

WSP/243/2234/1

# African National Congress

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05 May 1992

TO ALL NATIONAL WORKING COMMITTEE MEMBERS

Please find enclosed herein the following documents:

1. A summary of the activities of the National Peace Secretariat.
2. National Peace Committee's Press Release on Political Leaders' Accountability for Transgression of Peace Accord.
3. Minister of Law and Order's Press Release on appointment of Police Board.
4. Draft Code of Conduct for Members of the Defence Force.

N.B. DOCUMENT ONE - is purely for your information on progress re: the establishment of Regional and Local Dispute Resolution Committees.

DOCUMENT TWO - the press statement was issued by the National Peace Committee after realising that many leading people (including some in our ranks), have made and continue to make public statements which constitute contravention of Chapter Two of the National Peace Accord (i.e. The Code of Conduct for Political Parties and Organisations).

The press statement points out as to what is going to happen to individuals who are unable to engage in political debate without making utterances which are considered inflammatory or are seen as instigating violence.

Cont ...2/

**The People Shall Govern!**



DOCUMENT FOUR - is a tentative agreement reached by the ANC and the regime on an aspect of the National Peace Accord which was still outstanding, namely, Code of Conduct for Members of the Defence Force. This draft has been taken back to the principals (signatories to the NPA), for their endorsement. We shall be happy to receive your comments and suggestions by not later than Tuesday, the 12th May 1992. This draft deliberately does not deal with the COUNCIL OF DEFENCE because the Forum which produced it was of the view that at this stage Codesa is better placed to proceed with this discussion. Accordingly, it was proposed that the matter of the Council of Defence be formally referred to Codesa, in the context of its discussions on Security Forces.

We hope that you will find the enclosed documents helpful and you'll put them into good use.

Yours comradely



*T. F.*  
M. C. Ramaphosa  
SECRETARY GENERAL

\* P.S.: All responses and comments must be sent to Cde. Sydney Mufamadi (ORGANISING DEPARTMENT - PEACE DESK)



# NATIONAL PEACE COMMITTEE

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FOR IMMEDIATE RELEASE

APRIL 22 1992

BREACH ONE

## POLITICAL LEADERS TO BE HELD ACCOUNTABLE FOR TRANSGRESSION OF PEACE ACCORD

The National Peace Committee is greatly concerned and extremely frustrated by the constant transgressions of the National Peace Accord in terms of public utterances of certain political leaders who are signatories of the document. Highly inflammatory statements which have been made, constitute a blatant contravention of Chapter Two of the Accord which lays down a code of conduct for political parties and organisations. Clause 2.4. states:

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

At a meeting this week of the National Peace Executive, a decision was taken to address such breaches more vigorously in future in the following manner:

- 1) Every transgression of the Peace Accord in terms of Clause 2.4. will be brought to the attention of political parties by the administrative arm of the National Peace Committee which will also check the accuracy of such statements.
- 2) Such transgressions will be made public.
- 3) In the absence of a satisfactory explanation, Chapter Eight of the National Peace Accord which deals with the composition, objectives, functions and powers of the National Peace Committee will be invoked whereby leaders will be summoned before the National Peace Executive. Clause 8.3.1.5 states:

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

convene a meeting of the signatories in the event of an unresolved breach of the National Peace Accord; and recommend legislation to give effect to the National Peace Accord. "

FOR FURTHER INFORMATION CONTACT VAL PAUQUET AT (011) 886-0084 (Phone/Fax) OR 787-0735 (Phone). These are temporary numbers pending the installation of a Media Office for the National Peace Committee.



D R A F T

**CODE OF CONDUCT FOR MEMBERS OF THE DEFENCE FORCE**

We undertake, in accordance with the laws and constitution of the Republic of South Africa and applicable international law,

- to safeguard the integrity and freedom of our country and, in time of war, to act appropriately, with the necessary restraint; and
- to respect and to protect the human dignity, life, liberty and property of all in our midst and to act impartially at all times.

