

CHAPTER 5

Observing Public Gatherings

Much of the time of international observers, COMSA included, has been taken up with monitoring marches and demonstrations. These are crucial to free political expression. They are also all too frequently flashpoints for violence, especially given the often tense relations between marchers and law enforcement agencies.

During the second phase of COMSA, we participated in the planning for, and observing of, the following three major political events from which lessons were drawn: rallies on Sharpeville Day; the events surrounding the Hani assassination; and the burial of ANC National Chairperson, Oliver Tambo.

These activities – involving close co-ordination with all levels of the NPA structures, and other international observer groups – have helped to establish a model for observing large gatherings which will no doubt be put to good effect in the run-up to elections.

The presence of police expertise within COMSA proved especially helpful in these exercises, where we participated collectively with other observer missions, but were also able to fill specific niches.

Sharpeville Day Rallies on 21 March, 1993

Sharpeville Day – the commemoration of the killing of 69 demonstrators by the SAP on 21 March, 1960 – is traditionally an emotive occasion in South Africa.

This year, in the PWV area, the occasion had the potential of being that much more explosive when the IFP announced that it would be holding a rally addressed by its leader, Chief Mangosuthu Buthelezi, in Vosloorus, six kilometres away from the Huntersfield Stadium in Kathlehong, where the ANC was to hold a major rally. At the last minute, the PAC also announced that it would be holding a rally between the two venues.

The newly inaugurated full time office of the PWV Regional Peace Committee realised both the potential for a major catastrophe, and the powerful message that could be sent out if all three events could be successfully held side by side. It was therefore imperative – not just for the safety of the people participating in the events of that day, but for the future of democracy in South Africa – that the rallies take place peacefully.

The RPC, backed by all four international observer groups, seized the initiative. Meetings were held long into the night with all concerned (except for the PAC, which is not an Accord signatory) to work out routes, logistics, and codes of conduct that would help avert conflict. Police experts from COMSA and the EC offered valuable practical advice. Two days before Sharpeville Day, a unique agreement was signed between the IFP, ANC and police providing for:

- joint marshalling by the ANC and IFP (an unprecedented arrangement), to be preceded by a joint briefing of the marshals;
- the presence of senior party officials committed to intervening in crisis moments;
- agreement on routes which channelled supporters of different parties along separate paths so as to avert conflict;
- an agreement by the police to take a low profile, allowing marshals, local and foreign peace observers to take the lead in defusing any tension that might arise. In a ground-breaking decision, the police also made provision for local and international observers to sit in their control room on the day.

The agreement and routes were publicised the day before the scheduled rallies. Local and international observers surveyed the area, to determine potential trouble spots. They worked out a detailed deployment plan, covering the three venues and areas along the routes with potential for trouble (such as the road running past a squatter camp). They also made allowance for mobile teams, with more senior members of the groups, to be available for general patrolling and to react to specific crises.

Although the international groups all appeared in their own unique uniforms (jackets, caps and, in the case of COMSA, shirts) and carrying their individual flags, we deployed in mixed teams that gave us a high visibility across the area. The United Nations provided radio communication to all teams, and also made available mobile phones in strategic locations.

On the day, some problems surfaced. The PAC, which had not been party to the agreement, proved hostile, and stoned a car with an EC and a UN observer inside. A group of IFP supporters departed from the agreed route, on to a route reserved for the ANC, and several buses filled with ANC supporters were seen heading towards these IFP marchers. IFP and ANC observers from LPCs in the vicinity rushed forward, each pleading with their side to show restraint. In the end, the IFP marchers agreed to stall long enough to allow the ANC buses to turn around.

Throughout, the police abided by their agreement to keep a low profile. The RPC, through prior negotiation with the NPS, provided 20 buses which, by minimising the amount of movement on the ground, helped to avert conflict.

One unfortunate incident occurred when a man was shot near Huntersfield stadium. This, however, was the only significant incident on a day which many had feared would turn into a township war.

Events Surrounding the Hani Funeral

In Chapter 3, we described how the assassination of Chris Hani sparked nationwide protests that tested local and international observers in a manner never experienced since COMSA began operations in October 1992.

