is often available but not readily accessible on a detailed basis.

8.C.1.d Progress to date

Mr Corbett said that a secretariat is in place to run the process. There is also an effort to build up regional capacity to get all players together at regional level to co-operate in drought relief. The only real success to date is in Natal/KwaZulu. The Northern and Eastern Transvaal areas are on the verge of coming into effective operation . Parties are being asked to keep their positions but come together on the issue of the drought. He said that what had been achieved to date in this regard was impressive. The previous week COSATU had agreed at a national meeting to encourage its regional structures to co-operate with the Department of Health in allocating nutritional aid. The relief process is owned by participants, not by the IDT, although they are the major source of resources.

8.C.1.e IDT role in initiative

Mr Corbett said that the IDT's programme of drought relief support activities independent from the forum. There was a recognition that the drought provided an opportunity for intervention to redefine relationships in the rural areas. The programme was about emergency relief in a developmental context. Direct nutritional assistance is not provided except in absolute emergencies. SADF tankers are being used to deliver water to communities which would never have tolerated that six months ago. With regard to nutrition and food aid the role of the IDT is to facilitate and in some cases provide bridging finance on an emergency basis.

8.C.1.f Funding for water needs

Mr Corbett said that the IDT funds water. There are several categories of water provision: The first category includes life or death situations where there is no time to engage in community consultation. This is the case in some communities in the Northern Transvaal. The water supply task force has set up structures in some of these cases. They go in, identify the need, and provide for it. Afterward, community liaison people move in to try to smooth the process. The next level is an urgent water problem, as in a situation when there is sufficient water to survive but not to maintain basic health standards. The IDT funds these initiatives through community structures. This is seen as the link between relief and development. The third level is that of long term economic need in cases where water is an infrastructural need necessary for development. This need is provided for under the auspices of development projects. The IDT directly supports only the provision of urgent emergency needs.

8.C.1.g Temporary employment

Mr Corbett said that the IDT is also active in the sphere of temporary employment designed to allow people to generate wages to support and feed themselves on a short term basis. These projects must be community based although the IDT does not insist that all structures be fully in place before funding is offered. These are not permanent job creation programmes but are rather temporary wage safety nets for communities in need of interim support. The work that is done must create social assets for the community, eg. improvements of schools, roads, water access. The process includes training and capacity building. The effort is to encourage communities to choose the assets they would like to create and to ensure that these are as conflict free as possible. Many communities choose environmental programmes including soil erosion and waste removal. Overheads and materials are subsidised.

Mr Corbett said that the IDT also provides assets for rural businesses including capacity building and training to promote the

ability of rural communities to identify needs, interact with funders, and ensure funding flows to the most needy. This is the slowest flank of the programme for reasons mentioned by other speakers.

8.C.1.h Support for farmworkers

Mr Corbett said that the IDT also supports farmworkers on commercial farms. Many are in dire straits due to the hardships experienced in the commercial farming sector. Support has traditionally gone through the farmers. Now it is being made available for farmers and farm worker communities to allocate together. The funding is used to improve the living circumstances of the farmworkers, including improvement of sanitation conditions and water supply. This is supported by farm workers unions. Major long term problems include the question of the ownership of assets.

8.C.1.i Programme administration

Mr Corbett said that detailed funding criteria for the various projects are set forth by the IDT. The IDT deals with many small projects, making the programme difficult to administer. The monies are in the form of grants. The effort is to act fast depending upon the nature of emergencies and to avoid bureaucracy. The application can be made in any way. No formal applications are required. There is an effort to prevent channelling resources to those who already have capacities. The list of regional programme managers can be made available. There are field workers who operate in communities to help identify priorities.

Mr Corbett said that the programmes are run through implementing agents in communities. The first choice is a pre-existing community group. Second is a rural NGO but the effort is to channel the money directly to the communities. The third choice is a parastatal, like the Natal Parks Board. The last choice is a government agency. There is no co-ordination with homeland governments as implementing agencies. Before expectations with regard to a project are created, a preliminary budget is agreed. Then the

implementing agent returns to the community or the applicant with the budget and a simple contact is formulated to facilitate the transfer of funds. If communities need ad hoc assistance to implement the project this is provided with an emphasis on training and capacity building.

Mr Corbett said that problems arising with regard to the programme included: 1) Getting information on conditions in local communities 2) Physical battles around infrastructure and water 3) Implementation capacity at grass roots 4) Inclusiveness. Access to outside resources can become a political weapon. The principle of inclusiveness is strived for but hard to achieve in many cases. He said that he would like to discuss practical problems being experienced in the regions.

8.C.2 DROUGHT RELIEF PROGRAMME - DISCUSSION

8.C.2.a Clarification on temporary employment

Ms Pauquet asked how temporary the temporary employment was.

Mr Corbett said that it was of 4-6 months duration and that the programmes were often controlled by the unemployed themselves. He said that it was hoped that temporary employment programmes could form a future social safety net.

8.C.2.b Farm workers displaced by drought

Rev. Mabunda said that this information was desperately needed in the OFS. He said that some farm workers had been displaced by the drought and had enlarged the size of informal settlements in the townships. He asked if there was any form of assistance available to these people.

Mr Corbett said that the commercial farms in the Northern Transvaal had had an oversupply of labourers who were retrenched in the drought situation. People then returned to the homelands, creating needs there. In the OFS displaced farmworkers had gone to

smaller rural towns which were eligible for support in some cases.

8.C.2.c Role of DRCs in drought relief

Mr Walters asked to what extent the RDRC's and LDRC's had been engaged as consensus building structures.

Mr Corbett said that he would be very pleased to hear suggestions in this regard.

Mr Walters said that through the RDRCs some development organisations had been set up, had identified needs and were struggling for resources.

Mr Corbett said that information on this regard would be welcomed.

8.C.2.d Funding

Mr Walters asked how funds were allocated and how much was left.

Mr Corbett said that the programme reacts to needs brought to their attention and uses fieldworkers to help identify priorities.

Mr Lorimer asked if the funding was adequate.

Mr Corbett said that there was an effort to get matching and supplementary funds. The biggest problem was getting grass roots capacity in place to utilise the funds. He said that they regularly received applications for developmental projects which had to be turned down. He said that the situations were generally improving but that the problems surrounding development were interrelated and overwhelming.

8.D.1 DEPARTMENT OF HEALTH AND POPULATION DEVELOPMENT - PRESENTATION

Mr Barnes thanked Mr Corbett and introduced Mr George De Klerk from the Department of Health and Population Development. He said that the SERD subcommittee had had relatively little interaction with welfare agencies but that a relationship was being developed.

8.D.1.a Programme overview

Mr de Klerk said that he would speak on the national nutritional and social development programme (NNSDP). He apologised for being late and for being unable to stay for the duration of the meeting. He said that food aid was a priority above and beyond the political and peace processes as it was a basic need. He said that the government had made 220 million Rand available for food aid nation-wide. Of the 220 million, 20 million had been set aside for farmers. This was given to an NGO affiliated to the farmers/agricultural union. These monies assist farmers in drought stricken areas to assist their workers.

Mr de Klerk said that the Department also sponsored a nutritional development programme aimed at young babies, expectant and lactating mother and senior citizens. It was administered centrally from Pretoria which became problematic. The recession and the drought led the government to double the amount spent on food aid to 440 million Rand in order to assist all people in dire need of food and other social resources. He said that approximately 9 million people were without visible means of income in the country.

8.D.1.b Programme aims

Mr de Klerk said that the programme objectives were: accessibility, affordability, acceptability, effectiveness, efficiency, to be open to all without discrimination, apolitical, low profile, emphasising community involvement, offering one-stop-service (seer

as a long term goal), and working in co-ordination with other related programmes to prevent overlap. The money is directed to the 2 million "poorest of the poor." He said that the programme would be monitored by an independent agent.He said that the view of the programme was that lines of defence against destitution should move in the following order: individuals, families, communities, the state.

Mr de Klerk said that the programme was aimed to act as a stimulus to encourage communities to help their own members. The state sees itself as a partner which works with the church and the private sector to meet needs. He said that the programme hoped that its focus would gradually shift away from food aid to supporting community development. The mission of the programme is to enable communities to achieve and sustain optimal nutritional standards and to support the development principles of self-reliance and empowerment.

8.D.1.c Programme structure

Mr de Klerk described the structure of the programme. He said that while the government funded and facilitated the programme, it was implemented through a network of NGOs, particularly community based structures. He described the process by which individual programmes are reviewed and approved. He said that the programme tries to channel funds through the Peace Accord structures when possible.

8.D.2 DEPARTMENT OF HEALTH AND POPULATION DEVELOPMENT - DISCUSSION

8.D.2.a Aid to farm workers

Mr Lorimer asked about the 20 million Rand for the farmers assistance programme directed at farmers for the benefit of farm workers. He questioned whether this represented a paternalistic approach and asked about the criteria by which this allocation was made.

Mr de Klerk said that this programme had been phased out. He said that the Department also funds the rural foundation.

8.D.2.b Community accountability

Dr Steenkamp asked how the programme assures that civics and political groups do not gain control over the programme at grass roots.

Mr de Klerk said that the programmes were run by the groups of influence in the particular area. When monies were given to a community the allocation and the purpose of the funds would be made public through advertising to ensure accountability.

Mr Barnes asked how this advertising was done.

Mr de Klerk said that communications were done by communications people through newspapers.

Dr Steenkamp suggested that the communities most in need might not read newspapers on a widespread basis.

Mr de Klerk said that other means of communication would be used including radio and church groups.

8.D.2.c Role of women in nutritional development

Ms. King said that many of the UN's studies on nutrition in Africa identified women as a key channel for nutritional support. She noted that this had not been mentioned in the presentation.

Mr de Klerk said that many black towns were inhabited primarily by women, children, and old people as men were migrant labourers. In the black community the woman carries the responsibility for the children because the father is often not around. He said that the ANC Women's Leagues and church groups generally drive the programmes at community level.

8.E.1 GENCOR DEVELOPMENT TRUST - PRESENTATION

Mr Barnes introduced Messrs. Kobus Visagie and Pierre Lourens, representatives from the Gencor Development Trust. He said that they had taken great steps with regard to development and that their efforts went far beyond donations and focused on the establishment of community structures.

8.E.1.a Programme overview

Mr Visagie said that Gencor was a private concern with its own agenda which was to support and facilitate business activity in the country. He said that functionally the activities of the Gencor Development Trust (GDT) were similar to those of public interest development organs. He said that Gencor's history made it illegitimate in many people's eyes and that they had capacity limitations as well. He said that there was a need to create a socio-economic environment in which business could thrive. To do so it was necessary for business to empower themselves by aligning with others doing the same.

Mr Visagie said that the GDT links with private and public sector development agencies. One of the biggest impediments to development is the lack of capacity and infrastructure at local level. There was a need to empower communities by building infrastructure. There was a need to invest in process, rather than product. The emphasis is on the creation of mechanisms for empowerment.

Mr Lourens said that he wanted to see where the GDT could work in co-operation with the structures of the NPA. He said that they saw development as having two specific functions, namely dealing with the social and political arenas. The GDT follows an integrated development approach. They make grants and donations available to NGOs and communities. They have received between 1700-1800 requests in the last financial year. The purpose of th donations is to help sustain vital services.

3.E.1.b Potential role of peace structures

Mr Lourens said that Gencor has facilities available as part of its mining infrastructure. Projects relating to the conversion of sites require extensive community consultation. These processes are supported by the GDT. He said that the NPA structures could serve as an honest broker in the facilitation process. The management of process might be vested in the hands of peace structures whereas the management of content would rest in the hands of specialised development agencies.

3.E.1.c Programme mission

Mr Lourens said that the efforts of the GDT had focused on several areas in the country. They endeavoured to develop people and institutions in an effort to rally grass roots support for projects. In areas where projects were under way there was a visible increase in the community's self-sufficiency.

Mr Lourens explained Gencor's view on the socio-political climate in the country. He said that the factories and individuals were the smallest units and the government was the largest unit. In between lay the organs of civil society. In Afrikaans communities such a civil society exists, serving as a watch-dog between individuals and government. In black communities such structures often do not exist. People must be empowered to assume a role in this middle ground. Government has lost legitimacy at grass roots and is unable to deliver. When statutory bodies lose legitimacy, equal but alternative structures emerge. At present, these alternative structures are also running out of funding and losing legitimacy. The two sets of structures act in competition and have lapsed into a reactive mode.

Mr Lourens said that since 2 February 1990 there has been an effort to shift the country's battlefield from a military one to a political one. The competition endures. There is still poor synergy between role players, impeding the delivery of results at grass roots. There is a necessity to allow political power bases

to maintain their spheres of influence but to prevent this from blocking development and reconstruction processes. Gencor is endeavouring to shift a competitive dynamic into a synergistic one. There is a need for process facilitation, over and above content.

8.E.1.d Intervention strategy

Mr Lourens said that the most successful process is thought to be a dialogical intervention, to encourage competition through dialogue rather than fighting. The task was to change adversaries into partners. People need training and technology to undergo this transition. He said that people involved in dialogue should avoid the trap of moving in a hasty fashion. He said that it was necessary to identify influential communicators and train them as lobbyists to assess the level of energy in the community and caucus with key community groups. These community groups can be brought from a reactive to a proactive community vision. Once this has been developed they are brought together to discuss a common vision.

Mr Lourens said that there needs to be agreement to disagree on some issues. He encouraged people to take a slow/fast kind of approach to dialogical intervention. Implementation is undertaken through broad based community structures. This facilitates the drawing together of skills from all sectors of the community to assist in the project implementation process. He said that it was necessary to maintain a co-ordination of development elements. He said that one cannot just see a project and do it. It is necessary to develop a development-consciousness within communities.

8.E.1.e Facilitation strategy

Mr Lourens said that the GDT has played a role as an honest broker facilitating a process whereby necessary expertise and resources are drawn together into discussions with relevant community role players. All groups must be engaged in the process from the outset. He said that there must be co-ordination between develop-

ment initiatives. The resource bases must not channel their funds directly to communities. Implementation experts must be drawn in to compensate for gaps in capacity at grass roots. People are needed in support capacities including consultants and academicians who can assist people to understand the development process.

Mr Lourens said that when a social infrastructure is in place integrated development takes place in several forms. When development is not integrated overlaps and gaps emerge. Community empowerment through development only occurs when technology and resources are made available to people.

8.E.1.f Offers to peace structures

Mr Lourens said that the GDT could offer the following to the NPA structures: in their 5-6 current areas of operation they can share information to which they have access. They have local facilitators trained in those areas. They may be able to assist in identifying socio-economic priorities which may contribute to a reduction in levels of violence. In areas where they do not operate at present they are prepared, if the NPA structures accept roles as process facilitators, to share the technology which they have developed with regard to lobbying, training etc. The model used has worked in 5 areas. The technology is available and the training is practically oriented. He posed this as an offer to the NPS and the peace structures.

8.E.2 GENCOR DEVELOPMENT TRUST - DISCUSSION

Mr Barnes asked for a response from the regional chairpersons to the offer posed.

Mr Searle said that one of the main problems experienced was in getting development agencies together and that the GDT's assistance could be of significant use.

Mr Durand said that a relationship would be profitable as long as it did not preclude partnerships with other bodies.

Mr Visagie said that the available technology could be provided free of charge but that if other costs were incurred it might be difficult for Gencor to subsidise these.

9. Conclusion of Socio-Economic Reconstruction

Mr Barnes introduced Dr Len Konar who heads the job creation division of the IDT.

9.A IDT Background

Dr Konar said that the IDT was created by the Minister of Finance in March 1990. Prior to the establishment of the IDT there was consultation on approaches to filtering money to the ground. Mr Jan Steyn undertook a lengthy consultation process to determine how the funds could best be invested and used. The IDT invests money with six fund managers. A total of 600 million Rand has been generated. It was necessary to canvass all the political players and the major development agencies to assemble a representative board of trustees that would not carry political baggage. The chair is Jan Steyn, former Supreme Court Judge and former head of the Urban Foundation. The Board is comprised of a diverse group of people with wide ranging expertise. The IDT has an executive committee which meets 2-3 times per month. It includes 10 executive directors most of whom have been seconded to the IDT for 2-3 years.

9.B IDT Activities

Dr Konar said that the IDT had a housing portfolio, a health portfolio, an education portfolio, a works portfolio, and finance and administration portfolios. There are project managers and field co-ordinators who identify projects for approval by the executive committee. There is a small staff. They determine how to spend the funds of the IDT. It was decided that 750 million

rand be devoted to a site and service scheme covering 110000 stands. To qualify applicants had to be over 21, employed earning less than 1000 rand and had to have dependants. The projects include tarred roads, water-borne sewerage and provision for electricity and phones. All are built with possibilities for upgrading. To date 44,000 sites have been handed.

Dr Konar said that a division called IDT Finco was endowed with 200 million rand to serve as a buffer to be used to raise an additional 350 million rand to finance low cost housing loans. Under IDT auspices 13 companies have been set up to acquire funds at favourable interest rates. In the sphere of preschool care 70 million rand has been set aside to set up 6 regional preschool trusts. An additional 300 million will be spent to build classrooms. Also, 42 million rand will be spent to rebuild 12 schools damaged in Port Elizabeth. The IDT has discovered that schools can be built at 43% of the cost and 50% of the time it takes for the DET to do it. Teacher training, literacy and language programmes have been created. The IDT also sponsors TEFSA - a tertiary education fund which provides student loans.

Dr Konar said that the IDT has allocated 100 million for health, mainly to fund 300 clinics in rural areas.

9.C IDT job creation initiatives

Dr Konar said that his portfolio covers job creation and small business development. This project has a budget of 100 million rand. There are 466 skill training centres in SA. The IDT has allotted 20 billion to formal education and 74 million to the Department of Manpower for skills training. The IDT is trying to build institutional capacity at training centres. Training must be work related and offered with a view to promoting self-employment. When schools are built communities must put forward 10% of the funds.

9.D IDT Organisation

The IDT has offices in Port Elizabeth, Johannesburg, and Durban and is headquartered in Cape Town. Projects falling below a certain minimum cost can be approved on an expedited basis. Funds are targeted to the poorest. Inclusiveness is stressed in project management. Recurrent expenditures are funded for the first year and then on a sliding scale for the next three years. By their fourth year of operations projects are expected to be self-sufficient. There is a fast approval track for proposals of an urgent nature. All contact numbers for the IDT are listed in the telephone books

9.E Discussion on IDT

Mr Lorimer asked through which organisations the 300 clinics were being built.

Dr Konar said that it was being done in consultation with communities, particularly in rural areas. The Department of Health takes over the running of the clinics once they are completed.

Mr Barnes said that funding requests should be channelled through the SERD subcommittee.

Rev. Mabunda asked if it was possible to take agents of the IDT to view school infrastructure problems in the OFS. Schools were outdated and dilapidated. The IDT does not have an office in the OFS.

Dr Konar said that the IDT had fieldworkers engaged in looking at needs in different areas. He said that he would send a representative to see the areas in question.

It was requested that a two page proposal concerning the problem be tabled. It was agreed that this would be sent to Mr Barnes.

Mr Searle asked if the job training programme promoted self-sufficiency.

Dr Konar said that they were funding an organisation called Job Creation South Africa. Counselling assistance was available. The IDT also supports a sewing programme called FED and several building skills courses. He said that employment advice centres had been set up in three areas.

Dr Konar said that the IDT does not fund capital costs except on a limited basis. Registrants of courses always make a contribution to tuition costs. They are setting up a loan fund for business courses as 80 % of businesses fail for lack of skills, rather than lack of capital.

Mr Pretorius suggested that the IDT fund a welding programme initiated by Dr Wolmarans , the man who runs the sewing course. Dr Konar said that there was a welding training programme underway with a view to small business development.

Mr Barnes thanked participants and the meeting adjourned.

10. General

Mr Barnes said that with regard to the presentation from the Department of Health and Population Development detailed information and contact numbers were available. He asked if the international observers present were interested in gaining further exposure to development needs and suggested that further discussions could be arranged in this regard.

Dr Gildenhuys thanked all the speakers and Mr Barnes for arranging the programme and for his continuing efforts.

11. Future Meeting

Dr Gildenhuys said that a date would need to be set to discuss matters of principle with regard to the efficacy of the NPA. It

was agreed that the meeting would be held on Tuesday 1 December 1992. The meeting would be held at Jan Smuts airport from 9.45 until 18h00.

12. Monitoring and Observing

12.A DOMESTIC MONITORING

12.A.1 Code of Conduct

Mr Hiemstra said that he had circulated the report of the Monitoring Subcommittee to all the chairpersons and invited them to comment before the matter was finalised.

The report of the Monitoring Subcommittee was accepted.

Mr Schalkwyk said that with regard to the monitoring code of conduct it was necessary for monitors to respect the command structures of the security forces.

Mr Hiemstra said that this could be placed in the code of conduct or stressed in training.

Mr Naidoo said that the concept of respect for the command structures of the security forces might be too loaded for the code of conduct and supported the proposal that this principle be stressed in training.

Mr Steenkamp said that the point being made was already implied in the subcommittee's document.

Mr Pretorius suggested that the point was not to respect the command structure but to recognise it in the interest of protecting ones own safety. He said that from that point of view it should be incorporated into the code of conduct.

It was agreed that Mr Hiemstra would add a clause saying that the command structures of the security forces should be taken into account.

Bishop de Bruyn said that it was also necessary for monitors to make their presence known to relevant parties.

Mr Naidoo said that the question of how the report could be made useful within the regions needed to be discussed. He said that it should be discussed by the RDRCs and that regional programmes for monitoring should be developed. He said from those consultations there would likely emerge important suggestions and additions to the document. He said that chairpersons should not introduce this as a final document but should present it as a guide-line subject to discussion and amendment.

Mr Lorimer said that the report gave considerable leeway to the regions to orchestrate monitoring operations.

Mr Hiemstra said that the document was not intended to be prescriptive.

12.A.2 Training for monitors

Mr Hiemstra raised the question of training. He said that the training committee had not dealt with this need yet. He suggested that the regions go ahead with orientation of and orient the monitors and that more comprehensive training be implemented when ready. He said that regions knew what type of orientation was needed.

Mr Schalkwyk said that his training subcommittee had already begun to devise a programme. He said that he had received a list of monitors from the Pretoria Chamber of Commerce who were not members of the RDRC. He was unsure how these individuals could be engaged in monitoring and understood that their role was primarily to monitor police actions.

Mr Hiemstra said that the names should be approved by the RDRC and the people trained.

12.A.3 Equipment for monitors

Mr Searle raised the issue of identification mechanisms.

Dr Gildenhuys said that jackets had been made.

Mr Bezuidenhout said that 12 jackets and armbands had been sent to each region.

Mr Schalkwyk said that far more armbands were needed.

Dr Gildenhuys said that these could be provided.

Mr Searle asked if identification cards were a possibility.

Mr Lorimer said that the Wits/Vaal had made photo identification cards.

Dr Gildenhuys said that committees wishing identification cards could get funding approved through Mr Bezuidenhout.

12.A.4 Insurance for monitors

Dr Gildenhuys said that with regard to insurance, life insurance was prohibitive but vehicle insurance was being seriously considered.

Mr Hiemstra said that there was a difference of opinion among insurance companies as to whether people were entitled to riot coverage in cases where they entered dangerous situations wilfully. This matter was still under exploration.

Mr Pretorius said that there were two issues with regard to insurance. He said that he was concerned about the position of em-

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Mr Hiemstra said that there was a difference of opinion among insurance companies as to whether people were entitled to riot coverage in cases where they entered dangerous situations wilfully. This matter was still under exploration.