The South African Defence Force (SADF) and its members hereby commit themselves to abide by this Code of Conduct in the following terms:

1. The manner in which its mission is pursued, realised and experienced should be in harmony with those values that are central to a democratic society, namely tolerance, fundamental human rights, the freedom of its citizenry and the rule of law.
  2. The SADF and its members shall respect and defend the right of South Africans to live in peace, freedom and justice. As such they shall recognize fundamental rights, and in the execution of their duties will accept personal responsibility for both the care and the legality of the conduct of their subordinates.
  3. Members of the SADF shall participate in a democratic society both as citizens and as soldiers with self-knowledge, courage and knowledge of the values with which they are entrusted.
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4. The SADF recognizes that differences of political interest in South African society do not spare the military but often make it a target of controversy. It is therefore of the utmost importance and in the public interest for the SADF to act with impartiality and tolerance. The SADF and its members undertake to act or conduct military manoeuvres in a non-partisan manner and not for the purpose of unlawfully threatening or intimidating any community or part of the community.
5. Members of the SADF shall execute their duties in a manner which will not advance or obstruct party political objectives. They may at no time misuse their appointment for these objectives.
6. The SADF will promote the values of this Code in training programmes at all levels within the SADF.
7. All actions in time of war shall be guided by relevant national and international law, including the Geneva Convention, and by the determination to observe them. All ranks of military personnel in the SADF shall abide by these rules in their assigned tasks and responsibilities.
8. Every member of the SADF shall accept full responsibility for his/her orders and the execution thereof. Members of the SADF equally enjoy the right of every citizen to be protected by the laws of the country and to refuse to obey any orders which are manifestly beyond the scope of the authority of the superior officer issuing them and are so manifestly and palpably illegal that a reasonable person in the circumstances of the soldier would know them to be manifestly and palpably illegal.
9. The SADF re-affirms that it shall not allow its members to be used as mercenaries.



## POLICE BOARD

PRESS, STATEMENT BY THE MINISTER OF LAW AND ORDER, MR HERNUS KRIEL.

CAPE TOWN 1992-04-27.

I hereby announce the chairman and other members of the Police Board, to be constituted in accordance with the National Peace Accord.

Advocate D Brunette has been appointed to the chairmanship of the Police Board, which will consist of members of the public, the SA Police and members of the police forces of the Self-Governing Territories.

Other members of the public appointed to the Board are: Mr CD Shearing, Mr M Phosa, Miss J Rauch, Professor N Haysom, Ms E van der Spuy, Professor TF Coetzee, Mr P Gastrow, Mr I Steyn and Advocate P Langa.

Members of the SA Police appointed to the Board are: Lt.-Generals HPM de Villiers, AB Conradie, SJJ Smit, LPE Malan and J Swart.

Members attached to the Self Governing Territories are: Brigadiers KS Zwane (KaNgwane), MJ Thubane (KwaNdebele), MA Maletse (Lebowa), Colonels MH Koahela (Qwa-Qwa) and PM Mathe (Gazankulu) and Lieutenant-Colonel DJ Muller (KwaZulu).

I congratulate all the above members on their appointment and intend meeting with them as soon as possible to finalise procedures and administrative arrangements.



**A SUMMARY OF THE ACTIVITIES OF THE NATIONAL PEACE SECRETARIAT FROM ITS ESTABLISHMENT IN NOVEMBER 1991 TO 24 APRIL 1992 IS SET OUT BELOW**

**1. ESTABLISHMENT OF REGIONAL DISPUTE RESOLUTION COMMITTEES**

The initial task of the National Peace Secretariat (hereinafter referred to as the Secretariat) was the establishment of regional dispute resolution committees (hereinafter referred to as regional committees) throughout the country. The Secretariat identified 11 regions for this purpose and established a regional committee for each of the 11 regions.

The locations of the 11 regions are indicated on the attached map.

