

CHAPTER 7

Observations

Violence and the Political Transition in South Africa

Violence in South Africa is deeply rooted in the country's history and continued political uncertainty. A Government which is accepted by all peoples of South Africa would, in COMSA's view, be in a better position to deal effectively with the violence than a Government which does not. Progress towards a political settlement, which, it is hoped, would also bring with it fundamental socio-economic reforms, is therefore crucial to providing a long-term solution to the problem of violence.

In this context, although a reduction in the level of violence is highly desirable, it seems unrealistic to COMSA to expect this reduction as a precondition for the resumption of multi-party negotiations. Violence must not be allowed to hold the political process to ransom. Time is of the essence for forces committed to democratic change and any delay will weaken the moderates and fuel the machinations of extremist elements.

COMSA welcomes the positive signals – including the recent bilateral discussions between the Government and the ANC, and preparations for a meeting between the leaders of the ANC and IFP – that the deadlock in multi-party negotiations during the latter half of 1992 may soon be broken. It is the fervent hope of the Commonwealth observers that such talks will resume in 1993, and that the country's first democratic elections will be held as soon as is feasible thereafter.

The Government bears the primary responsibility for ensuring the protection and security of all citizens. However, the situation demands that all signatories to the Peace Accord take their share of the responsibility in reducing tension and promoting peace. In this regard, COMSA strongly supports the call by the NPC for a summit of leaders of all signatories to the Accord at the earliest possible date.

Crucial to the transition under way in South Africa is the building of a culture of political tolerance still lacking in many of the utterances of political leaders as well as in the laws in force in the 'homelands'. COMSA urges the removal forthwith of all remaining barriers to free political activity, as well as a concerted effort by all the country's leaders to start creating conditions conducive to the holding of a free and fair election, which should become the prime focus in the forthcoming months.

In this regard, COMSA is deeply disturbed by the outbreak of APLA attacks on white civilians, the right-wing counter-attacks and the threat of a Government hot-pursuit raid into Transkei. This spiral of violence, apart from threatening human lives, has the potential to rekindle racial animosity and detract from efforts to find a peaceful solution to the country's political crisis. COMSA strongly urges the leaders of all those involved in this unfortunate development to act with restraint and in the broader interest of South Africa as a whole.

Covert Operations

COMSA is also shocked by the recent revelations of the Goldstone Commission regarding a campaign by the SADF's Military Intelligence to discredit the ANC after negotiations had begun. These revelations add weight to the widespread belief in a sinister 'third force' bent on fomenting political violence. President de Klerk is to be commended for the internal review he has initiated into the workings of the Military Intelligence and the subsequent purge of its ranks. However, COMSA urges the Government to seize this opportunity to rid the army of all covert practices once and for all and to undertake a major reassessment of its security apparatus so as to draw a distinction between external and internal threats.

There is no legitimate place in a democratic country for the application of covert operations directed internally at its citizens. To guard against this, there needs to be appropriate civilian control over intelligence gathering and a clearer distinction between the role of the military and that of the police.

COMSA recommends that the limits of authority of the intelligence apparatus be defined in law and that a watchdog civilian body be established to monitor the legitimacy of the activities of the intelligence machinery. It also recommends that any restructuring of the security forces that is undertaken be done with a view to facilitating the integration and joint control of these forces with other armed formations in the country under a new political dispensation.

Investigation into all Armed Formations in South Africa

To assist this process, COMSA urges all affected parties to co-operate fully with Mr Justice Goldstone in his proposed investigation into all armed formations in the country. Such an exercise, if expeditiously and professionally undertaken, would help to exorcise the mutual suspicions and fear that hinder progress towards a truly democratic society.