Four major public events followed the assassination on 10 April: memorial services across the country on 14 April, marches in Pretoria, Vanderbijlpark and Johannesburg on 17 April, and a rally and funeral service on 19 April. In Chapter 3 we gave figures of the deaths, injuries and physical damage arising from these events. Yet the overwhelming assessment is that, given the potential for trouble, things could have been considerably worse.

Only weeks before, an opinion poll had ranked Mr Hani the second most popular leader in South Africa after Mr Mandela. Mr Hani had deliberately chosen to live in a right-wing white neighbourhood and had asked to be buried there.

At just about every one of the gatherings organised to commemorate Chris Hani, people turned out in numbers that shocked white South Africans. They wanted to go to Boksburg, his home, not just because it is traditional to do so, but because they also wanted to make a political point.

At the memorial service conducted in his neighbourhood on 17 April, supporters arranged to hold the service in the Civic Hall because even though it only seated 800 people (and some 20,000 turned up) it was probably the first time that any blacks other than the janitors had entered the building.

A huge turn out by the AWB, fully uniformed, and shouting taunts, did not deter the crowds that daily appeared at the Hani home and the cemetery for the final farewell.

The Goldstone Commission, in a preliminary enquiry into the violence that took place in the days following the assassination of Mr Hani concluded:

Having regard for the anger, the emotion and frustration of millions of South Africans in the wake of the assassination of Mr Hani, the fact that there was not an appreciably higher level of violence associated therewith is impressive testimony to the leadership and discipline of the leaders and supporters of the ANC Alliance, the officers and members of the South African Police and to the co-operation which existed between them, the co-ordinating role of the National Peace Secretariat and its regional and local peace committees.

The following are some examples of how local and international monitors working in tandem, and building on their experience of 21 March, were able to defuse tension:

On 17 April, two people were killed while marching past a hostel in Vosloorus on the way to Boksburg. ANC marshals expressed concern to COMSA, the OAU and local peace monitors about the return of people via the same route. They suggested an alternative route, which was longer. The local and international monitors accompanied the marshals to the T-junction, where the marshals urged people to take an alternative route. However, the tired

marchers insisted on taking the route past the hostel. Local, COMSA and OAU observers rushed ahead of them, forming a line between the police and the hostel on the one side, and the marchers on the other. The observers stayed in this position, at considerable personal risk, until all the marchers had passed.

The destruction that took place – especially in Cape Town, Durban, Pietermaritzburg and Port Elizabeth – prompted President F W de Klerk to announce that more unrest areas would be declared. Specifically, with the spectre of a march on Johannesburg – South Africa's commercial capital – preparations were being made to declare Johannesburg an unrest area, in order to prevent the march. At a joint meeting of the NPC and NPS attended by international observers (such meetings were held daily during the crisis), it was pointed out that the Minister of Law and Order had undertaken, after previous complaints, not to declare unrest areas without first consulting the peace structures. In eleventh hour negotiations, brokered by the NPS and the RPC, supported by international observers, the police and the ANC signed an agreement under which no unrest areas were declared during this period. Instead, the police committed themselves to maintaining a low profile, while the ANC agreed to ensure that marchers did not carry illegal firearms. Joint satellite points were to be set up along the routes, manned by the police, representatives of the Peace Accord structures, and ANC monitors. In our assessment, the agreement was crucial to averting major bloodshed on 17 April. Had the Johannesburg march been banned, there would undoubtedly have been an eruption of violence in the PWV area, and quite possibly elsewhere in the country.

The march on Johannesburg – which drew crowds from Soweto, Alexandra, and the East Rand – was in fact exemplary even though, because of the other violence during the week, and the shooting of two people by an alleged right-wing fanatic in a march on Vanderbijlpark on the same day, it did not receive much press attention. The fact that only 50,000 marchers descended on the city, compared to an anticipated 150,000, helped to make the march manageable. However, calls for calm by the ANC leadership, excellent marshalling, the low profile taken by the police and good co-ordination between local and international observers also contributed to a virtually incident-free day.