The 11 regional committees are as follows:

**1.1 Natal/Kwazulu dispute resolution committee**

This regional committee was established on 11 December 1991 under the joint chairmanship of Mr M C Pretorius and Archbishop D Hurley. The Regional Committee has established the following local dispute resolution committees (hereinafter referred to as local committees):



- Umlazi
- Lower Tugela
- Port Shepstone

Meetings have been held with a view to establishing the following further local committees:

- |                                   |                           |
|-----------------------------------|---------------------------|
| - Mooi River                      | - Empangeni               |
| - Oswatini                        | - Tongaat                 |
| - Umbumbulu                       | - Bulwer                  |
| - Stanger                         | - Estcourt                |
| - Newcastle                       | - Mpumalanga              |
| - Pinetown                        | - Ixopo                   |
| - Pietermaritzburg/Table Mountain |                           |
| - Pietermaritzburg/Mcadi          | - Pietermaritzburg/Imbali |

The progress of the dispute resolution committees in Natal is being hampered by political in-fighting in the committees and unwillingness on the part of political groups to acknowledge the right to existence of other groups. The on-going violence in Natal makes almost impossible demands on the time of some of the key figures on the committees. Two professional facilitators receive remuneration for assisting with the establishment of the committees and with their activities.

On 12 April 1992 members of the Secretariat and the Deputy Minister of Justice, Mr D P A Schutte, attended a meeting with the



regional committee in Durban to try to end the violence. This meeting received wide media coverage.

## 1.2 Ciskei/Border Dispute Resolution Committee

This regional committee was established on 12 December 1991 under the chairmanship of Mr R Mason. Mr Mason resigned as chairman on 19 March 1992 and Bishop T de Bruyn is the acting chairman at present.

The regional committee has established the following local committees:

- |                       |              |
|-----------------------|--------------|
| - Cathcart            | - Queenstown |
| - King William's Town | - Peddie     |
| - Komga               | - Alice      |
| - Aliwal North        | - Seymour    |
| - Keiskammahoek       | - Whittlesea |

As a result of a dispute between the Ciskei government and the ANC, the Ciskei government withdrew from the activities of the committees in March 1992. Two members of the Secretariat, Mr G B Myburgh and Mr J Naidoo, are trying to settle the dispute and are confident that the Ciskei government will again participate in the activities of the committees in the near future.



### 1.3 Witwatersrand/Vaal Regional Dispute Resolution Committee

This regional committee was established on 7 February 1992. Mr Charles Nupen, a professional facilitator, is the interim chairman.

The following local committees have been established:

- Thokoza
- Soweto
- Germiston
- Orlando
- Benoni/Boksburg/Watville/Actonville/Reigerpark
- Tembisa/Kempton Park/Ivory Park/Midrand/Rabie Ridge
- Vaal Local committee, which includes:  
Vereeniging/Sharpeville/Vanderbijlpark/Bophelong/Boipatong/  
Sebokeng/Evaton

Exploratory meetings have been held with a view to establishing local committees for the following areas:



- Randburg/Sandton/Alexandra/Marlboro
- Kliptown
- Krugersdorp/Kagiso/Munsieville/Azaadvilke
- Ennerdale
- Vosloorus
- Kathlehong
- Dobsonville
- Meadowlands

The unrest in Alexandra required considerable attention from the regional committee and several emergency meetings were held. An interim crisis committee for Alexandra was established under the chairmanship of Dr Liz Carmichael and this committee met on a daily basis during the period of the worst violence. The activities of this committee contributed a great deal to the eventual decrease in the violence.

The Witwatersrand/Vaal area makes considerable demands as regards the establishment and activities of committees. In addition to Mr Charles Nupen, the Regional Committee has appointed a further six paid facilitators to assist in this task.

#### 1.4 Orange Free State Regional Dispute Resolution Committee

This regional committee was established on 18 February 1992. The co-chairman are Mr H Lerm and the Reverend S G Mabunda. A local committee has been established for Kroonstad.



Exploratory discussions on the establishment of a local committee were held in Virginia.

#### 1.5 Western Cape Regional Dispute Resolution Committee

This regional committee was established on 16 February 1992. Mr G H Higgo is the chairman.

#### 1.6 Northern Transvaal Dispute Resolution Committee

This regional committee was established on 25 February 1992. The co-chairmen are Mr P van Schalkwyk and the Reverend J S Mminele.

Exploratory meetings have been held for the establishment of the following local committees:

- Atteridgeville
- Soshanguve
- Mamelodi
- Oukasie

#### 1.7 Far Northern Transvaal Regional Dispute Resolution Committee

This regional committee was established on 26 February 1992. Prof. J A van den Heever is the chairman.



