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NATIONAL EXECUTIVE COMMITTEE
DOCUMENTS VOLUME ONE (B)

27-29 AUGUST 1993

ANNEXURE "A"

OVERVIEW OF

NEGOTIATIONS

PROCESS

NOTE: THIS DOCUMENT IS CONTAINED IN
VOLUME TWO OF THE NEC DOCUMENTS

ANNEXURE "B1 & B2"

PEACE

PROCESS

ANC YOUTH LEAGUE NATIONAL WORKING COMMITTEE'S OBSERVATIONS ON
THE ESCALATING VIOLENCE

1.0 INTRODUCTION

1.1 The recent out-break of violence in the East Rand and the attack on a congregation in Kennelworth, Cape Town has made the entire country to be weary of the ongoing violence.

Coming immediately after the breakthrough on the elections date at the Multy Party Negotiations. the promptness and intensity of this violence once more bears testimony to the strong believe that it is indeed planned and controlled. It is precisely this dominant character of the violence that Is cause for concern as we start the countdown to the 1994 non-racial elections.

1.2 The events of the last twenty-four months have vindicated the correctness of the ANC's decision to commence negotiations with the regime In spite of the raging violence .

The Youth League NWC remains supportive to this perspective. Indeed, not until the discredited National Party Government is removed from power and the state security forces are under a popular democratic authority will there be an end to the present violence.

However we must hasten to say that this should not be interpreted to mean a support for the attitude which seeks to treat the current violence as an inconvenience we must learn to live with, until the ballot results. Because in the context of the imminent intense campaigning for elections this violence may singularly decide whether our strategy to remove the National Party from the levers of power succeeds or not.\

2.0 Observations.

2.1 The ongoing violence has made the negotiations to be charaterised by a lack of mass participation due to the limitations it has placed on free political activity. While this scenario differs remarkably from the ideal process initially envisaged. it however did not have fatal consequences, indeed negotiations are about to be concluded in spite of the ongoing violence. (This submission is intended to discuss the path ahead of us. and will therefore not debate the merits and demerits of the strip which now les behind us.)

2.2 While we have managed to negotiate a solution to the dispute in the midst of violence. we should nonetheless reckon that this undertaking was in its nature less vulnerable to the violence compared to the process of elections. The object of the coming elections is the removal of the present government and its replacement by a popular democratic government. This underlines the fact that it is not only the process of elections that is important but equally. the result thereof. Should violence be increasingly used by those responsible for it, it can certainly alter the elections result drastically. History abounds with examples of this experience, Nicaragua is a case in point. The latest outbreak of violence in the East Rand and the repeated threat of civil war are a matter for serious concern in this regard. They cannot be treated calmly as part of routine work, because they may be the first salvos of worse things to come.

3.0 ZEROING OUR PERSPECTIVE ON VIOLENCE

3.1 The ANC has always maintained that the government is directly responsible for the raging violence. This has not been a propaganda stance, but a statement born by facts.

"The De Klerk government has been pursuing a twin-track strategy of posing as committed to peace while waging a ruthless war against the democratic movement in general and the ANC in particular", declared the ANC NWC on the 22nd of July 1991.

3.2 Whereas this constitutes the general attitude of the organisation to this violence, there has been an unguided drift away from this position which finds expression in tendencies which include inter alia !

- . The tendency to blame the "third force" for most outbreaks of violence.

- . An absence of endeavours to compile factual / intelligence reports from time to time. for purposes of confronting the regime with this evidence.

- . Over emphasis on the violence and threat of the right-wing at the expense removing pressure and focus on the government machinations in this violence etc...

3.3 The expressed view that we need De Klerk to successfully navigate the transition to a new order. has a bearing on the way the ANC opts to

deal with him on many issues including violence. The scanty exposure of this opinion within the organisation creates doubts and confusion as to how the problem of violence should be addressed. This has resulted in a lack of consistency in our utterances and actions.

4.0 WHAT IS TO BE DONE

4.1 The progressive escalation of violence during the elections campaign IS a possibility which bothers everybody. This problem requires the development of a comprehensive plan in advance to deal with it. To achieve this objective the movement must consider an urgent review of the manner in which we have dealt with this violence. Such a review should among other, consider the following concerns:

4.1.1 We must not allow the intimidation of our communities and constituencies through violence to a point where they begin to lose confidence in the future because of doubts as to our ability to defend them, to guarantee their security. We must not be ambiguous about the need for people to defend themselves. Our capacity at a practical level may not be adequate but we should not be found wanting at a political level.

4.1.2 While we maintain our political offensive in our propaganda work against violence from the "Third Force", we should however not allow focus and criticism to be moved away from De Klerk / government.

4.1.3 The need to vigorously conduct our intelligence information gathering with the aim of confronting the government with hard evidence to expose their connivance in this violence.

4.1.4 The need to intensify our propaganda offensive to counter the threat of civil war and chaos.

4.2 The sources of violence have since multiplied. The argument above does not seek to simplify this problem. Indeed, there are more dimensions of this violence other than the covert operations of the state security forces. These include. (i) Third Force violence, (ii) Political Intolerance, (iii) Intra-Organisational conflicts and (iv) The promotion of ethnic animosities.

The ANC has always maintained that this problem (violence) requires a

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multi-prong strategy. The months ahead of us are going to demand the real implementation of a multi-prong strategy and less theory and distortions of it. which were unfortunately responsible for its non-application.

END.

PERSPECTIVES ON THE PROBLEM OF VIOLENCE

Introduction:

This paper seeks to identify current trends in the problem of violence and to once more reveal the linkage between this problem and the ongoing process of constitutional negotiations. We shall proceed to explore what the ANC needs to do in order to respond more effectively to this.

Although the negotiations process per se is not the subject of the immediate consideration of this intervention, we shall spend some time looking at the linkages between these two issues. We are compelled to do so by the availability of overwhelming evidence pointing to the activities of politicians, DMI operatives and rightwing elements (both within and outside the state security establishment), aimed at strangulating movement towards the democratic transformation of South Africa.

Often, questions are asked as to what extent is violence part of state strategy to disrupt the ANC and to derail the process of negotiations. In our view, it cannot be said with absolute certainty that there is a cohesive state strategy at work. Although it is quite likely, it is also possible that there are competing interests at work within the various arms of state security. It is also quite clear that there are very powerful forces far to the right of the government, which are involved in the current destabilisation (e.g. AWB members within the police force and private security companies headed by extremely rightwing elements).

Trends:

Current trend in Natal provide quite illuminating insight into what we are talking about above. These trends relate to such issues as:

The role of the South African police
The role of the Kwazulu police
Agent provocateurs

Warlords and related activities

The role of the SAP

Certain members of this force attempt to carry out their duties in a professional and non-partisan manner. However, there is still, in most areas, a great deal of collusion between individual members of the SAP and Inkatha Freedom Party. Many officers, most of whom are handling politically sensitive cases, are believed to be sympathetic to the AWB and are working in collusion with the IFP. The conduct of the SAP, in particular that of the Internal Stability Unit in Bambayi, appears a deliberate attempt to stoke the flames of violence. It is in this area where the violence is taking on ugly racial overtones and may well lead to increased inter-racial violence. The deployment of provocative Indian policemen appears deliberate, and it is quite possible that there is a strategy to inflame racial feelings with a view to alienating Indians from the ANC.

The role of Kwazulu police

At present, the KZP appears to be expanding. "Specials" are being recruited and their recruitment is linked to the forthcoming elections. Collusion with IFP continues at all levels, and members of the KZP are guarding, not only KWAZULU LEGISLATIVE ASSEMBLY members properties, but also warlords.

White police with known racist/rightwing sympathies are joining in senior ranks. It is suspected that some of them are there to keep an eye on the more efficient/enlightened black members of the KZP.

Members of KZP, including Caprivi-trainees, are believed to have been sent for further specialised training in covert hit activities.

In the midst of all these goings on within the KZP, the official position of the IFP continues to be that the KZP cannot be equated to Umkhonto we Sizwe because the former is not a

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private army. Of course this "official" line of the IFP cannot be reconciled with what Brigadier Jac Buchner was reported to have said in the DAILY NEWS of the 17th May 1990. He was then reported to have said:

"We (the KZP) support the lawful authorities, which is the Kwazulu Government. To the extent that Inkatha is

part of the government | suppose you could say we support Inkatha"

Agent provocateurs:

Organs of the state continue to use agent provocateurs to destabilise the ANC and to harm the image of the ANC in the community. In some instances, the activities of these elements takes the form of some students getting involved in disruptive activities in places such as the University of Natal.

Warlords and related activities

The activities of the warlords, in recent times, have taken forms such as:

The training of the Bambata battalion in certain areas - particularly Ndwedwe

White farmers training and arming Inkatha supporters in various areas including the Appelsbosch area

Kwamashu and Umlazi hostels becoming scenes of internecine violence. It is in these hostels where some Inkatha leaders have been killed because of their willingness to become involved in peace moves.

Positive initiatives:

On the positive side, there have been a number of peace initiatives designed to address the problem of violence in the province. These initiatives include:

The presentation of the 8-point peace plan for the province by the

3 ANC Natal regions in the beginning of June 1993

The bilateral meeting between the ANC and the IFP (National) on the 23rd June 1993

The presentation of the PEACE AWARD to the Mpumalanga community by former Nigerian President, General Obasanyo. (This move was intended to encourage the people of Mpumalanga to maintain their peace and to provide an incentive for other communities in Natal to work for peace).