Mr Pretorius said that there were two issues with regard to insurance. He said that he was concerned about the position of em-

ployees who were forced to go into risky areas. He said that from a legal stand-point the Peace Accord could be sued.

Mr Lorimer suggested that Workmen's Compensation be approached.

Mr Pretorius said that the issue needed to be addressed.

Dr Gildenhuys suggested that discussions on insurance continue at the meeting of 1 December 1992 and that the principle that employees needed to be covered be accepted.

Mr Hiemstra said that except in cases of special exclusions standard life insurance should cover the kinds of incidents which monitors might face. He said that monitors should be advised to confirm this with their insurance companies.

Mr Lorimer asked if it would be possible to prepare a document advising monitors with regard to insurance-related issues and procedures.

It was agreed that the possibility of eligibility for Workmen's Compensation would be explored.

Mr Naidoo asked about the position of people without insurance.

Dr Gildenhuys said that voluntary monitors would have to look after their own life coverage and that their vehicle coverage would be provided.

Mr Hiemstra suggested that it might be worthwhile to estimate the number of people who would be engaged in monitoring in the course of a year in order to determine whether costs were in fact prohibitive.

Mr Lorimer said that the question of those without insurance had not been addressed.

Mr Naidoo said that if full insurance coverage was not provided, there was a danger that all monitors would be white lawyers and businesspersons. He said that as long as the question of insurance was being considered it should be examined so as to address the needs of all those likely to participate in monitoring.

Mr Pretorius said that it would be problematic to inquire whether individuals participating in monitoring could afford insurance. If monitors were to be covered, everyone should be eligible. People should not be forced to indicate that they were financially unable to cover their own insurance costs. He said that the question of coverage for committee members might need to be considered as the monitoring they would engage in might not be undertaken in a fully voluntary capacity. Persons engaging in monitoring entirely out of their own free will should assume the risk themselves.

Mr Lorimer said that an ordinary general life policy would cover these risks and that the costs could be kept low.

Dr Gildenhuys said that the law society had a policy of that nature.

Mr Pretorius asked if the policy would apply only on occasions when people monitored.

Mr Hiemstra said that the policy was per person per day. Each day would cost 45 Rand.

Mr Pretorius said that the coverage was then very inexpensive.

Mr Hiemstra said that R250,000 coverage was available for 45 Rand per day.

Bishop de Bruyn suggested that the NPS work out these issues.

Dr Gildenhuys said that motor vehicle cover for all would be provided. Life coverage for employees and committee members

obligated to go into dangerous areas was also agreed as a necessity.

12.B INTERNATIONAL MONITORING

Dr Gildenhuys asked if there were any queries in this regard.

12.B.1 UN Observer Mission

12.B.1.a Deployment, briefing, and role of observers

Ms King said on behalf of the 44 UN observers who had been in place for nearly 2 months as well as on behalf of the European Community and Commonwealth observers she wished to thank Dr Gildenhuys and the chairpersons for their kinds remarks and for the help and support the monitors had enjoyed. She said that the UN was deployed in all 11 regions. Their performance was largely due to the well thought-out and thorough briefings they had received from peace structure participants. She said that the Secretary General had worked out the philosophy of the UN which was currently being presented before the General Assembly. The number of UN peacekeeping missions had increased incrementally in recent years. There were several types of peacekeeping or preventative diplomacy roles being defined in different areas.

Ms King said that the role in SA was one of preventative diplomacy, to help prevent the proliferation of disputes. The major objective of the mission was to reduce tension in the country to a level where negotiations toward a united democratic and non-racial country could proceed. Violence, hostels, dangerous weapons, the role of security forces, mass demonstrations, and the conduct of political parties would receive special attention. They would undertake fact finding missions and act as an early warning system to detect problems. Their role was also to strengthen the peace structures. Seven observers were attached to the Goldstone Commission. The observers would enjoy least direct interaction with the NPC and would be most concerned with the structures operating under the NPS.

12.B.1.b Interaction with peace structures

Ms King said that the teams were still in the process of determining what was meant by observing and strengthening the peace structures. It would not entail telling people what to do or mediating. They were here to observe and assist if called upon. The expertise of monitors should be made available to the structures. She offered to avail the NPS of the UN's experience with regard to insurance for monitors.

12.B.1.c Observations recorded to date

Ms King said that it would be presumptuous to draw conclusions at this stage in the monitoring initiative. She said that the observations of the observers were generally in line with the chairperson's reports. She read from reports of observers. One reported that members of the RDRC's and LDRC's seemed to be fully committed but that most came from business and church. Another said that the structures were primarily white and that some members of black communities had raised serious concerns in this regard. Observers had inquired as to why this was so. Reasons given included mistrust and lack of interest on the part of representatives from black communities. One observer said that consideration should be given to establishing mechanisms of making it impossible for parties to unilaterally withdraw from structures. One observer said that the RDRC had undertaken a strategic review. One said that 6 LDRC's were all working well and that LDRC's and RDRC's depend on skill and commitment of chairpersons, many of whom are part-timers who are spread too thinly and are highly vulnerable to challenges to their neutrality.

Ms King said that one observer reported that as the only available channel for airing grievances the DRC's risk being overwhelmed by problems. One observer reported that in some cases conflict arises between young people on committees who are unemployed. Another noted that the security forces enjoy disproportionate representation and that they are always present at meetings.

Infrastructure is seen as a weakness by many observers but the understanding is that this is being addressed. Several observers commented upon the civility among DRC participants despite deep differences. The general sentiment was that the contributions of LDRC's and their members to promoting dialogue and a spirit of co-operation in communities are significant but that they cannot deal with everything.

Ms King said that the observers were not here to set models or define parameters for the people of SA. The peace structures were seen as crucial even after elections. She said that the observers looked forward to further support from the structures.

12.B.1.d Feedback systems

Mr Pretorius said that there was a necessity for regular feedback from the observers to ensure that these observations be channelled to those in a position to act upon them.

Mr Lerm supported this suggestion.

Mr Lorimer said that it was important to be cautious about offending committee members. He suggested that comments be channelled through the chairpersons and the executive committees.

Mr Steiner said that he would give feedback but that sensitivities needed to be born in mind.

Ms King said that the observations were in the form of an endorsement of the sentiments raised by the chairpersons earlier. She said that the observers' primary reporting responsibilities were to the Secretary General. She said that the monitors were making suggestions when appropriate but that their mandate was limited and that concerns with regard to possible perceptions of bias were being taken very seriously.

12.B.2 Commonwealth Observer Team

12.B.2.a Deployment

Mr Amissah said that the Commonwealth monitors wished to associate themselves with the remarks made by Ms King. He said that the Commonwealth has always had an interest in South Africa and that they have followed events here very closely. He said that they were pleased when UN resolution 772 called for the presence of observers from the Commonwealth to work with the UN to assist the structures of the NPA. He said that the team was comprised based upon the concerns listed by Ms King. The team includes law enforcement, judicial, military, political, and diplomatic specialists. He said that the group was now comprised of 11 observers and a 5 person secretariat. He said that the decision was to place 6 observers in Johannesburg with 3 staff and 5 and 2 staff in Durban.

12.B.2.b Activities

Mr Amissah said that the delegation had only been in place for two and a half weeks. The first week was devoted to orientation. The approach called for assisting the structures of NPA, liaison with law enforcement bodies, serving as channel of communication between parties, and assisting efforts to improve security force community relations. He said that they had found that there was very little confidence in the police and that community members were reluctant to make reports to the police as there were seen to be few if any results at the end of a lengthy investigation process. He said that the police seemed to feel that they were fighting a battle against a large segment of the population. He said that there was a wish among the police to change their approach to one of community service. Communities seemed to be unaware of the change in spirit and approach.

Mr Amissah said that the police observers amongst the team were trying to enter into discussions and to exchange views with the police to see what they could learn from one another. These

discussions were being undertaken on a low profile basis. They were being held in Johannesburg and in Natal. He said that the observers were interested in following investigations of incidents and in offering suggestions in this regard. Those with military experience would like to undertake similar engagements with regard to the army's role in the maintenance of law and order.

Mr Amissah said that the monitors had observed incidents likely to provoke violence in the hope that their mere presence might assist in reducing tensions. They had attended a meeting of an LDRC which faced an issue regarding two meetings of the ANC and the IFP scheduled to take place across the road from one another. They witnessed the way in which the problem was handled by the LDRC and were on hand to monitor the meetings. He said that they had been invited to attend a workshop concerning police community relations and that a person with experience had attended and participated.

12.B.2.c Protocols

Mr Amissah said that at times it had not been possible to observe all protocols. They wished to speak to top leaders of political groups, the church and other organisations. They had not yet seen them all but they intended to. They still needed to meet with leaders of the DP, NP, and CP. He said that they had not gone directly to Mr Pretorius when they arrived in Natal but went to the LDRC meeting first. Understanding had subsequently been reached with regard to a modus operandi for Natal.

12.B.3 European Community Observer Team

Dr Gildenhuys asked for questions or remarks and referred to Mr Aarvold of the European Community.

12.B.3.a Deployment

Mr Aarvold said that the group had arrived a week ago and that they would be 15 in total. He said that they did not belong to

one organisation and that they came from many different countries. Ten of the fifteen were senior police officers, two were economists, and the others were a diplomat and a lawyer. It was hoped that their experience would compliment those of the other observer teams. Observers were deployed to Durban and Johannesburg with two in East London and two in Cape Town. Temporary accommodation was being made available by the UN offices. Administrative back-up would only be in place by the end of next week.

12.B.3.b Co-ordination

Mr Aarvold said that the presidency of the EC rotated on an annual basis. He said that as the British representative he was currently the co-ordinator of the team and that a colleague from Denmark would take over in January. He said that they would be working closely with Ms King and with the Commonwealth observers. He said that he looked forward to working with persons involved in the peace initiative and said that he had learned a great deal from participating in the meeting of the past two days.

12.B.4 Efficacy of International monitoring Initiatives

Mr Naidoo said that the international observers had been invited in an effort to deter violence. He said that this could only be achieved if agents were in a position to react to observations recorded and if the range of responses was sufficient to ensure that perpetrators of violence be deterred by the consequences of having their actions observed. He said that unless people had a sense that the observations would have an impact, the deterrent function would be lost. He said that unless there was a short term response to incidents in which observers witnessed wrong-doing, the missions would be discounted as toothless. He suggested that the reports to the Secretary General be made public. He said that it would be necessary to make some reports available to be acted upon in the short term. He said that he was unclear as to whether regular reports were being made by EC and Commonwealth observers. He asked the leaders of the various delegations

to indicate what sorts of reports could be made available and at what intervals.

Ms King said that the Security Council intended to be seized with the question of South Africa and that the Security Council had frequent informal sessions at which time a variety of issues were discussed. She said that reports on South Africa had been made at least twice at such meetings since the arrival of the observers. The question of apartheid was on the agenda of the General Assembly and when it was discussed the Secretary General would report on the views of the missions. She said that oral reports were made daily and written reports were made at least once a week. She said that it was not possible to ensure that the report of the secretary General would precisely reflect the reports of the observers. She said that the issue of the need for early feedback would be taken seriously and that information would be transmitted and expertise shared.

Mr Amissah said that the position of the Commonwealth was not different from that of the UN. He said that reports were being made on a daily basis. He said that a committee of representatives from the three observer missions and Dr Gildenhuys had been established to provide regular feedback. He said that individual observers would also convey impressions to peace structure participants with whom they interacted. He said that these reports could be dealt with by the peace structure participants as they saw fit.

Mr Aarvold said that the observers had been selected on the basis of their experience in community policing and that they had as a group agreed to report to the EC and to member countries weekly. He said that he saw dangers in making these reports public. He said that procedures might evolve as the mission grew more established.

Bishop de Bruyn wondered whether players in the field would have the sense that activities aimed to promote violence would be observed and exposed with the help of the international monitors.

He said that this could be a major benefit of the presence of the international observers who could play a role in impartially exposing acts.

Mr Naidoo said that the need to strengthen the role of the international observers would have to receive further attention. He said that the observation initiative risked becoming viewed as a farce and that people might lose all optimism with regard to potential resources to curb the violence. He said that the individuals present had clout by virtue of the institutions they represented. He asked what mechanisms these institutions had to examine reports received and take follow up action. In the absence of effective responses it would soon appear as if nothing had come of the presence of observers. He said that the people of South Africa would need to know what was happening and that the parties would need to know that if they conducted themselves in a particular way there would be a form of sanction. He said that this issue required further consideration to ensure that the efficacy of the missions are not undermined.

Dr Steenkamp said that the role of the observers was not to assign blame. This was the role of the Goldstone Commission which had enough trouble doing so. He said that the observers should not barge in and assign blame left and right. He said that feedback would be constructive. He said that if they did begin to assign blame they would be accused of taking sides and could lose credibility with particular parties.

Dr Gildenhuys said that this could be discussed further at the meeting of 1 December 1992. He said that after lunch there would be a report from Mr Van As from the Western Transvaal, a discussion on the appointment of facilitators not on the panel, and a presentation on job creation. The meeting would adjourn at 3.00.

The meeting broke for lunch and reconvened.

Mr Searle asked if it would be possible to bring one or two others on a rotating basis to give them a feel for the discussions.

Dr Gildenhuys said that this would be discussed with the Minister of Finance.

Mr Barnes suggested that a proposed timetable for meetings be worked out and finalised at the December meeting.

15.3 Regional reports

Bishop de Bruyn suggested that the regional reports be prepared in writing and that only specific problem issues be discussed.

Mr Lerm said that the critical thing was that difficult issues be debated and discussed.

Mr Lorimer said that it was very helpful to hear some of the oral reports.

It was agreed that written reports be prepared and that the chairpersons highlight problem areas.

Mr Searle suggested that each chairperson bring sufficient copies of his/her report for the meeting and that the chairpersons reports not be the first item on the agenda so that people would have a chance to read the reports. This was agreed.

Dr Gildenhuys thanked the participants and Ms Suzanne Nossel for taking the minutes, excused himself to catch a flight to Cape Town and handed the chair to Mr Warwick Barnes for the final part of the programme.

Dr Gildenhuys said that the topic of facilitator appointment would have to be held over. He said that if necessary people could be called in without advance approval in emergency situations.

13. Report on WESTERN TRANSVAAL

Mr Van As said that the region was functioning reasonably well and that there was not a great deal of violence. He said that the RDRC had done some soul searching. Problems identified included participation and the management of the structure. A general council meeting had been set up and it was hoped that it would be widely attended. At present crises were being dealt with as they arose. Major problems include the role of the Conservative Party, particularly in anticipation of elections. He said that it would be necessary to try to involve them in the structures. Problems were also anticipated with regard to schooling. This was identified as having the potential to breed violence.

Mr Van As said that the RDRC's infrastructure had been established and that assistance was received from the Department of Justice. There was a lot of activity underway in the area of socio-economic reconstruction.

14.A DISCUSSION

Mr Searle asked for clarification with regard to the national implications of the schooling problems.

Mr Van As said that this might be a national problem.

Mr Lerm said that people have complained that the NPA is not available in Afrikaans and that this is used as an excuse for people not knowing the contents of the Accord.

Mr Van As said that tensions surrounding the role of councillors had the potential to create violence.

Dr Gildenhuys suggested that this needed to be dealt with nationally.

Mr Lerm said that the Provincial administrations could not dictate to the local councils. He suggested that the national governing bodies of the councils be approached with regard to the contents of the NPA and the problems being experienced.

Bishop de Bruyn suggested that the Dutch Reformed Church might be contacted in some areas to engage Afrikaans churches.

Mr Van As said that the involvement of the churches was important but that their relations with black communities were poor. He said that the Zion Christian Church should also be engaged.

Mr Searle suggested that Bishop de Bruyn be contacted in the event of problems in engaging church structures.

15. Future Planning

15.A Meetings

Dr Gildenhuys said that venues needed to be arranged for meetings next year. It was agreed that this venue would be suitable for future meetings. It was agreed that a meeting would be held in mid-February. He said that very comprehensive minutes of the previous meeting had been prepared and asked if this was helpful. It was agreed that it was.

Mr Higgo suggested that the meeting be two days in duration.

This was agreed.

Mr Searle asked if there was a restriction on the number of people from the regions.

It was agreed that there would be two per region, the chairperson and vice-chairperson.

MEETING OF THE NATIONAL PEACE SECRETARIAT

AND THE CHAIRPERSONS OF THE

REGIONAL DISPUTE RESOLUTION COMMITTEES

HELD AT THE STRAND PAVILION ON 8 AND 9 FEBRUARY 1993

MONDAY, 8 FEBRUARY 1993

1. INTRODUCTION

Dr Gildenhuys opened the meeting.

Prof. Durand offered a prayer.

Dr Gildenhuys said that the NPS had gone to lengths to find a pleasant venue and to strike a balance between extravagance, convenience, and scenery. He apologised for any logistical difficulties which might arise. He said that some new faces were present and asked participants to introduce themselves.

Apologies were noted from Mr Naidoo who had not arrived yet but was expected and Drs. Steenkamp and Gqubula whose planes were late. Ray Tipton from the Eastern Transvaal was expected. Rev. Ndlangamandla and Mr Munele and Rev. Mabunda extended their apologies.

Dr. Gildenhuys said that the meeting would break for lunch at 13h00 and reconvene until 16h00 for tea and then continue until 18h00. A braai was scheduled for 18h30. The following morning the meeting would begin at 8h00. It was noted that the order of the agenda would be changed to begin with the chairs' reports, then the international observers, then the chairperson's report. The main item on the agenda was a report back, further discussion, and decisions on the recommendations made at the previous meeting. The following day would include a presentation by the marketing committee. After tea the following day the meeting would be chaired by Mr Warwick Barnes, following that there would be a report by the Training Committee, a discussion on education in schools, and a discussion on the strategic vision of the NPA.

2. REGIONAL REPORTS

2.A Natal

Mr Pretorius said that the new year had begun with some encouraging developments and some serious problem areas. there was a new commitment by major leaders. This had emerged from evaluation workshops to be described in greater detail later. Tension was being created by the declaration of unrest areas without consultation. Success was being experienced in Port Shepstone. He said that 1992 had been a difficult year for the structures of the NPA in Natal. Advances had been made in the

development of structures but pressure in the area remained high. The RDRC had focused on mediation and the resolution of disputes on a reactive rather than a preventative basis. Political violence endured and the major parties still viewed one another with deep suspicion.

Mr Pretorius said that the region had encountered major setbacks in attempting to develop a workable peace process. They had been unable to establish LDRCs in a number of key areas. Political parties' tactic of establishing preconditions for the formation of committees was a major obstacles. A workshop was held on 9 December 1992 with the aim of identifying weaknesses inhibiting the peace process. This was followed by a workshop on 20 January with more than 80 senior regional and local leaders. A second session was planned for the following week. Chairmen and members of the NPS were thanked for attending. Three major weaknesses were identified: the political climate, security and judicial systems, and the NPA structures. The workshop was a milestone in the history of the region as parties had come together to discuss stumbling blocks. At the conclusion of the workshops a document would be circulated including problems identified and remedies devised.

New Chap 11

Mr Pretorius said that he wished to highlight the contribution of the international observers. Two successful symbols had been identified as representing the potential for peace. These were Umpumalanga and Port Shepstone. The latter was an area where just 3 months ago there were over 70 killings per month. A group of international observers led by the Commonwealth spent a great deal of time with the LDRC tackling the problems at the source. The RDRC also wished to formally thank the international observers for their dedication and support in the region. He acknowledged Dr Steiner, Mr daSilva Ambassador Badawe and Dr Banafu as the leaders of the four missions. They were making superhuman efforts.

Mr Pretorius said that problem areas included the Midlands, Mooi River, Bruntville, and Escort which were extremely tense and militant. Valuable cooperation had been received from party representatives in these areas and there was some optimism about progress. Mooi River and Bruntville needed special attention. Meetings had been held to discuss reconstruction and the current state of emergency.

Mr Pretorius said that the public at large does not understand the meaning of a state of emergency and how it affects peoples' lives. The Bruntville facilitator was consulting with parties regarding the possible lifting of the state of emergency. Depending on the outcome of the discussions he would approach the minister on this matter.

Mr Pretorius said that he questioned the right of the NPS to veto the appointment of facilitators who had been agreed to by the committee. He asked that this be discussed during the course of the meeting. With regard to police reporting officers the region was delighted and the appointee had been invited to attend the upcoming workshop and was already involved in investigations in Northern Natal. He concluded by saying that the region was

beginning to find solutions to major problems. He said that the opening of bilateral talks between the ANC and IFP had heralded a change of atmosphere in committee meetings. He said that he encouraged the two parties to start making public statements about discussions in those meetings. The longer the delay before public statements were made the greater the risk that people would assume there was no progress.

Dr Gildenhuys said that unrest areas had long been a subject of controversy and that the minster had been asked to consult with peace structures prior to making declarations. They would continue to request that he do so. With regard to the Midlands he said that it was one of the most tense areas. Bilaterals between the ANC and the SAP were underway. The appointment of facilitators would be discussed. Meetings between the ANC and the IFP had been ongoing for sometime and he agreed that public statements should be made. He congratulated the Natal committee on an excellent workshop and said that he had the impression that progress was being made.

Mr Naidoo said that with regard to ANC-IFP bilaterals there was a dilemma in attempting to discuss sensitive issues under a media spotlight which tended to focus on differences rather than to highlight signs of progress which might seem small. He asked Mr Pretorius what type of disclosure was needed and how long he thought it would be before the salutary affects attributed to the bi-laterals were dampened by an apparent lack of forward movement.

Mr Pretorius said that expressions of agreement on the right to free and unobstructed political activity needed to be expressed. This would encourage political freedom and tolerance. Other issues could come out later.

Mr Naidoo asked when the question of facilitators would be dealt with. It was decided that it would be discussed at the conclusion of all the reports.

2.3 Wits/Vaal

Refer to attached written report.

Mr Lamprecht said that he would sketch some background. Fourteen committees were operating and another two were under formation in KwaThema and Johannesburg South. A reduction in violence had permitted increased emphasis on violence prevention and reconstruction. There had been a significant drop in political violence and particularly in numbers of deaths. He said that the negotiations on the recent taxi dispute were being facilitated by the chair of the Johannesburg Central Committee. Two LDRC offices were in place and others were being established. Committees played an active role in resolving disputes and facilitating communication.

Mr Lamprecht highlighted the inadequate human resources in the SAP and said that the level of crime was overwhelming. He thanked the international observer missions for their time and efforts.

Dr Gildenhuys said with reference to the Wits/Vaal report that the question of insurance was on the agenda. He said that peace rallies could be very successful but that the NPS could not sponsor rallies of particular parties unless they were arranged by peace structures.

Mr Lamprecht said that the region knew it would be inappropriate for public funds to be used for particular parties but that efforts were being made to get parties at loggerheads to meet with their grass roots support bases as a step toward reconciliation with other parties. These rallies were being monitored carefully.

Mr Pretorius said that joint rallies in Port Shepstone were an important step for the profile of the RDRC and in progress toward peace.

Mr Steenkamp said that parties should be holding their own rallies. He asked about the impressive number of LDRCs in the Wits/Vaal. He asked if they all had executives and whether they were relying on facilitators.

Mr Lamprecht said that two facilitators were involved. He said that the region was looking at how to train local people to assume the chair but that the region did not want to jeopardise functioning of the committees in order to promote the use of local chairs.

Mr Steenkamp said that he assumed that assistance from the NPS would be welcomed in this regard.

Mr Lamprecht said that if their was a particular proposal, it would be reviewed.

Mr Lorimer said that funds were not forthcoming from parties themselves for rallies and that the matter needed to be considered further.

