

possible to contain the phenomenon (or symptoms) of violence for a period of time through very forceful action, but the cause will always reassert itself until addressed. It is inconceivable that large numbers of people -

- living in close urban concentrations;
- with levels of unemployment in excess of 50%;
- with grossly inadequate housing and basic amenities such as water, sewerage systems and refuse removal;
- with no or negligible social amenities such as medical services, schools or recreation facilities;
- subjected to socially disintegrative forces such as divided and broken families, teenage pregnancy, drug and alcohol abuse, high levels of crime, high levels of violence, and disrespect for the law and law enforcement officers,

will be able to maintain the stability and cohesion necessary for an orderly society for any period of time.

- 3.2 We therefore conclude that socio-economic development must be undertaken concurrently with the elimination of the triggers for violence and the re-imposition of law and order. We acknowledge that it will frequently be very difficult to undertake development in the area because of the violence and that such development itself might in fact initially aggravate the level of conflict within the community. However, we are convinced that these difficulties will have to be addressed and the development undertaken as a matter of urgency if the basic causes of violence are to be alleviated and not

aggravated. All the development agencies and the public sector at all levels should take note accordingly.

3.3 All authorities and agencies should take cognisance that there is not "a" community but many fractured communities (even in supposedly homogeneous communities such as that of Phola Park). To fail to do so, or worse still to be perceived as supporting one or other faction, could severely aggravate tension and actually trigger violence. Development agencies should take particular note of this point and the security forces should be absolutely meticulous in remaining above political rivalry.

3.4 A complete lack of legitimate, orderly and structured local government based on free and fair elections is a severely inhibiting factor in restoring order and facilitating development. Individuals are able to elevate themselves to positions of power without any accountability to any constituency, and then to aggravate the political conflict in their pursuit of power. It is therefore important that orderly, structured and democratic local government be established in the area at the earliest possible date.

4. Maintenance of law and order

4.1 The relationship between the communities of the Tokoza area and the security forces will have to be altered materially if the security forces are to be effective in -

- maintaining a general and satisfactory level of law and order; and
- investigating and solving crimes.

In certain respects the security forces themselves have been guilty of conduct which aggravated that relationship, and they should at all times be meticulous in working to improve and not damage it. At the same time rumour (some of it deliberate) within the community is very damaging to the relationship and the same comments and recommendations as are made in paragraph 2.5 are applicable.

4.2 However, the general relationship cannot be altered materially in a short period, but will be dependent on a process of "legitimising" the security forces and integrating them into the community which they are responsible for policing. This is a vast and complex subject on which the committee neither heard evidence nor is competent to make recommendations. It is, however, very clear from the evidence heard by us that it is a process that cannot be delayed if the rule of law is to prevail and be respected in the area.

4.3 The human and equipment resources at the disposal of the security forces in the area are clearly inadequate for the role they are expected to play. They are frequently grossly outnumbered by the crowds they have to control and this puts them under threat, which is in itself highly dangerous when

cool heads and calm actions are called for. This also precipitates the use of weapons, frequently of a kind that are non-specific (such as tear-gas, water cannons, dogs and razor wire) and that affect the whole crowd, including the innocent. This has the effect of antagonising the whole crowd, and further damages the relationship between the security forces and communities in question.

4.4 From the evidence it is clear that the terms of the National Peace Accord are not effective in the area and that the Local Dispute Resolution committee, in particular, is not effective. Again, the committee neither heard evidence as to why this is so nor is it competent to make recommendations other than that, if the National Peace Accord and its institutions are to be effective, an appropriate investigation should be undertaken.

Note that there is no recommendation re: 32 Battalion

5. Specific recommendations

5.1 The committee believes and is convinced that a *prima facie* murder case exists against Ndebele and certain members of the Phola Park SDU. The said cases should be referred to the Attorney-General for a decision in this regard.

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