

# PEACE AND STABILITY

## INTRODUCTION

1. Some of the matters that are raised in this document have been discussed before and resolutions adopted to finalise such discussions at various ANC meetings and conferences.
2. As will be appreciated, only matters that require shifts and policy formulated are lifted up in this discussion document.
3. In the majority of cases, we will have to amend our law to address the changes that will be necessary as a result of our review of the current situation that speaks to the developments that have happened in South Africa in the past ten years and the challenges we still face going into the future.

## Governance

*[RESOLUTION: "To provide a proper legal basis for the transformation of the SAPS by putting in place a Safety and Security Act, in replacement of the current SAPS Act which is still based on the Interim Constitution."]*

4. The South African Police Service Act was promulgated as Act 68 in 1995. It, therefore, predates the Constitution of the Republic of South Africa (Act 108 of 1996).
5. It is true that the SAPS Act is in line with the Constitution in many respects. It cannot be said, therefore, that it is at variance with the letter and spirit of our democratic imperatives and ideals.
6. The resolution quoted above should not be read to mean that the South African Police Service Act is so grossly out of sync with the Constitution that it needs to be thrown away and replaced with a new act. Given that the SAPS Act is largely informed by the Constitution, the best way to give effect to the relevant Stellenbosch resolution would be by way of amendments to the SAPS Act to bring it totally in line with the Constitution.
7. The Security Services of the Republic are dealt with in Chapter 11 of the Constitution. These services are defined as follows in Section 199 (1):  
"The security services of the Republic consist of a single defence force, a single police service and

any intelligence services established in terms of the Constitution."

8. The structure of the single police service is explained at Section 205 (1) in the following terms:  
"The security services of the Republic consist of a single defence force, a single police service and any intelligence services established in terms of the Constitution."
9. The structure of the single police service is explained at Section 205 (1) in the following terms:  
"The national police service must be structured to function in the national, provincial and, where appropriate, local spheres of government."
10. In reality this is not the case. The National Commissioner has no say regarding how the municipal police service is run and the conditions of service of the respective members. The only instance when the National Commissioner will intervene is when national standards are flouted.

## *Proposal from Peace and Stability: Governance*

- We need to enhance the programme of a single police service which will be headed by a National Police Commissioner who will "control and manage the police service" [Sec 207 (1)] at all three levels of government in our country. As mentioned in the constitution of South Africa.
- We need to define a way in which local government can be empowered to work with the people as crime-fighters
- We need to define the relationship between local government and the police in the fight against crime. At that level every local government should be part of the instruments that are deployed to create conditions for peace and stability in the areas under its jurisdiction.

## COMMUNITY FORUMS

12. The Community Police Forums ( CPFs), we should now admit, is an experiment that was not properly handled from the outset. That experiment was based on the view expressed by the ANC in 1992 that:

## SUMMARY OF KEY POINTS

1. The South African Constitution calls for, a single police service. In reality this is not how the police force is structured. The National Commissioner only has control over National and Provincial police force and has no say over municipal policing. This then undermines the notion of the South African Constitution that calls for a single police force at national, provincial and local level
2. It is therefore essential that we have single police unit to enhance and streamline our policing and clearly define the role of local government in promoting peace and stability within our communities

## QUESTIONS FOR DISCUSSION

- a) What role can the Alliance play in making sure that the vision of having a single police unit is accomplished?
- b) What strategies can we adopt as the ANC to make sure that local government is strength end to fight crime in areas where we live?
- c) How can we enhance the relationship between business, law enforcement agencies and civil society in tackling the issue of crime at national, provincial and local level?

“The police must be accountable to the people whom they serve. Unless the police are rooted in and accountable to the communities in whose name they police, they will not enjoy the support of these communities. Without the support of the people no police force can perform its task of preventing and combating crime. The police must establish its policing priorities in consultation with local communities and be subject to such communities’ evaluation and control. The police, in short, must work with communities, not against them.”

13. This called for the introduction into policing in South Africa community control over policing priorities and practices and to assess police performance against verifiable standards. The police, therefore, would have to be accountable to the communities who would have to co-own with the police the programme to prevent and combat crime.
14. However in reality serious blunder was made, though, when the CPFs – which in all intents and purposes are supposed to be oversight bodies for the police – were made the responsibility of the police in terms of establishment and funding.
15. That responsibility is defined at Section 19(1), at Chapter 7 of the Act, where it is stipulated:  
“A Provincial Commissioner (of the South African Police Service) shall, subject to the direction of the member of the Executive Council, be responsible for establishing community police forums at police stations in the province...”
16. Because of this gross mistake only a handful of them are truly functional and, in the main, those are structures that were established and work in the more affluent areas in the country.

*Proposal from Peace and Stability: CPS–CSF*

- There are two things that have to be done

to create a proper vehicle that can monitor and evaluate not just policing but the performance of the entire Criminal Justice System.

- Firstly, the Stellenbosch Conference resolution on Community Safety Forums (CSF) must be implemented. The way to do that would be to expand the existing CPFs and include in their policing work functions that would relate to both Justice and Corrections as is explained hereunder.
- The CSFs would be established by the communities themselves at a properly constituted meeting where the most capable people from such communities would be elected in terms of the democratic practices of our people to form the CSF bodies of leadership.
- The community meetings would be organised and managed by the relevant local authority structure responsible for community safety.
- The CSF, therefore, would be responsible to the people through direct interface with them and dynamic interaction with the local authority through that structure’s security coordinator.
- The functions of the CSF, to mention just a few, would be:

### Police:

- ▼ To help root the police among the people through confidence-building programmes;
- ▼ Arrange community-police meetings, where the police would give regular reports about policing matters;
- ▼ Help citizens to enjoy easy access to the police to report crimes and criminality;
- ▼ Help design campaigns against crime.

