

CHAPTER 1

Introduction

The Commonwealth Observer Mission to South Africa (COMSA) was constituted by the Commonwealth Secretary-General in October 1992. This followed a proposal he had put to the Government and principal political parties in South Africa for a multidisciplinary team of Commonwealth experts who would provide practical assistance to arrest the ongoing violence, and the invitation for international organisations to send observers to the country under United Nations Security Council Resolution 772.

The Resolution, adopted on 17 August 1992, called on the United Nations, augmented by the Organisation of African Unity (OAU), the Commonwealth and the European Community (EC), to deploy observers in South Africa in co-ordination with the structures set up under the National Peace Accord (NPA).

The first phase of COMSA ran from 18 October 1992 to 15 January 1993. Following a review of the mission's activities, and in light of several requests from within South Africa for COMSA to continue, the Secretary-General extended the operation to June 1993.

A report on the first phase of COMSA's work, which has since been published, was forwarded to the Secretary-General, and through him to member governments in February 1993. This report is an account of COMSA's activities over the February – May period.

Composition

Of the original group of 12 observers, four left, and the other eight remained or came back. Two new observers joined COMSA bringing the total number of observers to ten.

The group was led by Professor Duncan Chappell, Co-Chairperson with Mr Justice Austin Amisshah (who had to leave due to prior commitments) during the first phase of COMSA. Professor Chappell is also Director of the Australian Institute of Criminology and a Deputy President of the Australian Federal Administrative Appeals Tribunal. Dr Simbi Mubako, a law professor and former Minister of Justice and Home Affairs in Zimbabwe, served as deputy Chairperson and spokesperson of the COMSA team in Durban.

Reflecting the mix in the first phase of COMSA of experts drawn from the military, police, legal profession and public life, the observers comprised (in

addition to the Chairperson and deputy Chairperson): a former Commissioner and a former Deputy Commissioner of the Royal Canadian Mounted Police; a former Assistant Commissioner of Police in New Zealand; a serving Chief Superintendent heading the Police/Community Relations Department at Scotland Yard in Britain; a serving Superintendent of Police from Singapore; a lawyer and senator from the Bahamas; a former Member of Parliament from India, and a serving Major of the Botswana Defence Force.

The observers were supported by four Commonwealth Secretariat staff, under the Director of the International Affairs Division, Max Gaylard. A full list of those who participated in the second phase of COMSA is attached at *Annex I*.

Mandate and Deployment

COMSA's terms of reference are outlined on page two of the first report. These include working under the umbrella of United Nations Security Council Resolution 772 while reporting to the Commonwealth Secretary-General, as well as acting impartially in all dealings across the political spectrum in South Africa. As in the first phase, observers in the second phase were divided between Natal and the Pretoria-Witwatersrand-Vaal (PWV) area with the latter also covering the 'homelands' of Bophuthatswana and Ciskei.

Activities

COMSA sought to utilise its expertise in areas where it would be of most use. Much of the work built on activities already embarked upon in the first phase, but with additional dimensions. In practical terms this involved:

- Providing impetus to political negotiations through regular contact with political parties and interest groups across the ideological spectrum. During the second phase, COMSA focused more closely on the reincorporation of the 'homelands' into a new South Africa, and particularly upon the case of Bophuthatswana. With elections now in sight, COMSA also made preliminary enquiries into this area, through attending conferences and seminars, as well as making contact with a variety of persons and interest groups involved in preparations for the elections.
- Attending and observing proceedings at political rallies, demonstrations, funerals and other public gatherings, with a view to helping prevent violence on such occasions. During the second phase, COMSA actively participated in observing several gatherings which may be viewed as a test run for the election campaign, and where our police expertise proved particularly useful.
- Reinforcing the structures set up under the NPA through regular attendance at meetings and focusing attention in problem areas, especially in Natal, where the peace-brokering efforts begun in the first phase were

consolidated and expanded. COMSA also monitored the activities of the Goldstone Commission, and is preparing a submission for the upcoming hearings on minimising violence in South Africa during elections.

- Carrying out a study of the criminal justice system, with particular emphasis on bail, witness protection and prisons with a view to putting forward recommendations for justice reform.
- Extending and deepening dialogue with the South African Police (SAP), particularly in the area of police/community relations. COMSA also began enquiries into the integration of members of armed formations into the police force, and the training of marshals.
- Focusing more sharply on socio-economic reconstruction, with particular emphasis on the role of women.

In all these ventures, COMSA worked closely with the United Nations, the EC and the OAU. The following chapters are a more detailed account of the activities undertaken during the second phase of COMSA.