South Africa
Key texts

National Peace Accord

[Opening preamble, contents, chapter 7 and 8 and signatories]

To signify our common purpose to bring an end to political violence in our country and to set out the codes of conduct, procedures and mechanisms to achieve this goal.

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

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

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

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

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

The police force, which by definition shall include the police forces of all self-governing territories, has a central role to play in terminating the violence and in preventing the future perpetration of such violence. However, the perception of the past role of the police has engendered suspicion and distrust between the police and many of the affected communities. In recognition of the need to promote more effective policing, a commitment to sound policing practices and a co-operative relationship between the police and the communities are necessary.

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

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

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

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

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

The signatories have agreed upon:

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

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

the guidelines for the reconstruction and development of the communities;

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

The signatories acknowledge that the provisions of this Peace Accord are subject to existing laws, rules and procedures and budgetary constraints.

New structures should not be created where appropriate existing structures can be used.

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

We, the signatories, accordingly solemnly bind ourselves to this Accord and shall ensure as far as humanly possible that all our members and supporters will comply with the provisions of this accord and will respect its underlying rights and values and we, the government signatories, undertake to pursue the objectives of this accord and seek to give effect to its provisions by way of the legislative, executive and budgeting procedures to which we have access.

Chapter 1. Principles

Chapter 2. Code of Conduct for political parties and organisations

Chapter 3. Security Forces: General provisions

Chapter 4. Security Forces: Police code of conduct

Chapter 5. Measures to facilitate socio-economic reconstruction and development

Chapter 6. Commission of Inquiry regarding the prevention of public violence and intimidation

Chapter 7. National Peace Secretariat, Regional And Local Dispute Resolution
Committees
Chapter 8. National Peace Committee
Chapter 9. Enforcing the peace agreement between the parties
Chapter 10. Special Criminal Courts

CHAPTER 7
National Peace Secretariat, Regional And Local Dispute Resolution Committees

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

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

7.3 A National Peace Secretariat

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

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

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

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

7.4 Regional and Local Dispute Committees

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

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

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

7.4.4 RDRs will be constituted as follows:

7.4.4.1 representatives from relevant political organisations;
7.4.4.2 representatives from relevant churches;
7.4.4.3 representatives of relevant trade unions, industry and business in the region;
7.4.4.4 representatives of relevant local and tribal authorities; and
7.4.4.5 representatives from the police and the defence force.

7.4.5 Duties of RDRs shall include the following:

7.4.5.1 attending to any matter referred to it by the LDRC, the National Peace Secretariat or the Commission;
7.4.5.2 advising the Commission on matters causing violence and intimidation in the region;
7.4.5.3 settling disputes causing public violence or intimidation by negotiating with the parties concerned and recording the terms of such settlements;
7.4.5.4 guiding LDRCs in their duties;
7.4.5.5 monitoring current applicable peace accords and future peace agreements entered into in the relevant region and settling disputes arising from them;
7.4.5.6 informing the National Peace Secretariat of steps taken to prevent violence and intimidation in its region including breaches of Peace Agreements; and
7.4.5.7 consulting with the relevant authorities in its region to combat or prevent violence and intimidation.

7.4.6 The communities within which LDRCs are to be established should be identified by the RDRCs.

7.4.7 LDRCs will be constituted by drawing representatives reflecting the needs of the relevant community.

7.4.8 Duties of the LDRCs shall include the following:

7.4.8.1 attending to any matter referred to it by either the Commission or the RDRs;
7.4.8.2 creating trust and reconciliation between grassroots leadership of relevant organisations, including the police and the defence force;
7.4.8.3 co-operating with the local Justice of the Peace in combating and preventing violence and intimidation;
7.4.8.4 settling disputes causing public violence or intimidation by negotiating with the parties concerned and recording the terms of such settlements;
7.4.8.5 eliminating conditions which may harm peace accords or peaceful relations;
7.4.8.6 reporting and making recommendations to the relevant RDRCs;
7.4.8.7 to promote compliance with currently valid and future peace accords and agreements entered into in the relevant area;
7.4.8.8 to agree upon rules and conditions relating to marches, rallies and gatherings; and
7.4.8.9 liaise with local police and local magistrates on matters concerning the prevention of violence, the holding of rallies, marches and gatherings.

7.5 Justices of the Peace

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

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

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

7.5.2.2 mediating between relevant parties to a dispute by negotiation;

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

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

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

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

7.5.2.7 to pronounce as a judgement the terms of a settlement reached at LDRCs or RDRCs, provided that the terms of such settlement are executable.

7.6 RDRCs, LDRCs and Justices of the Peace shall be empowered to:

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

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

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

7.7 The National Peace Secretariat shall assist RDRCs in the exercise of their duties.

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

7.9 RDRCs shall determine the boundaries of the area constituting the jurisdiction of LDRCs within their own areas of jurisdiction.

7.10 The National Peace Secretariat and the Commission will advise on the policy to be applied to and by the RDRCs and the LDRCs and the management of the said bodies.

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

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

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

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

7.15 In order to ensure the proper functioning of the LDRCs, it is necessary to:

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

7.15.2 compensate the members of LDRCs for out-of-pocket expenses for attending meetings; and

7.15.3 train the members of the LDRCs in conciliating disputes, running meetings, negotiating skills, etc.

Chapter 8
National Peace Committee

8.1 Composition

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

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

8.2 Objective

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

8.3 Functions

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

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

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

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

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

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

8.3.1.6 recommend legislation to give effect to the National Peace Accord.
8.4 Powers
8.4.1 The National Peace Committee shall have the following powers:
8.4.1.1 promote the aims and spirit of the National Peace Accord;
8.4.1.2 convene a meeting of the signatories where necessary;
8.4.1.3 amend the constitution of the National Peace Committee;
8.4.1.4 negotiate and conclude further agreements to achieve the objects of the National Peace Accord.

8.5 Meetings
8.5.1 The National Peace Committee shall elect a chairperson who shall not be a representative of any of the signatory parties.
8.5.2 Meetings shall take place on a regular basis at a date and time agreed to in advance.
8.5.3 Urgent meetings shall be convened by the chairperson on not less than 48 hours’ notice in writing to the authorised representatives;
8.5.4 The service of written notice of a meeting at the specified address of the authorised person shall constitute due notice.
8.5.5 An urgent meeting shall be called by the chairperson on a written request of one of the signatory parties to the National Peace Accord.

8.6 Voting
8.6.1 All decisions shall be by consensus.
8.6.2 In the event of a dispute over the interpretation of the National Peace Accord, the failure of the National Peace Committee to achieve consensus at the meeting at which the dispute is raised or at such further meetings as agreed, the dispute shall be referred to expedited arbitration in the manner set out in paragraph 9.4.
8.6.3 In the event of a breach of the National Peace Accord not being resolved by consensus at a meeting of the National Peace Committee, the chairperson of the National Peace Committee shall convene a meeting of national leadership of the signatories within 30 days of the meeting.