A local committee has been established for Phalaborwa.

#### 1.8 Eastern Transvaal Regional Dispute Resolution Committee

The regional committee for the Eastern Transvaal was established on 18 March 1992. The co-chairmen are Mr R A Dryden and the Reverend M A Ndlangamendla.

#### 1.9 Western Transvaal Regional Dispute Resolution Committee

The regional committee was established on 25 March 1992. The co-chairman are Mr I Motala and the Reverend Nkwe.

#### 1.10 Northern Cape Regional Dispute Resolution Committee

The regional committee was established on 8 April 1992. The chairman is Mr E Cahill. A co-chairman will be appointed in due course.

#### 1.11 Eastern Cape Regional Dispute Resolution Committee

The regional committee was established on 26 March 1992. Mr Brian Smith and Bishop Evens are the co-chairmen.

The regional committee has established a local committee for Grahamstown.

In all, in addition to the 11 regional committees, 23 local committees have therefore been established. Exploratory meetings



have taken place in the regions concerned for the establishment of a further 28 local committees.

## 2. PROBLEMS ENCOUNTERED IN THE ESTABLISHMENT OF THE DISPUTE RESOLUTION COMMITTEES

Except in the case of the Orange Free State, it was not possible to establish any regional committee after only one meeting. Usually, two, three or even four meetings had to be held.

An important problem that arose with the establishment of certain committees was the composition of the committees. Under the National Peace Accord, a committee comprises representatives of relevant political organizations, relevant churches, relevant unions, industrial and business organizations, relevant local and <sup>1</sup>trivial authorities and representatives of the Police and the Defence Force. In certain regions it was difficult to reach consensus of which organizations were "relevant" and which not. Certain political groups went out of their way to try to include friendly organizations and exclude opposition organizations.

Owing to the prescribed composition the regional committees normally consist of between 40 and 60 members. This means that an executive committee has to be elected to see to the daily activities, and the election of such a committee (and the organizations that should be represented) is often a further source of discord.

Lastly, the election of a chairman or of co-chairmen requires considerable consultation beforehand. In practise, people who do



not belong to political groups, usually from the business world or the churches, are elected as chairmen. The chairmen of the regional committees bear a heavy burden and, with the members of regional committees, play a considerable role in the implementation of the peace process.

### 3. LOCAL COMMITTEES ESTABLISHED BY THE SECRETARIAT

If a local committee was urgently required for an area, before the regional dispute resolution committee had been established, the local committee was established by the Secretariat itself. The following local committees were established by the Secretariat:

- |              |           |
|--------------|-----------|
| - Germiston  | - Soweto  |
| - Phalaborwa | - Thokozd |

At present the Secretariat is acting as facilitator in a dispute between a group of residents of Ennerdale and the local authority. This facilitation action should eventually lead to the establishment of a local committee for Ennerdale.

At the first three meetings of the Soweto local committee I acted as interim chairman myself, since the members of the committee could not agree on the appointment of a chairman. At present Mr Charles Nupen is the interim chairman. I acted as interim chairman for the same reason at the meeting of the Phalaborwa local committee.



#### 4. INFRASTRUCTURE FOR DISPUTE RESOLUTION COMMITTEES

It became clear that the committees could not perform their duties without adequate infrastructure. In areas that are seriously affected by violence the Secretariat appoints paid professional facilitators to provide assistance. Authorizations was recently received from the State to carry out these appointments speedily.

Adequate secretarial assistance is essential for the effective functioning of the committees. The South African Communication Service is in a position to provide the necessary secretarial infrastructure, and some of the committees make use of its services. However, the South African Communication Service is a Government body and it seems that this body is not acceptable to certain political organizations in some of the areas. Where the services of the South African Communication Services are not used, however, attempts are being made to establish other arrangements.

The Directorate, which provides alternative assistance for the Secretariat and consists of officers of the Department of Justice, is in the process of visiting each regional committee and determining the need for secretarial and other infrastructure. The intention is to complete this work within the next two weeks, after which every effort will be made to establish the necessary secretarial services and infrastructure.

The services of outside institutions are used from time to time for the provision of secretarial services and infrastructure. These services are often provided without compensation. I should



like to express my gratitude to organizations that have taken on this burden in their communities.