Important as they are, those processes had little visible impact in the province as a whole, the death toll remaining a consistently high minimum of 150 persons having lost their lives.

The meeting between the ANC Youth League and the IFP Youth Brigade in Southern Natal also did not receive due prominence.

In the African areas of Natal, low intensity conflict continues, giving every appearance of a strategy to:

- . keep black communities divided
- . secure territories for political parties, especially Inkatha.
- . disrupt elections - either through providing an excuse for their deferment, or through ensuring that there is a climate in which there will be a low percentage poll and/or control over territory will allow IFP to exert coercion (from patronage to the threat of violence) over voters to gain votes which would, under truly free and fair elections, be cast for another political party.

The recent LAND BILL, passed by parliament in June, will allow Kwazulu to move into Development Trust areas to become involved in development (another form of patronage) and to extend the operations of the Kwazulu Police.

Who provides the lifeline to the IFP?

It will be recalled that widespread violence has been a feature of life in Natal for several years before the unbanning of the ANC. While it was true then, as evidenced by many things including the regime's funding of Inkatha rallies and the establishment of Uwusa as a counterbalance to Cosatu, making facile generalisations today will not help us to come to grips with the situation which has become so fluid ever since the process of negotiations was started. For a careful examination of the current situation will reveal that we are operating in a context where:

There have emerged serious fractures both within the National Party, governmental structures and the broad anti-ANC coalition resulting from suspicions that "the verligte" elements within the NP have struck a deal with the ANC

The NP has lost its hegemony over the anti-ANC coalition and has been effectively replaced by the IFP as the head of this coalition (COSAQ).

The NP has become pliable to co-operate with the ANC - given the ANC's stated commitment to some form of power sharing. This has precipitated a failure of the NP to reduce the power of extremist elements within the security community resulting in a lack of effective control over the security forces (N.N. We speak somewhat superficially and even irresponsibly here, since we do not have all the facts to support this assertion/impression)

There is a dramatic resurgence of the rightwing reflected in unprecedented mass mobilisation and consolidation of their unity. The major policy imperative of this project seems to be to block the process of real and meaningful change.

These factors are of enormous significance for understanding the drive by counter-revolution to establish an independent social base across the racial divide, this drive manifesting itself in the corporate personality of the CONCERNED SOUTH AFRICAN GROUP (COSAG).

Given the ethnos-type approach to "Zulu culture and nation" which

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epitomises the Inkatha vision for a future South Africa, it has obvious appeal to conservative Whites, including members of the AWB and Conservative Party both within and outside of the security forces (and the majority of members of these forces are believed to be to the "right" of official government policy). That this appeal continues to evoke active assistance in acts of violence is supported by evidence of white members of the security forces colluding in the violence which is taking place in areas such as Richmond and Appelsbosch.

It is difficult to imagine or to believe that the regime is not aware that the major part of violence in Natal and elsewhere, originates from this dynamic. It is however, easy to understand that the problem is further compounded by the NP's lack of cohesion. In a situation where there has been a splintering of the traditional mass base of the NP and defections of MPs to other parties including to the IFP, the regime appears to be constrained by a consideration that any action against the culprits might lead to further erosion of support to the right.

The regime has, in the circumstances, chosen to play safe. The labelling of this violence as internecine black, or ethnic has allowed responsibility for bringing it to an end to be shifted away from where it belongs; i.e. government organs of law and order enforcement. Figures released in Parliament by Justice Minister, Kobie Coetzee, showing that convictions were obtained in only one out of ten murders in SA in 1991/2 (presumably Kwazulu excluded) points to the crux of the violence problem - the failure of the criminal justice system.

The government's attempt to do this became apparent in its choice to selectively interpret the 2nd interim report of the Goldstone Commission of Enquiry. The "interpretation" was designed to locate the causes of violence as merely fighting between Inkatha and the ANC. This begs the question: Which Inkatha, is it the one whose members are denied their "Zuluness" by the ANC or the one which includes members with known

racist/rightwing credentials?

The regime's obvious paralysis in dealing with the problem of violence puts an extra but unavoidable burden on our shoulders.

It calls upon us to be politically innovative and creative. We have to find a formula which allows for a proper balance between pressurising the regime to do something, and doing something ourselves to end the violence. (We shall return to this later).

General overview

A general overview will reveal that there are other scenarios available in the situation. These can be elucidated by looking at the issues such

Intra-organisational violence

Train violence

Law enforcement

Intra-organisational violence:

Following its unbanning, the ANC is certainly operating in a new situation - a situation which generates many prospects and possibilities for it to broaden its base and successfully lead the country to its long-awaited liberation. Like all new conditions, this new situation creates new sets of problems. Based on reports on hand, it would appear that the organisation is confronted with some very serious problems. These range from factionalism on the one hand to intra-organisational violence on the other. Violence is increasingly becoming the means to resolve internal non-antagonistic contradictions or problems.

The problem manifests itself, inter alia, in the following manner:

- . conflict between ANC branches
- . conflict within alliance structures
- . conflict within fraternal organisations
- : conflict between people in formal settlements and those in informal settlements
- . conflict between the ANCYL and Cosas

These problems are further compounded by problems associated with the self-defence units. Objectively, there was a necessity for the formation of SDUs. However it appears that when we encouraged their formation, we assumed a certain level of political maturity and discipline which in fact, does not exist amongst our members and supporters. The politically under-developed

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membership within the context of harsh socio-economic realities provided fertile ground for the destabilisation and infiltration strategies of the other side.

The unintended consequences of the formation of the SDUs are nevertheless consequences. The time has come therefore, where we cannot simply accuse the other side for all the violence in the country and do little about those things happening within our own ranks, which provide fertile ground for the machinations of those who are primarily responsible for violence

Train violence

In recent weeks, the PWV area has seen a resurgence of train violence. There are two major theories on who the perpetrators of this form of violence are:

members of the IFP

a third force element

There is evidence that give credence to both theories:

IFP members theory

Attacks often take place next to hostels which are believed to be "IFP strongholds", be it inner-city or Soweto

Suspects in cases of arrests claim to be IFP members

3rd Force theory

The randomness of the attacks shows that the motive is to terrorise and destabilise a la Renamo in Mozambique

Confession by elements that defect from the 3rd force

Escalation of violence everytime there is a breakthrough at the World Trade Centre

Law enforcement

. From what we said above re: the SAP and KZP's activities in Natal, it is clear that policing in violence torn areas is not

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adequate or sometimes, there are attempts by some elements from the police to intervene in a manner which exacerbate the crisis.

Sometimes our own approach (symptomised by our public pronouncements in which we adopt a generalised and undifferentiated approach) closes off our options and possibilities.

SOME IDEAS ON WHAT NEEDS TO BE DONE

The proposals which we make below are based on the understanding we have of the serious implications which this problem of violence has, not only for the current impasse in the negotiations process. We are mindful of the fact that even in the post-settlement period, instability (whose seeds are being sown now), will make an advance in the materialisation of the social aspirations of our people, almost impossible.

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At a political level, it is important for us to present "our search for national consensus" as a process which is intended to ensure that there is a place for all in the rendezvous of victory. In other words, in the same way as we have engaged the other forces, we must continue to engage rightwing forces in discussions to identify those of their demands which can be met. The obvious benefit of this sort of initiative is that it will deprive the counter-revolution the rationale for continuing to mobilise on a "violence platform". The readiness of the Afrikaaners VolksUnie to sign the National Peace Accord and to participate in the peace process shows that in the rightwing, we are not dealing with a monolith.

[* We believe that the Negotiations Commission is working on a paper which will be more detailed in this regard].

We should make a deliberate effort to empower those in the police force who are genuinely committed to dealing with the problem of violence. Our generalised and undifferentiated condemnation of police is certainly not an incentive to the "good ones". We need to go beyond this by ensuring the creation of mechanisms to ensure a degree of consultation on how communities affected by violence are to be policed. The Joint Operations Communications Centre model which is already in place in some areas, must be

With regard to the problem of agent provocateurs, we need to acknowledge that the problem is essentially a politico-organisational one. Heightened activities in the area of political education are a necessity. The drive for building a big ANC must be done with a bit of caution. Organisation at branch level needs to be streamlined to make work in the area of political education more effective.

There is a basic commonality of interests between our members and those of the IFP on the ground which is not sufficiently utilised. This is the basic commonality regarding peace. The Joint Undertaking between Nelson Mandela and Mangosuthu Buthelezi (23.6.93) as well as other bilateral and multilateral agreements must be utilised to the full. Joint meetings at regional and local level must be encouraged. Those meetings must produce programmes of implementation to implement the already existing agreements and to adopt such programmes as local and regional conditions may dictate. In this regard, it will be necessary for us to counsel patience to our people. For peace is much more difficult to win than war.

War-mongers will not be isolated unless we engage their base. We should therefore not underestimate the extent to which they have manipulated ethnicity and identity for their own political ends. In dealing with this issue, we must be ready to acknowledge our own mistakes which gave the other side the space and capacity to develop a social base. Perhaps the current initiative of a rally in Southern Natal will go a long way to show where we stand on this issue.