19 April, the day of the funeral, was no doubt the most testing for all observers. Up to 200,000 people attended the event, which was divided between the First National Bank (FNB) stadium and Boksburg cemetery, 45 kilometres away. The day began badly, with armed youths taking over access points to the stadium, and houses in the vicinity of the stadium – most belonging to whites – being burned (two people were burned alive). Up to nine people were also injured in random firing outside the stadium. ANC marshals appeared inadequate in number, and overpowered by the gun-toting youth. Still, thanks largely to the determination of those organising the funeral, events in the stadium proceeded peacefully. The ceremony – against all expectation, given the huge crowds that had gathered – ended without incident.

Two COMSA observers with police expertise assisted in a pacifying role at

the stadium and then moved hastily to the cemetery, where armed AWB supporters had gathered in the open and behind the fences of houses across the road from the cemetery. The observers spent the rest of the day patrolling the road that separated the AWB from the cemetery. There were no serious incidents of violence at the cemetery.

While *at the cemetery*, international observers received an urgent call from an OAU observer in Dawn Park, Chris Hani's home area, requesting help. Two non-police COMSA observers joined two United Nations colleagues in answering the call. Thousands of mourners, who had not been able to get into the cemetery, or near the Hani home, but had instead been diverted to an open field, broke ranks. Some had raided a nearby maize field and made fires in the open to roast the cobs. Others were throwing petrol bombs on nearby homes. Hundreds were crowding on to the few buses, tearing out windows, sitting on the roofs, and in the worst case hijacking bus drivers. Marshals called on the international observers to assist them. One person was killed when he fell off an overcrowded bus. Twenty-two houses were burned in Dawn Park. Several shops were looted and one youth was shot by police in the vicinity of the Hani house. But by supporting the marshals in their appeal for calm, and sending an urgent request for additional transportation through the RPC office, further violence was averted.

The Tambo Funeral

A mere fortnight after the Hani funeral, the Peace Accord structures were called on to help control violence during the funeral of ANC leader Oliver Tambo. Mercifully, the mood was more controlled. Mr Tambo died of natural causes. He was a dignified man who had despaired over the violence unleashed by the Hani assassination. His lifelong friend and ANC President Nelson Mandela urged that he be buried in a manner befitting his memory.

The ANC recommended that its local branches hold memorial services in their home areas, rather than send bus loads of people to Johannesburg. Heeding this call, only 20,000 people attended the Tambo funeral – in total, about one-tenth the number that arrived for the Hani ceremonies. Although the funeral was also split between the FNB stadium and cemetery, Mr Tambo was buried in his black township home of Benoni – a locality that did not raise the same tensions as Boksburg.

With the cumulative experience of observing other big gatherings, local and international observers, police and ANC officials caucused well in advance, agreeing on deployment, modes of behaviour, communications and logistics.

In the event, only one particular area proved problematic: a hostel, largely housing IFP supporters, along the route from the stadium to the cemetery. Two COMSA observers – one with police experience, the other a politician with extensive experience of mass gatherings – were stationed outside the hostel, along with two United Nations observers.

In COMSA's assessment, the route need not have passed by the hostel, and the fact that it did was deliberately provocative. A senior ANC official shared this view, but efforts to get the route changed at that stage only aggravated the crowd. Through delicate negotiations, COMSA did succeed in getting an ANC flag, which had been pinned at the T-junction just outside the hostel, removed.

As the vehicles carrying the ANC supporters on their way to the funeral passed by, there was taunting and jeering, but the situation did not get out of hand. At one stage two shots were fired from the hostel in the direction of the observers. Another volley of shots followed and it was later learned that two people were killed by this firing. COMSA observers engaged in a continual dialogue with the hostel dwellers, in an effort to pacify the mood.

The behaviour of the police present left much to be desired. For one thing, COMSA noted that the police, instead of facing the hostel, faced the observers, as though they were the enemy. The friendly banter between the police and hostel dwellers – including allowing the hostel dwellers to jump on to their vans – contrasted sharply with their negative attitude towards the ANC marchers.

Such openly displayed sentiments – against the background of the widespread belief that the police are in collusion with hostel dwellers in perpetrating violence – hardly enhances confidence in the law enforcement agencies.

As if to reinforce this view, at one stage in the day a Caspir, driven by a white policeman, bulldozed its way into the crowd for no apparent operational reason. The COMSA police observer immediately noted the vehicle number and confronted the police officer at the wheel. A report on the incident was forwarded to the SAP, with a copy to the NPS.