Ms Pauquet said that the Peaceline was a terrific initiative and that the Marketing subcommittee should be informed of what it could do to support it.

Dr Gildenhuys said that this should hold for any local marketing initiatives.

Dr Gildenhuys said that a national initiative was being held with regard to the taxi problems and that a first very successful meeting had been convened by Mr Vismer but that this did not obviate local and regional initiatives.

Mr Pretorius asked for a report on the taxi initiative as he was unaware of it.

Dr Gildenhuys said that a preliminary meeting had been held to contemplate NPS involvement in the issue.

Mr Vismer said that all RDRCs had been invited to send representatives who were supposed to report back to their

structures.

Mr Pretorius said that he would have to check this.

Mr Lorimer said that action should be taken regarding the Rail Commuter Corporation which had made undertaking which had not to been fulfilled.

Dr Gildenhuys said that the NPS had been invited to send a representative to a regular weekly meeting on violence and that they had an open invitation to report on problems. He said that he would set up a specific meeting to discuss the delays in the Wits/Vaal.

Mr Lorimer asked that the representative to the Rail Commuter Corp be in close contact with the Wits/Vaal region as the train violence was being experienced there.

Mr Lorimer said that LDRC members monitor violence at 4h00 which is an immense strain. Without structural follow through that effort would not be able to continue.

Dr Gildenhuys said that with regard to inadequate numbers of police the Police Board had been reactivated and mandated to examine the functioning of the Police Board and that Mr Gastrow would be reporting on this.

Mr Gastrow said that there was a lack of clarity among the members of the Police Board about their terms of reference and operations as the wording of the NPA was vague. The mandate was to consider and report on policy issues relating to training and the general effectiveness of the police. Their relationships to the Minister and to the NPA were unclear as were their financing and reporting mechanisms. This confusion had impeded the progress of the Board. Mr Gastrow was asked to look into this by consulting Board members and others and proposing a strategic plan including an interpretation of the intent of the NPA on this issue. The Police Board recognised the need for proactive activity and involvement with organisations close to the grass roots. The spirit in the Police Board indicated that the proposals he would put forward would be received favourably. He said that he hoped to establish channels of communication between the Board and local and regional subcommittees addressing policing issues. 3.3

Dr Gildenhuys asked if it would be of assistance to put the Police Board down as an agenda item so that the issue could be explored in greater depth. This was agreed.

Dr Gildenhuys said that an NPC subcommittee was examining dangerous weapons and that they would be asked for a report. He said that remuneration and the status of non-signatories would be discussed later in the agenda.

Mr Barnes asked if it was an exception that the Wits/Vaal had involved the Transvaal Provincial Administration in the RDRC. It was noted that provincial administrations were involved in other regions.

Mr Lamprecht said that the Director General of the TPA had joined the committee.

3.3 Western Transvaal

Mr Brady said that in November 1992 a committee had been formed. Their first priority was the establishment of a regional office. Personnel were being sought and the premises were nearly ready. Six local areas had been identified as priority areas for the establishment of LDRCs. Protests, funerals, and educational conflict were frequent. Service related conflicts were being handled as well as taxi disputes. The Executive meets once a week to plan activities. It is a small, highly consistent group. He thanked the international observer missions.

3.2.4.2

Mr Brady said that he wished to raise the following questions. He said that the RPC had received notice of the appointment of a police reporting officer but that he was concerned that the committee had not been consulted. He said that difficulties were being experienced with regard to monitoring parties' bi-lateral meetings with the police. He asked if the NPS knew what state and para-statal personnel were active in the areas and wondered if they were operating in an official capacity. He asked who would appoint Justices of the Peace. He asked whether funding assistance was readily available for socio-economic issues as problems were being experienced by a community which was in arrears over payments for water and whose supply had been cut off. He said that if private money became available public monies might not continue to be forthcoming for projects which were normally sponsored by the state.

Mr Brady noted that salaries and rental costs for RPC offices were not being determined in accordance with standards in the regions and that money was being wasted. He asked what preparations were underway with regard to elections. He asked why service related issues could not be handled regionally rather than on a township by township basis. He said that he had recently become aware of a regional Police Board but that he did not know how this linked to the peace structures. He said that serious problems were being experienced with regard to the AWB. He asked if the NPS was aware of the Institute for Industrial Intelligence and their role in the region.

Mr Brady asked why the police could not exchange senior officers in keeping with political changes. It was difficult to work from a clean slate with officers with highly negative reputations. He said that he would encourage lawyers to be Justices of the Peace.

Dr Gildenhuys said that Mr Brady had been in office for three months and thanked him for his hard work. He said that the police reporting officer was called for in the NPA and that a process was stipulated for their nomination and that no consultation with regional committees was called for. He said that the Minister selected from a list provided through the legal profession . The NPS had pushed for the appointment of police reporting officers after a long delay.

Mr Durand said that this was not satisfactory as having someone imposed without consultation could caused problems.

Dr Gildenhuys said that the appointments had already been made.

Dr Gildenhuys said that the Minister would be asked to consult with the committees.

Mr Pretorius asked if the appropriate procedure had been followed.

Dr Gildenhuys said that he thought it had been.

Mr Rudman confirmed this.

Dr Gildenhuys said that the NPS had tried to get the consent of the Minister of Law and Order to allocate international observers to particular police stations and suggested that Mr Gastrow take this up with the Police Board.

Dr Gildenhuys said the NPS would not appoint anyone in a parastatal capacity to positions within the regions without the knowledge of the RDRC.

Mr Vismer said that any persons claiming to work on behalf of the NPS should be reported.

Mr Brady said that the persons referred to had not represented themselves as affiliated to the peace process but that they were facilitators and were receiving funding.

Dr Gildenhuys said that nominations for Justices of the Peace had been asked for but that only five had been appointed and they would be trained. All nominations had to be made by the RDRCs. Lawyers were permissable as Justices of the Peace to operate under the NPA.

Mr Durand said that the Western Cape had put forward names but that their appointment status was unclear.

Mr Rudman said that the final appointments would be made only once the training was completed.

Dr Gildenhuys said that the training committee could be consulted with regard to training. He said that a role for the peace structures in the elections would have to be determined by the political parties but that it looked likely.

Mr Lamprecht said that this issue had been raised in the region and that it would be advisable if this issue were considered in greater depth.

Dr Gildenhuys said that there were no local Police Boards but that the SAP had established community liaison committees. He said that the AWB participated in some committees and that they could be approached within areas. He said that SERD would be discussed the following day.

Mr Steenkamp asked Mr Brady to elaborate on the wasteful expenditure of funds. It was agreed that this would be discussed privately.

3.D Northern Transvaal

Mr Schalkwyk said that little violence was being experienced except in KwaNdebele. Problems were being encountered with recalcitrant Town Councils, including that of Brits. This led to difficulties in small communities. Regular regional and local meetings were being held. Meetings tended to be contentious. Those opposing the NPA had made derogatory remarks about the committee. A team building workshop was planned. A meeting with LPC chairpersons had been held recently. Two taxi conflicts of a non-political nature were being addressed by mediators. Progress was being made. Opposing squatter groups in Attridgeville were becoming a problem. A local mediator had been appointed but funds were needed for basic services. Contact had been made with Mr Barnes in this regard. Several other SERD projects were under discussion.

Mr Schalkwyk said that Moutsi, North East of Pretoria was a rural area which could become very problematic. It had inadequate infrastructure. Moutsi had refused incorporation with KwaNdebele and had suffered as a result with regard to access to funds. Roads were poor and phones were on a party line system. No office buildings were available. Water and electricity access were very limited. Reservoirs and pipes were being built in some areas. Access to medical care was very poor. A crisis was anticipated. Contacting the LPC chair was almost impossible. A telephone and fax were urgently requested. A new LPC had been established in KwaNdebele. A receptionist/typist had been appointed. A regional manager had already taken office and a regional director was being sought. International observers were active in the region. Two successful training sessions had been held and more were being planned. The Afrikaaner Volksunie had contacted the committee and begun to participate in activities.

Dr Gildenhuys said that Sam de Beer had undertaken to address the issue of recalcitrant councils.

3.E Far Northern Transvaal

Mr van der Heever said that the committee found it impossible to cope with the volume of work due to the size of the region. Only one staff member was in place. The distances were vast. Meetings were interminable. Taxi problems were a matter of urgency. There was a feeling that the Goldstone Commission was looking into symptoms rather than causes. Fears had been expressed that taxi violence would spill into the political arena. Leaders of civics had expressed support for sides in the taxi conflict. A formal Goldstone Commission satellite had been established to investigate taxi conflicts in the region as a whole. The taxi association felt that the problems differed from areas to area and that the appointment of a single commission was inappropriate. Some associations refused to testify before the commission for this reason.

Mr van der Heever said that in the rural area problems were being experienced with regard to relations between traditional power structures and democratic movements. There were allegations of political intimidation and witchcraft. The presence of the SADF has had a salutary affect in some areas. The traditional system of chiefdom structures was popularly supported but unable to achieve a return to normalcy on their own. This conflict needed to be addressed by political leaders and the government. Major problems were being experienced with regard to township administration. There were breakdowns in services and administration which needed to be addressed urgently . There were single administrators in place over large areas. Services were wholly inadequate. He thanked members of the NPS including Ms Fouche and Mssrs Gresse, Esternuysen, Venter and Bezuidenhout for their cooperation.

Dr Gildenhuys said that a recommendation had been approved for four additional posts in the region which should relieve the pressure.

Mr Steenkamp asked if the office space had been sorted out.

It was.

Dr Gildenhuys said that he was aware of complaints of ad hoc solutions devised by the Goldstone Commission and that efforts were underway to address this but that it would be difficult and that regions should persist in their efforts.

Mr Steenkamp asked Mr van der Heever if a national endeavour involving taxi associations was likely to yield fruits in the region and asked to what extent regional associations were connected to these large scale exercises.

Mr van der Heever said that 132 meetings with the taxi associations had been held prior to the involvement of the Goldstone Commission. The problems in Petersburg were linked to routes originating in Johannesburg and a lack of reciprocity among taxi associations operating from the two cities. A meeting was held in Warmbaths which was successful. There was a need to address the problems on a regional basis. Permits were issued in Venda, Gazankulu, and LeBowa. It was felt that a regional level was the appropriate place to handle the issues as persons in the region were aware of dynamics and could deal with interlocking issues in localities.

Mr Vismer said that regional initiatives were important because the national associations were not in control of their membership. Making a deal at national level might not affect the situation on the ground.

Mr Mfayela asked if there had been any studies of the conflict between traditional leaders and political formations.

Dr Gildenhuys said that Natal was addressing the same issue in its workshop. Legislation in this regard was unlikely at this stage.

Ms Vos asked if the conflict was between established formations in the areas or outsiders.

Mr van der Heever said that the homeland leaders relied on the support of the chiefs to maintain their power in the Venda and Gazankulu parliaments. Many of the complaints received by the RDRC are allegations against the LeBowa government for political patronage in civil service appointments. The LeBowa parliament had found it necessary to criticise the RDRC because it relies on the support of chiefdom structures which see the committee as a threat. Chiefs received perks from the Ministers.

Dr Gildenhuys said that SERD was Mr John Hall's main priority for the year.

O.F Orange Free State

Mr Lerm said that there was hardly any violence although Ficksburg and Botshabelo were problems. A request for the Goldstone Commission to intervene was turned down. A hit list had been dealt with constructively by the RDRC. Problems persisted with the right wing. QuaQua had withdrawn from the peace structures and NPS intervention was requested to help draw them back in. Taxi problems were being experienced. There was a major drive underway to form 56 local committees over the next period. This was with the consent of all the parties. The feeling was that right wing resistance was making it more difficult as time went by and thus there was urgency in forming committees. He said that local coordinating centres were in conflict with the SERD programme under the NPA.

Mr Pretorius asked for clarity on the last point.

Mr Lerm said that there were local coordinating centres which included the provincial administration, the state, and the political parties. He thought that the Provincial Administration was driving it. He said that in Hetzogville requests by the ANC to march were being refused all the time even though all necessary requirements stipulated by the NPA were being fulfilled. The matter should go to court but it was unclear who would pay court costs, the ANC or the NPA. Staff had been appointed including a conflict manager and a SERD coordinator. He said that NPS media releases needed to be circulated to local papers. He said that the committee was struggling to get names for Justices of the Peace.

Mr van der Heever asked if it would be advisable for the community of Hertzogville to go to court as the denial of permission was an administrative decision.

Dr Gildenhuys said that the issue would be raised with the Minister and that it might be necessary to legislate to the effect that the right to grant permission for marches be vested somewhere else. He said that discussions were underway with the QuaQua government.

Mr Lerm said that UN involvement might assist in this regard.

Mr Lamprecht said that the Commissioner of Police in QuaQua was Brig Jaap Venter previously of the Wits/Vaal who had played a very constructive role in that RDRC and that he might be of assistance.

Mr Steenkamp said that Brig Venter was involved in the convening of a taxi forum and suggested that he be contacted. He asked why it was necessary to form so many local committees in an area without violence.

Mr Lerm said that it was necessary as the right Wing was acting in opposition to the peace initiative.

Dr Gildenhuys asked Mr Lerm to contact the NPS with regard to any overlap with the Coordinating Centres.

Dr Gildenhuys asked Val Pauquet about the media workshop she organised in the Wits region.

Ms Pauquet said that the Wits region had organised it themselves but that she was assisting to do something similar in the W Cape and could in the OFS also.

Ms King said that the OFS had the largest number of unrest areas in the country.

Mr Lerm said there was opposition to the declaration of unrest areas without consultation and that this was being pursued.

2.G Northern Cape

Mr Mabija said that most peace committees had been inactive during the festive season. A SERD committee had been convened. One new LPC was established in Kimberley after information meetings and two other launches were contemplated. Some groundwork had been done already in these areas. The SADF holds regular counts of livestock which is thought to be part of an effort to evict the local people. The LPC is attending to the issue and negotiating with the SADF to resolve it. A protest march was monitored and went off without incident. An LPC in one community disintegrated due to lack of effective leadership. A local ANC leader had been killed and the funeral was monitored. Peace committee members and international observers had monitored funerals, marches, and meetings upon request.

Mr Mabija said that the RPC was involved in conflict resolution initiatives in a number of areas. Progress was being made to improve relations between civics and local authorities. A mediation course was held as a follow-up to a training session held in October. Discussions were underway with the IDT and Mr Warwick Barnes to consider SERD. The IDT had agreed to build six classrooms at the request of an LPC. Funds had also been approved for the appointment of six teachers. Notification has been received of the appointment of a police reporting officer. Only one LPC has nominated a Justice of the Peace. There was a request that the current Secretary be seconded full time from the SA Communications Service. This had not been approved by the ANC. Twelve applications were being processed for the post of

GERD Coordinator.

Mr Mabija said that the RPC chairman had resigned and a new one would be appointed. He thanked the UN observers for their presence and involvement. He thanked Mr Barnard, secretary to the committee for his hard work. He said that progress was being made. The presence of Major Loubscher was having a positive affect on dealings with the SAP and SADF.

Dr Gildenhuys said that the UN observers were to visit the area on Thursday and that plans for the visit should be finalised at the current meeting.

2.H Western Cape

Mr Durand said that significant progress had been made in establishing structures. The region was divided into five sub-regions. A sub-committee for the South Coast was being contemplated. Two new LPCs had been established and another was on the verge of being finalised. Land and squatter issues were the primary sources of tension. Vague lines of authority in the RSC created obstacles. He said that legal opinions on issues were sometimes needed and asked if NPS funding was available for this. There were conflicts between parallel authority structures. There were serious tensions in the taxi industry and negotiations were underway. A transport forum had been established and had met with a view to formulating transport policy for the Western Cape. He said that he agreed with previous speakers that these issues should be addressed on a regional basis.

Mr Durand said that the close relationship between the peace structures and the Department of Justice caused problems of perception. He hoped that this would be discussed later in the meeting.

Dr Gildenhuys said that the establishment of sub-committees was no problem. He said that the NPS could provide someone to give legal advice if needed. He said that the involvement of the Department of Justice would be considered later in the meeting.

2.I Eastern Cape

Mr Smith said that he would submit a detailed written report and would summarise it verbally. He said that there was no political violence. Ongoing disputes, marches, education crises, and civic disputes were being handled by the peace committees. The drought in the Eastern Cape hinterland had engendered disputes between political groups, farming communities, etc. The peace process was well supported by all political groupings and disputes were being brought to the attention of peace structures. Local committees were active in three areas and one was being established in Craddock. Several other communities had also made requests which were being addressed. Additional staff were being hired. They planned to set up subregional offices in Grafronnet and Grahamstown. The RDRC would be moving into its own offices out of premises belonging to the SACS. Several training workshops had been held.

Mr Smith said that the decision of the RDRC was to set up local structures before engaging in SERD activities but this was now beginning to be addressed. A community policing project was underway and water projects were being contemplated. The status of the SADF Code of Conduct had been raised as a question by the SADF itself. The issue of control over local authorities was a persistent problem. The issue of parallel forums by the SAP and SACS created confusion. Clarity was needed in this regard. The introduction of states of emergency created confusion and in some cases, animosity. He said that the involvement of SAP officers with an alleged history of interrogation and torture on committees was problematic. He said that while they could not dictate to the SAP this was a sensitive issue which could impede committee operations. 3.9

Mr Smith said that regional budgeting was necessity. Perceptions of government authority over the peace process were a major problem. The UN observers were playing a very positive role.

Dr Gildenhuys said that the SADF Code of Conduct could not be implemented due to controversy surrounding the position of MK. The issue of recalcitrant local authorities was being pursued with the Minster. Discussions had been held with the SACS who had agreed that peace structures should take precedence. In cases of overlap their structures should merge into peace structures. He referred the issue of insensitive police appointments to committees to Mr Gastrow for the Police Board.

Mr Durand said that mergers with the SACS structures could be problematic.

Mr Naidoo said that merger would be inadvisable but that the presence of peace structures should obviate the necessity for parallel structures. With regard to the SADF Code of Conduct he said that a subcommittee had been convened to draw up the Code of Conduct. A draft had been formulated. The position of the IFP was that until the issue of MK was resolved the Code could not go ahead. 3.C

Dr Gildenhuys said that the question of regional budgetary independence was accepted across the board but that the practicalities had to be discussed.

Mr Tessendorf said that a great deal of groundwork had been put into the establishment of forums in local areas and that the existence of multiple forums created mistrust and put inordinate demands on local leadership. Suspicion was being created by the involvement of different organs in similar work. Discredited organisations were using the NPA to legitimise themselves.

Dr Gildenhuys said that this seemed to indicate a violation of the agreement with the SACS and that the matter would be pursued with them.

Mr Lamprecht said that the Wits/Vaal region had functioned through a temporary secretariat made possible through the work of Suzanne Nossel and Ilona Tip who would be involved through the transition. He offered thanks to Suzanne, Ilona, and IMSSA.

3.3 Border/Ciskei

Mr L Steenkamp said that problems were still being experienced with regard to the withdrawal of the Ciskei and the suspension of LDRCs in the Ciskei. The Ciskei is a signatory to the NPA. They have withdrawn because they say that the regional committee has been used by parties for political gain. They said it was a platform for attacks on their sovereignty. The ANC says that the forum has not been used by parties for political gain. Since the withdrawal of the Ciskei Dr Gildenhuys and others had tried to negotiate a peace structure acceptable to all parties. The Ciskei wishes to establish its own structure with participation of all Ciskiens. All parties would be invited to join including the ANC. They suggest that all cross border issues can be handled on an ad hoc basis by a joint committee. They think that a permanent structure could again be used by certain parties for political gain. An urgent arrangement to resolve this issue is needed. The peace process is greatly hampered due to Ciskei's withdrawal. Any structure to be established must be wholly independent.

Mr Gqubula said that the Ciskei insists that it is an independent country, something questioned by other parties in the area. Problems emanating from this difficulty included the constant overlap of problems in Ciskei and RSA. For example, children residing in Ciskei attend school in the border area and visa-versa. The areas could not be separated. The Ciskei defense force has attacked people who are supposed to be living in KingWilliamstown. There are many examples of this type of overlap.

Mr Gqubula said that problems were being experienced with regard to inadequate resources for education and that allocation of school buildings for other purposes. There are strong objections to the appalling conditions of schools in the area. A meeting was held with the Minister of Education and Training. This had been fruitful and the issues were being addressed further with him. There was a crisis in Cathcart where social services including water had been cut off by the municipality and people were becoming increasingly angry and frustrated. Humans and animals were sharing the water in dams in some areas. A dispute had arisen concerning the Old Apostolic Church and the RPC had been called upon to intervene. There had been efforts to resuscitate the KingWilliamstown LDRC and to establish another two committees. A Director for the region was being sought as both chairpersons were part-time. A fieldworker was also being sought. Elaboration on the function and qualifications of Justices of the Peace was requested.

Dr Gildenhuys said that water cut-offs had been raised with the Minister and sensitivity had been requested,. He said that the Ciskei issue was very difficult and that he was now awaiting a response from the ANC to proposals. It took top priority but there had not been progress.

Dr Gildenhuys announced that liquor would be on the house this evening but not for lunches. He said that a programme for the proceedings and room numbers for all participants were in the

rooms. He requested copies of the written reports which would be compiled into a composite report. He asked that these be given to Anton or Frikkie.

The meeting adjourned for lunch.

The meeting reconvened.

Dr Hildenhuys referred participants to the recommendations emerging from the meeting in December. To page 3 he added 4.6 The Police Board. Under Administration 5.3 Facilitators was added. On page 4 6.3 Peace Rallies was added. On page 6 11.2 Elections was added. He said that time was running short.

3. REPORTS FROM INTERNATIONAL OBSERVERS

3.A UNOMSA Report

Mrs. King said that on behalf of the UNOMSA observers she thanked the NPS for including the observers at meetings. In his most recent report the UN Secretary General had noted that while progress had been made in reenforcing and enhancing the NPA structures, more work was needed. He recommended that adequate resources be provided to the NPC and NPS and called on all parties to attend a meeting of NPA signatories to examine ways of ending violence and supporting the peace structures. He encouraged the implementation of the Goldstone recommendations on mass gatherings. He said that there was a need for adequate resources in terms of regional and local committees' demands for budgets and personnel. He stressed the importance of perceptions in determining the success or failure of NPA and its structures. He noted that the top down prescription was problematic and that the objectivity and impartiality of structures were questioned due to lack of full and effective participation by all parties.

Mrs. King said that the Secretary General had said that a failure to address these issues would doom the structures to marginalisation. Efforts were needed to persuade those on the outside of the NPA that their participation was essential to the process and that the structures were relevant. The ethnic and gender composition of the group of chairs was very problematic. The housing of committees in government offices and the secondments of government personnel were obstacles. To ignore these misgivings would be to the detriment of the process.

Mrs. King said that she was pleased to hear that the Port Elizabeth committee was moving to independent premises. All supporters of parties should be informed of and urged to comply the terms of the NPA. Questions had arisen with regard to the effectiveness of the peace structures. The effectiveness differs considerably according to the assessment of the observers. In several areas committees have difficulty gaining access to information they need. This is true even when the information is to be provided by a signatory to the NPA. Lack of consultation and information sharing on the declaration of unrest areas is problematic. Observers are assisting to improve the flow of information between communities and the police. A standardised reporting procedure was recommended for reports by

the SAP to the committees.

Mrs. King said that the international observers welcomed the appointment of senior officers working on community relations. They were pleased in Johannesburg when Dr Gildenhuys introduced Mr Steve Van Ruyen who answered questions raised by the teams. Individual members of local peace committees are requesting the presence of observers without reporting to the local peace structures. Unilateral requests were counterproductive and could undermine the peace process. UNOMSA frequently confers with the local committees when contemplating involvement.