## 5. TRAINING

The most important task, not only of the Secretariat but of regional and local committees in particular, is to facilitate the resolution of disputes that can or do give rise to political violence. This requires considerable skill. The Secretariat has made it its task to provide training in the processes of facilitation and mediation.

A subcommittee for training has been established and this subcommittee has compiled an extensive dossier of facilitators and instructors whose services can be used. A number of people have been identified to provide assistance with training, and the first phase of a training programme has been compiled.

The purpose of training is to -

- enable and empower participants in the peace progress to promote their interests through peaceful negotiation; and
- change the prevailing political culture from one which, especially at grass-roots level, is characterized by animosity and intolerance to one characterized by joint problem-solving and development.

The first training course for members of the Secretariat took place on the weekend of 20 and 21 March 1992 in Johannesburg.



Immediately thereafter, on 23 and 24 March 1992, a similar training course was presented for members of the Natal/KwaZulu regional committee. A great deal was learnt from these training sessions, and this will be included in future training programmes.

## 6. PUBLICITY

Not enough is being done to bring the content of the National Peace Accord to the attention of all levels of the population. The Secretariat is not satisfied with the extent of press coverage of its activities. A subcommittee of the Secretariat has been appointed to give specific attention to this matter. This subcommittee will co-operate and link up with the Subcommittee on Publicity of the National Peace Committee.

It is essential that people at grass-roots level should be aware of the peace committees, how they operate and how they can help to prevent violence. My colleagues and I take every opportunity to promote the work of the Secretariat and of the committees in the press, on the radio, on television and also through personal discussions and lectures. Our efforts receive favourable press coverage, for which we are grateful.

The question of publicity was discussed in depth with the chairman of the regional committees on 10 April 1992, and it was decided that funds which become available for publicity would be applied in particular in the Natal/KwaZulu and Witwatersrand/Vaal areas.



Discussions have been held with the two chairman concerned with a view to a publicity campaign in these two areas.

#### **7. MEETINGS WITH CHAIRMEN OF REGIONAL COMMITTEES**

The activities of the regional committees throughout the country have to be co-ordinated. Two meetings have been held with all the chairmen, the first on 20 March 1992 and the second on 10 April 1992.

During these meetings the infrastructure required by the regional committees was discussed with the chairmen, the financial arrangements were explained and methods for streamlining future activities were discussed. Attention was also given to the objectives of the committees, strategies to be followed and the creation of a mission statement.

Socio-economic reconstruction is an important component of the peace process. The National Peace Accord provides that the National Peace Committee and the regional committees should establish permanent subcommittees for socio-economic reconstruction and development. The meeting with the chairmen on 10 April 1992 was attended by several development agencies, and the first steps were taken toward socio-economic reconstruction and development.

#### **8. ACTIVITIES OF THE SECRETARIAT**

Since its establishment in November 1991 the National Peace Secretariat has held 58 formal meetings. Some of these meetings dealt



with the establishment of regional and local committees and the promotion of their activities. Of the 58 meeting at least 26 were devoted fully or partly to the planning of strategies, training programmes, publicity, the identification of interest groups and the general promotion of peace. The subcommittee for training held nine formal meetings.

The administrative affairs of the Secretariat are dealt with by eight full-time members of staff from offices in Pretoria. These members of staff receive and deal with an enormous number of documents and telephone enquiries and a large volume of correspondence, arrange all the meetings, keep all the minutes and carry out normal administrative tasks. They travel a great deal to attend meetings in the various regions. All these tasks are performed in an unselfish and outstanding manner.

#### 9. BASIS OF THE NATIONAL PEACE ACCORD

The National Peace Accord is based on three main pillars, each of which has a unique function, separate from but complementary to the others.

The National Peace Committee supervises the peace process as set out in the Peace Accord, publicizes it and applies the code of conduct for political parties.

The Commission of Inquiry into the Prevention of Public Violence and Intimidation investigates the phenomenon of public violence and intimidation and exposes the background to it and the reasons



for it. The process is similar to a judicial process and the members of the Commissions are jurists.