### Justice:

- ▼ Help communities to use the system of justice to access all their rights;

## SUMMARY OF KEY POINTS: COMMUNITY FORUMS

1. The current CPFs system has not achieved its goals of providing a credible and sustainable relationship between the police and policed. Whereby CPS were intended to serve as oversight bodies for the police and receive independent funding. Instead the CPFs, in practice they have been under the control of the police in terms of function and funding.
2. It is essential this system is overhauled. The most appropriate structure would be a Community Safety Forum that would address all matters within the security cluster in terms of the work of the peace and security cluster of government. The new structure would respond correctly to the call at the Stellenbosch Conference of a structure that would be “more effective and reflective of the entire Integrated Criminal Justice System”.

## QUESTIONS FOR DISCUSSION

- a) What role can the ANC provincial Peace and Stability Desks play in ensuring that the proposed Community Police Forums are able to function at local level.
- b) How do we make sure that the CSF are funded adequately so as they can perform their required tasks?
- c) What strategies can we use to make sure community members who are involved in CSFs are adequately trained in dealing with areas of police, justice, corrections and home affairs.
- d) What role can the Alliance play in promoting the establishment of CSF?

- ▼ Empower citizens, through workshops and seminars, to understand the Constitution and laws that impact on their lives, especially laws like the Domestic Violence Act, Children’s Act, etc;
- ▼ Ensure that victim empowerment programmes are adopted and are run effectively to address victims’ traumatic experiences.

### Corrections:

- ▼ Ensure that the rehabilitation programme of the Department of Correctional Services continues to run outside prison for further assistance to former offenders as part of the effort to curb repeat offending;
- ▼ Help reintegrate former offenders into the social life of their communities and economic activity therein;
- ▼ Identify facilities that can be converted into secure places of safety for children in conflict with the law and women who are in prison for petty offences.

### Home Affairs:

- ▼ To monitor the activities of Home Affairs officials with a view to ensure proper service delivery and to curb corruption.
- ▼ To assist members of the public to access easily Home Affairs services and ensure, especially, that all births are registered and all deserving children are registered for child support grants.
- ▼ Ensure that all citizens have the necessary documentation to access government services at all levels.
- ▼ Ensure that Home Affairs services are

available even in areas where the department has no offices by insisting that such services are handled on behalf of Home Affairs by other government structures including municipality offices, Department of Justice offices, etc

## MASS ACTION

17. The communities, as already indicated, should themselves play a significant role in the prevention and combating of crime. One of the best vehicles for that would be the Moral Regeneration Campaign where the religious community should be one of the key players.
18. The idea of a Moral Regeneration Movement originated within the ranks of the ANC Commission for Religious Affairs (CRA). The government was seen as the best vehicle to take the matter forward as a campaign. That decision did not mean that the CRA would have nothing at all to do with the campaign. In the circumstances, the CRA has a big responsibility to work together with the broader religious community further to give impetus to the campaign.
19. Meanwhile, the ANC Alliance should take a lead in the mobilisation of the masses against crime. Experiences of the past, like the mobilisation, which happened under the aegis of the Street Committees, and other tactics that were devised as part of the people’s arsenal for mass mobilisation, should guide us as we define what needs to be done to prevent and combat crime.
20. The Alliance should also encourage our communities to establish a Social Move-

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ment against Crime as a campaign rather than as an organisational structure. Such a movement can organise demonstrations and marches against crime in support of the Law Enforcement Agencies.

21. Alliance structures, across the country, would have to establish measures to help boost the morale of all law enforcement agents. Moral support would have to be given to families of members of such agencies when criminals have killed them. Mass participation would have to be organised for their funerals as an indication of that moral support and confidence building. The Alliance would have to:
  - help root the police among the people and encourage, thereby, a solid partnership;
  - create networks of cadres to gather information on crime and criminality;
  - organise cadres to become police reservists and volunteers to help patrol the areas where they live; and
  - encourage cadres to be members of the Community Safety Forums.
22. That work should be coordinated and fully monitored by the Provincial Peace & Stability Desks, working together with their sub-committees in the regions and branches.
23. The Peace & Stability Sub-Committee and its sub-structures would have to be extended to include all structures of the Alliance in its operations but would be responsible to the ANC and report back to the NEC in terms of standing rules and regulations.

#### **STELLENBOSCH RESOLUTIONS**

24. The matters that have been raised are, in the main, not new. They were discussed at the Stellenbosch Conference and were converted into resolutions. In all intents and

purposes, therefore, what is embodied in the current input is an argument for the implementation of those resolutions.

25. The Resolutions that are most pertinent are:
  - 2. To educate our structures and people on how the Integrated Justice System works to facilitate easy access to services;
  - 14. To expand the role of the Community Police For a and the Community Safety For a to empower them to play a more meaningful part in the safety and security of communities and, in accordance with the Mafikeng resolution, encourage ANC branches to become more actively involved in these structures and to pay attention to their adequate funding; and
  - 19. To intensify campaigns at all levels to reduce crime, especially the proliferation of illegal weapons and drugs, corruption and fraudulent activities, the abuse of women and children, the elderly and family violence.

#### **POLICY CHANGES**

26. Some of the matters that have been raised in the foregoing paragraphs will necessitate changes to some of the current laws and practices of the country.
27. The establishment of Community Safety Forums that must be independent and able to work will require a new legislative framework. Even if we continue for a while with the CPFs, the amendment to the South African Police Service Act will still be necessary to change somewhat the CPFs' relationship with the police as defined in that Act.
28. The Municipal Structures Act (act 117 of 1998), as amended, would have to be further amended to create the new function to deal with community safety.