The need for communities to be defended and protected cannot be denied. Given all the problems related to SDUs, we must be careful not to continue to attempt to solve the problem by creating a larger one. The question of defending and protecting communities must be addressed through the formation of a National Peace Keeping Force. Internal preparation for our contribution in the NPKF must visibly begin now and pressure must be exerted on those who are trying to block its establishment.

We must continue to put pressure on Spoornet to improve security

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measures in trains. We must also reach out to organisations that purport to represent hotel-dwellers and make an effort to reach agreements with them. These agreements must be aimed at, amongst other things, curbing the violence which is taking place in the trains.

It is clear that peace making will require the allocation of considerably more resources than we have allocated up to now. We need to ensure that all our regions (including the ones which are not as yet seriously affected by violence) have the infrastructure sufficient to address this problem. This must include increasing our capacity at Head office level, to service regions and all other structures of the movement. More systematic information gathering and analysis is necessary.

Sydney Mufamadi
August 24, 1993

ANNEXURE "C"

MOTSUENYANE

COMMISSION:

REPORT OF NWC

SUB-COMMITTEE

ON

RECOMMENDATIONS

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Private Bag X17
Bellville, 7535
Seth Afr a
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University of the Western Cape Cebephon: (0211 958 2911
Prmataak Xi
Universiteit van Wes-Kaapland Beli. 7536

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Teich 9200!
Tole: wn Gusti rer 2900

Department Public and Adjective Law
Departement Publicke ea Formele Reg

24 August 1983

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Mr Cypril Ramaphosa and â\200\224_

Dr Zola Skweyiya

for the National Working Committee

JOHANNESBURG By fax: (011) 330.7119

Dear Zola and Cyril
DOCUMENT FOR NWC

] enclose a first draft of a memorandum being our response to the
Motsuenyane Commission Report. It may appear to be long but we have
to provide a considered response.

There are a couple of issues where we need a political decision.
Firstly, we need to be clear that we cannot provide compensation
under any of the headings (property loss, unlawful imprisonment,
ill-treatment, health, loss of liberty and humiliation) and that we
cannot establish a Claims Settlement Agency (p.169) for payment of
compensation for past and future claims for these violations. My
view is in the memorandum - it must be part of a larger settlement.

Secondly, should we or should we not take disciplinary action
directly against the named â\200\234violatorsâ\200\235 and indirectly against their
superiors without providing an appeal or review procedure? When
findings of a criminal nature are made, the burden of proof is
severe; it must be beyond reasonable doubt. The Commission has used
a lower burden of proof. This is not nit-picking but a serious
patter.

The NWC is asked to take prior political decision on these matters.
As usual, I am at your disposal for further follow-ups.
Yours sincerely
CN anm
Kader Asmal

DRAFT MEMORANDUM

NATIONAL WORKING COMMITTEE\200\231S RESPONSE TO THE

MOTSUENYANE COMMISSION\200\231S REPORT

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African National Congress welcomes the release on Monday, 23rd August 1993 of the Motsuenyane Commission Report on the treatment of detainees in ANC camps.

We congratulate the members of the Commission - Dr S M Motsuenyane, the Hon. Margaret Burnham and Advocate D M Zamchiya for th

thorough painstaking way in the evidence was a proceedings conducted, and for\2 they endorsed in their findings.

It is an important step in opening a national discourse on the human rights violations of the past. The ANC therefore has taken a courageous first step in this direction. Recognising that abuses did occur, representing a gy W) J

breakdown in the difficult chains of command and communication that c occur under siege conditions, we BES de HSS as ear rar ed My

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the four central implications of the investigation as outlined in the Report:

3 We accept its endorsement of standards of accountability for human rights promotion in the future;

We support the underlying principles of investigation, acknowledgement and reparations for abuses of the past;

We accept its findings that periodically abuses did occur within the ANC camps, but acknowledge that it was not established that there was any systematic policy of abuse. Quite to the contrary, as the Commission illustrates, the ANC made a consistent effort to establish mechanisms of accountability and oversight, as evidenced by the very appointment of the investigative Commission itself;

We accept the commitment to fostering a human rights culture and a spirit of reconciliation for the future that a public inquiry seeks.

One of the key ingredients to forging a human rights culture that entrenches norms of universally accepted standards of human rights is accountability. The accountability of leaders to these standards is the bridge between the legitimacy of a new rule of law and producing a climate of accountability.

The ANC has made the critical first and historic step to establishing this culture of accountability when we subjected ourselves to external and objective scrutiny of our practices of the past. As the Commission report stated:

"It would be wrong to ignore the historic significance of the investigation the ANC, through this Commission has undertaken, a first in the annals of human rights enforcement. By its commitment to this inquiry, the ANC seeks to breathe life into the lofty principles proclaimed in the Freedom Charter - to render fundamental human rights the Golden Rule, to be applied in good times and bad, peace and war."

guarantees and oversight mechanisms were as follows

The drafting of the original Freedom Charter which established the

principles of tolerance and respect for human rights and dignity upon
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The appointment of the Stuart Commission in 1984 when the first
= 2 allegations of abuses were raised regarding the mutiny in the camps.
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3 a In response to the findings of the Stuart Commission, a National Conference was held at Kabwe in 1985 where the ANC adopted both our civilian Code of Conduct and the Umkhonto we Sizwe Code.

Three new offices were set up to ensure greater monitoring and enforcement of the activities of ANC personnel in the camps and

throughout the liberation movement - an Office of Justice, the National People's Tribunal and the National Review Committee. The Office of Justice was given authority to investigate allegations, make preparations for trial proceedings, provide legal representation for defendants, set unequivocal standards that no detainee should be subjected to cruel or inhumane treatment, establish regular inspections of detention facilities and committed to fast and just procedures of trial.

When in 1987 new allegations of abuses occurred, the then President of the ANC, O R Tambo visited Quadro camp for an investigation and the leadership of the Security Department was replaced. At that time, the ANC re-addressed itself on the issue of breaches in conduct and made a commitment to eradicating any incidences of abuses. A new office, the Provisional Directorate of Intelligence and Security was created to shift responsibility away from the Security Department in the tense years of 1986 - 1987. A specific Commission was set up in 1989 to investigate allegations regarding the particular case of Thami Zulu. The new office in turn made recommendations concerning the changes to improve oversight and accountability structures, which led to the establishment of the Skweyiya Commission, the precursor to the current Motsuenyane Commission.

The Motsuenyane Commission has not found that there has ever been a pattern of systematic abuses of rights or a policy of violations. On the contrary, the Report documents that the ANC has made serious efforts to establish a rigorous chain of command and authority to preclude abuses; mechanisms have been 2 She Sor F oversigl and Shinosniet

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3 1 Finally, the ANC Fe rion every Y effor to facilitate a into our practices from the Motsuenyane

Commission to those of the International Commission of Justice, Amnesty International and others. / Thehearings conducted by Motsuenyane-were

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The ANC has takem the pve) and unprec

h far-reaching investigations of its practices.

But as the Motsuenyane Commission has rightly noted, specific incidences of failures in-gversight did occur and individuals took justice into their

own_hands. episodes of misdeed must be evaluated in the context in it as the Report stated:

movement in exile, struggling gash regime that imposes its power by all possible means, including the police force."

action under its Constitution and Code of Conduct to ensure that those

ible will be disciplined in accordance with the Commission's further recommendation that we shou ! lari extent of the violation in each case."

. These events occur rred 2 a resgl of the resistance â\200\230and opposition to apartheid. â\200\234XV Re RA % Run Tr COMIRS({N CW

These violations\gan in ih be equated to the activities of the apartheid state, which were gross, systematic and a product of a policy which violated not only South African law but virtually the whole range of all fundamental rights protected in international law. It must always be remembered that the international community has condemned the practices of apartheid as a crime against humanity, akin to slavery, extending far beyond any notion of single acts taken against individuals. Apartheidâ\200\231s transgressions were based on a denial of national rights where torture, ill-treatment and violence were instruments of state policy.

In recent years, when there have been investigations into the abuse of rights that have happened in other national liberation struggles, like Chile or El Salvador, violations committed by the liberation forces have comprised only a minute proportion of the number of total transgressions by illegitimate and authoritarian regimes. There is no reason to believe that the situation in South Africa is any different.

Only a broader national Truth Commission will establish whether this is in

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that did occur in the ANC camps be compared to the systematic pattern of NTR) human degradation and suffering that apartheid consciously created. There was never a deliberate and preconceived policy of abuse in the ANC. In fact, conscious efforts were made to ensure protection even under the difficult circumstances of responding to South African government infiltration into our ranks, assassination of our leaders, and the daily torture, harassment and dislocation of our supporters.

The ANC has consistently called for a full investigation of the abuses that have occurred under the apartheid system. The Government has never accepted collective or individual responsibility of the abuses of its regime. When called upon to agree to acknowledge the crimes of the past, its response was to pass the Further Indemnity Bill which exonerated itself and the various components of the state for any responsibility to the egregious violations of the range of human rights that was apartheid {

Our position, then and now, is that the regime does not have the moral authority nor the right to condone unilateral wrong-doing by its agents, officers or superiors. Any policy on reparations and amnesty must be made as part of negotiations and democratic consultation. Otherwise, any possibility of establishing the essential goal of accountability will be destroyed.