Lessons and Observations from Marches and Demonstrations

Each new march and gathering has rendered fresh lessons and insights which are briefly noted here, in light of the importance of this issue as the country heads towards elections.

- **Seeking Authorisation for Marches**

In the section on the Goldstone Commission in Chapter 4, we commented on the draft legislation arising from hearings on public gatherings relating to the seeking of authorisation for such events. We welcome the fact that in essence the legislation would mean that conveners would no longer have to seek permission for public gatherings, but rather simply give notice. However, we express some concern over what appear to be restrictive clauses in the legislation, and urge that further consultation take place before the legislation is passed.

- **Planning**

The planning that has gone into the major events of the past few months has helped to avert violence. However, there are areas in which political considerations may have overridden good sense. The decision, for example, by the IFP to hold a rally in Vosloorus on Sharpeville Day, although its democratic right, raised the possibility of violence. Conversely, the decision by ANC supporters to march past an IFP hostel on the day of Mr Tambo's funeral, although their right, heightened tensions on an otherwise peaceful day. In general, holding funerals in two locations stretches resources and increases the potential for violence. Lack of adequate provisions (as at Dawn Park on 19 April) makes people irritable and more likely to resort to violence. Inadequate transport and logistics are major constraints which can spark off violence. Political leaders could exercise more discretion in deciding when and where to undertake public gatherings, and how to ensure that all participants are catered for.

- **Agreements with the Police on Law Enforcement during Marches**

The agreements reached between participants and police before the 21 March rallies and 17 April marches, broke new ground and will no doubt be useful models in the months ahead. The low profile taken by the police in these events is probably the single most visible and talked of change in the conduct of mass gatherings. This, however, does carry some dangers which call for a careful balancing act. On occasion, the police appear to have used the agreements to stand back as an excuse to shirk their responsibilities. It is alleged, for example, that when the owners of the houses set alight near the FNB stadium called the police, they were told that the police could do nothing, because the ANC had taken the responsibility for security. This appears to have been a misrepresentation of the agreement.

We note also that the agreements with the police have not always been entirely successful. The readiness of the police to use live ammunition at the Soweto march of 14 April (commented on in greater detail in Chapter 3); the police officer driving through the crowd marching to the Tambo funeral, and numerous other examples illustrate the old mentality that still shows itself in crisis situations. This points again to the need for a reorientation in the thinking of the SAP. Training by international experts in crowd control may also be beneficial.

- **Display of Dangerous Weapons in Public**

In Chapter 3, we detail the unsatisfactory state of affairs with regard to the display of dangerous weapons in public. The experiences of the last few months serve to emphasise this point. One has only to listen to the volleys of shots (apart from official gun salutes) at funerals to become starkly aware of the quantity of arms at mass gatherings. At Vanderbijlpark, COMSA witnessed a white man, allegedly with right-wing leanings, drive straight into a crowd and

kill two people. In these circumstances, it is difficult to imagine that election campaigns could take place and people vote without fear of intimidation.

- **Deployment**

On occasion, deployment of local and international observers has not been ideal, with heavy concentrations in some areas, and very few observers in others. On the day of the Hani memorial services, only a tiny team of international observers had gone to Soweto. At the time of the march on the police station, these observers had been called away to deal with a crisis arising from the detention of a member of the crowd. It would be difficult to say with certainty that the presence of international observers at Protea Police Station would have prevented the killing of five, and injury of hundreds of others. However, there is a likelihood that if there had been sufficient international observers around, this would have had a deterrent effect.

- **Role of International Observers**

The involvement of international observers in monitoring marches and demonstrations exemplifies how we can help in practical ways to strengthen the structures set up under the NPA. The first line of responsibility has been with the regional and local structures, guided by the NPC and the NPS. But international observers – apart from flying their flags and just being present (the importance of which should not be underestimated) – have been able to offer discreet and useful advice. COMSA, despite its limited numbers, has been able to offer valuable expertise to these exercises. In our view (as mentioned in the section of Chapter 2 on elections), it is crucial that international observers stay on in South Africa through the election campaign, to the actual election. Even if the Commonwealth is not able to bolster numbers significantly, it could make a qualitative contribution through providing observers with police/political backgrounds relevant to crowd control.