The National Peace Secretariat has the task of, by means of the various dispute resolutions committees, preventing future violence through mediation and facilitation. The Secretariat and the committees have a political basis and can therefore not undertake any investigation into past violence, nor can they make findings on past violence or express any judgment on who was responsible for the violence.

It is important that the above separation of functions be kept in mind when considering the activities of any of these peace structures. In particular, it is important to keep in mind that the Peace Secretariat and the dispute resolution committees cannot make value judgments concerning the behaviour of any of the groups in the arena of violence. Should the Secretariat or any of its committees do so, its task as facilitator and mediator would be hampered or even rendered impossible, especially in the light of its political composition.

#### 10. LACK OF COMMUNICATION WITHIN POLITICAL GROUPS

The effectiveness of some committees is hampered by constant political profiteering during debates and through differences of opinion as to who should serve on the various committees. In some regions the various groups do not recognize the right of existence of other groups and the rightful promotion of political aims is impeded by violence. During the recent wave of violence in Natal



and the Witwatersrand/Vaal area these factors placed considerable constraints on the effectiveness of the committees.

This phenomenon can be partly attributed to a lack of communication between the leaders of certain political parties and the ordinary members of those parties. It is essential that the leaders of political parties -

- \* regularly commit themselves in public to the peace process and to the mechanism of facilitation and mediation;
- \* declare that all political groups in South Africa have a right to exist and have the right to promote their political aims in a peaceful manner; and
- \* ensure that all members understand and abide by the provisions of the National Peace Accord.

I am grateful that various political leaders have recently recommitted themselves to the peace process.

It is also essential that the National Peace Accord (or a summary thereof) be made available in the most important indigenous languages. At this stage very few people understand the Accord or its operation. The first proofs of an abbreviated version of the National Peace Accord in indigenous languages have been completed and the abbreviated version should be available shortly.



## 11. EFFECT OF THE PEACE STRUCTURES ON THE PREVENTION OF VIOLENCE

None of the peace structures will make violence disappear overnight. This is a long-term process. Nevertheless, some mechanism has to be found to monitor the incidence of violence and any increase or decrease in violence, and also to monitor the effectiveness of the functions and actions of each of the peace structures. The Secretariat is investigating such a monitoring mechanism, which should be implemented as soon as possible. The recent violence hardly served to encourage the Secretariat and attention will have to be given to what more can be done to promote the peace for which the entire country yearns.

Discussions are under way in most of the areas torn by violence. Dispute resolution committees have been established for these areas and are already functioning. I believe that the mere fact that people from opposing sides of the political spectrum are talking to each other at least has the effect of reducing violence to some extent. The National Peace Secretariat serves as a positive structure through which discussions between opposing parties can be regulated and continued. These parties are not restricted to signatories of the National Peace Accord. In fact, parties that were not prepared to sign the Accord have on occasion participated in conflict facilitation procedures established by the Secretariat. Such participation is to be encouraged.

Unfortunately, certain political leaders use inflammatory language in speeches and statements aimed at political opponents, and this encourages violence, intimidation and political intolerance.



These inflammatory statements hamper the establishment of peace committees and are a major stumbling block in the search for peace. It is the duty of each political leader to ensure that his public appearances do not give rise to political violence. The leaders have committed themselves to peaceful political solutions for South Africa, and political violence can only retard and thwart this effort. The Secretariat has found it necessary to express itself publicly against such incitement and has decided to monitor future incitement closely and, where necessary, to refer it to the National Peace Committee (which is concerned with the implementation of the code of conduct for political parties) for attention and/or to the Commission of Inquiry into the Prevention of Public Violence and Intimidation.

Despite the setbacks that have been experienced, and despite the fact the violence remains rampant, the Secretariat is of the opinion that peace can and should be obtained through the co-operation of all interested parties, and the Secretariat will continue its efforts to obtain such co-operation and, within its capabilities, to eliminate the factors that lead to violence.



# CLASSIFICATION OF REGIONS

1. Natal/KwaZulu
2. Ciskei/Border
3. Witwatersrand/Vaal
4. Orange Free State
5. Western Cape
6. Northern Transvaal
7. Far Northern Transvaal
8. Eastern Transvaal
9. Western Transvaal
10. Northern Cape
11. Eastern Cape