While the ANC is taking the first historic step towards bridging the abuses of the past with the goal of creating a culture of human rights for a post-apartheid South Africa, the government has failed to fulfil even the most

rudimentary premises upon which its own fundamentally flawed Indemnity Bill is based:

It has failed to investigate thoroughly allegations of abuses, it has chosen to isolate only a select few;

It has not made available information on security force activity or collusion into activities that have resulted in torture, disappearances, detentions without trial etc.;

In fact, there is substantial evidence to suggest that the government has consciously destroyed materials necessary for a full disclosure of the past;

*_/ There has been little effort made to punish those who are responsible
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Corbis;

i No effort at reparations has been made by the government to date. Abuses continue to date. Since February 1990, over 200 deaths have occurred in detention. Hit squads, assassinations and security force collusion into covert operations and para-military activity continue unabated.

While the ANC seeks to establish a framework of accountability, the Government, through its Indemnity Bill has established a norm of immunity for all actions and violations taken by members of the police and security forces. The Government, simultaneously, has refused to come to a negotiated agreement on a policy of acknowledgement and reparations.

We therefore call on the Government to agree, following discussions with the ANC and other political and non-governmental organisations to set up,

without delay, a Commission of Enquiry, into violations perpetrated by the apartheid regime, A

recommendations and call upon the Government to do the same:

1. Accountability for guaranteeing protection for human rights.

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Compensation for victims of violations of the past.

3. Individual and collective responsibility must be established on a case by case basis.

The ANC undertakes, as well) to implement the recommendations of the Motsuenyane Commission in so far as we have the capacity to do so. We profoundly regret each and every proven case of abuse and shall individually apologise to the named persons. Such an individual apology is unique in the annals of recommendations of Truth Commissions.

We shall continue to review the position relating to missing persons and publish periodic reports on the state of our investigations. In addition, the machinery for investigating any violation of the norms of the ANC and

other human rights shall be updated to ensure greater accountability. Our door will be open to all former members who wish to reintegrate

themselves in the movement (Recommendations 7, 9 and 11).

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On the issue of disciplinary action, we will hold those found guilty of abuses responsible and appropriate action will be taken. However, in accordance with universally accepted principles of the administration of Justice) findings that involve punitive action against individuals must be

the burden of proof "beyond reasonable doubt"â\200\235, not simply on the standard of "balance of probabilities"â\200\235 that the Motsuenyane Commission has employed. Therefore, out of fairness to the people named an independent judge or advocate should be appointed to assess the degree of culpability in "... regard to the peculiarity and extent of the violations in each case." \ (Recommendation for 4, p. 188). Those found in violation of the Code of Conduct (recommendation for 4) and the "immediate superior of every perpetrator of violations" of the "overall head of the organ to which such perpetrators belonged" (Recommendation for 4, p. 170) will also have recourse to an appeal or review by such an independent judge or advocate.

In these cases, it is up to the individual concerned to improve the organisation as to whether he wishes to appeal, in so far as the findings apply to him.

On the issue of compensation for property loss, unlawful imprisonment and ill-treatment, it is the view of the ANC that this is an unprecedented proposal.

In the 14 proposals of Truth, Commission around the world where a reparations recommendations has been taken, in no cases has a non-governmental agency been compelled to make such a commitment. In the case of Argentina, for example it was governmental decision to pay a nominal compensation, commensurate to its capacities.

In line with the ANC's demands that a full commission of inquiry be established, the issue of reparations must also be settled across the board as a policy for dealing with all breaches of human rights. This policy will, necessarily, take into consideration the degree of culpability and the capacity to make monetary reparations. |

Gross violation of such rights have occurred in the attempts to maintain apartheid. The Commission has shown that breaches also occurred in the process of combating apartheid in defence of the liberation struggle. It is therefore our view that there must be a global settlement to all of these abuses. Justice requires that a selective approach should not be taken.

These principles cannot be implemented outside of a national process of inquiry into the violations of the apartheid system. To do so would deny the integrity of the process of thorough accountability based on transparency and disclosure.

In a spirit of reconciliation, we can lay the foundation upon which a human rights culture can be created for a post-apartheid South Africa. But for this to happen, there must be disclosures. This the Commission has done in relation to the ANC. We are grateful for its assistance

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ANNEXURE "E1 & E2"

MK COMMISSION

STRATEGIC PERSPECTIVE N_MK

In these notes, we do not propose to address in any detail the longer term strategic questions of a future army. Instead, we wish to focus on MK in the coming months - in the run-up to elections and the elections themselves. Nevertheless, what we do in this period will impact directly on the longer term, and in focussing on the coming months we do so with a general perspective on this longer term.

In considering MK in the coming months, there are three main areas:

1. MK as a political factor in the election campaign;
2. The role of MK in popular defence structures;
3. MK - getting ready to be a key component of a future democratic army.

1. MK as a political factor
- 1.1 An inspirer

Although MK might be used as a political organiser, as it has in the past, we believe that the prime political role it can play in the run-up to elections lies in its enormous symbolic value - see its inspirational presence at the funerals of cde Chris Hani and cde OR. As a movement, we must not for a moment underrate this function, or dismiss it as "mere symbolism". The PAC's minor resurgence in popularity is directly connected to its apparent possession of an "army".

However, exploiting the symbolic value of MK will require inventiveness on our part. All, or the majority of MK, will be confined to barracks in the coming months. The confinement of all armed formations to barracks is, correctly, a demand upon which we are insisting. Public parades or triumphal public returns from east Africa, therefore, may not be possible.

This is not necessarily an insuperable problem - the popularisation of MK can and must still be done through a variety of ways. Its leadership must be projected. Its history recorded, recounted and publicised. And even its fresh approach (suggested below) to training in the camps in which it will be assembled must be popularised.

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Precisely because of its immense symbolic value for the ANC, the regime has targetted MK in the last three years for infiltration, subversion and criminalisation. In particular, the regime has exploited the welfare situation of numerous and dispersed MK cadres. If MK is to be an electoral plus (and not an electoral minus), then we need to give urgent attention to these problems.

Here, the regrouping of MK in reception points for training and upgrading, out of public funds, presents us with the major means for resolving the problem. But this will not happen automatically. We need to put much creative energy into finding dispersed MK cadres (and MK supporters), and into running efficient and useful programmes in these reception points/camps - see below.

2. MK in popular defence structures

2.1 The dangers of violence in the election run-up

In the run-up to elections, the violence against our constituency is likely to increase. Our defence against this violence needs to be multipronged - extending and improving NPA structures, the use of international monitors of all kinds, using the TEC and its relevant subcouncils, the Independent Election Commission, an information campaign to expose the perpetrators, etc. All of these instruments can help to build some trip wires around those waging low intensity warfare against our constituency. The NPKF will also have a crucial role to play (see below). The Youth/Peace Corps (if they are up and running in time - which is uncertain) might also be able to play some role.

2.2 SDUs

But, whatever their shortcomings, we also cannot afford to disband SDUs. In numerous localities, they have shown themselves to be a thin line against wholesale massacre.

To what extent are MK structures, and MK personnel active in the SDUs? Our information suggests that MK participation has been uneven and often limited - for whatever objective or subjective reasons. But there is an MK presence in the SDUs.

Once again, the confinement to barracks of MK cadres, will impact on this dimension. We need to understand this, and plan intelligently.

2.3 Marshals

Marshalling structures are also going to be important pre-election and election-day structures. What role is/can MK play in helping to strengthen and train our marshal structures? What will the impact be of MK in barracks here?

3. MK as a component of 3 future democratic army

3.1 Some basic statistics

In approaching this question it is useful to have a statistical perspective:

3.1.1 The SADF

The SADF has 505,000 members. This is made up of:

- * 50,000 permanent force, including large numbers of blacks, most in the lower ranks, with the overwhelming majority of the officer corps being white.

- * 20,000 white conscripts called up each year... who then go into:

- * the 300,000 Citizen Force reserves in towns and cities

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* and 150,000 Commandos on the platteland (perhaps a majority of whom are AWB sympathisers).

3.1.2 MK

We do not have accurate figures for MK, but our guesstimates are:

* around 4-5000 outside in camps, with perhaps 200 on special officer upgrading courses in India, etc.

* inside - the official returnee figure was around 7,500. But this obviously includes many who are mgwenya, and hundreds who are in political deployment, or who have entered other careers. How many are combat ready? And how many who are, are willing to pursue a military career?

At comrade Chris Hani's funeral we were able to assemble (at fairly short notice) 500 MK comrades.

However, there are certainly many thousands of people who are MK
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therefore, recruitable at short notice (given the right conditions and an
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3.1.3 Bantustan armies

There are also various Bantustan armies/companies, with various political allegiances. The BDF has 3500 members; the CDF was 1800 in 1990, but has since expanded; the TDF has some 3500; Venda has two battalions; and the other bantustans have companies.

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In short, while it is certainly not monolithic, the bottom line is that, numerically, the SADF dwarfs all other armed formations put together. Apart from anything else, this arithmetic underlines that our approach to armed formations in the transition CANNOT simply be confined to a matter

of INTEGRATING existing armed forces.

