

THE NATIONAL PEACE ACCORD AND POLICE REFORM IN SOUTH AFRICA: THE ROLE OF THE POLICE BOARD AS AN INTERIM POLICY MECHANISM, 1992-1994

Elrena van der Spuy¹

1. INTRODUCTION

In February 1990, the South African President FW de Klerk set in motion a public political process that would result in a negotiated transition to democratic, constitutional rule. The Groote Schuur Minute on the freedom of political prisoners and the return of exiles was signed in May 1990. In August 1990, the Pretoria Minute followed. In terms of this Minute the African National Congress (ANC) suspended the armed struggle. Signatories to the Minute agreed, in principle, to joint monitoring and control of the South African Police (SAP) and other security forces.

Despite the forging of key political agreements political violence continued to escalate. Against this background a number of interest groups involving church, business and political leaders attempted to convene a national peace meeting. The latter took place in June 1991. Attended by about 120 individuals representing 20 organisations, a number of key recommendations emerged from the discussions. This included the necessity for developing “a code of conduct for political organisations, a code of conduct for security forces, socio-economic development and reconstruction, as well as enforcement mechanisms that would include a commission and peace secretariats” (Gastrow 1995: 31). An organising committee was given the responsibility of convening an inclusive forum that would aim at reaching binding agreements. Their deliberations were collated into the National Peace Accord (NPA) and tabled at the National Peace Convention of 14 September 1991.

The Multilateral National Peace Accord set the pace for far-reaching changes in the political and legal rules within which public police were to operate. As Cawthra put it (1993: 184), the “general provisions” relating to security force actions amounted “to a manifesto for fundamental change”. Thus a permanent Commission of Inquiry into Public Violence (the Goldstone Commission) was established in October 1991 (Shaw 1993). Furthermore, the Peace Accord introduced a range of new structures

¹ Institute of Criminology, University of Cape Town. E-mail: elrena.vanderspuy@uct.ac.za

and operational methods that the police were required to observe. These innovations included a Police Code of Conduct with an emphasis on professionalism; the utilisation of minimum force; a new complaints mechanism called the Police Reporting Officer that was to be staffed by legally-trained ombudsmen; special units for investigating allegations of police misconduct and Local and Regional Dispute Resolution Committees responsible for monitoring the Peace Accord at the local level. These committees had a peacemaking role and consisted of regional representatives from a wide range of structures: political organisations, churches, business, trade unions and the armed forces. Lastly, the Accord also made provision for the creation of a Police Board (the subject of enquiry of this article) as a civilian-police advisory structure to the Minister of Law and Order. Given the historical legacy of Apartheid policing, the NPA broke new ground in creating a number of mechanisms through which it hoped to institutionalise notions of civilian accountability and multiparty oversight.

It is against the background of the early phase of political liberalisation during the 1990s that this article focuses specifically on the role of the Police Board as an interim policy mechanism and its contribution to the debate on police reform in South Africa.² During its short existence the Board considered some major issues of policy relevant to the reform of an authoritarian police institution and accrued a measure of symbolic authority and political clout. The Board provided a forum in which discussions between senior police officials and civilians on a future police dispensation could take place. An analysis of the tone and substance of these conversations about the restructuring of authoritarian policing provides some insight into the politics of reform as played out within this particular policy mechanism.

2. THE NATIONAL POLICE BOARD

The Police Board was launched at a carefully orchestrated press meeting, held at the Officer's Club at the Police Headquarters in Pretoria on 2 June 1992. The meeting was presided over by the Minister of Law and Order (Hernus Kriel), the Commissioner of Police (Johan van der Merwe) and the newly appointed Secretary of the Board (Advocate Brunette, a former Deputy Attorney General of Natal). The public addresses by both the Minister and the Commissioner noted the importance of political changes for the future of the police organisation. Then followed

2 This article is drawn from a variety of sources. First and foremost there is the documentary material such as Minutes of Police Board meetings and various submissions tabled by each of the subcommittees during the course of the Board's existence. In addition, I draw on personal recollections of my role as participant in, and observer of, the inner workings of the Board. A series of field notes compiled during 1992 and 1993 and relating to the Board's activities also provided impressionistic details on the contexts within which the Board conducted its work, the moods that prevailed, and the kinds of issues around which the Board's activities centred. Finally, for purposes of a retrospective assessment of the contribution of the Police Board, a small number of interviews were conducted with ex-members of the Board during the last quarter of 2003.

briefings by the five divisional heads on the structure and functions of the SAP. The presentations were characterised by bureaucratic formality. A close reading of the briefing documents to the Police Board,³ however, revealed the extent to which modern notions associated with partnership and co-operation between police and communities, crime prevention and service delivery, had already caught on inside the police bureaucracy by 1992.⁴ Sounding what was a novel note for the SAP, the police élite was now advocating that “(e)veryone must behave in a professional and responsible manner”. But progressive as the discourse on professional policing may have seemed on paper, the Board’s deliberations quickly confirmed the tension between modern, democratic policing concepts and old-style, authoritarian attitudes and practices.