Mrs. King said that UNOMSA's comments under SERD would be raised when that agenda item arose. A need for full time staffing was a major problem. In the N Cape there had not been unanimity on the selection process for a regional manager. In the OFS a secondment of a Dept of Justice official had elicited comment. Establishment figures dominate the peace structures and call the appointments into question. The benefits of secondment need to be weighed against perceptions. In the E Tvl an office is ready but no appointment has been made. In the Eastern Cape the alliance has said that it will not continue to attend meetings in the SACS offices. Staffing and budgetary guidelines must be standardised. More and more staff resources are needed for purposes of outreach. A faltering of some of the peace was noted as local committees in areas including the Eastern Tvl and OFS have ceased functioning. The capacity of voluntary personnel to contribute their time and energy was also waning. People could not be expected to give up time indefinitely.

Mrs. King said that the membership of peace structures might need to be reviewed for representivity. The accessibility of the NPA must be reviewed. The Accord should be brought into schools and community structures. Rotating venues for regional peace meetings would allow people to see the process in action. Rededication to NPA provisions was needed and should begin and end with the people. She said that she wished to add that the UN was encouraged by the appointment of police reporting officers but that greater consultation was needed. She noted that only one woman had been appointed. Peace rallies were encouraged. She said that being flexible was often useful. She said that she queried the success of the taxi meeting as she had understood that it was a preparatory meeting and that UNOMSA was looking forward to the next step.

Mrs. King said that with regard to train violence people had set out at 4h00 with the expectation of assistance from the police which was not forthcoming until the end of the initiative. People took tremendous risk at the start. She said that they appreciated the efforts of the NPS to allow UNOMSA to meet the Ministers with regard to the Nkosi problem but that the matter needed further attention. She recommended that service and utility related problems and issues like taxis be dealt with in a formal rather than an ad hoc fashion. She said that a task force had been set up among the four observer groups with regard to provocative behaviour on the part of the police and that reports were made to the NPS and the Police Commissioner. Positive feedback was also being recorded.

Mrs. King said that the request for police observers at police stations was of interest and that they felt it would be useful for observers police to be posted at stations on a full time basis for longer periods. She thanked the meeting.

3.3 Commonwealth Report

Mr Aarvold of the Commonwealth mission said that he apologised for Mr Paul Bensen for not being here as he was on leave. He associated himself with Mrs King's remarks and said that he was grateful for the kind words expressed by the RPC chairs about the international observers. He said that they were disappointed in the government's reluctance to make better use of the expertise of the police officers in the missions. He said that they were not surprised at the refusal to grant visas to police officers from the Netherlands who came to examine the violence. He said that their talents could be made better use of and that the NPS could perhaps facilitate this.

Mr. Aarvold expressed concern regarding the proliferation of firearms and said that most countries were more stringent in this regard. He said it was very easy to obtain a legal firearm. Chief Buthelezi had said that any member of the IFP should be granted a license for a gun as a right. He said that the mission was interested in the reports of the Goldstone Commission and suggested that there should be a role for the NPS structures to monitor the implementation of the Goldstone Commission recommendations, for example the Mooi River enquiry and a report on the Taxi War in Alexandra which had not been forwarded to the local committee. Responsibility had been allocated in the report to ICC members and police officials, none of whom had seen the report. He asked about the role of the police in elections and whether the police understood what that role ought to be in a democracy. He said that it appeared that there was an educational need to ensure that this was understood.

Mr. Aarvold said that there was concern about the representation on some committees by police. He asked whether the SAP delegates on the committees understood the role they should and could be playing. He said that for the system to be workable they needed to be willing to share information. The police in Alexandra had come up with some very encouraging statistics comparing deaths over the Christmas periods in 1992 and 1993. This data gave the committee a great deal of encouragement. With regard to police consultative committees he said that a proliferation of committees with overlapping interests could be highly problematic. The peace structures should be harnessing these efforts. In Alexandra a security task group was constituted as an ICC subcommittee which worked effectively.

Mr Gqubulo asked if the minutes of the current meeting would reach appropriate SAP authorities.

Dr Gildenhuys said that very complete minutes were kept and that these were sent to RPCs and would in future be sent to LPCs.

Mr Gqubulo asked if these were sent to the police and to government officials.

Dr Gildenhuys said that the information was transmitted through regular meetings with these groups and that they would be provided with copies of the minutes and encouraged to scrutinise them.

Mr Gastrow asked if an additional item could be added to the agenda for a discussion on the role of peace structures in enhancing police community relations. This was added to the agenda as Item 4.7 Police - General.

Mr Mfayela said that he wished to point out that Mr Buthelezi does not issue firearm licenses and that there is no order for all IFP members to have firearm licenses. In the IFP they were aware that every individual could apply for a firearm license.

Mr van der Heever said that he wished to express his dismay at the Government's decision not to allow the policemen from the Netherlands to enter the country. He asked if foreign observers had visited refugee camps in Venda and Gazankulu where one could buy a loaded AK-47 for twenty five rand.

Mr Wismer said that on the matter of the group of policemen the information that they were not granted visas was devoid of truth. They were advised by the South African ambassador in the Netherlands that a proliferation of investigations might contribute to confusion but that they were welcome to come and to do what they wished to do. They were not refused entry.

Mr Aarvold said that he got his information from the newspapers which were highly inaccurate. He noted that there was a reluctance to use the expertise already on hand through the observer delegations present.

3.C European Community Report

Mr Chappell said that he thanked the chair for including them in the meeting. He said that some of their reflections on the first phase of the mission had been put down in writing and that the comments were an attempt to address the lack of widespread communication between the mission and those interested in its work, including South Africans. He said that a report would be released in the coming weekend which would satisfy some of the need for communication. He said that one chapter had been copied and that this dealt with the strengthening of the peace structures and some of the mission's activities in Natal. He added that he was pleased that committees recognised the facilitative role of the international observers and that they hoped to expand this portion of their work.

Mr. Chappell said that the mission was thin on the ground at the moment as the first three month phase was finished and most of the members had returned home. New observers were expected to arrive in the next week or two. The team was divided into two groups, Johannesburg and Durban but that they would become increasingly involved in issues arising outside those areas. He said that with regard to the recent taxi related violence in Johannesburg it was distressing that force was resorted to so readily in a situation which could have been negotiated

peacefully. Injuries and a death seemed unnecessary. He said that this should be analyzed so that it could be used as a learning experience. Parties should explore what could have been done but was not. The mission was surprised that there was no consultation prior to the declaration of an unrest area. The lifting of an unrest area in Alexandra had also occurred without consultation.

Mr. Chappell said that with regard to the strengthening of the NPA structures, there was a need for special provisions to expedite criminal trials although the experience with special criminal courts in other countries had not been favourable. Other means available were not being utilised, partially because the problem was less one of delay than one of identifying witnesses to enable one to construct a case. He questioned the degree to which the existing criminal justice system was relied upon. He said that the reluctance of people to utilise the existing system needed to be explored. The various indications with regard to reforms of the existing system were positive but the system as a whole lacked credibility.

Mr. Chappell said that he had visited prisons in the country and had seen the overcrowding and poor conditions. If the present system were tightened these problems were likely to worsen. With regard to firearms, the control of arms by the private security industry was a major problem. Regulations were avoided by setting up operations in the homelands. He said that the group was pleased to be assisting the police to establish consultative working groups using their experiences elsewhere. He expressed optimism that the appointment of police reporting officers would lend credibility to the police complaints process. He said that the role of district surgeons needed to be examined as problems arose with regard to inquests and death certificates. He said that he hoped that the mission would continue to assist the peace process.

3.D OAU Mission

Ambassador Serihoun apologised for the chief of the delegation. He said that the OAU mission had worked closely with the NPA structures. They had attended meetings and observed mass gatherings. They had participated in monitoring exercises and held meetings with political organisations. He said that the IFP had made recourse to violence to torpedo negotiations. Criminal violence was a result of high unemployment and the return of exiles had contributed to the problem. He offered some statistics detailing the levels of violence. He said that OAU observers had worked closely with other international observers, NPA structures, and parties to intervene in potential and actual conflicts.

Amb. Serihoun said that the peace structures were generally working well. Regular meetings were held to discuss issues and monitoring was done. The NPA structures were not yet firmly established in some areas. The GSDRC hoped to launch its offices in January 1993. Alexandra has yet to establish an LDRC and made do with an ICC. The NPA lacks powers to have its decisions and

recommendations enforced. This depended on the publicity attracted to these decisions and the political will to implement them. The secondment of white civil servants was problematic. The chairmen of regional and local committees were white. Some communities have lost interest in their LDRCs as a result of this situation. Blacks were unable to play the role of chair due to inadequate facilities. Paid chairs might be needed. Greater involvement of religious structures could be sought. Closer communication between local committees and the communities served was needed.

Amb. Serihoun said that the presence of observers was very helpful but that the mandate of the international observers was limited. Observers maintained contact with all political actors. The OAU needed to increase its representation with a legal representative to take part in the Goldstone Commission.

Mr Steenkamp said that he had not heard the remarks made about the IFP.

Amb. Serihoun said that in certain situations in the Natal KwaZulu region OAU observers had seen recourse by the IFP to political violence to torpedo negotiations. They were not necessarily pointing fingers at the IFP but their supporters did not have tolerance toward other organisations operating in the area. This was noted from observations recorded.

Mr Lorimer said that they were pointing a finger and that while accusations could be made, this tended to impede peacemaking processes. He asked that these conclusions not be transmitted through the NPA machinery.

Mr Mfayela said that the statement made did point a finger. He said that there was nothing wrong with pointing a finger except when it was only in one direction, not in all directions. He felt that the finger was pointing to one side, not all sides. There were over 60 communities in Natal where the IFP could not operate and where members of Inkatha could not be seen. If one must point a finger it should be pointed at all sides. This kind of thinking creates problems as members of Inkatha were beginning to perceive bias on the part of international observers. Inkatha and the ANC have each won areas in Natal and international observers put more emphasis on observing areas that have been won by Inkatha. Some international observers never see anything amiss in areas which have been won by the ANC.

3.E Discussion on Observer Mission Reports

Dr Steenkamp said that it was very useful to have interactions with international observers. It was impossible to show complete objectivity. He said however that the reports from all four delegations noted repeated problems with the SACS and with police officials. All these were areas which needed improvement. It might be easier to analyze shortcomings associated with official structures as they were more readily accessible. He noted however that the IFP had been mentioned as one of the organisations which could improve its performance. Nothing was said about arms smuggling revealed in the news or about APLA

training camps. He said that he was struck by an inclination in the reports to neglect the fact that, as observed by the Goldstone Commission, the main source of political trouble in the country was friction between the parties and that their conduct should perhaps be scrutinised more closely.

Mrs. King said that the missions had not come to promote disharmony. She said that their role was to strengthen the structures and that they did so by pointing out suggestions and recommendations. They tried to be as objective as possible,. If they needed to point fingers it would be at all parties who had demonstrated intolerance. She said that the emphasis was not on particular parties and their conduct but rather on the strengthening of the peace structures. She said that she would be happy to speak to Mr Steenkamp further in another forum. She said that Justice Goldstone had identified many other causes of the violence, not just friction between the two parties.

Mr Steenkamp said that strengthening the peace accord structures would entail encouraging everyone involved to do their utmost to assist in supporting the NPA. This included the political parties. He said that nothing had been said about unlicensed weapons. He offered to take this up at a later time.

Mr Lamprecht said that concerning the Alexandra ICC, it was one of the most effective local peace committees. He said that the PAC had not signed the NPA and that they were a presence in Alexandra and that there was a wish to be inclusive so they had not pushed the need to form a formal committee. The Alexandra ICC was a fully fledged and in many senses pioneering committee.

Mr Pretorius asked his colleagues not to become sensitive to comments made. He said that his difficulty with the international community in South Africa was that they were not maximally constructive in that they did not assist as much as they could to resolve problems at grass roots and that their assistance and expertise could be very valuable in this regard. He asked that they be permitted to become more involved. He said that observers in Port Shepstone had extended their mandates and that the peace process there had been very effective. He said that the UN observers could be appointed as Justices of the Peace in certain areas.

Mr Vismer said that he agreed that much of what was presented by the observers was very helpful but that there needed to be a serious examination of the need to identify black chairpersons. He said that there were chairpersons who were black but that they did not attend the chairpersons meetings. He asked why they were not present at these meetings.

Mr Durand said that he wished to endorse Mr Pretorius' remarks on the role of the international observers. He said that it was natural that they would periodically touch raw nerves. He said that in the W Cape they had tried to address the racial disparity among chairpersons. He said that when people were appointed on a permanent basis in the peace structures it would be possible to examine this issue in greater depth.

Ms Vos said that she respected the constructive comments made by Ms King and others but that she had strong objection to the subjective comments made about the IFP in isolation and that they wished to place on record their concerns in this regard as they were charged with encouraging ccoperation with international observers and comments of this nature caused serious problems on the ground.

The meeting broke for tea.

4. RECOMMENDATIONS TABLED AT THE PREVIOUS MEETING

Dr Gildenhuys referred participants to a summary of the recommendations tabled.

4.A Change of Name of Peace Structures

Dr Gildenhuys said that under item 1.1 the change of the name of committees required a change in the NPA and in the Act. He asked Mr Hatty to ensure that this be on the agenda of the plenary session of the NPC when it took place.

Mr Gastrow said that it would carry more weight if Mr Hatty could convey that the meeting was in agreement on this point.

Mr Pretorius said that it had been decided to change the names simultaneously as this would have far greater effect.

Dr Gildenhuys said that this had once be rejected by the peace committee.

Dr Gildenhuys referred to item 1.2 calling for SERD and dispute resolution subcommittees on each peace committee.

Mr Naidoo noted that this document had been brainstormed at the previous meeting and that now the points were being reviewed for adoption and the formulation of action plans. He asked for clarity on the structure of the discussion.

dr Gildenhuys said that this was a discussion on the strengthening of the NPA and that some matters could be dealt with quickly and others would require more in depth attention.

4.B Funding, Autonomy, and Management Structure

Dr Gildenhuys said that the NPA got support from the Department of Justice in terms of human and material resources. There had been efforts to move away from a civil service conception by establishing separate offices and employing personnel in the regions. Remarks had been made to the effect that the objectivity of structures was under suspicion because of the link to the government and that independence and budgetary discretion should be vested in the peace structures. He said that within civil service structures there were several possibilities. One was a budget handled autonomously by the Director of a Dept. Legal Aid was an example of an independent entity funded by government which operated under some controls. The other

possibility was full framework independence like a university which was largely funded by government but operated totally independently. The need for greater independence and distance from government was agreed but the method of achieving it was in question.

Dr. Gildenhuys said that the NPC was under the Department of Constitutional Affairs which was also seen as problematic. The Goldstone Commission also received infrastructure from the Department of Justice. He said that the dependence of the structures was beneficial in certain respects.

Mr Durand said that he favoured full framework autonomy as this was the only way to demonstrate full independence. This would facilitate the development of a more efficient infrastructure for NPA administration. This would be the best way of eliminating negative perceptions.

Mr Lamprecht said that what was envisaged in the Accord was that the NPA would be recognised to be in the national interest and that it should be funded publicly. A precise plan for the execution of this was not agreed to. One method of execution had been tried without satisfaction. The peace structures should be funded publicly but should have full frame independence. They were never envisaged as an extension of the civil service. The NPA document would not need to be changed to facilitate this. The funding for all three components of the NPA should be through the same framework as they were components of the same structure and should be well integrated.

Mr Pretorius said that the independent, uncoordinated operation of the three peace structures was not in the interests of the initiatives. He said that this agreement had been reached at every meeting and that it was not being implemented. He did not know why it was being discussed again. 11

Dr Gildenhuys said that a government department would still need to assume budgetary responsibility. He asked if the Department of Justice could maintain budgetary responsibility.

Mr Vismer said that at the NPS boesporaat he had supported framework autonomy but that the chairpersons could help in setting some of the story straight. Members of the RDRCs criticised the Department of Justice for decisions made by the NPS by consensus, saying that the Department of Justice was responsible. He said that RDRC chairs should try to correct wrong perceptions and put the responsibility for unpopular decisions on the NPS where it belonged.

Mr Gastrow said that autonomy with regard to the allocation of resources was an important issue and that this would assist in correcting negative perceptions. He said that at the NPS level and within committees participants could be more vigilant in ensuring that small matters were handled in a fashion which would not create incorrect perceptions. This issue has been raised before. He said that if the Goldstone Commission and the NPC were to be involved they would need to be consulted in this regard. He suggested that a subcommittee be convened to hold discussions

with those bodies and to make suggestions with regard to the practical details of autonomy and the mechanisms necessary to effect it. It would need to examine the problems of perceptions and to devise ways of addressing them. He suggested that a time limit be imposed for the formulation of a comprehensive report on this matter. Then an approach could be made to the Minister of Finance with regard to precisely what was needed.

Dr Gildenhuys said that input would be needed from the chairpersons on a number of issues before a subcommittee could come into place.

Mr Durand said that the problems should be inputted and categorised.

Mr Naidoo said that it was becoming boring to talk about the same issues again and again, particularly for members of the NPS. He said that he opposed setting up a committee but that agreement should be sought from the Department of Justice for framework autonomy with appropriate reporting. It was necessary to meet with Keys and Coetsee and to agree on the principle. The details could be worked out later. He said that he would be willing to set aside time to pursue this issue during the next week.

Dr Gildenhuys said that the Minister of Justice was sympathetic.

Mr Schalkwyk said that he lacked the staff to manage a regional budget.

Dr Gildenhuys asked about the need for a stronger link between the NPS, NPC and the Goldstone Commission.

Mr Pretorius said that an overall management structure for the NPA was under discussion. He said that the funding and the structure should be considered separately. He said that the total project should be prepared and that all funds requested should be justified. An acceptable structure to act as a link between NPS, NPC, and Goldstone should be created and then the money should be found to finance it. Experts should be appointed to create a management structure with input from all sectors. Once this was devised, government should be approached for funding.

Dr Gildenhuys said that there were two questions for debate. Framework autonomy could be attained quickly but a broader overhaul would take longer. He asked what management structure was being envisaged. He asked what level of liaison was needed as there were many people involved in all of the structures.

Mr Pretorius said that a set of experts should be appointed to devise a structure.

Dr Gildenhuys asked if the experts would examine the structure and come up with a proposal before the Department was approached for framework autonomy.

Mr Lamprecht said that the most urgent issue was that of framework autonomy. He suggested that a committee be nominated

and made himself available to serve on a group to look at management structure on a longer term basis.

Dr Gildenhuys suggested that a recommendation be made to the NPC that a subcommittee be formed to formulate a management structure.

Mr Lamprecht said that the NPS should offer to do it for the NPC.

Mr Gastrow said that the NPS was not equipped to deal with these issues on its own. He suggested that the NPC be involved in a discussion to generate proposals. The group convened should be in contact with all the structures and should formulate proposals to be reviewed by all the structures. He said that the NPC would on its own not know all that was entailed.

Dr Gildenhuys said that it seemed to be agreed to form a small committee to make recommendations to the NPC and other structures.

It was agreed that the committee to examine a management structure for the peace initiative would include Mssrs. Lamprecht, Pretorius, Durand, and Rudman.

Mr Pretorius said that when full frame autonomy was requested it would be important to indicate that further funds might be needed at a later stage to facilitate other changes in management structure.

It was agreed that the subcommittee would report within one month.

4.C Racial Composition of peace Structure Leadership

Mr Lamprecht said that people were elected to leadership positions by the signatory parties and that black members of the committees said that they did not wish to put people in simply because they were black and that people were put forward because they could do the job.

Mr Pretorius said that he would not apologise for being white and that the sooner they move away from the issue of colour, the better. The effort should be to move away from colour as an issue.

4.D Composition of Regional and Local Peace Structures

Dr Gildenhuys said that the points recorded reflected a need for wider representation in regional and local structures. At the NPS boesporaat it was agreed that civil society organisations should be included when useful.

Mr Brady said that over one hundred representatives of various organisations had attended a recent meeting and it had taken more than two hours to resolve issues of representation. There was a lack of clarity with regard to the role and purpose of committees and their executives at local level. If the goal was

the resolution of conflict and the promotion of socio-economic reconstruction, a smaller committee was more functional. Major role players were the ones to be involved.

Mr Lorimer said that there were major role players who were not signatories whose participation was also important.

Mr Lamprecht said that the composition of committees developed organically. It was not necessary to go on a recruitment drive. Policy dilemmas included situations where groups represented at regional levels did not have support in particular areas yet wanted to sit on local committees nonetheless. There was a concern that parties could use the structures to gain a presence in an area where they did not have support.

Mr Lorimer said that the chairpersonship of the Alexandra ICC would pass to a member of Women for Peace who was not a member of any political party. She was trusted to be impartial.

It was agreed that the issue should be left up to the discretion of regional and local committees,.

Mr Smith said that the philosophy in the Eastern Cape was the more the merrier and that this was strongly supported by the political players. The Executive was smaller but at the quarterly full meetings many additional groups were present.

Mr Tessendorf said that the issue should be left in the hands of local communities.

Dr Gildenhuys said that it was no problem in local committees but that an amendment should be made to the NPA to reflect that other relevant groupings could be included at the discretion of regional committees. 7.4.1

Mr Gastrow said that any relevant organisation should be eligible for admission by consensus.

Mr Naidoo said that the formula for regions was flexible. He proposed that the NPC and the NPS should include representatives from the business and religious communities because the NPA was forged as result of cooperation between these groups with the help of trade unions and political parties. Once it was signed their involvement was lost at national level and should be regained.

This was agreed.

Mr Schalkwyk said that the meetings in Moutsi were huge and that everyone came.

Dr Gildenhuys said that points 2.1 - 2.5 were accepted.

4.E Involvement of Tribal Structures

Mr Pretorius said with regard to 2.5 that the ANC in Natal had acknowledged the need to accommodate the Amakosi in the structures and that the Amakosi were asked to draw up a code of 11

conduct pertaining to their participation. This was being done. He felt that a lot of progress was being made on this issue.

Ms Vos asked about MK commanders' participation in structures.

Mr Schalkwyk said that in KwaNdebele the Xhakosi send representatives rather than participating themselves.

Mr Gastrow said that the approach of the NPS and regional and local committees had been to deal with representatives as representatives of their organisations rather than to have a vetting system to screen individuals. Structures include people from various backgrounds. He said that it was necessary to accept any representatives put forward by participating parties.

Mr Lorimer said that if the ANC nominated an MK member to a committee this should be accepted as they were part of the ANC.

Mr Naidoo asked for clarity with regard to the question.

Ms Vos said that she wanted to know whether MK members were sitting on committees.

Mr Naidoo said that they probably were, but not in an MK capacity.

Mr Lamprecht said that the only test was whether parties conducted themselves in accordance with the NPA.

Dr Gildenhuys said that points 2 6 - 3.1 were approved.

4.F Remuneration of Peace Structure Participants

Dr Gildenhuys said that the issue of remuneration (3.2) had been discussed in the NPS boesporaat. It should be seen as an attendance allowance rather than a salary. He said that chairs should get one hundred rand per meeting. RDRC Executive members 75 rand, LDRC Executive members 50 rand. They had calculated the number of projected meetings and come up with an estimate of the total cost.

Mr Barnes said that SERD committee members should be included.

Mr Smith said that this was a difficult issue. He said that if chairs accepted money they would be seen as government employees and their independence might be questioned. He said that it was easy for him to manage as his company supported him for participation whereas others had far more difficulty. He said that this was a dilemma.