If this is how we were to approach the matter, it would amount to little more than a swallowing up of several thousand foot soldiers into an existing SADF with some consolatory "affirmative action" at the top.

Our strategic approach needs, therefore, to involve a far-sighted process of RECONSTRUCTION of armed forces (and the arms industry), with the longer term objective of a significant demilitarisation of our society. This reconstruction would have to be an integral part of our overall national democratic reconstruction programme, and indeed of a broader southern African process.

We do not propose to go into details here. But this perspective does have some immediate implications for the present. Although we cannot hope to match SADF numbers, if we are to reconstruct, we must have a not insignificant contingent to be placed within the future army.

This means that in the coming months:

3.3 MK | so â\200\235

3.3.1 We should aim to put into barracks some 16,000 young men and women as part of an MK contingent that will become a critical component of a future democratic army. Some of this force would be from East Africa. Some would be drawn from already returned MK cadres. But much of it will have to involve MK supporters. In other words, we are looking at a major recruitment drive. Special attention should be given to the composition (class and gender) of this contingent. COSATU's involvement in the drive becomes important in this context.

3.3.2 This 16,000 contingent would, in practice, be in camps for at least some seven or eight months. Obviously we need to train this contingent to be able to cope as a "conventional" army. This will require upgrading/retraining/new training/equipment

familiarisation, etc. But we are not preparing this contingent simply

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to be a Western "conventional" army. We are trying to build a

democratic army as part of a national democratic transformation. We are not talking of a narrowly party political partisan army, but we are talking about a thoroughly reconstructed army, that becomes a positive factor for democratisation. This requires, amongst other things:

3.3.3 A major rethink on military doctrine and training. We need to use the 7-8 months, that we have with several thousand MK cadres in camps within SA, to run a thorough and broad-based training programme. It must be a programme that equips these comrades to deal with a complex future. A detailed syllabus must include not just narrow military topics, but also many other topics.

Without pretending to any completeness some of the other topics could include

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a comparative study of negotiated political transitions and the negative/positive roles of the military in these processes (Chile, Argentine, Brazil, El Salvador, Nicaragua, Sudan, Angola, etc. etc.)

*

an understanding of the present transition process in SA

* history of our own NLM, including work-shops with civics, trade unions, women's organisation, youth formations, religious, human rights groups, etc.

* destabilisation in our southern Africa region, and future prospects for regional reconstruction

*

the present global political, economic and military equation.

There would also be a need for skills training and awareness training, which should include:

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* gender questions, conflict resolution and management skills, etc.

While international help would be invaluable, we also have an enormous local resource base (within the alliance, in the broader MDM, and in progressive NGOs of all kinds) with which we could mount such a programme.

The syllabus suggested above obviously has something of a crash-course character to it. But we should also view this process with a longer-term outlook. We need to be developing new military academies and training processes for the future army. We cannot rely on existing academies and their staffs.

4. The proposed National Peace Keeping Force

As reported, the bilateral process between MK and SADF has produced a general proposal for an integrated, jointly commanded NPKF of some 10,000. The NPKF would act as a peace-keeping force, out of barracks, during the election run-up and election itself.

There are several important positive features in this recommendation, including:

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in principle, it will give the TEC/Independent Election Commission some effective peace-keeping ability - in the absence of an international peace-keeping force, and in a situation in which, hopefully, the rest of the various armed formations will be confined to barracks.

* it will provide a useful experience for the broader integration/reconstruction process that must follow, creating trust and familiarity.

However, the feasibility of the proposed NPKF does need to be looked at

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honestly:

* assuming a TEC is set up in September, will that give us sufficient time for effective training - bearing in mind the diverse backgrounds of the different formations and officer corps? While a creative training process might happen, will the NPKF really be able to be deployed effectively, and as the only military peace-keeping force, in such a short time?

* while the figure of 10,000 might be ambitious in terms of training is it remotely enough in terms of an effective peace-keeping force? It is usually assumed that, for every one soldier actively in the field for a period of months, a further five are required as back-up. On this figure a NPKF of 10,000 might mean only 2,000 in the field at any one time. Is that enough? Alternatively, it means 10,000 in the field, but with a SADF back-up, is that desirable?

A further question arises around the NPKF. The present conception is of all armies confined to the barracks, with exception of the joint 10,000 in the NPKF. But what about the various police forces?

* by focussing on armies (because we also have one) for the NPKF, we are leaving peace-keeping to a formation of unproven/uncertain ability AND to existing police forces. This means that, for instance, in KwaZulu the KZP will still have a major role in peace-keeping. Should we not consider bringing police formations also into a unified NPKF, this would include, as proposed by the Lawyers for Human Rights, bringing in the Internal Stability Division of the SAP. The argument is that:

+ in any case the ISD will be playing an active peace-keeping role in the election period, better to have them within a more jointly commanded process;

+ is it not preferable, certainly in the longer term, to keep the army out of internal peace-keeping, leaving this to a future police service with a minimum force doctrine?

5. The need for more effective political leadership

All of the arguments elaborated above underline the need for greater political involvement and interest in MK from the side of the NLM leadership. This point is emphasised by one further issue which we believe merits urgent attention:

The ANC/MK and W rn

There are already a number of signs that various Western arms industries are competing for the favours of a future ANC government and a new South African army. This is hardly surprising. The financial stakes are high, since we are talking not just about a future SAn army, but in all probability of an integrated southern African military system. The choice of weapons systems might have multi-million dollar implications.

What is worrying, are signs that these foreign competitors are already selecting their own favourite (and perhaps competing) candidates for high military office. It is absolutely imperative that the ANC and broader NLM is able to present a unified political face to these endeavours.

6. Intelligence

Without elaborating here, it is important to underline that in the area of civilian intelligence our strategic thinking and organisational planning seems to be undeveloped.

ENDS

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RECEIVED 26 Aug 1993

To : Office of the Secretary General
Attention: Cyril Ramaphosa

From: Office of the Chief of Staff
Date: 25th August 1993
Dear Comrade.

Find enclosed a copy of our tentative Agenda for MK National Conference.
This is per request of your office.

Yours comradely.

hn fms

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AFRICAN NATIONAL CONGRESS:
MHA,
PO. BOX 81884, MARSHALLTOWN WM 2177
TEL: 330-T1â\202-5-75 FAX 234737

CONFIDENTIAL

TENTATIVE AGENDA FOR MK NATIONAL CONFERENCE

DATE: 3RD AND 4TH SEPTEMBER 1993

VENUE: EASTERN TRANSVAAL

INTRODUCTION

Since the MK national conference held in Venda (August 1991), the Military Headquarters has reviewed the progress of implementing the decisions of that conference. Unfortunately the majority of those decisions have not been implemented by the National Executive Committee of the ANC. In addition, there have been numerous developments which have taken place since that conference which have had a direct influence on the functioning of our army.

As the process of political negotiations drag on, MK has had to prepare itself for the challenges facing it both during the transition and in the future. This has not been an easy task as we have experienced a severe lack of resources and hence an inability to adequately resolve the problems affecting our soldiers and the army in general.

Central to the problems of MK, has been the issue of the welfare of our combatants. The majority of MK soldiers are unemployed, do not have access to skills training and their access to educational institutions is limited.

Unless the ANC and MK collectively addresses this issue, our army will not be in a position to contribute constructively to the democratisation process underway in our country.

It has also been brought to the attention of the Military Headquarters that the ANC through the Office of the President has allocated a sum of ten million rands for MK. It is necessary for MK to come up with clear proposals as to how best we can utilise this fund in relation to alleviating

our problems.

It is within this context that it became necessary to convene the MK Conference.

PROPOSED AGENDA

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The following issues will form the basis of the conference agenda. It is envisaged that there will be a presentation made on each issue which will then be discussed by the conference.

% Overview of current political situation;

J Report of the MHQ to the MK national conference:

xX Input on the levelling of the political playing field;

- the role of the TEC sub-council of defence;

- the establishment of the National Peace Keeping Force;

- the practical implications of the joint control of security forces.

i Report on integration and the formation of the new national defence force;

Report on the state of bilateral negotiations:

- military and political.

= Report on the state of welfare in MK;

The way forward - recommendations and resolutions.

CONCLUSION

It must be noted that this is a tentative agenda and is subject to change. The MHQ is of the view that the above agenda will cover all the pertinent issues which are affecting our army presently.

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ANNEXURE "F"

VAAL

COMMISSION

REPORT:

VAAL COMMISSION OF
INQUIRY

REPORT OF COMMISSION OF ENQUIRY INTO THE
CONFLICT IN THE VAAL REGION
(KWAMASIZA AND SEBOKENG)

Z Introduction

1.1 Appointment

Because of the nature of the conflict, members of the
Commission were drawn from both the AFRICAN

NATIONAL

CONGRESS (ANC) and the NATIONAL UNION OF METAL WORKERS

OF SOUTH AFRICA (NUMSA).