The 22 members of the Board consisted of an equal number of civilian and police representatives.⁵ The chair, a civilian, was appointed by the Minister.⁶ The 11 police representatives were made up of five generals of the SAP and six from each of the six “self-governing homeland” police forces (Lebowa, Kwandebele, Kangwane, Gazankulu, Qwa-Qwa, and Kwazulu). Excluded from the ambit of the NPA were the police institutions of the TBVC states (Transkei, Bophuthatswana, Venda, Ciskei) in view of their nominal independence.

Three of the civilian appointees were drawn from the ranks of academic research institutions.⁷ The other nine male representatives all came from legal

3 South African Police Board, *Briefing Document*, 2 June 1992.

4 For example, the briefing on Visible Policing boasted of a new component, Crime Prevention, and emphasised “the value of a scientific approach to crime” and the value of “obtaining the involvement of the larger community” in policing. Furthermore, the Internal Stability Unit now had as its mission “to establish stability in the community by combatting and preventing riots, unrest and crime in a professional and accountable manner”. In pursuit of this goal, retraining of “all existing members of the ISD...with an emphasis on prevention, negotiation, mediation and communication” was envisaged. There was also reference in the document to a “process of purging the ISD of members who are considered to be unsuitable and members who have continually been exposed to violence for a number of years”. South African Police Board, *Briefing Document*, 2 June 1992.

5 The Minister of Law and Order appointed 11 civilians from a list of names put forward by the National Peace Committee, which was in turn based on political party nominations received from signatories of the Peace Accord. This included the ANC, Democratic Party (DP), Inkatha Freedom Party (IFP) and NP but not the PAC or Inkatha.

6 In August 1992, the chair resigned to take up the position of Attorney General of Transkei. Advocate Brunette was replaced by Mr Van Vuuren, an ex-director of Armscor.

7 Clifford Shearing was a well-known international criminologist, and Elna van der Spuy (University of Stellenbosch) and Janine Rauch (University of the Witwatersrand) both shared an interest in policing research. Clifford Shearing, a South African by birth, has spent the best part of two decades abroad, carving out a career as a criminologist in the Northern Hemisphere. He provided an important link to the international community and was a persuasive advocate of international policing ideas. Even before the dissolution of the Board, Rauch became advisor to the Minister of Safety and Security and later, Chief Director of Policy of the newly established Secretariat, the civilian policy structure of the Ministry of Safety and Security.

quarters, a number of whom were senior ANC cadres.⁸ The composition of the civilian members facilitated interaction between the Board, the local and international research community, a range of non-governmental institutions active in the field of human rights and police monitoring, as well as the major political organisations such as the ANC. The nomination of so many lawyers to the Board may have had a reassuring effect on the police with the expectation that the Board's approach to the issue of policy reform would be shaped by a socio-legal approach rather than by any "bottom-up" programme of social reform.

2.1 Terms of reference

A subcommittee of the NPA drafted terms of reference for the Police Board.⁹ The broad aim of the Board was to provide a forum for consultation between elected civilian and senior police with a view to improving policing. In terms of paragraph 3.3 of the NPA, the Police Board was charged with the responsibility "to consider and to make recommendations to the Minister of Law and Order in regard of policy relating to the training and efficient functioning of the police, with the view to reconcile the interests of the community with that of the police" (National Peace Accord 1991: Par 3.3). Designed as a policy advisory structure, the Police Board had no statutory powers nor was it meant to play any role with regard to the day-to-day functioning of the police. Included in the ambit of its authority was the right to undertake research and call for representations from the public. Budgetary constraints, however, limited its capacity for subcontracting research. Recommendations of the Board were to be made public "insofar as it is essential in reconciling the interests of the community with that of the public".

These terms of reference for the Police Board were rather vague. Before long it became apparent that such generality was susceptible to different interpretations

8 Nicholas Haysom, a professor of Human Rights and Labour Law at the University of the Witwatersrand in Johannesburg, soon established himself as one of the key ANC negotiators at Kempton Park. His influence on ANC policing policy was substantial. After 1994 he became legal advisor to Nelson Mandela, the newly elected president of the Government of National Unity. Pius Langa, a Durban-based Human Rights advocate, in later years became Chief President of the Constitutional Court. Mathews Phosa, a lawyer who worked in the ANC legal department, also emerged as a key figure in the political negotiations. After 1994 he was elected as Premier of Mpumalanga. Advocate Peter Gastrow, the Deputy Chair of the Board, was a long-standing opposition spokesperson (first for the Progressive Federal Party and then later in the Democratic Party) on Law and Order issues and a member of the Peace Accord structures in Natal. In the constitutional era he became advisor to the newly elected Minister of Law and Order and then moved on to become a researcher within the Institute of Security Studies, an independent research institution. Sakkie Steyn, a practicing lawyer, was at the time the Inkatha nominee. After 1994, he joined the police as a lateral entry and became Director of Labour Relations and the Police Legal Service within the SAPS.