Mr Lamprecht said that these were valid considerations but that there were some people who needed to be paid. He said that he would put the money in a fund for activities in the region.

Mr Gastrow said that the question was not whether, but how much and to whom. He said that people who received salaries should be catered for separately.

Dr Bildenhuys said that possibly only those who gave up income should be compensated. He said that the provision was only for chairpersons and executive members.

Mr van der Heever asked about the hours spent in the office.

Mr Barnes said that there could be an allowance for preparation time for certain key persons.

Mr Steenkamp said that executives should be paid but that there were sometimes many people present. He said that the creation of offices and the appointment of staff should ease the burden of chairpersons for meeting preparation.

Mr van der Heever said that his personal presence was very often necessary. He said that he would have to reconsider his position. He was an advocate and could not survive on the salary of a law professor.

Mr Brady said that he had had to make 150 phone calls in a month. He said that councillors, state officials, and members of parliament were all paid.

Mr Naidoo said that Derek Keys would present the country's budget in the next month. People were questioning whether the society was getting its money worth out of taxes. He said that the NPA was a voluntary activity and that what was envisaged was not compensation for time. It was honoraria, a token of appreciation. For some it was an important means of compensation for lost income and expenses. For the chairpersons it needed not relate to particular meetings. There were a limited number of people and a sum could be arrived at which was acceptable. The sum should be kept low.

Mr Lamprecht said that the table outlined should be accepted but that there were cases where chairpersons played the role of full time director and that these cases should be dealt with on a special basis until offices were established.

Mr Pretorius asked if the same principle applied to the NPS members.

Mr Rudman said that they were paid R330 per meeting.

Mr Pretorius asked why the discrepancy between this amount and the amount to be paid to regional chairs.

Mr Steenkamp said that there was a great deal of travel time involved in the attending of NPS meetings.

Mr Pretorius said that there was no difference. He said that he did not seek payment.

Mr Lorimer said that the point was what it cost in terms of expenses. He asked if people who got paid would be considered to be employees of the state.

Mr Pretorius said that the payment level should be the same

between the NPS and the chairs and that each should decide what to do with the money.

Mr Vismer said that the amounts should be equalised. He said that the emphasis should be on grass roots LDRC members.

Dr Gildenhuys said that the meeting was happy with the principle of compensating chairpersons and executive committee members. Chairpersons should be compensated at the same level as NPS members. People doing extraordinary preparation should negotiate with the NPS on an ad hoc basis.

4.6 Medical Aid/Insurance

Dr Gildenhuys referred to point 3.3 on medical aid. He said that packages for all the contract staff were exclusive of medical aid, pension, and housing because they were short term in duration.

Mr Durand said that if this was the case he would give his honoraria to the staff. Illness could not be planned for.

Mr Smith said that pensions had not been requested. Medical aid was needed. There was road travel entailed. He had spoken to a local medical aid which was happy to take someone on for a short period. If this could be negotiated he asked that this be funded. Medical aid was not a benefit, it was a right.

Dr Gildenhuys said that it should be paid out of people's remuneration.

Mr Tessendorf asked if people who were seconded received these benefits.

Mr Rudman said that they would receive the benefits of government officials because they had not resigned. The packages developed were inclusive of all benefits. He said that the salaries for regional staff from outside the civil service were good.

Mr Tessendorf said that he did not have problem but that his fieldworker was supporting a family.

Mr Rudman said that the salary package should be renegotiated.

Mr Lorimer said that medical insurance for out of the ordinary expenses was distinct from medical aid and might be considered.

Mr Pretorius said that a decision had been taken at the previous meeting to provide medical aid for the paid staff and that the only thing outstanding was how to do it.

Dr Gildenhuys said that an amount was included in the salary packages to cover medical aid.

Mr Pretorius said that this was not made clear at the previous meeting and that the decision had been taken.

Dr Gildenhuys said that he did not control the finances but that

he could go back and make another request.

Mr Steenkamp said that he had never had the experience of people deciding on their own benefit packages. He said he was not sure that the meeting had the authority to take these decisions and that he needed clarity in this regard.

Mr Pretorius said that Mr Steenkamp was out of order and that those at the meeting were not those whose packages were under consideration. He said that these issues had been decided at the previous meeting. He said that if a decision could not be made, the chairperson should say so.

Dr Gildenhuys said that with functional autonomy it would be possible to authorise these expenditures but that at present this body would have to make the request and wait for a response.

Mr Pretorius said that employees had not been told that medical aid was included in the package. If they had been told this, there would be no issue.

Mr Rudman clarified that the previous meeting had decided that the issue should be considered. At an NPS meeting it was agreed that the salaries included sums for benefits. He said that he had not taken the decision but that the NPS had.

Mr Lamprecht said that medical aid costed between 500-600 rand per month. He said that either current salaries were adequate or not. This should be discussed individually with the chairs to see if the amount was adequate or not.

Mr van der Heever said at the last meeting that Mr Naidoo said that employees could join COSATU and that he would pursue this.

Dr Gildenhuys said that chairpersons should assess whether the packages were adequate communicate with Mr Rudman.

Mr Steenkamp said that the NPA and the Act made no reference to this meeting with the chairpersons and he asked if this meeting had the right to make decisions for the NPS. If so, he saw no reason for the NPS to continue to meet. If not, he sought clarity.

Dr Gildenhuys said that this meeting was to advise the NPS and that normally the NPS would take the advice but that the advice was not binding upon the Secretariat.

Mr Smith said that the chairs knew the work that the staff were doing. They worked overtime. He suggested that the other bureaucracies like the SACS be cut out and that the money be used for the structures. Without an effective staff chairpersonship is a full time job. Penny pinching on medical aid would be a mistake. He said that the level of remuneration should be explored.

4.H Insurance

Dr Gildenhuys said that with regard to insurance Mr Hiemstra had

come up with a prohibitive quote. A policy by the Association of Law Societies was investigated. It was possible to buy a policy at R450 per year which gave 300,000 cover for death and disability in the course of employment. There were scales for different levels of injury.

Mr Pretorius said that last time the agreement was to provide insurance for the staff and for Executive committee members when monitoring or attending meetings.

Mr Lamprecht said that a list would need to be provided of those eligible.

Dr Gildenhuys asked that these lists of committee members and staff be provided to the NPS.

4.I Identification Cards

Dr Gildenhuys said that identification cards were available. Committees needed to make their own arrangements in this regard. A logo for protective clothing would be considered the following day. It was recommended that the identity cards also be uniform.

4.J Making Judgements Against Participating Parties

Dr Gildenhuys referred participants to point 4.4.

Mr Lamprecht said that this should not be construed to mean that judgements could never be made against members of the committees who might object personally.

Dr Gildenhuys said that in terms of the act full committee consensus was needed to make judgements.

Mr Lamprecht said that the act would be breached.

Mr Pretorius asked if this meant the executives or the full committees.

Dr Gildenhuys said that it depended upon the committee in question, if it was an executive or a full.

Mr Lamprecht said that it was not always possible to rely entirely on cooperative conduct. He said that the sentiment was understood but that the matter should be left where it was with no amendments made to the NPA document or the Act.

4.K Breaches of the NPA

Dr Gildenhuys referred to point 4.5 regarding breaches of codes of conduct. He said that breaches were causing major problems and that the NPS was examining alternatives.

Mr Lamprecht said that he supported this.

Mr Gqubulo asked with reference to the proposed panel of wise persons, who would decide who was wise.

Mr Lamprecht said that in the Vaal a lawyer would be appointed to make assessments of alleged police misconduct. A similar panel could be convened on this issue.

Mr Visser said that this matter had been discussed thoroughly by the NPS and wondered if the suggestions generated could not be put to the present meeting.

Dr Gildenhuys summarised the discussion at the NPS boesporaat on adjudicative mechanisms. It was agreed that it would be recommended to RDRCs that such committees of lawyers be appointed.

4.2 Police - Community Forums

Dr Gildenhuys referred to points pertaining to the police.

Mr Gastrow said that the SAP had established a police community relations division which would create liaison commissions in each community. They were intended to be representative. There might be a need to re-look at this in areas where there were local peace structures on which police served. The question was what would the peace committee's view be if there was a decision to put this role in the hands of LDRCs or their subcommittees rather than convening separate forums. If there were LDRCs with standing which were well represented they might be more appropriate for furthering police community relations. He asked if a development in that direction would be seen as positive or whether it would involve committees in an area which was too sensitive and could be divisive.

Mr Brady asked what the purpose of the forums was.

Mr Gastrow said that a new approach was being worked out to change the culture of policing. Needs and priorities for policing were to be determined in consultation with the local community. This demanded continuous contact with the local community. This would take time to come into place. These forums could also be used to deal with complaints and criticisms against the SAP. He said that there seemed to be an overlap between what was intended with regard to forums and the work of LDRCs and asked if the structures should be combined.

Mr Durand said that there was a proposal before the RDRC to establish a committee on police community relations. The parameters were being closely examined as there were potential pitfalls. The response was positive in principle.

Mr Aarvold referred to a paper distributed on community policing. A member of the Commonwealth mission was closely consulted on the proposal. The proposal emerged from an experience in England with inner city riots. In England there is a local government structure which chairs the police community forum and the police are accountable to this body at local level. He said he was suggesting that the police be made accountable to local authorities. A member of the local authority chairs the forum and the minutes are sent to the police authority which is a representative board of members of the local authorities. The

minutes are discussed in front of all those involved in the forums and with top police officials. Crime prevention panels had also been established but without the same accountability mechanism and these were ineffective. The police would have to grow accustomed to providing information and admitting to failures. The dovetailing of this proposal with LPC subcommittees was an opportunity which should not be lost.

Mr Lamprecht said that it was a question of how and when. It would require an alternative culture within the police to accept guidance and accountability of this nature. Otherwise further contention could be created. He said that policing boundaries and LDRC boundaries were drawn along very different sets of criteria. Conduct was not coordinated within areas which made the information flow slow and problematic. The functional divisions within the police force created further stumbling blocks. He said that these problems might need to be addressed before the system was viable.

Mr Smith said that the alliance had said that they would only become involved in committees that were under the peace structures. It would not work if the police just approached communities to create independent forums. This would create confusion and perceptions might not lend toward support of the initiative.

Dr Gqubula said that the main difficulty was the unnecessary use of force. It was unclear how decisions pertaining to the use of force were made.

Dr Gildenhuys said that this issue should be raised by Mr Gastrow at the Police Board.

4.M NPS Staff

Dr Gildenhuys referred to point 5.1. He said that staff appointments could be discussed with Mr Rudman. One additional person had been hired and another two posts had been advertised.

It was clarified that there were 21 NPS personnel.

Mr Lamprecht suggested that people be headhunted for the posts.

4.N Use of Facilitators

Dr Gildenhuys referred to point 5.3. He said that facilitators were approved for appointment by the NPS. If the RDRC did not have someone in mind the NPS would make recommendations. He said that one request from Natal was not approved and that this issue could be discussed.

Mr Pretorius said that he questioned the right of the NPS to veto the appointment of a facilitator if the RDRC approved him and he was acceptable to the community.

Mr Gastrow said that in principle Mr Pretorius was correct as the operating premise was that regions and localities knew best. There were factors that had to be taken into account in this

particular case.

Mr Pretorius said that it had taken four months to get the individual in question accepted in the community. The individual was accepted for facilitation of a workshop but not for Empangeni.

Mr Gastrow said that the specifics should not be discussed but that there were limits to what could be funded.

Mr Pretorius said that the facilitator appointed for Mooi River had to fly in and that the costs here were comparable. He said that he had negotiated the fee down.

Mr Vismer said that there was a need to discuss the principle of facilitators. He said that other regions were spending a fortune on a small number of facilitators. This raised questions. There were questions as to whether facilitators did not have an interest in retaining their positions. He said that some people were doing work for free whereas others were charging huge sums as facilitators. If made public, this could be scandalous. These expenditures should be scrutinised far more carefully.

Mr Steenkamp said that he agreed that the issue was in need of urgent scrutiny. He said that accounts had become astronomical.

Mr Lamprecht said that he was uncomfortable with the tone of the discussion because he resented innuendo. He said that if there were facts they should be put on the table. He asked why these problems had not been discussed before.

Mr Steenkamp said that the detail was available.

Dr Gildenhuys said that the question was the principle of approvals.

Mr Pretorius said that he felt that his judgement as a chairperson was being questioned. He said that he was a better judge of what was required in his area than was the NPS. He said that if a region made a recommendation the NPS should not say no without a clear reason. Cost should not be the primary factor.

Dr Gildenhuys said that the NPS should not refuse to approve appointments asked for by regions unless there is a very good reason, for example if all the work was going to a single facilitator.

Mr Pretorius said that the refusal should be debated with the particular committee before it was made final.

Mr Lamprecht said that it would be unwise if only one person be used not because he will get too much money but because of a danger of overreliance on one individual. The fact that individuals may accumulate a lot of money should not be of concern. Other considerations might cause difficulty.

Dr Gildenhuys said that the NPS was a political institution with four parties and that each of four parties was permitted to veto

decisions. The NPS could make available reasons given by that party and make that party available to debate the issue. If one or two do not agree the appointment cannot be approved.

Mr Lorimer said that facilitators were often appointed without referring to the RDRC. He said that payments made should be tabled at RDRC meetings and considered by the committee so that irregularities could be scrutinised.

Mr Brady said that his committee had tried to get a list of facilitators in the area but that their fees varied.

Dr Gildenhuys said that there was a fixed rate.

Mr Rudman said that deals on reduced rates had been negotiated in many cases.

Mr Schalkwyk said that the region had denied a facilitator's request for a secretary.

The meeting adjourned until the following day.

The meeting reconvened at 8h00 on Tuesday, 9 February 1993.

6. MARKETING SUB-COMMITTEE REPORT

Dr Gildenhuys welcomed Mr Graham Higgo, chairperson of the marketing subcommittee.

Mr Higgo said that he wished to share what the Marketing Committee was doing and the ways they were seeking to support efforts underway at regional level. He said that the framework being used began with an examination of the product being sold. It was necessary to define this clearly, including the product's benefits to the consumer. The next question was what is the target market. Advertising was but one facet of marketing. People need to take responsibility for displaying, labelling, and distributing the product. Advertising is the process of telling people about the availability of the product. A principle element of marketing is achieving brand recognition. The brand name must be continually repeated to achieve recognition. The first element of an ad campaign is to bring about awareness by showing people that the brand exists. This is a long process. The second step is to convince people that they need to buy the product by informing people of the benefits and getting people to try the product. This would be initiated through a workshop planned with representatives from a wide variety of organisations. The next step is to get people to keep buying the product.

Mr Higgo said that with regard to the NPA, at the request of Dr Gildenhuys a group of marketing experts had been called together. They began by trying to define the product. The question was whether it was the NPA or "peace." They decided that it was peace and that the NPA was but one means toward that end. In the process of selling peace the NPA would be promoted as a route thereto. Next they looked at the target audience and it was agreed that this was the South African population in its

entirety, all of whom had a stake in the product. The market was much larger than usual for a marketing campaign. It was recognised that these efforts would form just one part of the marketing plan for the NPA and that their sole role would be to advertise the availability of the product.

Mr Higgo displayed the trademark being recommended to the NPA. It was noted that this would be considered by the NPS this evening. It would be associated with the words "peace in our land." It was hoped that the trademark would become readily recognisable. It would not always be printed with the slogan. The introduction of the symbol would happen through a variety of media. It was hoped that this would begin prior to Easter. Proposals for the marketing of the symbol would be presented to the Marketing Committee on 19 February and if accepted by the marketing committee would be shown to the NPS in March.

Mr Higgo said that the marketing committee had a Christmas campaign which was prepared very quickly. The song "Silent Night" was used. It was an opportunistic campaign aimed at taking advantage of the season of goodwill. The second phase would be aimed at achieving the conviction of the public. This would take place in July and August with broad consultation from all societal sectors. The conviction campaign would end in late 1993. Then the consumer response function would begin. People would be asked what they were planning to do with regard to the product, peace, and suggestions would be made with regard to what they could do about it. All of these materials were in the process of being constructed.

Mr Higgo described the structure of the Marketing committee. It included 16 members, a chairperson and a deputy chairperson. The vice chairperson - Roger Scheepers had a great deal of experience in reaching grass roots target communities. The other vice chairperson was Reg Lascaris, head of SA's second largest advertising agency. The state would not be funding the campaign by mutual agreement. The Christmas campaign was funded through over 3 million Rand in-kind contributions. About 50 million Rand of donated space would be needed for the campaign planned. This contribution would need to be aggressively solicited. The marketing committee was well-connected.

Mr Higgo said that the Marketing committee's finance sub-committee would play a crucial role in seeking the involvement of corporate South Africa in contributing funds to the campaign. They would be asked to sponsor the production of materials being used in addition to the media to get down to grass roots. He said that the corporations were eager to associate themselves with the initiative. About 60 million Rand would be needed from this sector. Aggrey Klaaste is the chairperson of the Finance sub-committee. A minister of religion was in charge of the copywriting subcommittee. He marketed death benefits within the Methodist Church. Two top market researchers take part in the Research subcommittee. They were beginning to undertake research to construct the third phase of the campaign. They were also working with the HSRC to discover what proportion of the population is aware of the need for peace and what proportion are aware of the NPA. This would be monitored overtime to ascertain

the effectiveness of the campaign.

Mr Higgo said that the Public Relations group was chaired by Elsabeth Graham. They carry out public relations work to support what the advertising committee is aiming to accomplish. Their work had formed a highly effective part of the Christmas campaign. They had an important role to play in keeping people informed of the campaign as it progressed. A group would be going to see the head of the SABC during the next week to seek his support. He said that there were many people who wished to assist the peace process. Some were on the lunatic fringe, others were very capable. He said that the Marketing Committee had no monopoly on the marketing of peace but that the trademark and slogan would be copyrighted. The SA mint would be making a 2 rand peace with the logo on the back. They were being asked to make a 20 cent piece using the same symbol. This was under consideration. A postage stamp series was also being promoted. The Department of Health was distributing food in rural areas as part of the drought relief campaign. They were being asked to put the symbol on the food containers. Clicks wants to sell a lapel pin and to donate 1 Rand for each one. The marketing committee was also pursuing putting the symbol on milk cartons.

Mr Higgo said that there was a hands for peace campaign planned for 11 March 1993 and the committee was working with the organiser of this.

Mr Lamprecht said that he was impressed and comforted to know that so much expertise had been channelled into this. The NPA is a very clear way of going about the achievement of peace. The initiative originated from an awareness that the society was undergoing a transition which would demand an altered public mindset. Peace was the groundwork for a democratic culture. The NPA is aimed at adapting societal structures and actors for the new culture. The promotion of peace was easy but this would not promote an alternative democratic culture. He said that an alternative national mindset should be promoted, not peace as such.

Mr Higgo agreed. He said that adaptations would need to be made as the transition unfolded and the campaign would need to promote the building of the nation. He said that the campaign could not start so ambitiously but that it would evolve in that direction.

Mr Lorimer said that when the benefits were being sold these other elements could be highlighted.

Mr Pretorius said that everyone was impressed. He said that the committee today should endorse and accept the symbol and bring it into use by immediately developing letterheads.

Mr Higgo said that such a step would give the marketing committee great confidence.

Dr Gildenhuys said that this would also have to go to the peace committee.

Ms Vos asked Mr Higgo to discuss communication with regional and

local initiatives and the marketing committee.

Mr Higgo said that there was a regular newsletter to regional chairpersons and that the marketing committee had a regular slot. He said that there would be regional and local marketing efforts. It was suggested by the NPS that the regions have marketing people on their committees. If regions needed assistance in getting media attention the marketing committee would provide support and assistance. The national committee could not offer its services to each and every region but if the regions took initiative assistance could be made available. There is a formidable amount of work entailed in keeping the committee going.

Mr Gastrow asked what type of organisations were likely to be present at the scheduled workshop and asked, with regard to local initiatives, what could be done to assist in cases where individual communities decided that they wished to undertake grass roots level initiatives of their own design. Particular communities may have specific needs which may not fit in to the overall plan. He wondered how such initiatives could be funded.

Mr Higgo said that the subcommittee did not have money and could not service such requests. They applaud such efforts but the money would have to be sought through donations. There was no budget available for such purposes. He said that the organisations to be present at the workshop would include political parties, civic organisations, churches, police, military, women and youth. He said that a data file on these people indicated that the group would be highly representative.

Mr Pretorius asked if local initiatives could be financed out of the funds raised from the corporate sector.

Mr Higgo said that the committee would be seeking sponsorship of initiatives, rather than cash contributions. He said that products could be provided to communities. The subcommittee would only take charge of distribution.

Mr Pretorius asked that they seek sponsorship of individual initiatives in the regions.

Mr Higgo said that it would be difficult to seek frequent small contributions.

Mr Lorimer asked if there might not be overlap in terms of support being sought from the same sponsors. He asked if this should not be coordinated.

Mr Higgo said that an arrangement would need to be made to ensure that overlap did not occur.

It was agreed that there was a need to ensure that the fundraising activities of the Marketing Committee did not impede the prospect of local committees getting donations from the private sector to fund their own awareness projects.

It was agreed that the promotion of local public awareness

initiatives was crucial to the success of the peace process and to the efficacy of local committees and that the Marketing Committee should address itself to the pressing needs of committees for assistance in this regard. A balance should be achieved between channelling efforts toward a national marketing campaign and building the capacity of local committees to generate their own activities. The Marketing Committee would report on steps taken in this regard.

Mr Pretorius asked if there could be an effort to advise the public through the press as to the activities of the NPA. He said that there was a need to publicise the initiatives underway at regional and local level.

Mr Higgo said that the NPS was about to approve the appointment of a marketing coordinator. His job description would include the responsibilities described as well as assisting the Marketing Committee. He would be the public relations officer for the NPS.

Mr Gildenhuys said that at the moment Val Pauquet was doing the public relations for the NPS and the NPC and that these functions would need to be coordinated.

Mr Brady asked how peace would be marketed to the section of the society which was angry.

Mr Higgo said that companies were very willing to donate money. A company called Africa Television had the specific task of getting to deep rural areas through billboards and open air television. They would donate all their services. For township constituencies radio and the press would be the primary media. The SABC had responded very positively to requests for assistance.

Mr Tessendorf asked if the workshop with organisations would include regional representation.

Mr Higgo said that the sample was confined to the Witwatersrand region and would then if successful be taken to other parts of the country.

Mr Naidoo said that he had missed part of the presentation but that he wished to express a few concerns about the marketing operation. He said that in-kind contributions should be made use of and would be helpful. He said that at grass roots level it would be perceived that business was very keen on peace but that there was little space for inputs from grass roots constituencies. He said that some had suggested that business contributions be channelled directly to communities through a partnering system as opposed to being channelled nationally. He said that the message would then be conveyed very directly. He said that it seemed like a campaign driven by one part of a society and directed at another part.

Mr Higgo said that the media space was being donated and that the contributions from corporate South Africa should not detract from existing social responsibility funds or detract from wages, etc.

It would be impossible to verify that. The effort was not to deflect funds from community responsibility programmes. He said that he believed that the money would come out of funds allocated for marketing purposes. He said that at the Witwatersrand workshop community and regional leaders would be involved. He said that the non-media part of the campaign was aimed at getting to the people. He said that esteemed figures would be used as part of the campaign. Painting projects would also be planned. Three million pieces of canvass would be used as a part of a painting campaign for school children. These projects would be aimed at getting everyone involved.