1.2 Members of the Commission

The members were:

L. Bakaco, Chairperson, NUMSA Border Region:

P.N. Langa, Member of ANC Constitutional Committee;

R. Motsepe, Chairperson, NUMSA N.Transvaal Region:

L.R. ,Mti, Chairperson, ANC Eastern Cape Region;

C. lNcumane, ANC, Eastern Cape Region.

1.3 Terms of Reference and Brief of the
Commission

These were set out as follows:

1:3.1 To immediately and thoroughly investigate
the reasons behind the conflict and the

nature of the conflict itself as well as the
consequences thereof;

1.3.2 Where possible to identify the culprits or
leading proponents of the conflict;

\$+3:3 To determine which elements are knowingly serving the
objectives of the enemy;

1.3:4 To table observations, recommendations and â\200\230other
remarks and findings to the structures concerned

through the leadership of the ANC and partners in the
Alliance.

1.3.5 The document from which the Terms of Reference were
extracted is annexed hereto marked "A".

1.3.6 The Commission considered its brief in general to be
to investigate the nature of the conflict in the Vaal

area and the reasons behind it as well

implications thereof and to advise the

as the

Alliance

Partners of its observations and findings as well as
recommendations arising therefrom.

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The Commission held several sittings to hear and receive submissions at Shell House, 51 Plein Street, Johannesburg, commencing on 21 July 1992. Further meetings were held by members of the Commission, not only in Johannesburg but also in Durban and Port Elizabeth, to consider the submissions and to compile the report.

Access to the Commission

Members from the affected area had free access to the Commission to make their submission in person or in Writing. Where persons from one area with an identity of interest came in a group and it was obvious that their submissions would be repetitive, they were allowed, if they so desired, to make their submissions through one or more of the group. Where this procedure was adopted, care was taken to ensure that the entire group was satisfied that nothing of relevance was left out.

Through the inputs made, the Commission was further able to identify other persons who could shed more light on the subject and these were requested to make their contributions, in person or in writing.

Altogether, the Commission received submissions, oral and written, from persons who are members of structures of the ANC, the SACP and NUMSA from Sebokeng, the KwaMasiza Hostel and elsewhere in the Region. Also interviewed were members of the vVaal sub-region as well as those of the Regional Command and certain members of the National Executive Council of the ANC.

A full list of those who made submissions to the Commission is in the possession of the Commission.

Confidentiality

As far as possible, and in view of the sensitive nature of the investigation, confidentiality was observed. Freedom of speech was however encouraged from all those interviewed.

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Administration

Recording facilities and secretarial backup were provided by the ALC, and the Commission would like to record its appreciation for the manner in which Comrade Sâ\200\231bongile !Mahlangu facilitated its work by making the necessary arrangements for travel, accommodation and sustenance.

Conduct of Proceedings

At the first sitting of the Commission, it was agreed that Langa would chair the Commission while Mti would deputise if and when necessary. Motsepe kindly agreed to serve as secretary for purposes of compiling and keeping the official record.

The Problem

For a proper understanding of the problem, it is necessary to place it in its historical context.

The hostels of KwaMasiza and Sebokeng, the latter is otherwise known as "Vietnam", were established for the Iscor Vanderbijlpark workforce; NUMSA is at least the predominant Trade Union. The residents, however, include many individuals who are not employed by Iscor as well as others who are unemployed altogether. Through the course of time problems manifested themselves:

There was a lack of clarity, on the part of Iscor workers, with regard to the position of shop-stewards. Specific questions were in relation to their terms of office and their accountability as well as the right of workers to remove them from their positions in terms of the NUMSA Constitution should the need arise. For instance, it was reported that NUMSA shop-stewards seemed to have been appointed for life, having served from 1986 to 1990 without elections. This caused great dissatisfaction among workers and created a schism generally between workers, on the one hand and shop-s=-ewards on the other. The problem was aggravated by at least two events, namely:

A scheme referred to as "OMEGA" which was introduced to the workforce by the management. It is safe to say, whatever the scheme was and whatever it entailed,

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outstanding achievement was to evoke a great deal

controversy among the workforce and to leave a legacy of suspicion and division among them. In the limited time available to the Commission, we were unable to obtain a coherent description of what this "omega" was. Suffice to say that some shop-stewards made themselves unpopular among a section of the workers when they tried to sell the idea to the workforce and there was overwhelming rejection of the scheme for whatever reason. Those shop-stewards who persisted in promoting the scheme earned themselves the label of "sell-out". It seems that at least some of the shop-stewards, including NDAMASE, were favourably disposed towards omega.

The second event was a workshop which was addressed by ERNEST SOTSU, at which the respective roles of political, civic and trade union structures were discussed. Feelings run high with regard to this workshop; typically, there are two versions with regard to what transpired there:

one version is that the workshop occurred because of the uncertainties and confusion described in 2.2.1 hereof, and that SOTSU, having been invited as a trusted senior comrade, made a valuable and fair input demarcating the respective roles of the various structures (i.e. that the role of Trade Unions and of shop-stewards is at the work-place and not at residences; that of civic structures such as block committees was confined to residential areas, and not the shop-floor; that of political organisations is distinct from that of trade unions and that there was nothing wrong in principle with a situation where a member of another political organisation - for instance the Pan Africanist Congress - was an official of a trade union, provided he confined himself to issues relating to the interests of workers; and so forth) and that the different roles should work in harmony and not be confused.

the other version is that SOTSU made a vitriolic attack on NUMSA and the institution of shop-steward and that from that time, daggers were drawn between SOTSU supporters on the one hand and NUMSA and the shop-stewards on the other. According to this version, the burden of SOTSU's talk was that NUMSA must not operate in hostels but only on the factory floor.

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The conflict between the workers, on the one hand and the shop-stewards, on the other developed into a bitter and violent struggle between two groups which were dJenerally known as the SOTSU group and the NDAMASE group. Both SOTSU and NDAMASE deny that they are the leaders of either of the factions.

In the meantime and because of the violence which was being perpetrated against the community, in particular members of the progressive movement, the creation and the arming of Defence Units (DU, s) became an inevitable consequence; inevitable because of the connivance of elements in the security forces in the destabilization of the community, particularly the progressive movement, through violence and their refusal to play a positive role in ending it. The establishment of DUâ\200\231s was a new dimension and it also brought about new complications, for instance:

the arming of the DUâ\200\231s:

(i) part of the quarrel is based on allegations that certain individuals, including SOTSU, solicited monetary contributions from hostel-dwellers to purchase arms for DUâ\200\231s; for instance, a sum of R20.00 per head was alleged to have been collected from residents of Vietnam, but no guns were received; the complaint is that either that money was nilsappropriated or the arms were purchased and diverted to supply more favoured individuals;

(31) where firearms had been procured, they were often distributed on the basis of favouritism which was in turn based on tribalism or even clanship. It is alleged for instance that at some point,

â\200\230Mpondos, Mpondomises andXhosas, etc were separated into groups for purposes of being armed, allegedly by NDAMASE. As far as the

procurement of weapons ls concerned, there have been allegations that various persons, including some high-ranking members of the ANC who have not been named, are implicated in the supply of arms to some of the people on the ground.

(111) Some of the arms intended for DUâ\200\231s are now being used to kill comrades in rival factions.

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(iv) There is a desperation to procure arms. One often comes across the question, because of a shortage of weapons for self-defence: "where are our leaders who told us to form DUs? How are we expected to form them without arms?"

2:25.22 the issue of control of arms:

(1) there is no procedure for the control of the issue of firearms and their use. Anyone who has acquired a firearm is in a position to pass it on to somebody else and there is no accounting for the use of such arm;

(11) the arms are generally unlicensed; there is nevertheless no strategy for the protection of those who are in possession of firearms and who therefore run the risk of arrest.

222 B.3 control of D's and accountability:

(i) there is no clarity about who should control DUs in any particular area, whether it is the local political, civic or military leadership; by the same token, it is not clear to who the commander of a DU in any particular area is accountable;

(11) the role of MK and other armies in relation to DUs is unclear;

(11i) there is no overall co-ordination of the activities of all the DUs in the area; it is for instance possible for members of one DU to engage in action in the area of another DU.

2.2.5.4 "no go" areas in the hostels:

(1) the current position is that there are two DUs operating in the Sebokeng Hostel, as follows: there is one for Blocks 4 and 5, which is NDAMASE-supporting, and another for Block 2. which supports SOTSU. KwaMasiza Hostel has one DU.

(ii) there is no free movement between the blocks: the

DUs are at war. With regard to KwaMasiza, allegiances are not clearly divided in terms of blocks, residents are mixed. It has been said that that makes it easy for a person from one faction to move to another flat and kill a member of the other faction.

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the involvement of political personalities:

(1) it is clear that there is tension at local level with regard to the involvement of political leadership in the formation and the running and control of DUâ\200\231s. There is no clarity with regard to the role which the local branch executive, for instance, should play. Not to play a role is seen as detracting from the influence which that leadership would like to have on the membership; equating political leadership with control of the DUâ\200\231s also has obvious problems and brings about its own tensions. There is, for instance the reality that trained military people would refuse to take instructions from an untrained person.

(ii) the other difficulty related to the above is the

fact that DUâ\200\231s are meant for the whole community, not only for members Of any particular organisation. Where the political leadership of a branch become involved qua political leader, an illogical situation arises with regard to those members who are not members of the ANC.