Reform of the Criminal Justice System

Equally important is the reform of South Africa's criminal justice system which, discredited by decades of association with the system of apartheid, has largely broken down. Few crimes are reported, fewer still are detected, and an even smaller number are prosecuted successfully in the courts. Lack of

confidence in the South African police is widespread among all sectors of South African society, but especially among black South Africans, who until recently were largely viewed as the enemy by the police. Despite some promising signs of recognition of the need for change within the criminal justice system, that system continues to allow deaths to occur in police custody; the maltreatment of persons subjected to police interrogation; the non-representation of most defendants by lawyers in criminal cases; the detention in adult prisons of as many as 9,000 children; the release on bail of persons charged with the gravest crimes; and the infliction of both capital and corporal punishment.

An effective overhaul of the criminal justice system is only likely to occur under a new, representative political authority. However, COMSA recommends that the policy of releasing on bail people charged with serious crimes and the level of sentences for crimes of violence be reviewed as a matter of urgency.

Perceptions of the police, so deeply rooted in South Africa's racially divided past, may take a generation or more to change – and even then, only with a great deal of positive effort on the part of the police and community leaders. However, genuine efforts among the more enlightened police officers to start changing the image of the SAP now deserve international support. COMSA welcomes the recommendation by the UN Secretary-General in his latest report to the Security Council that 'police officers of various countries, with the requisite skills and experience, should be invited to South Africa to observe and, as appropriate, advise South African police personnel on the conduct of investigations'.

During the first phase of its involvement in observing the incidence of violence in South Africa, COMSA found a thirst for knowledge on international trends and practices in policing which Commonwealth countries, because of their common traditions, are particularly well placed to provide. In the course of extensive interchanges with the South African police, COMSA put forward the concept of lay visits by members of the local community – possibly LDRCs – to police stations as a means of enhancing public confidence in the service the police provide. It is hoped that this idea will be further pursued. Similarly, COMSA hopes that the initiative by the Wits/Vaal RDRC to establish a Police/Community Relations subcommittee will be replicated in all regions. COMSA also sees considerable scope for strengthening and enhancing the status of the Police Board, set up under the National Peace Accord, as potentially a key instrument for improving police community/relations.

The National Peace Accord

The National Peace Accord, despite its shortcomings, remains one of the most significant developments in South Africa during this transitional period. It is an impressive and imaginative document which COMSA has been proud to be associated with. The sight of people from different races and ethnic backgrounds, from different walks of life and with differing political beliefs sitting

around a table exchanging views with each other, is one of the most encouraging things that COMSA has seen in South Africa. The Goldstone Commission – one of the three main pillars of the Peace Accord – occupies a unique position of authority and influence, and deserves strong support. There are, however, a number of measures which could be taken to strengthen the structures set up under the National Peace Accord, most of which are readily recognised by those concerned, and are already the subject of an internal review. COMSA would therefore simply wish to strongly endorse:

- the new emphasis by the National Peace Accord structures on Peace and Development, rather than dispute resolution. This shift in emphasis rightly puts the focus on socio-economic issues which are at the root of much of the violence in the country.
- efforts to achieve greater and more diversified participation, especially by those who are not yet signatories to the Accord and among those who are, to achieve more balanced racial representation in the structures set up under the Accord.
- greater political commitment by those who are signatories to the Accord, as well as agreed proceedings for dealing with breaches of its provisions.
- full implementation of key sections of the Accord which so far have received little attention: for example, the appointment of Justices of the Peace at the local level and raising the profile of the Police Board.
- a bolstering of the resources available to the Goldstone Commission and, where appropriate, greater international support and participation in its activities.

The Role of International Observers

The presence of international observers has played a visible and widely acknowledged role in helping to calm the political atmosphere in South Africa. The ability of the four different international organisations represented in South Africa to work harmoniously together, despite their differences, is evidence of the common cause that binds them in this mission. COMSA recommends that an international presence of some form be maintained in South Africa up to and including the first democratic elections. As time goes on, and greater confidence is built between the observers and the people they are serving, it is hoped that observers are able to play a more proactive role, while maintaining the neutrality crucial to their efforts.