Mr Lamprecht said that the group pulled together could market anything but that the message seemed thin. People do not share a definition of peace. Nor of democracy. There is an enormous need for education on content issues. He said that a pilot committee should be created to ensure that the educative component was encompassed.

Mr Higgo said that this would be very difficult to achieve. It would be hard to make intellectual arguments to the population as a whole.

Mr Lamprecht said that a tremendous amount of money would be involved, approximately 11 million rand which could staff many projects. Without content to the campaign, the money might not achieve significant effect.

Mr Higgo said that this discussion should continue in greater depth once the materials were presented.

Mr Aarvold asked how the precise design of the dove was arrived at.

Mr Higgo said that the dove was close to natural but was stylised. He showed some of the previous doves. Research was done by Markinor on the various doves. people preferred the idea of two as opposed to one dove to communicate peace. Among Zulus a single dove is bad news and two doves is good news. Blue was seen as a neutral colour. Two white doves would not have shown up clearly. The Marketing Group believes that these are the right doves.

Mr Harris said that he was very impressed by the presentation. He said that there seemed to be a concern that the campaign was oriented toward the marketing of a symbol and a slogan but that flesh should be put on the bones at a later stage. The definition of peace would need too be conveyed.

Mr Higgo said that this would come across when the benefits of peace were explored. The idea was to sell peace, not to stop violence.

Mr Lorimer said that it was insufficient to market a symbol in isolation. The content of the message needed to be conveyed as soon as possible.

It was agreed that the Marketing Committee would examine ways of

giving greater content to the proposed campaign and to ensuring that the message be conveyed be broader than simply that of peace and extend into the other principles and values embodied in the NPA. The marketing Committee would report on steps taken in this regard.

Mr Higgo said that the start-up campaign would need to demonstrate this.

Mrs King said that she congratulated Mr Higgo on his work. She said that in some communities cultural norms would need to be examined to determine what media were most powerful in conveying messages. She asked again about the colours of the symbol. She noted that the white dove was on top. She said that the budget sounded ad hoc and highly dependent on the grace and favour of companies. This seemed risky and some funds should be raised and put aside. She said that there were probably many small business people and ordinary citizens who could contribute small amounts and thus become stakeholders in the initiative. She asked what was being done to engage those outside the peace process in the campaign, for example Boputhatswana and non-signatory parties. She said that 8 March was International Women's Day and many events dealing with peace were planned.

Mr Higgo said that Ms Pauquet had created a subcommittee of people in the arts interested in promoting peace. There was a peace train project planned for June 1994. Michael Jackson was to be included as well as other black stars. He said that the campaign was focused on everyone.

Mr Barnes said that there was a logo on the NPA document and asked if all letterheads would be changed. He asked about the fate of the convention logo.

Dr Gildenhuys said that he personally hoped for a total change but that the NPC would have to agree. The other logo could be used to refer to the agreement.

Mr Barnes said that he would support a single logo.

Dr Gildenhuys said that there were unfavourable responses among the NPC with regard to a new logo.

Ms Vos said that political leaders with agendas might not be receptive to the messages. She asked how these people would be dealt with and whether people could be locked in to accountability to the peace process,

Mr Higgo said that it would not be possible to lock people in but those who opposed the cause would eventually become isolated by society.

Ms Pauquet said that the national peace executive was on wooing non-signatories. This was a concerted effort. She said that workshops were being set up with LDRCs around the country to sensitize and involve the local press. The local press everywhere would be linked in with. The business newspapers were also becoming involved. Lawyers for Human Rights and the ANC

were also becoming involved. She said that the real success stories were on the ground. She suggested that there be an open time for the media at the chairpersons meetings. Certain issues would need to be discussed quietly but some things could be shared with the public.

Dr Gildenhuys said that he supported having the press in on report backs.

Mr Lorimer said that press presence could bring about grandstanding.

Dr Gildenhuys said that the chairpersons were not given to grandstanding.

It was agreed to include an open session at the next chairpersons meeting.

Dr Gildenhuys thanked Mr Higgo and wished him the best.

The meeting adjourned for tea.

The meeting reconvened.

8. COMPLAINTS PROCEDURE

Dr Gildenhuys welcomed Deputy Minister Danie Schutte. He referred the meeting to points 8.3 and 8.4 of the recommendations pertaining to inadequate complaints procedures.

Mr Pretorius said that there was a disputes procedure and people were charged but that there was no follow up.

Dr Gildenhuys asked for recommendations to the NPA. He said that one possibility was to send the results to the leaders of political parties. Judge Goldstone had suggested legal action such as banning people from making public speeches.

Mr Pretorius said that decisions should be legally enforced and that if there were further violations further legal remedies should be made available.

Mr Lamprecht said that those who contravened the NPA should be known to be on the moral low ground. Observers have a salutary affect because of the political consequence of having them observe wrongdoing. If there is no public knowledge of transgressors there will be no cost to taking chances. The publicity side needs to be addressed, for example, news items. People must be given the opportunity to mend their ways.

Ms Pauquet said that initially the media provided coverage of transgressions but they then stopped being newsworthy. A regular column might be a possibility.

Mr Pretorius said that the two initial cases heard had received great publicity which had turned negative against the NPS because the parties refused to accept the decision rendered. There are no teeth to decisions without legal enforcement mechanisms.

Mr Gastrow said that he was concerned about legal enforcement because of its potential divisiveness. The NPA is consensually based. Political groups involved are engaged in a power game. The first item on the agendas of participants is political power. Legal sanctions may bring the NPA into disrepute because of the nature of political responses. He said he would not know who would make the decisions with regard to apportioning blame. An identifiable group with a full mandate would need to do the job. The individuals cited would be forced to react defensively in order to meet their political interests. They would inevitably defend themselves. The details of transgressions should be forwarded to party leadership to deal with. The public and pressure groups could ask the leaders of organisations whether anything had been done with regard to transgressions. Leaders have never before been involved. Mechanisms of making transgressions public should also be pursued.

Dr Gildenhuys said that the adjudicators should be of higher profile than previously.

Mr J Steenkamp said that Justices of the Peace were supposed to make findings and impose fines and that for this reason political means should not be the only ones used. This would negate the role of Justices of the Peace.

Ms Vos said that use of the media could easily become adversarial. The press can choose what to pay attention to. This denies parties the right of reply. Parties could attempt to discredit the adjudicative process through the media.

Mr Naidoo said that this issue had been discussed at length in the NPS meeting and that perhaps some of the conclusions reached should be shared. He said that the view was that little would be achieved by criminalising breaches of the Code of Conduct and that more would be achieved by placing the onus on the president of the organisation to which the person belonged. The NPC should follow up any action taken. The President would decide on an appropriate response. This process would be politically accountable as opposed to merely advisory. Presidents of political groups would have an interest in maintaining their party's credibility and discipline.

Mr Pretorius said that when the NPA was drawn up the provisions for Justices of the Peace gave far reaching legal authority. The NPC then decided to change it to bring in lawyers. He said that Justices of the Peace should be appointed to fulfil this function and to report on findings to the Presidents of political groups.

Dr Gildenhuys said that they had pleaded for names for Justices of the Peace which did not come. The Justice of the Peace is not a magistrate who can impose fines he can only apply for bail or make an order to prevent violence.

Mr Pretorius said that he or she could impose fines. He said that the lawyers on the panel should work as Justices of the Peace.

Mr Rudman said that the names should come from the regions. The regions would need to nominate them.

Mr Pretorius suggested that the lawyers nominated should be appointed by the regions. If people do not comply legal action should proceed.

Ms Pauquet asked what would be done if political leaders were not seen to respond. The NPA could lose credibility in these ways. The mechanisms of parties are slow.

Mr Naidoo said that the NPA does not belong to chairpersons but to the political parties. If parties cannot discipline their members and create a willingness to participate in a democratic process the peace process will not succeed. Even if it is time consuming the emphasis should be put in the right place. He asked that Harry Gwala not be used as an example of an offender. He said that the provisions calling for Justices of the Peace were not properly thought through. It was a Western concept which might not work well under current conditions with people without assets. He said that there were similarities between Justices of the Peace and indigenous systems within South African culture and that these should be explored. There is a tradition of elder statespeople playing this kind of role. In urban areas these do not exist and some rural systems are broken down as well. Justices of the Peace as presently envisaged will not carry authority and people are unlikely to be willing to play the role.

Mr Lamprecht said that the notion raised by Mr Naidoo should be explored further.

Mr Pretorius said that the effort should be to stop leaders from making irresponsible statements. Justice of the Peace would be appropriate for this purpose.

Prof. Chappell said that interesting work had been done with regard to new theories of punishment called reintegrated shaming. There is too ready a willingness to fine and punish people, the consequences of which are debilitating. The idea is to make people accountable but not to make them outcasts. The effort should be not to push people out but to bring them back in. This idea originated in Japan where the crime rate is low. Criminals must publicly apologise and remonstrate for misdoings. He suggested that political parties and those committing breaches be shamed.

Mr Pretorius said that politicians had thick skins.

Mr Schutte said that the Goldstone Commission had called for statutory sanctions. The practicality of the suggestion was doubted. The suggestion was that people be barred from making public speeches. CODESA group 1 asked that statutory sanction be given to the NPA. He said that the tip of the iceberg was being dealt with as more serious violations of the NPA were being dealt with by the courts at present. Political parties should be playing a role in this.

Dr Gildenhuys said that he had the impression that the most effective sanction would be a direct referral to the presidents of political organisations. Justices of the Peace would be given

a trial run and indigenous enforcement structures should be pursued. This was agreed.

7. SOCIO-ECONOMIC RECONSTRUCTION AND DEVELOPMENT

7.1 Name of Committees

Mr Warwick Barnes took the chair as Dr Gildenhuys excused himself to attend an NPC meeting to examine the complaints procedure in greater depth.

Mr Barnes introduced the discussion on Socio-Economic Reconstruction and Development - SERD. He proposed the following outline: a review of activities of the NPA trust, review of the financial situation, two projects underway at a national level, issues raised within regional report backs, general items. He said that he wished to propose that committees be called peace and development committees. Peace committees may lost sight of their development obligation.

Mr Tessendorf said that he had discussions with representatives of development agencies in the region who had said that peace and development could be seen as contradictory as the introduction of resources can become a source of conflict.

Mr Barnes said that competition for funds for development would always cause conflict. This was not attributable to the peace process.

Mr Pretorius said that SERD puts the emphasis on all the important aspects being dealt with. The need to rebuild committees to the point where they themselves seek upliftment as an attainable goal was important.

Mr Lamprecht said that the proposal was to call committees peace and development committees.

Mr Durand said that the names should be kept simple.

Mr Pretorius said that there would be two committees. The functions could not be combined.

Mr Barnes said that discreet committees with discreet skills would be needed.

Mr Harris said that he supported the proposal because the LDRCs have to get a change of focus particularly in areas where there is massive poverty and underdevelopment. The LDRCs have to be seen to deliver. There is a perception that the LDRCs are places where political compromises are made. If there is delivery people will be tied in to the process. Peace and development should be linked. If a particular party can deliver improvements they will increase their power. Communities as a whole should own development initiatives.

Mr Brady asked if in Mr Harris' experience a crisis of delivery would cause problems.

Mr Pretorius said that from a practical point of view combining the functions in Natal would be impossible. People would need to concentrate on specific items. Two committees would be needed.

Mr Barnes said that a peace and development structure could have two separate flanks. The committee would be an umbrella body and would take responsibility to ensure that both happened.

Mr Lamprecht said that the regional committees were charged with the obligation and it was a question of how to manage it. The key is not to forget the two responsibilities. He said that the SERD platform would need to pace itself in keeping with human and material resource availability.

Mr Gastrow agreed with Mr Harris in principle but questioned the importance of the name. The question was whether structures have the ability and the resources to deliver. Peace committee sounds broad, inclusive and noble. Development sounds more sectarian. It might connote ownership by development actors rather than communities. The word development could lend to controversy.

Mr Barnes said that the switch in name from dispute resolution to peace gave impetus to Mr Gastrow's argument.

Mr Aarvold said that this issue was debated and decided upon at the previous meeting.

Mr Barnes said that he wished to reopen the debate to get a more substantive discussion going. He wished to put the issue to bed.

Mr Lamprecht said that the issue had been resolved.

Mr Steenkamp said that the matter was discussed and concluded at the previous meeting.

Mr Barnes said that he was not present or invited to that meeting. He said he was satisfied with the conclusion of the matter.

7.2 NPA Trust

Mr Barnes said that the NPA Trust was a legal body empowered to receive money and dispense it for project activities agreed to by the peace structures. Trustees are people with experience in development. It is a small committee which may grow. It consists of John Hall, Warwick Barnes, an observer requested through the national subcommittee who provides accounting assistance, Mvumi Mdandala, Henry Jeffries, a secretary - Mr Marshall Murton, Mr Jerome Ngwenya, and Mr Themba Nyathi. An outside firm is doing the accounting - Deloitte and Touche. About 300,000 rand was raised last year, mainly from the US corporate sector. Another 2.5 million were raised through the European Community. They have an arrangement with the IDT to proceed with projects which qualify with the terms of their trust deed. Funds can be secured through IDT on a fast track mechanism. Funds have been solicited from a variety of sources, domestically and internationally and from the public and the private sector. 5.1

Mr. Barnes said that NPA Chapter Five will require a substantial grant from government to enable the committee to respond quickly to urgent requests. Unless this is forthcoming there will be no future in SERD initiatives. The amount which could be raised from available sources could never meet the existing demand unless public funds are made available. A far more serious commitment from government is needed. The private sector has difficulty meeting the need because it is hard for the SERD subcommittee to be specific in advance with regard to the nature of projects to be undertaken. Bridging funds are needed to undertake initial projects so that private funds can then be applied retroactively for projects which fall under the mandates of particular funders. The task is to mobilise the capacity of existing development agencies to undertake work identified as necessary and urgent. The NPA will not become a development agency. The peace structures will sensitise agencies with the capacity to respond. An anchor fund was needed and would have to be primarily sponsored by government. Certain funds are in place already. The peace structures have facilitated the work of other agencies in several instances.

Mr Barnes said that the government had said that SERD falls under the Ministry of Constitutional Development, rather than the Ministry of Justice which funds the NPS. He said that he had appealed to government to centralise the provision of funds and have one Department take full accountability. This was not yet accepted by government but he hoped that it would be shortly. He said that this was the broad strategy which he was trying to pursue.

7.3 SERD Capacity in Regions

Mr Steenkamp noted that the regions had subcommittees and managers. He asked if they were working efficiently. He asked whether the agencies had demonstrated a quick response time.

Mr Barnes said that efficiency was a major concern. A detailed memorandum had been distributed in July to regions. Regions were asked to appoint coordinators with the requisite skills in development. The Justice Department has agreed to fund the coordinating function. The nature of the tasks and responsibilities of the coordinators have been outlined in a document which is available. The role of coordinators is crucial. Some regions have appointed coordinators which have begun to work. Progress had not been notable. Some regions are in the process of putting in SERD structures. He said that he has a very close relationship with the IDT and that responses are very quick. The Government's social relief committee has assisted some communities through the Victims of Violence fund. Regional coordinators will need to establish relationships with all the agencies. The lack of coordinators is the weak point at the moment. In Port Shepstone there are innovative steps underway to reconstruct homes destroyed by violence. They are working without a coordinator. The Alexandra ICC has taken the initiative through a development task force. The Border Ciskei

Development Forum is being worked with. He asked for an endorsement of the basic framework of the approach to government.

This was granted.

Mr Barnes said that he would report back as progress was made. He asked that participants respect the confidential of this initiative as it was still in process. There were major opportunities to demonstrate that the peace structures could deliver.

Mr Schalkwyk said that committees had sought funds for projects which were deemed government responsibilities, meaning that funds were not available.

Mr Barnes said that certain projects could not be met out of available resources. Priorities would need to be identified so that available resources could be best used. All the necessary resources would never be available.

Mr Lorimer said that certain items like arrears service payments were impossible to fund due to the high costs involved.

Mr Barnes said that if he could get bridging funds which would be reimbursed it might be feasible.

Mr Brady said that he had understood that advances were possible for service payments.

Mr Barnes said that it could be done if guarantees were available at provincial level. He could assist in getting access to officials. He said that he had received extraordinary cooperation from the TPA after explaining the nature of the NPA structures' role. The TPA had demonstrated willingness to accept the priorities identified by the committees. The same principles should apply elsewhere in the country.

7.4 Assistance for Victims of Violence

Mr Barnes said that part of Chapter Five entailed dealing with the consequences of violence. The most pressing issues at the moment in this regard were the reconstruction of shelter, homelessness, and trauma. There was a reconstruction initiative planned for the Wits/Vaal area and resources had been mobilised (between 3 and 4 million). The project has a committee dealing with all the relevant sensitivities. The project will be monitored very carefully and viewed as a template for projects elsewhere. A similar initiative is being started in the South Coast.

Mr Barnes said that the national subcommittee on reconstruction decided that it did not want to become involved with the Victims of Violence due to a lack of expertise. Because of this it was decided to form a separate structure to deal with this matter. The formation of a separate trust would be announced shortly. It would be a private initiative. Trustees had been identified and the nucleus of the structure was in place. This would be part of the NPA but will not be accountable to the SERD

subcommittee. The trustees of the NPA trust decided late last year that the NPA should support a project to provide intervention services to victims of violence. There are a number of agencies assisting these people but they are not coordinated. There is a need for professional, technical advice for victims of violence and their families. Funds raised have been allocated for a 6-7 month pilot project in the Wits and Natal areas. This will allow for testing of the project in rural and urban settings. Counselling staff have been identified and are being trained. It will be a free counselling service by phone. The victims of violence trust will support initiatives of this nature.

Mr Lorimer asked that names be given of persons involved in setting up the project.

Mr Barnes said that the Family Institute would be running it. They work with trauma victims. A presentation was given to the Wits/Vaal committee and one would be given to the Natal KwaZulu committee.

7.5 Building Capacity for Development

Mr Barnes said that those qualifying for project support would need to comply with certain administrative and accounting requirements. There are separate procedures in place for getting draw downs. He reviewed the criteria used to assess projects. He said that there was an effort to get broad opinions on the principles governing the involvement of the NPA in development. He said that a draft document was formulated earlier but that it was being reviewed and amended through a wide canvassing process. He said that many of the potential problem areas identified are inherent in a new structure. SERD is regarded as important but many of the persons involved in the committees are not familiar with development related issues. An educative process about development was needed. He said that there was a need to examine the expansion of institutional capacity for development. It was necessary to have people trained to assess development opportunities and to produce good projects. He said that there was a vacuum in the quality of development related thinking. This was a prerequisite for any form of development related activity. There was a need for improved capacity to take development decisions art grass roots.

Mr Barnes said that people needed to know how to organise themselves and seel their projects. This is being sold to the private sector and support should be available. This would put capacity in place which could then be transferred to other institutions at a later stage.

7.6 SERD General

He said that he wished to return to some of the issues raised the previous day. With regard to arrears owed to councils this could be looked at provided that government guarantees were available. Massive amounts would not be viable. The NPA would act as facilitators for the capacity of others, not as a development agency. Ideally the NPA would need no funds of its own for SERD.

He said that SERD structures should not be compromised due to lack of expertise. Committee members must be experienced and have access to development agencies. This would facilitate delivery on the ground. Professionalism should be the operative principle.

Mr Brady asked if it was necessary to have a full time coordinator

Mr Barnes said that this was advised but that the judgements should be made by the regions depending upon the projected degree of activity.

Mr Brady said that the emphasis should be on involving local people in development related activity.

Mr Barnes referred him to the desired characteristics of the coordinators.

Mr Schalkwyk said that he did not have a post for a full time SERD coordinator authorised.

Mr Barnes asked if he had applied for one.

Mr Schalkwyk said that he had done so but that once projects were on paper he would make the request again. Some projects had already been identified by peace committees.

Mr Barnes said that this was not the task of the committees. A coordinator was needed.

Mr Naidoo said that he had no knowledge of any refusals of appointments of this nature.

Mr Steenkamp said that the NPS would take up this issue.

Mr Barnes said that at the end of last year he had asked for short commentaries from chairpersons on SERD activities as he wished to be informed. He said that he needed information and communication and that in exchange, he was willing to make himself as available to the structures as possible. He said that he had not received a response to the request for reports and asked if the request was acceptable.

Mr Gastrow said that the chairpersons get a great number of requests for information and assistance. He said that it might be hard to know where SERD fit in. He said that Mr Barnes' area should be part of a structure. SERD is seen as something else. It should not be separate from the NPS functions. He said that this should be considered from a structural point of view.

Dr Gildenhuys said that this emerged from the way that the NPA was worded as SERD was put under the NPC.

Mr barnes agreed that SERD was seen as an adjunct to the primary functions of the peace structures.

Mrs. King said that the international observers were told that

the current meeting was about SERD and that the teams had formulated a paper on the subject which had not reached the regions. The paper examines the SERD structures attached to committees, their functioning, coordination, and legal aspects. She said that UNOMSA believes that development is crucial and that they are pleased to see that many initiatives have been taken. The paper is not meant to destroy what is going on. She offered to meet with Mr Barnes to consider revisions or amendments to the paper. The paper represents the views of observers in 9 or 10 of the regions. A revised version could be sent to the RPCs.

Mr Barnes said that he wished to liaise with Mrs.King with regard to the content. He said that he wished the document to be withdrawn until the facts could be verified and amendments could be made.

Mrs. King agreed and said that she had not asked for it to be distributed.

Mr Vismer suggested that the reports from chairpersons be made simpler through a standard checklist to be filled in. He said that this would make the process easier to comply with.

Mr Barnes said that he expected a synthesis of the reports made by SERD coordinators and/or SERD subcommittee chairpersons. He said that there would be standard items at a later stage once all the subcommittees were formed.

Mr Vismer said that a standard format would point out gaps to those responsible for filling them in the regions.

Mr Brady said that Mr Barnes should visit the regions. He said that the reporting requirements on chairpersons were heavy.

It was agreed that guidelines with regard to the reports would be of assistance.

Mr Barnes asked for any comments under general.

The meeting broke for lunch and reconvened.

8. JUSTICES OF THE PEACE

Dr Gildenhuys referred participants back to the summary of the meeting held on 1 December 1993. He said that the appointment of Justices of the Peace was being expedited.

Mr Rudman said that some committees had appointed committee members as Justices of the Peace. He asked for views on this.

Mr van der Heever said that this was inappropriate as one could not try ones' own case.

Mr Rudman said that they were likely to be neutrals who were appointed to the post.

Mr Durand said that they should not be party representatives.

9. SPECIAL COURTS

Dr Gildenhuys referred to point 6.1 of the document compiled from the previous meeting. He said that there was unanimity in opposition to special courts. The special procedures under the Criminal Amendment act were never followed. He asked if the issue should be pursued further. 10

Mr Pretorius said that the problem was not the courts but the police who lacked sufficient evidence and personpower to deal with the number of cases. He said that case studies done in Natal had shown this.

Mr Schalkwyk confirmed this view.

Mr Naidoo said that there had not been an agreement not to implement special criminal courts but rather that this view had been put forward by the Department of Justices. He said that case studies were not necessary as statistics confirmed the problem. He suggested that the Department of Justice state its case in opposition to special criminal courts as envisaged in the NPA and that they propose alternatives. These could be taken back to constituencies. This was agreed. He said that Chapter 10 was aimed at giving teeth to the Justice system. Prisons were a crucial component as criminals were being released. He asked that the Department be asked to look at the nexus of justice, prisons and police. This was agreed.

10. PEACE RALLIES

Dr Gildenhuys referred the meeting to peace rallies. He said that political groups were asking for rallies for their own constituencies and that they were requesting NPS funding. Separate rallies were being planned in preparation for joint rallies. The concern was that the NPS could be seen as giving state money to political parties.