Findings:

SOTSU and NDAMASE

The two principal characters in the conflict are obviously ERNEST SOTSU and NDAMASE. It was obvious to the Commission that both are very strong personalities and that they have definite ideas with regard to the conflict itself and that no solution would have any prospect of success if it did not take into account their dynamic personalities and the influence they wield in their respective circles. We hasten to point out that during the interviews with them, both denied that they were the leaders of the respective factions which were at war. They denied responsibility for the acts ascribed to the factions while not denying that the acts themselves have occurred and continue to occur. They both profess to be appalled by the internecine killings. Both are regarded by those working with them at least as "ANC comrades who are prepared to die for the ANC". They both believe passionately that they are victims of the actions of others and, in the belief of each, the solution lies out there somewhere, outside of himself.

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SOTSUâ\200\231s attitude is that he is being made a scapegoat for a mess which has been created by the ineptitude of NUMSA officials and their failure to be sensitive to the needs of the workers. This has been compounded, he believes, by the failure of political leadership to properly understand what was happening and to play a truly conciliatory role. He believes his role has been misunderstood by those who are not actually at the scene of the conflict and misrepresented by those who are. He himself characterises his role as follows:

He resides at Sebokeng Hostel not out of choice but because comrades took pity on him and accommodated him after his house at Boipatong was attacked and members of his family tragically killed. He maintains his political links as part of the leadership of the ANC branch at Boipatong.

His activities at KwaMasiza and Sebokeng were limited to advice and assistance in developing their Structures and this all happened by invitation by the residents. He has no political ambitions with regard to the Sebokeng branch. In this respect, his attitude is that NUMSA officials have completely misinterpreted him and his motives and regard him as the enemy instead of actually dealing with problems created by relations between shop-stewards and workers. He believes that his victimization was taken a step further when he was banned from entering KwaMasiza by the Iscor management on the advice, as he believes, of NUMSA officials. .

He believes that his role was unjustly and unfairly challenged and his bona fides impugned when, after being invited to officiate as part of an electoral commission during the Sebokeng Branch elections, he was unceremoniously forced to step down.

3.2 SOTSUâ\200\231s Sphere of Influence:

As already stated, the factions are rightly or wrongly generally referred to as the SOTSU and the NDAMASE factions. SOTSU draws his support in general from members of the Top Twenty, Jappie and the members of the DUâ\200\231s working with him as well as the MK cadres he commands; in terms of territorial control, it is alleged that Blocks 4 and 5 at Sebokeng Hostel are SOTSU strongholds. KwaMasiza is not so clearly demarcated: there are eight different blocks which are

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in turn divided into many flats; allegiances are not clearly defined in terms of blocks but it is clear that both SOTSU and NDAMASE draw considerable support from this hostel.

NDAMASE's Sphere of Influence:

NDAMASE draws his support generally from NUMSA shop-stewards, some members of the leadership of the Sebokeng ANC Branch, Blocks 1,2 and 3 of Sebokeng Hostel and part of the workforce and residents of KwaMasiza Hostel.

There is no doubt that many people on both sides have

been killed and the killings are continuing. There are allegations and counter allegations as to who or which faction is responsible. Each faction describes

the other in terms which indicate a suspicion (which is not infrequently placed at the level of conviction) that it has been infiltrated by the enemy and is in fact working hand-in-glove with Inkatha and/or destabilizing elements of the security forces. An example is the NDAMASE group's attitude towards Jappie and conversely, the SOTSU group's attitude against KING. Each faction is accused by the other of tribalism and clanism. And of course, each accuses the other of being the perpetrators of the unnecessary killings of comrades.

The Commission was unable to find convincing evidence to enable it to state categorically that any particular person was knowingly serving the objectives of the enemy. We consider it highly probable that such infiltration has taken place but we believe that to embark on a witchhunt at this stage could be counter-productive and even destructive of any future prospects for reconciliation.

RECOMMENDATIONS

The NUMSA Dimension:

If this has not been attended to, NUMSA needs to address the issue of relationships between the shop-stewards and the workers, at the workplace and at residences. The idea of shop-stewards exercising their leadership in the hostels on the basis of their

positions at work is bound to produce conflict and

misunderstanding.

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The terms of office of shop stewards need to be well-defined and complied with to avoid friction.

4.2 The Political Dimension

4.2. Attention needs to be given to the relationship between the leadership of the PWV Region of the ANC and that of the Vaal sub-region. It is necessary that there should be trust and that proper channels of communication should be observed.

There needs to be proper co-ordination between the structures of the PWV Region and the PWV Regional Command and this co-ordination must be reflected right through to the sub-regional structures and branches. There is a perception that these relationships are currently on an ad hoc basis.

4.3 Self-Defence Units

4.3.1 It is obvious that the whole issue of Defence Units has not been properly addressed. Communities, including those in the Vaal sub-region heeded the call to form DUs; They however did not have proper guidance and the consequences of arming themselves were never adequately canvassed with them.

The relationship between the DUs and political/liberation movements as well as with institutions like Mkhonto Wesizwe and APLA needs to be clarified as a matter of urgency as also the relationship between the DUs and .. the civic structures.

What seems to be an unsatisfactory feature of the DUs in the Vaal sub-region is the lack of co-ordination with regard to their control. There is an urgent need of a sub-structure as well as an overall structure to co-ordinate activities and to ensure that relationships between DUs are properly regulated.

Related to the above is the issue of accountability in respect of the DUs. What needs to be clarified is the accountability of each CU to either the political or military structure as the case may be. The relationship between any such structures in any locality also needs to be addressed.

Dominating any discussion on DUs must be the issue of arming them. There is no clarity as to whose responsibility/...

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responsibility it is to arm them. Failure to face this question squarely on results in all sorts of complications, including corruption and the creation of power bases by people who may have their own doubtful agendas. The casual attitude to arming also results in there being no control whatsoever on who can be in possession of a firearm and who should not; it further leads to abuses which are the result of loose usage of weapons by people carrying out their own vendettas.

The relationship between armed DUs and the agreements reached by the ANC for instance with the government needs to be clarified. Too many members of DUs get arrested and charged for possession of unlicensed firearms. There seems to be a perception among the ranks of DUs that the laws of the land have been suspended and that comrades are immune from arrest as long as they are members of DUs.

It should be clear from the foregoing that the whole system of arming DUs needs a thorough overhaul. It is not going to be a simple matter and a lot of workshopping would seem to be called for. What

should be emphasized is that there needs to be overall control if DUs are not going to be allowed to slide to anarchy. There must be an overall authority, which will also be in a position to disarm those who do not toe the line.

Finally, there needs to be a Code of Conduct as well as strict adherence to it. No one should be allowed to be a member or to continue being such member of a DU if she/he cannot abide by the terms of that Code.

Specifically with regard to the Vaal sub-region and with specific reference to KwaMasiza and Sebokeng, the Commission suggests that one of the first steps would be to address the problem at four levels:

Sorting out the theoretical basis of having and maintaining DUs as well as the respective relationships spelled out above;

Disbanding (and disarming) the current DUs at both

KwaMasiza and Sebokeng and re-establishing them under a more co-ordinated sub-regional structure, at the same/...

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ime ensuring that each such DU has a proper
#*hich Is fully accountable and -well-

Exerting political influence and discipline on those
cf cur members who will be in the DUs;

Clearly defining the role and involvement of
institutions such as Military Command, Mkhonto
Weslizwe, etc. In the creation of CUs

We would suggest that an all-embracing meeting of all
the relevant structures should be convened to
concentrate their efforts on building for the future
rather than dwelling on the past. Such a meeting
could only succeed if there is an emphasis on burying
past recriminations and concentrating on building new
and stronger accountable structures which will provide
stricter control and less room for costly abuses. It
should be impressed in the mind of every person in the
area that it is a patriotic responsibility of every
member of the organisation to ensure that his weapon
ls only used in defence against the forces that are
against justice and democracy. Obviously, the top
leadership of the relevant organisations have a
decisive role to play.

SIGNED IN JOHANNESBURG ON THIS THE DAY OF FEBRUARY
1993.

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COMMISSION

SECTION ONE

INTRODUCTION

1.2

The Commission was established by the Secretary General's Office after the services of the Commission established by the Western Transvaal REC were terminated. The Commission was to have started its work on the 13th of April 1993 but due to administrative problems, the Commission started its work on the 4th of May 1993 and completed its work on the 13th of May 1993

Initially the Commission was supposed to have been composed of 5 persons i.e one appointed by the SG - Two from Nat, one from Organising Department and one from Finance Department. Finance Department reported that they have already conducted investigations and were in the process of preparing a report, while Organising reported that they could assist the Commission with information if requires as they have been involved in handling problems in the Western Transvaal Region.

The Commission was therefore composed of :

Chairperson - Collins Chabane (N. Transvaal)
Thabo Kubu (NAT)
Daniel Oliphant (NAT)

13 The Commission's Terms of Reference as amended was the verification of allegations regarding the following issues:

- Mismanagement;
- Corruption by some Regional Officials;
- Infiltration by the enemy;
- Possession of illegal firearms;
- Hit squads run by some Regional officials;
- Any other matter that the Commission might deem necessary to investigate, in the interest of the organisation, the African National Congress.

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1.4 The scope and extent to which the inquiry took place did not only cover REC members but the ANCYL, ANCWL, individuals within the disbanded Commission and other persons that the Commission deemed fit.

1.5 As a first step, the Commission met the Regional political leadership in the form of representative of the ANC REC, ANCYL REC and ANCWL REC respectively to introduce the Commission and outline the programme of the Commission. (See attached list of consulted comrades marked "Z")

The Commission drafted and circulated questionnaires to the mentioned comrades which formed the basis of our inquiry. (See attached Annexure "A" for questionnaires)

SECTION TWO

2. Written submissions can be found in Annexure "B".

2.2 The Commission interviewed some comrades, based on the submissions made in writing.

2-21 All REC members interviewed indicated that there are serious tensions within the REC emanating from suspicions among comrades. This led to the development of cliques within the leadership as it shall reflect in our findings. The Regional Secretary refuted these claims.

2.2.2 The Chairperson informed the Commission that since he was informed two months after the AGM that the Treasurer was a former Councillor, he found it difficult to work with him.

2.2.3 The Secretary and Chairperson are accused of having been involved in character assassination of other members of the REC while addressing branches. The deny this allegation. This emerged from the comrades who were interviewed.

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With the exception of the Chairperson and Deputy Secretary, most comrades have serious misgivings about the way in which the Regional Secretary

works and his relations with other REC members.

The majority of comrades in the REC confirmed that minutes of the REC are not available during meetings. The minutes of REC meetings submitted to the Commission indicate that minutes are mostly unavailable during REC meetings.

Most REC members, including members of the RWC indicated that the RWC changes REC decision. Examples cited prominently are related to the RGC and the RELCOM.

There are also allegations of corruption regarding funds. (See Annexure "E") Staff members also allege that there is favouritism in dealing with members of staff by the Secretary, particularly involving R Rasmeni, the wife of the Chairperson who works as a membership officer.

Staff members complain of disrespect by the Regional Secretary and have frustrations that their problems are not addressed.

Some comrades claim that most comrades driving cars do not have drivers licenses while others claim that they have.

Comrades also raised concern over the role played by Comrade Z Molekane who is employed by Delta Consultancy. Ben van As and Theo De Jager who sit on the board of Delta are suspected of being members of MI. On the other hand, detailed accounts have been given regarding the association of S Rasmeni and G Mathuse with the

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police. These details have been given to NAT for verification.

While the Treasurer and a report with Mr Gobile (See Annexure "D") confirm that organisational funds were used to buy firearms, G Molefe agreed to have gone to Sebokeng but denied having received money from the Treasurer or having discussed with S Rasmeni the issue of firearms. S Rasmeni agreed having acquired a gun through G Molefe but denied having used organisational funds. G Mathuse denied that he was involved or having knowledge of the purchase of firearms or having acquired one for himself. He however agreed possessed one for one month which was borrowed from a friend.

All REC members indicate that the Regional Treasurer failed to submit a financial statement despite insistance by the REC that he should submit one and refused to cooperate with the Finance Committee.

The Treasurer supported by the Administrator and Chairperson confirmed that M Magakala, G Mathuse and S Rasmeni have not yet paid back the loans which are long overdue. The Secretary alleged that the Treasurer also did not pay back.

G Mathuse vehemently denied that he took any loan from the office. When confronted with documentary proof, he acknowledged but denied having any other debt.

The Secretary, despite a report from Charles Chambo (See Annexure "C") and confession by a participant in the aborted armed robbery, denied having given the weapon to Charles.

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P Chauke confessed having knowledge and access to weapons and comrades involved in the fight against Inkatha in Tigrane.

The Treasurer is alleged to have been involved in fraud against a burial society which he had established. When the Commission was going through financial records, it became clear that the Treasurer was tampering with some of the records.

SECTION THREE (A)

COMMISSION\200\231S FINDINGS

3.1

There is no collective leadership within the REC and RWC. The RWC changes decisions of the REC.

There are two identifiable cliques within the REC. One group composed of S Rasmeni, G Mathuse, G Molefe, O Kgawe and a few others. The other group is composed of Zakes Molekane, Zakes Tolo, the Head of Organising and others.

Minutes of previous meetings are sometimes not available for REC meetings.

There is a significant number of people who are in possession of illegal firearms including REC members.

The Chairperson S Rasmeni, Secretary G Mathuse and Deputy Secretary G Molefe bought illegal firearms. However, it must be noted that they deny having used ANC money although the Treasurer and the report of the initial commission confirms that.

There is no sound relationship between the Treasurer on the one hand and the Chairperson and Secretary on the other hand. As well as there is no sound relationship between the Treasurer and the Finance Committee.

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Contrary to REC decision, the Treasurer failed to submit a proper financial statement to the REC.

Though the lack of a person from Finance Department was a handicap, we noticed the following irregularities:

x Cash cheques are made out,

Â¥ Cheques are made out to bearer;

% No proper documentation is made with regard to cheque

requisitions and necessary slips;

*Â® No proper recording of funds raised;

* The elected officials prepare, approve, authorise and sign cheques;

* Membership fees are deposited in sub-regional accounts;

* Money loaned to individual staff members is not recovered;

i The Secretary denies having loaned money from the

organisation even when there is documentary proof;

%* Treasurer does not understand his work.

The Deputy Regional Secretary does not understand his tasks and do not meet with the Regional Secretary.

There is lack of motivation among staff members, especially organisers.

The Transport Committee appointed by the REC is not functional.

There is no policy on allocation of cars and no policy on matters related to accidents and checking the validity of drivers licenses.

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3.9 The Commission found that there are no hit squads controlled by Regional Officials, however, the Commission noted that five REC members were involved with three armed groups which have been involved in the following incidents:

3.9.1 G Mathuse lent a weapon to a group which was involved in the attempted robbery of a firm in Wolmaranstad;

3.9.2 P Chauke, O Kgauwe and Moeti were involved with a group that was engaged in clashes with Inkatha at Tigane.

3.10 The Commission further established that:

BÂ® There are suspicions around comrades working for Delta Consultancy which is regarded as a front for DMI;

There are suspicions around the Treasurer emanating from his background that he is a former Councillor;

There are strong suspicions directly affecting the Chairperson and the Secretary.

SECTION THREE

Our submission on this issue is based on the information collected during the process of the inquiry. It will therefore look into three aspects which were impacted upon by the crisis within the Western Transvaal Region. They are as follows:

1. STRUCTURES

Through lack of unity, collectiveness and a visible division according to cliques within the REC, the development of our branches and sub-regions have suffered tremendously.

1.1 Since the REC came into office in May 1992, it has failed to call an RGC.

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1.2 It has not embarked on any programme of action. Most of the action taken by the region was either spontaneous or spear-headed by the Youth League.

13 Out of seven sub-regions, only two were launched i.e Rustenburg and Zeerust. Effectively, one is functional because the Rustenburg office is without a structure and the office is without a person manning it except for marshals. This has been taking place since the REC come into office and there has not been enough attempts to solve this problem.

2. ALLIANCE

The question of the role of the Alliance has been under-played by the REC. Besides the fact that the REC has failed to embark on a serious campaign, joint meetings of the alliance and those of the leagues has not been a common feature in the region.

3. SECURITY

This issue is a thorny one because the Region does not have a PRO

person and that there is absolutely no security in as far as the office is concerned.

SECTION FOUR

COMMENTS IN LIEU OF RECOMMENDATIONS

The Commission, having been influenced by its own findings in accordance to the terms of reference, has noted that:

4.1 There has been gross mismanagement with regard to:

a) Administration;

b) Finance and the general handling of Transport;

Proper accounting and possibilities of misappropriation of funds.

The situation described in 3.6 above, provides fertile grounds for funds to be used for purposes outside the framework of our policy.

Unless if the Internal Auditor's report can conclude to the contrary, the Commission is of the opinion that there is corruption particularly involving the Chairperson, Secretary and Treasurer.

There are cliques within the REC and RWC which have an impact on:

- a) The development of ANC structures in the region;
- b) Allegations relating to security issues within the REC;

c) Collective leadership that is expected which resulted in the RGC not being called.

Whilst individuals within the REC feared for their lives, they have acquired illegal weapons for self-protection.

Some of the problems of this region are similar to those of other regions e.g.

- a) There is no vetting done by the Security Department on newly elected REC;

- b) HQ not assisting regions in acquiring firearm licenses;

c) Regions do not have policies on transport and methods of minimising accidents.

WE THEREFORE RECOMMEND THAT:

1. There should be an interim structure set up to convene an AGM because the REC with its problems, cannot seriously work towards that objective.
2. All security related allegations and those of hit-squads should be followed up by NAT with immediate effect.
3. The Finance Department to submit a report to SGO for purposes of understanding the extent of any financial mismanagement that might have taken place.

All other recommendations stated below affect all other regions:

4. Regions should be encouraged to develop their own Transport and Loan policies.
5. The issue of acquiring of firearm licenses should be systematically addressed with the help of HQ so as to avoid incidents where individual members of the REC will arm themselves (this can always be reviewed should the need arise).
6. Newly elected REC should go through vetting and that

Treasurers in particular should go through some courses to reassure their understanding of financial pre-requisites.

SECTION FIVE
CONCLUSION

We wish to express that most of the comrades felt relieved that the organisation will help in addressing the problems faced by the region.

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We also wish to express the need for urgent attention to the problems outlined in this report and for the SGO to seriously take into account the recommendations of the Commission.

The need for urgent intervention of our security structures cannot be over-emphasised, but unless we take it more seriously, problems facing the region will persist.

Signed by :

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