Mr Vismer said that this was discussed the previous day and that there was a recognition that a build up to joint rallies might be needed. He said that if the party did not stick to agreed rules, for example making inflammatory speeches. If parties were committed they should commit their own funds. It should only be considered in cases where there was clear evidence of a combined effort. This should be one of the criteria for approval.

Mr Naidoo suggested that the issue be held until the Wits chairpersons returned.

11. OUTSTANDING ISSUES FROM THE PREVIOUS MEETING

Mr Gastrow asked for a timetable and a person be designated for the recommendation to approach the Justice Department.

Dr Gildenhuys said that these would be taken care of by the NPS.

It was agreed that Mr Hatty would take up issues 7.1 -7.5. Issue 7.6, arms caches would also be referred to the NPC through

Mr Hatty.

Dr Gildenhuys asked if number 8 could be dispensed with.

Dr Gildenhuys referred to point 9.1 and said that information was not being filtered through regions to local committees. He said that the NPS would prepare a monthly bulletin to be forwarded directly to regional and local structures.

Mr Gqubula said that local chairs were being invited to regional meetings. It was noted that this was the case in several regions.

Dr Gildenhuys said that Minster Delport said he would assist with Councils. With regard to meetings with signatories he said that he felt a lot could be achieved. This was agreed. He asked for volunteers of regional chairpersons who would like to come. Mssrs. Durand, Pretorius and Lerm volunteered. He said that Zulu and Afrikaans copies of the NPA were available. Another five languages had been requested.

Mr Tessendorf said that the illustrated posters were out of print in some languages. These were found to be very useful.

Dr Gildenhuys said that they could be obtained through the NPS.

Mr Rudman said that the Zulu version of the NPA was ready to be printed. Afrikaans was going to the printer. These should be ready within a month.

Mr Barnes asked that the new logo be put on the reprint. This was agreed providing it was accepted by the NPC.

Dr Gildenhuys said that on item 9.6 a NPC subcommittee had appointed six specialists nominated by the ANC, IFP and NP to examine the efficacy of the NPA in general and to focus specifically on the complaints procedure.

Mr Hatty said that they would look at amendments and additions to the NPA and the possibility of statutory penalties. They would report back on 26 February 1993.

Mr Hatty said that input from the chairpersons was needed in this regard.

Mr Pretorius said that the comments had been made this morning.

Dr Gildenhuys asked Mr Vismer to summarise the views expressed on peace rallies.

Mr Vismer said that a build up to a joint peace rally was sometimes needed. The monitoring of such rallies and the possibility that rules would be violated made this problematic. He said that one of the criteria for funding rallies should be that it be a combined effort of different parties. Individual rallies should be funded by the parties.

Mr Gastrow said that it might be difficult to begin with a joint

meeting in a divided community. He said that if party A was to hold a rally a prerequisite should be that a leader from party B also attend. Room should be left for experimentation and for regions to take responsibility for reviewing requests.

Mr Steenkamp said that rallies were costly and that in the period before an election parties could exploit the NPA to hold political rallies.

Mr Lamprecht said that Mr Vismer's remarks were valid. He said that local committees had identified these rallies as part of the peace processes. He said that the decision to hold the rallies were taken jointly by the committees. He said that the monetary amounts were small. The requests come through the structures. He said that if amounts were unacceptable this was a different matter.

Mr Pretorius said that evenhandedness was essential and that it would be difficult to make decisions.

Mr Lamprecht said that these were decisions made by committees, not by individual parties.

Mr Naidoo said that there might be situations where the leadership of organisations would need to communicate with their support bases to transmit certain ideas or agreements. If peace committees are to be empowered to make peace they need the capacity to do this. He said that conditions could be created to ensure that the committees were playing an appropriate facilitative role and then to define budgetary limits. He said that the requirements should not be so hard to meet as to eliminate the facilitative function. It could be stipulated that the chairperson, international observers, and a peace committee delegation be present at all rallies.

Mr Pretorius said that a separate rally was fine as long as it led up to a joint event.

Mr Vismer said that he had been convinced by the remarks but that it would be difficult to take a decision on the matter as the individual circumstances of particular requests would differ. He suggested that individual proposals be formulated by regions and considered on a one by one basis.

Dr Gildenhuys summarised that the provision for funding rallies by single parties it would have restricted application and suitable safeguards.

Mr Mfayela said that the meetings were not party meetings but rather products of resolutions taken by committees and implemented by committees.

Ms Vos said that this should be seen as part of the peace process as joint leadership rallies between the ANC and IFP were on the agendas of bilateral talks at national level.

Mr Hatty asked about rallies for non-signatory parties.

Dr Gildenhuys said that individual cases would be considered. He referred participants to item 10 dealing with police jurisdiction.

Mr Gastrow said that the jurisdiction issue was tabled at the Police Board but that the feeling was that the bi-lateral meetings were dealing with this issue and that it should be solved there.

Dr Gildenhuys said that number 11 on strategic vision would be dealt with as part of the main agenda.

10. ANNOUNCEMENTS

Mr Lamprecht announced that the Independent Mediation Service of South Africa was planning to hold a national workshop on community conflict resolution and referred to Ms. Nossel.

Ms. Nossel said that the Community Conflict Resolution Service of IMSSA planned to hold a weekend seminar on community conflict intervention for practitioners on 23-25 April 1993. The aim of the programme would be to afford those involved in community conflict intervention with an opportunity to reflect on their work and to share ideas, approaches, and difficulties with others involved in the field. It was hoped that the seminar would provide participants with a clearer understanding of the dynamics of community conflict intervention and of successful intervention strategies. The emphasis would rest on particular kinds of interventions, including police-community issues, handling service related conflict, and political conflict resolution. Participants would include members of peace Accord structures and experts from dispute resolution organisations. Regional chairpersons would receive detailed information on the conference by mail and were urged to participate and to encourage the participation of coordinators and chairpersons. Those who were interested in sharing their ideas and experiences through the presentation of short papers were invited to submit proposals.

Mr Naidoo said that a report had been done on training but that this was not yet photocopied.

Dr Gildenhuys said that a suggestion had been raised with regard to an educational programme in schools.

Mr Brady asked if there had been any feedback from Lawyers for Human Rights which was running a similar programme.

Mr Vismer wondered if there might be overlap with the marketing programme. It was agreed to explore this with the Marketing Committee.

Dr Gildenhuys said that the two waiters who had served the group were dependent on tips. A hat was circulated.

It was agreed that the next meeting would be held on 16 April 1993 at Jan Smuts airport from 10h00 until 18h00.

Mr Hatty said that Mr Edward de Bono from the United States was

coming to South Africa in March. He offered to hold a one day session on the six thinking hats on Sunday 28 March 1993 from 8h30 until 17h00

Mr Durand asked if it would be possible to prepare a short list of resolutions in need of immediate attention by the chairpersons. It was agreed that the minutes would be ready by Monday,, 15 February 1993.

Ms Pauquet asked if a session with the press could be included at the Jan Smuts meeting. This was agreed.

13. EVALUATION

Mr Naidoo said that the NPS had met with International Alert which is involved in conflict resolution and has access to conflict resolution experts from all over the world. Discussions were been held with regard to an evaluation of the peace structures and it was agreed that an evaluation team of four international people and four South Africans would do a review and evaluation of the efficacy of the NPS structures to contribute to the effectiveness of the peace process. A committee was created which had spoken to Andy Carl of International Alert and which included Paul Hatty. The evaluation would consist of interviews and observations. The report would be presented to the NPS which would have ownership of it and would determine whether to make it public. It would focus on crisis response, facilitation, coordination between structures, relations to political structures, peacekeeping, and general. They were presently consulting to establish the teams. The mission would last for two to three weeks and would begin in early March 1993. A proposed itinerary of regions was being drawn up. , Programmes would be worked out in consultation with the chairpersons. Frikkie Botha would be the secretary from the NPS. A detailed itinerary would be prepared by next week. He asked that there be access and good cooperation between Frikkie and the mission and the regions.

Mrs King said that in evaluations success is judged based on original targets. She asked what the indicators of success would be so that information could be gathered to assist the evaluation process.

Mr Naidoo said that the terms of reference were detailed. He asked if the UN could assist in the development of terms of reference and criteria.

14. TRAINING

Mr Naidoo said that a one page document was being circulated. A training strategy was also being distributed. Last year 28 workshops were run. The concentration was in the Wits/Vaal region. A detailed evaluation of reports was done. A preparatory committee was established to hold consultations with the trainers to determine strategy for the coming year. One hundred and ten thousand rand were spent on paying trainers and observers. Another R200,000 was spent on accommodation and logistics. Money had been raised from the Rowntree Trust and the

Danish Government. Since January 1993, 14 workshops had been done. The training committee consists of Mssrs. Naidoo, Gastrow, Rudman, Vismer and Secretary, Anton Venter. An additional six experts would be included in policy meetings in future. This would create a stronger linkage between the NPS committee and the training community. It was recommended that regional training committees be formed where possible. Policy would continue to be determined at a centralised level. Each regional training committee would be asked to do a needs assessment. The role of the process observer was being reevaluated. The observer was taking a more proactive part in the session. The document would be circulated for discussion when ready. The training programme was on track. Additional areas to look at were training of monitors, a seminar on community-police relations, and training on SERD. Educational campaigns for schools also need to be examined in further depth.

Mr Vismer mentioned the training of RDRC staff.

Mr Naidoo said that briefings similar to those given to international observers should be given to staff of committees.

Mr Lamprecht said that the process observer was useful at the start because people were inexperienced. He said that the cost could now be dispensed with.

Mr Naidoo said that this issue had been considered in depth. There was support for the idea in the training community but the question was how to make it useful. Trainees have been used as process observers which means that the NPS is paying for someone to learn. It may be dropped. It has been shifted away from a policeman role to something more useful for training.

Mr Tessendorf asked what happens with the workshop evaluations.

Mr Naidoo said that the reports were passed on to people to read and summarise. The evaluation was mixed. There were questions about the format to use for evaluation. There was increased reliance on participant evaluation through a standardised form.

15. STRATEGIC VISION

Dr Gildenhuys said that this issue had been examined at the NPS boesporaat.

Mr Naidoo said that there had been a great deal of discussion recently about the strategic direction of the NPA. He introduced a short document which provided an outline of the current thinking of the NPS. Issues were presently being dealt with on an ad hoc basis. The document was an effort to crystallise ideas raised previously. He said that these were broad headings. It was necessary for the NPS to define appropriate roles for itself in each anticipated phase of the transition. He said that there was no effective demarcation of areas of activity within the NPA. He said that communication was a vital part of the success of the peace structures. Greater transparency was needed to locals, structures, parties, and the public. He said that the peace structures had been isolated from the political negotiation

p. cess. Access to and regular contact with political leaders was needed. This involved going further than liaising with the party representatives to structures but also having links to principal political leaders. He said that increased emphasis needed to be placed on peace development work in 1993.

Mr Naidoo said that this framework could help committees develop a longer term perspective on their work and the ways in which their resources were deployed. He said that these issues would need to be addressed in more detail within structures. He said that if such a framework was useful the question was how to proceed. He said that it should be the basis of discussion in committees.

Mr Gastrow said that this was very useful, particularly the portions dealing with anticipated phases of a transition. He said that if a role was envisaged this should be carefully planned. He said that the RDRCs should be involved in the process of formulating the vision. He suggested that John Hall be involved also. Political and other groupings should also be engaged. He suggested that a small committee should be appointed to take the framework to all the regions and to discuss it. They would also meet with parties. The committee should then come with a draft vision document for final discussion and approval. The findings of International Alert could be incorporated and made ready by the time of the meeting of signatories.

Dr Gildenhuys suggested that this be referred back to the full secretariat to refine and that each NPS member discuss it with an RDRC at meetings they attend.

Mr Gastrow suggested that four people from the NPS be appointed to consult the regions and prepare the final document.

Dr Gildenhuys suggested that it be referred to the NPS and that the practicalities be considered.

Mr Pretorius said that this would need to be linked to the structure committee as structure could not be formulated until vision was devised.

Mrs King said that the UN would like feedback from the chairpersons on the role of international observers before and during an election as preparations would need to be made.

Mr naidoo said that this type of endeavour took time. He wished more feedback as to whether it would be a useful exercise.

Mr Durand said that the regions could discuss the document on their own.

Mr Vismer said that after the election stage there was a question mark as it was new terrain and would require debate. He asked that regions give special attention to the need for feedback on the new terrain.

Mr Lamprecht said that the work of the peace structures could be greatly expanded in the arenas already being addressed. This

w. ld require far more discussion and attention in future.

Mr Naidoo said that if this exercise would be useful he suggested that some of the NPS members meet before the next meeting. He identified Mssrs. Vismer, Gastrow, Mfayela, and himself who would present at the next meeting. To Chair

Mr Lamprecht suggested that regions discuss the document.

Mr Gastrow asked if it was essential for entire regional committees to be involved. It was decided that this would be left to the chairpersons.

Mr Gastrow asked regional chairs to take the issues back and discuss them at their next executive meetings.

Dr Gildenhuys thanked participants and the international observers for their input and the Directorate, Deon, Anton, and Frikkie and closed the meeting.

Mr Lamprecht thanked the chairperson for his efficient chairing.

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TELEFAX TRANSMISSION COVER SHEET

DATE : 23-4-93 FAX NO : 880 8716

FILE REF : NO OF PAGES : 17
(including cover sheet)

TO : PAUL HATTY

FROM : SYDNEY MUFAMADI

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OPERATOR : SHIRLEY

IF THERE IS ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE OPERATOR AT JOHANNESBURG (011) 403-2765

INSTRUCTIONS/MESSAGE :

As promised, please find copy of our document re: Recommended amendments to the National Peace Accord. This is an input from the ANC-led alliance.

We are still proceeding with the process of consultation internally. Our views might still change here and there. ~~However~~ In the meantime, you can proceed with ~~recommendations~~ processing our recommendations.

Regards!

S Mufamadi

(14)

MPADG
C:\MP\ACCORD.REC

AFRICAN NATIONAL CONGRESS
CONGRESS OF SOUTH AFRICAN TRADE UNIONS
SOUTH AFRICAN COMMUNIST PARTY

RECOMMENDED AMENDMENTS TO THE NATIONAL PEACE ACCORD

1 APRIL 1993

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1. DECISIONS REACHED AT CODESA

The National Peace Accord and the question of amendments to it were discussed by Working Group 1 at CODESA. Pages 11 to 15 of the final report of Working Group 1 summarised the decisions taken by Working Group 1 regarding strengthening and amending the National Peace Accord. A copy of the relevant extract of the final report of Working Group 1 is attached. The ANC supports all of the decisions contained in the report.

2. ASPECTS OF THE NPA WHICH HAVE NOT YET BEEN IMPLEMENTED

2.1. Defence Force Code of Conduct

This code of conduct has yet to be finalised and agreed upon between the parties. In view of the recent revelations regarding military intelligence operations, it should be negotiated and finalised as soon as possible. At the moment the only NPA clause specifically binding the Defence Force is clause 3.8.4 which states that the Defence Force is bound by the provisions of the Accord insofar as it performs any ordinary policing function.

2.2. **Justices of the Peace** 7.5

Only a few justices of the peace have thus far been appointed in terms of clause 7.5 of the Peace Accord. The appointment of additional justices of the peace and the powers which they should have are issues which are presently under consideration by members of the Peace Committees. Although there is a need for more justices of the peace to be appointed to ensure that agreements reached in Local and Regional Peace Committees are enforceable, there first needs to be greater clarity on their role and justices of the peace must have the support of all relevant parties. The requirement that they be appointed in consultation with the Peace Committees should be interpreted in practice to require the agreement of all relevant parties in the Peace Committees.

2.3. **Special Criminal Courts** 10

2.3.1. Chapter 10 of the Peace Accord proposed that special criminal courts be established to ensure the swift, effective and credible dispensation of justice. To our knowledge, none of these courts have yet been established. The Accord provides that these courts should give special attention to unrest related cases. The ANC proposes that the Accord be amended so as to provide for these courts to also deal with police misconduct and crimes committed by the police.

2.3.2. Clause 10.7 of the Accord calls for special procedural and evidential rules to apply in special criminal courts. However, the ANC believes that prosecutions for violence related offences can best be disposed of swiftly and effectively by improving police investigation of such offences and by more effective prosecutions in court. Special criminal courts should be seen as the last post of an effective streamlined procedure for dealing with political violence and police crimes. This should begin at the crime, proceed via one of the two special investigation units and the Police Reporting Officers (all established by the Accord to deal with these kinds of crimes) to the courts. The courts should be staffed by experienced and capable prosecutors drawn wherever possible from the regional courts and appointed wherever possible in consultation with relevant parties and their legal advisers. These prosecutors should be used from the first appearance of the accused and they should pay particular attention to the risks attendant on granting bail to people accused of committing violent political crimes. The courts should be presided over by experienced Magistrates drawn wherever possible from the regional courts.

2.3.3. If the special units effectively and quickly investigate crimes of political violence and if experienced prosecutors are utilised to prosecute these offences, then it will be possible to dispense justice swiftly and meet the objectives of chapter 10 of the Accord without

having to override established procedural and evidential rules. The ANC therefore proposes that clause 10.7 of the Accord be deleted.

2.3.4. Although it is not itself part of the National Peace Accord, chapters 5 and 6 of the Criminal Law Second Amendment Act 126 of 1992 establish special rules regarding the trial of so-called special offences and matters relating to unlawful possession of weaponry. This legislation constitutes a unilateral step on the part of the government to apply special procedural and evidential rules to persons alleged to have committed certain offences. The legislation is unacceptable to the ANC for a number of reasons, including :

2.3.4.1. the legislation was adopted without consultation and agreement among NPA signatories;

2.3.4.2. the legislation gives members of the Attorney-General's office draconian powers to refuse bail;

2.3.4.3. the legislation undermines the right of an accused to remain silent at his trial;

2.3.4.4. the legislation gives members of the Attorney-General's office an unfettered discretion to determine which offences shall be

considered special offences (this discretion has been used, for example, to define offences allegedly committed by members of the Police and Prisons Civil Rights Union (POPCRU) in the course of recent prisons strikes in Natal as special offences);

2.3.4.5. the legislation prescribes mandatory sentences, thus undermining the jurisdiction of the courts to determine sentences appropriate to the crime, the interests of society and the offender;

2.3.4.6. the legislation allows for magisterially imposed detention without trial;

2.3.4.7. the legislation prohibits access by family members to those detained by Magistrates.

2.3.5. The ANC therefore proposes that this legislation be repealed as a matter of urgency or, at the very least, that its application be suspended pending proper consultation among NPA signatories on steps to secure the rights and civil liberties of the unconvicted accused.

3. RECOMMENDATIONS REGARDING ESTABLISHED PEACE ACCORD INSTITUTIONS

3.1. Regional and Local Peace Committees

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The emphasis should be on maximising the strength, effectiveness and status of these committees in the communities in which they operate.

3.2. Police Reporting Officers

3.2

Police Reporting Officers, appointed in terms of clause 3.2.4 of the Peace Accord, are responsible for supervising investigations into alleged police misconduct and police crimes. The system of Police Reporting Officers needs to be substantially strengthened with the aim of ultimately building a structurally separate department of investigation into police crimes and misconduct headed in each region by full time officials (civilians appointed by consensus) and under the ultimate command of an independent and highly respected person. The Accord needs to be amended to provide for such an independent department with its own structurally separate investigation unit. (This proposal accords with proposals made by both the police themselves and the Police Board). The procedure for the appointment of Police Reporting Officers should also be amended by agreement between the parties to the Accord. There need to be sufficient PRO's and investigators in order to ensure that all investigations into police crimes and police misconduct are

properly supervised and carried out. The PRO's should be empowered to provide Local and Regional Peace Committees with their recommendations and the outcome of their investigations as well as the NPC. This issue needs to be given at least the same priority as the establishment of special criminal courts and the prosecution of crimes relating to political violence.

3.3. **Special Investigation Units into crimes of political violence** 3.2.2

The senior police officer appointed to head special investigation units should be appointed in consultation with and with the approval of Local and Regional Peace Committees and should report to them. Their appointments and work must be subject to constant review by the Peace Committees. Clause 3.2.2.6(viii) should therefore be amended as it only provides at the moment for commanding officers to report to the Police General and for the National Peace Committee to enquire on the progress of investigations. The most important issue as far as these units are concerned is for them to demonstrate over time that they are operating effectively and impartially and that they are increasing the prosecution rate into crimes of political violence. An increase in the number of dockets alone is of little assistance.

3.4. **Goldstone Commission**

The Goldstone Commission's investigation team is performing invaluable work

in certain regions. The ANC proposes that this investigation team be strengthened by, for instance, giving it access to dockets, in order to ensure that it is able to effectively investigate allegations whenever it is called upon to do so. In general, the Goldstone Commission should attempt to operate in tandem with the collective structures of the Peace Accord, and particularly the Peace Committees and procedures implemented by the parties for the purpose of negotiating agreements between them. The Commission's reports and recommendations should be made available as a matter of course to all signatories and any other relevant party to whom a recommendation may apply. At the moment there is no procedure for assessing whether recommendations have been implemented. The ANC suggests that the Commission itself, at a suitable time after the completion and distribution of each report, assess and report on progress in implementing recommendations. Each party to which recommendations apply should be required within a reasonable time after receiving recommendations, to state what steps have been taken to implement recommendations, and to explain any failure to implement recommendations.

3.5. **Names of Bodies** 7.4

Local Dispute Resolution Committees and Regional Dispute Resolution Committees should be re-named Local and Regional Peace Committees as these names more effectively convey their functions and will be more easily

remembered by ordinary people.

3.6. Composition of the National Peace Committee 8.1.2.

Clause 8.1.2 which requires that the Chairperson and Vice-chairperson of the National Peace Committee be drawn from the religious and business communities should be amended to provide that the Chairperson and Vice-chairperson be persons who are independent and seen to be independent.

3.7. Police Board 3.3

The ANC proposes that the parties to the Peace Accord negotiate effective and appropriate executive powers for the Police Board. The Board should be independently resourced, from the law and order budget or elsewhere, not via the Law and Order Ministry or Commissioner's office. It should be given the power to hire independent researchers, advisers and consultants in its discretion. Clause 3.3.6 of the Accord should be amended to provide that the recommendations of the Police Board be made public as a matter of course. The ANC proposes as a general recommendation that the Police Board and the Goldstone Commission meet on at least an occasional basis to discuss matters of common concern.

3.8. Operational Problems //

The major problems with established Peace Accord structures cannot be solved by amending the Accord itself. People active in Peace Accord structures indicate that the biggest problems are a lack of ready access to adequate financial resources from the side of the State, insufficient allocation of resources to Peace Committees by organisations, poor communication within organisations, for instance between the local, regional and national level regarding developments within and around Peace Accord structures and an unwillingness on the part of organisations to ensure that their members comply with the Accord and that those who breach the Accord are duly disciplined.

The ANC proposes that an adequate amount of money be set aside by the State on an annual basis to fund the peace process. Peace Committees should prepare annual budgets in advance and these should, as far as possible, form the basis of budgeting allocations to the Peace Committees. The principle of framework autonomy should apply to the financial affairs of the Peace Committees. The money should be controlled and administered by an independent trust and people attending Peace Committee meetings should in fact be compensated for out of pocket expenses as provided in clause 7.15.2 of the Accord (if employers are unable to compensate). Peace Committees should be entitled to employ full time persons when necessary and every organisation should be encouraged to establish efficient and effective peace

desks with full time employees which have the sole task of ensuring that their organisation complies with the Accord at every level. Regional and Local Peace Committees should be accorded a greater role in socio-economic development and, in particular, in socio-economic upgrades in crisis areas such as hostels, informal settlements and so on.

4. THE POSSIBILITY OF STATUTORY ENFORCEMENT OF THE CODE OF CONDUCT

4.1. The question of statutory enforcement of the code of conduct and other provisions of the Peace Accord should be approached with circumspection. The following cautionary comments are relevant :

4.1.1. on purely technical grounds, it is difficult to impose statutory sanctions and obligations on parties to the Peace Accord since they may contract in or out of the Peace Accord like any parties to a civil agreement;

4.1.2. as a matter of policy it is undesirable to move away from the principle of collective political sanction contained in the NPA to one of statutory enforcement through the criminal courts;

4.1.3. the possibility of statutory enforcement would allow the state, via the criminal justice system, to act unilaterally against offending parties, a development at variance with the whole thrust of the NPA which is to

promote collective responsibility and decision making;

4.1.4. if criminal sanctions exist for breaches of the code, the final decision on whether or not to prosecute will still lie with the Attorneys-General and there is no guarantee that the Attorneys-General would exercise their discretion in a way that would be to the satisfaction of all parties.

4.1.5. should criminal penalties be imposed, it is by no means certain that they would have a beneficial effect. Pursuing criminal charges against certain parties or individuals could be counter productive to the search for peace. It could lay Peace Accord structures open to accusations of bias and make the Accord appear to operate more harshly against some organisations than against others. It could alienate organisations / members of organisations who are subject to criminal penalties and it could promote a defensive posture among affected organisations. This would contradict the whole purpose of the Peace Committees which is to draw into them in as active a way as possible, those organisations who are regularly guilty of breaches of the Accord;

4.1.6. Should criminal penalties be imposed it is not clear against whom they would work: local representatives on the Peace Committee, office bearers of the organisation at the local level, regional level, national level?

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4.2. On the other hand there are cogent arguments for putting greater pressure on parties to comply with the provisions of the code of conduct and the Peace Accord. Although the possibility of criminal sanctions would be one source of pressure on parties to ensure that their representatives and members comply with the Accord, the ANC wishes to propose alternative remedies to avoid the problems of grafting criminal penalties onto the Accord which are set out above. The ANC has four suggestions in this regard :

4.2.1. The first is to make greater use of clauses 9.1.3, 9.2, 9.3 and 9.4 of the Peace Accord which call for the proven methods of mediation, arbitration and adjudication to be utilised to enforce the Accord. The ANC proposes that the Accord be amended so that arbitration proceedings are held in public. All parties to the Accord should actively utilise the arbitration proceedings laid down in the Accord.

4.2.2. One result of the Goldstone Commission's investigations has been the publication of a draft Bill on gatherings. It has the advantage of criminalising a variety of activities which constitute breaches of the Accord without undermining the collective and voluntary character of the Accord itself. The ANC has a variety of problems with the Bill in its current form, and will submit detailed recommendations in this regard to the Commission. The proposed Bill has important consequences and it should not be passed until consensus has been

reached. Assuming that the proposed consultation process will lead to consensus, the ANC believes that the Bill will constitute a better route to go regarding sanctions for unacceptable conduct, rather than imposing criminal sanctions under the Accord itself.

4.2.3. There are some kinds of conduct which would constitute breaches of the Code of Conduct but which would not, in fact, be criminalised by the proposed Bill on Gatherings. This problem could be dealt with if the parties to the Peace Accord negotiated a set of procedures and agreed sanctions for breaches of the Accord, which all would then be obliged to accept. Such an agreement should set out the agreed process for dealing with disputes between parties and alleged breaches of the Accord. Disputes should be dealt with by local and regional Peace Committees wherever possible. Only if it is not possible to resolve them at that level should they be referred to national structures for resolution or arbitration. The agreement could set out a range of possible sanctions to be implemented by parties in breach of the Accord ranging from relatively simple requirements, such as disciplining members, party leaders apologising for breaches and repudiating breaches committed by their members, to more severe sanctions, such as financial penalties and suspension and expulsion of members for serious or repeated breaches. Arbitrators or adjudicators could be empowered to assess whether a party in breach has taken

adequate steps against its guilty members. The agreement would also need to set out agreed time periods for hearings and agreed penalties if hearings are not attended or disciplinary steps not implemented. Such an agreement could fall under clause 8.4.1.4 of the Accord which gives the National Peace Committee the power to negotiate and conclude further agreements to achieve the objects of the Accord.

4.2.4. The Electoral Commission could decide on sanctions for conduct that constitutes breaches of the code of conduct during the course of the forthcoming election. This could allow the electoral commission to impose sanctions which are not criminal in nature and will not constitute unilateral action on behalf of the state, but will nevertheless encourage parties to comply with the code of conduct for the benefit of their electoral campaigns. This proposal is obviously dependant on the envisaged character, powers and duties of the Electoral Commission.

5. NPC POWER TO NEGOTIATE FURTHER AGREEMENTS

8.4

Clause 8.4.1.4 of the Accord gives the National Peace Committee the power to negotiate and conclude further agreements to achieve the objects of the National Peace Accord. This clause has not yet been utilised but could well be made use of for several purposes.

One proposal made on pages 5 and 6 of this document, is for the parties to negotiate an agreed set of sanctions for breaches of the Accord.

A second area in which this clause could be utilised is the whole problem of police/community relations at the local and regional level. There is still great suspicion of the police in most communities and antagonistic relationships between communities and police have not yet been broken down. Under the auspices of the National Peace Committee, Local Peace Committees and Regional Peace Committees could negotiate a variety of agreements with the police to assist in breaking down the barriers between the police and the community, increasing the transparency of police activity and building confidence between communities and police. One proposal which the ANC believes could profitably be included in such agreements would the appointment of "lay monitors", i.e. respected members of the community in each locality with the power to enter any police station in their area and speak to any prisoners held there at any time and report on their findings. Such monitors could do a great deal to assist the police in putting an end to allegations of police abuse of persons in their custody.

mvdm/nat.p

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DRAFT AMENDMENTS TO THE NATIONAL PEACE ACCORD (NPA)

1.

It is recommended that in order to simplify and clarify the present procedures as set out in Chapter 9 of the Accord the following amendments are made.

2.

Substitute the following clause for clause 9.2:

"9.2.1 Disputes and complaints regarding the transgression of the Code of Conduct for Political Parties and Organisations shall be referred to the National Peace Committee or the Executive Committee of the National Peace Committee for resolution."

9.2.2 If the National Peace Committee or the Executive Committee of the National Peace Committee finds that the Code of Conduct for Political Parties and Organisations has been breached, the National Peace Committee or, if it has been referred to the Executive Committee, the Executive Committee, may order the offending party to remedy the breach either by publicly distancing itself from the events complained of or by taking steps to prevent the recurrence thereof and fix the period within which the order has to be complied with."

3.

Substitute the following clause for clause 9.3:

"9.3 Where the dispute or complaint cannot be resolved by the National Peace Committee or, if it has been referred to the Executive Committee, by the Executive Committee, it shall be referred for adjudication."

4.

Substitute the following clause for clause 9.4:

"9.4.1 A person or persons with legal skills, agreed upon between the parties concerned, shall act as adjudicator or adjucidators.

9.4.2 If no agreement between the parties has been reached on the appointment of an adjudicator or adjucicators, the adjudication shall be undertaken by a committee of three adjudicators selected by the Chairperson of the Executive Committee of the National Peace Committee from a panel of persons compiled in terms of clause 9.4.3 or, if all interested parties agree, by any other adjudicator or adjudicators selected by the Chairperson.

9.4.3 The panel referred to in paragraph 9.4.2 shall consist of at least five persons with legal skills selected by the Executive Committee, who shall be appointed and may be removed by the Executive Committee.

9.4.4 The Chairperson of the Executive Committee may appoint one of the members of the committee of adjudicators referred to in paragraph 9.4.2 to act as chairperson in the adjudication proceedings."

5.

Substitute the following clause for clause 9.5:

"9.5 The Arbitration Act, 1965 (Act No. 42 of 1965), shall not apply to any proceedings in terms of this Chapter, and the procedure to be followed shall be as follows:

9.5.1 The complaining party shall submit particulars of its complaint to the adjudicator or adjudicators.

9.5.2 On receipt of such particulars the adjudicator or adjudicators shall decide on a date and venue for the hearing and call upon the parties to the dispute to be

present at the hearing: Provided that at least five working days' notice, or such shorter period of notice as the parties may approve, shall be given of the hearing.

9.5.3 The hearing shall be conducted in private.

9.5.4 The adjudicator or adjudicators may, subject to the provisions of this Chapter and such rules as may be issued by the Executive Committee of the National Peace Committee, determine the procedure to be followed during the hearing.

9.5.5 If more than two persons have been appointed as adjudicators the decision of the majority shall be deemed to be the decision of the adjudicators.

9.5.6 At the end of the proceedings the adjudicator or adjudicators shall make a finding on the facts and if the adjudicator or the adjudicators find that the Code of Conduct for Political Parties and Organisations has been breached, he or they, as the case may be, may order the offending party to remedy the breach either by publicly distancing itself from the events complained of or by taking steps to prevent the recurrence thereof and fix the period within which the order has to be complied with.

9.5.7 The adjudicator or adjudicators shall submit a written report on his or their finding, including the reasons for the finding, to the Chairperson of the National Peace Committee: Provided that if unanimity amongst the adjudicators was not reached, the dissenting adjudicator or each adjudicator, as the case may be, shall submit his own report.

9.5.8 The said Chairperson shall make the report or reports referred to in clause 9.5.7 available to the media.

9.5.9 The adjudicator or adjudicators shall hold a compliance hearing once the time period has expired to determine compliance."

.....

DRAFT RULES OF PROCEDURE IN TERMS OF PARAGRAPH 9.5.4

1. If a party to whom notice of a hearing was given fails to be present at the hearing, the adjudicator or adjudicators may proceed with the hearing in such party's absence.

2. At a hearing all interested parties shall be entitled to give oral evidence, to submit written or other evidence and to make submissions, and, with the permission of the adjudicator or adjudicators, to call witnesses and to cross-examine parties giving evidence and witnesses.

3. Parties shall be entitled to legal representation.

4. The proceedings before the adjudicator or adjudicators may be electronically or otherwise recorded.

C·O·D·E·S·A

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REPORT BY WORKING GROUP 1

ON THE EXECUTION OF ITS ASSIGNMENTS

12 MAY 1992

CONVENTION FOR A DEMOCRATIC SOUTH AFRI
PO Box 307, Isando, 1600, South Africa
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at the same discussions.

9.1.10 Complaints/Disputes and Monitoring

It was agreed that the Independent Body shall, with Parliamentary sanction by way of legislation, set up structures as may be necessary, inter-alia for:

9.1.10.1 adjudicating disputes;

9.1.10.2 monitoring the efficiency of the licensee and to ascertain whether licensees comply with their licensee conditions;

9.1.10.3 investigating complaints and for giving effect to remedial actions

9.1.11 Code of Conduct

9.1.11.1 It was agreed that the Independent Body shall lay down the standards to be complied with by licensed broadcasters (such standards could be included in a Code).

9.1.11.2 Individual Broadcasters shall compile a Code of Conduct to which they will have to comply and which could be made a condition of their licenses.

9.1.12 The following issues were raised but discussions have not been completed:

9.1.12.1 affirmative action

9.1.12.2 cross-ownership restrictions

9.2 Printed Media

The SA Government agreed to repeal Section 4 (a) and (b) of the Registration of Newspapers Amendment Act of 1982 which relate to Ministerial powers to cancel the registration of a newspaper. The repeal of these sections will be dealt with in a General Law Amendment Bill.

10 (g) **The Successful implementation of the National Peace Accord**

In the light of the current levels of violence that is devastating the prospects of peace and stability in our country, all political parties, organisations, government and administrations, participating in CODESA, in order to signify our common purpose to bring an end to political violence, recommit ourselves both in letter and spirit to the NPA.

Signed: 14 September 1991.

In doing so, we once again join hands in the pursuit of our common belief and objectives: peace and stability for all in our country.

In rallying behind this common objective we acknowledge that the act of having signed the NPA binds us much more than the content of the NPA itself. From that we can, none of us, escape since we have committed ourselves to the NPA and in this way, we have given it life and meaning.

SG2 received several submissions on the implementation of the NPA. In addition, Dr Antonie Gildenhuys, chairperson of the National Peace Secretariat, and Mr Joan Hall, chairperson of the NPC, were invited to hold discussions with SG2 on the implementation of the NPA. In order to strengthen the NPA, the following matters were agreed to:

10.1 General

It was agreed that:

10.1.1 In so far as the promotion of peace is concerned, the leadership of organisations is urged urgently to come together at peace rallies and meetings and to be seen by all to be jointly and collectively working towards peace and stability in our country. These peace rallies and meetings should be held under the auspices of the NPS and should augment the efforts of religious leaders in this regard.

10.1.2 The successful implementation of the NPA is fundamental to the creation of a climate for free political activity, peace and stability in our country. In this regard, it is strongly recommended to the signatories of the NPA to take active steps to ensure that they appoint senior office bearer(s) whose specific responsibility it will be to manage the organisation/party's duties in regard to the NPA. It is further recommended that, where possible, such persons be relieved of all other organisational/party obligations to facilitate the above.

10.2 RDRC's and LDRC's (Clause 7.4 of the NPA)

It was agreed that:

10.2.1 A full time Chairperson/officer/employee/s be appointed by consensus by each RDRC on the understanding that at least one such functionary will be appointed and that the said functionary will be remunerated for his/her services by the NPA;

10.2.2 Delegates to RDRC's and LDRC's who suffer financially as a result of their participation in NPA activities be reimbursed;

10.2.3 Organisations participating in the NPA activities be requested not to vary the appointment of delegates to RDRC's and LDRC's as this seriously inhibits the progress of the work of the NPA;

10.2.4 Permanent offices with appropriate staff and equipment be established in each area provided for in clause 3.7.5 of the NPA;

10.2.5 The NPS should seek to facilitate the participation of delegates on NPA structures, having special regard for the normal work commitments of delegates;

10.2.6 The reference to "Business representatives" in clause 7.4.4.3 of the NPA be interpreted to include representatives from professional organisations.

10.3 Justices of the Peace (Clause 7.5 of the NPA)

It was agreed that:

10.3.1 In view of the current preparation of legislation to implement clause 7.5 of the NPA, it

be recommended that the legislation be put before parliament during its current session.

10.3.2 All signatories to the NPA be urged to ensure that the process of consultation required by clause 7.5.1 of the NPA to precede the appointment of Justices of the Peace, proceed expeditiously in anticipation of legislation being passed to provide for matters pertaining to the appointment, powers, etc of the Justices of the Peace.

10.4 Police Reporting Officers (clause 3.2.4 of the NPA)

It was agreed that:

10.4.1 All police reporting officers already nominated be appointed to their positions forthwith.

10.4.2 In the appointment of members of the special investigation unit appointed in terms of clause 3.2.4.1 of the NPA, sensitivity regarding the acceptability and credibility of members of the SAP be taken into account.

10.5 The inclusion of representatives of tribal authorities in the RDRC's (clause 7.4.4.4 of the NPA)

It was agreed that:

10.5.1 The NPC makes special efforts to include representatives of relevant local and tribal authorities into all RDRC and LDRC structures.

10.5.2 Special efforts be made to create an awareness of the NPA amongst tribal and local authorities.

10.6 Measures to facilitate socio-economic reconstruction and development (Clause 5.7 of the NPA)

It was agreed that:

10.6.1 It should be recommended to the NPA and the RDRCs that they appoint sub-committees on socio-economic reconstruction and development as a matter of urgency;

10.6.2 Members of such sub-committees appointed i.t.o. clause 5.7 of the NPA should not only consist of members of the relevant RDRC, but should primarily consist of people with knowledge and expertise in the relevant fields.

10.7 The Police Board (Clause 3.3 of the NPA)

10.7.1 It was agreed that the Police Board, in addition to their other functions and duties:

10.7.1.1 should advise on ways in which the procedures of the special units appointed in terms of 3.2.4.1 can be given public credibility;

10.7.1.2 should advise on ways in which the credibility of the police in the community could be improved;

10.7.2 It was further agreed that the reports by the special police investigative units appointed i.t.o. clause 3.2.2.6 which are made available to the NPC, be distributed to the relevant RDRC's and LDRC's as a matter of standard procedure.

10.8 Relations between the community and the police

10.8.1 It was agreed that in many areas improvement of the relationship between the community and the police can contribute towards the resolution of conflict and that all factors that create alienation between the police and communities be addressed urgently by means of, inter alia:

10.8.1.1 Facilitating police/community liaison, including workshops between relevant parties;

10.8.1.2 Ensuring strict adherence by all parties to the provisions of the NPA.

10.8.2 It was recommended to the NPC that they take active steps to achieve greater support for the police and co-operation by communities in effective policing.

10.9 Recommendations by RDRC's to the police

In relation to the SAP, the Venda Police Force, the Kangwane Police Force, the Gazankulu Police Force, the Kwandebele Police Force and the Lebowa Police Force, it was agreed that the RDRCs could make recommendations to the relevant police authorities as to:

10.9.1 The selection of top police officers for township stations;

10.9.2 The appointment of officers commanding and members of special police investigation units established in terms of clause 3.2.2.6.;

10.9.3 Where circumstances permit, determining the nature of police action in conflict areas, i.e. the nature of security force action, the duration of their action, the SAP and SADF mix in these actions, the timeous negotiations between the security forces and community leaders to defuse hostility, etc.

10.10 Self protection units/neighbourhood watch groups (clause 3.7 of the NPA)

It was agreed that:

10.10.1 It be recommended to the NPC that RDRC's/LDRC's take urgent steps to encourage the formation of nonpartisan community based self protection groups/neighbourhood watch groups, as provided for in clause 3.7 of the NPA, in order to promote peace and the effective combating of crime. These self protection units/neighbourhood watch groups should work in close cooperation with the relevant police authorities, as provided for in clause 3.7.5. of the NPA.

10.10.2 It be recommended to the RDRC's/LDRC's to take steps to monitor the activities of such formations and to encourage cooperation between such formations and the relevant police authorities.

10.11 In relation to points 10.7 to 10.9 the meeting encourages all other police forces to adopt a similar approach.

10.12 Dangerous weapons and the possession of illegal fire-arms

It was agreed that:

10.12.1 Stronger sentences and other measures be imposed for the possession of illegal firearms and the possession, carrying and displaying of dangerous weapons or other firearms in contravention of the regulations issued as provided for in 3.6.4 of the NPA.

10.12.2 The police increase their searches for illegal firearms and other dangerous weapons.

10.12.3 A record be kept of the political affiliation (if any) of persons arrested for the possession of illegal fire-arms or dangerous weapons.

10.12.4 The above be undertaken in the context of impartial policing.

10.13 Monitoring Commissions

It was agreed that:

10.13.1 Regional monitoring commissions be created in each RDRC region.

10.13.2 These monitoring commissions be constituted from amongst the parties and organisations represented on these RDRC's and/or drawn from independent, local monitoring agencies or persons.

10.13.3 Persons serving on these monitoring commissions be given the necessary training and certification to enable them to efficiently perform their functions in an impartial and objective manner.

10.13.4 The assistance of professional dispute resolution agencies be used in the training and development of such local/regional monitoring commissions.

10.13.5 The functions of these regional monitoring commissions be:

10.13.5.1 to monitor the compliance by the NPA signatories to the code of conduct as provided for in the Accord;

10.13.5.2 to monitor the behaviour of parties and organisations at grassroots level in relation to violence;

10.13.5.3 to monitor the compliance of parties and organisations to the NPA after it has been brought to their attention that they have been in violation of the Accord.

10.13.6 Political parties and members of RDRC's should refrain from making inflammatory remarks in relation to the causes of violence, and should desist from apportioning blame based on unsubstantiated evidence while matters are under review or investigation by the Commission.

10.14 Budget and infrastructure problems

It was agreed that:

10.14.1 Codesa calls on the international community to provide financial and other assistance to facilitate the successful implementation of the NPA.

10.14.2 It be recommended to the National Peace Secretariat that it prepares and submits a budget to government outlining the funding requirements of the peace process, as provided for in clause

6.12.5 of the NPA.

10.14.3 It be further recommended to the National Peace Secretariat to take active steps to solicit assistance from local sources in order to obtain funding for the NPA. These steps include the holding of peace musical concerts, peace sports events, and other such activities: as well as approaches to the business sector in this regard.

10.15 Commission of Enquiry Regarding the Prevention of Public Violence and Intimidation

It was agreed to recommend to the NPS and NPC:

10.15.1 to take active steps to implement and monitor the implementation of the recommendations of the Commission.

10.15.2 to distribute timeously the relevant recommendations of the Commission to the relevant RDRC/LDRC and the political parties in order to ensure that these recommendations are implemented in accordance with the Code of Conduct for political parties as set out in the NPA.

10.16 Legal Enforceability

It was agreed that it be recommended to the NPC to take active and urgent steps to ensure the legal enforceability of the Code of Conduct for Political Parties as provided for in clause 9.6 of the NPA.

10.17 Transgressions of the NPA by political parties

It was agreed that:

10.17.1 The NPC take active steps to ensure that transgressing political parties, on presentation of the Commission's findings to them, respond in writing to the NPC, as provided for in the NPA.

10.17.2 The findings of the Commission be made public in order to bring such parties to account for their transgression of the NPA.

10.18 Outstanding matters for discussion:

It was agreed that the following matters relating to the implementation of the NPA should still be discussed:

10.18.1 Co-ordination between 3 levels of NPA.

10.18.2 Education Programmes/Publicity.

10.18.3 Liaison between NPC and organisations and NPC and Codesa.

11 **(h) The prevention of violence-related crime and matters giving rise thereto:**

11.1 It was agreed that:

11.1.1 Government security forces should bring those responsible for the smuggling of AK47s and other illegal weapons into the country from the neighbouring states to book as a matter of urgency.

11.1.2 Political parties should adhere to the guidelines as set out in the National Peace Accord in so far as mass action is concerned.

11.1.3 Socio-economic conditions should be improved to cure the high crime rate.

SECOND DRAFT

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THE NEGOTIATING FORUM, MEETING ON 1 AND 2 APRIL 1993

RESOLUTION ON VIOLENCE

We, the participants at the Negotiating Forum meeting at the World Trade Centre on 1 And 2 April 1993,

WITH REVULSION * With revulsion the unacceptable escalation of violence that is engulfing our country;

OUTRAGED * At the killings particularly of women and children;

CONCERNED * About the damage violence is inflicting on all aspects of the economy, on relations among people and organisations and the consequent deepening of divisions;

AWARE * That violence poses a threat to the negotiating process which if it continues could wreck the process and plunge our country into an era of unprecedented conflict.

DO HEREBY UNEQUIVOCALLY

CONDEMN * Without reservation the wanton killing and maiming of the citizens of our country;

EXPRESS * Our sympathy and condolences to all those who are suffering in consequence;

COMMIT OURSELVES * To effective joint action by all of us leading to the eradication of violence and to the attainment of peace in our country as soon as possible;

* To peaceful negotiations as the only way to resolve differences.

AND THEREFORE RESOLVE TO

1. Identify those issues that cause violence and which threaten the negotiating process and ~~the undermining of~~ undermine the effective implementation of the National Peace Accord.
2. Mandate the Negotiating Council to establish what urgent steps and mechanisms are required to resolve the above issues as a matter of national priority. The Negotiating Council shall report to the next meeting of the Negotiating Forum.