9 The three members were the Deputy Minister of Law and Order, Jay Naidoo from the ANC Alliance, and Walter Felgate from the IFP.

of the mandate of the Board and its relationship to both the Minister and the Peace Accord structures.¹⁰ In the face of conflicting interpretations of its mandate, the Board instructed the deputy-chair (and a member with close working relationships with the National Peace Secretariat), to draft a strategic plan to guide its work. This plan was tabled, discussed and finally accepted by members of the Board in the first quarter of 1993. The Strategic Plan opted for a broad interpretation of the mandate of the Board as set out in paragraph 3.3 of the Peace Accord.

The adoption of the Strategic Plan by members of the Board signalled a victory for a broad and liberal as opposed to a narrow and conservative interpretation of the Board's mandate. A closer working relationship between the Board and various Peace Accord structures followed. As a consequence the Board received updates on enquiries of the Goldstone Commission. A regular exchange of progress reports between the Board and Peace structures also became institutionalised. In addition the Board also invited reports from regional peace structures on violence and policing. The latter provided a counterpoint to the Board's exclusive reliance on monthly security briefings prepared by the police. Jointly, the Board and the National Peace Secretariat also organised a national workshop on Police-Community Relations in June 1993. Attended by a large contingent of senior police and members of civil society, the workshop yielded many insights into relational issues, helped to set the agenda for future interventions in this terrain, and cemented relations between the Board and the Peace Accord structures.

2.2 Ideological tensions and social alliances

There were significant political and ideological differences among members of the Board. The most visible political division, particularly in the early stages, involved the police on the one side and vocal civilian critics of the Apartheid regime on the other. As the majority of critics had political sympathies aligned to the ANC, this division often presented itself as police-versus-the-ANC. Beyond the level of appearance, however, the politics of race ensured a less-than-united police contingent. Throughout the Board's existence the homelands were silent partners, noted for their physical presence but vocal absence. The dominance of the SAP

10 The issues at stake were threefold. First there was the issue relating to the relative autonomy of the Board *vis-à-vis* the Minister of Law and Order. Broadly speaking, civilian members of the Board emphasised the political importance of independence from the police given the latter's tainted public image. The second issue of contestation concerned the accountability of the Board to Peace Accord structures. Most of the civilians argued that the Board, as a creature of the Peace Accord, had a political obligation to work closely with peace structures. The generals, in contrast, took a different view. In the early period of the Board's existence, for example, the police generals voiced strong opposition to the proposal that Police Board minutes be circulated to the Peace Secretariat. In their view the Police Board had to function independently of the Peace Secretariat. Thirdly, there were narrow versus broad interpretations of the mandate of the Board.

generals in the proceedings of the Board provided tacit proof of the social inequality that had long characterised the interaction between the SAP and homelands police forces. Relations between the SAP generals and their “underlings” in the Bantustans appeared at best cool, and at worst non-existent. On the eve of the discussions on the reintegration of the 11 police institutions into a unitary South African police institution, the political power was evidently in the hands of the SAP. As the reform process gained momentum the simple division of police-versus-critics gave way to a division between hawks and doves that straddled the police-civilian divide. This realliance was influenced by two factors in particular: the departure in early 1993 of the first batch of old guard SAP generals and their replacement by a new contingent of more forward-looking officers. Their departure formed part of a first wave of early retirements of 15 members of the general staff to make way for a more reformist-orientated and representative leadership.¹¹ The second factor of importance relates to the momentum created by political reform and the extent to which the working groups established within the Board provided a forum within which both professional and social alliances became forged between police and civilians. Such alliances effectively diluted the sharp division between police and civilians so characteristic of the early phase of the Board’s existence.

2.3 Micropolitics of interaction

A brief look at the micropolitics of interaction within the Board provides a view into the ideological fault lines that existed at the time. For purposes of illustration a few examples will suffice.

Public order policing: Public order policing, for understandable reasons, had long been a decisive issue in political debates in South Africa. Characterised by paramilitary mentalities and repressive tactics the issue of public order policing featured prominently in the first meeting of the Board. Public order policing remained on the agenda of the Board as controversy continued to stalk the routine operations of what the public often referred to as the ‘Riot Squad’, but was at that time officially known as the Internal Stability Unit (ISU). The Head of the ISU, a member of the Board, did not respond well to criticism. Lt Gen De la Rosa was of the opinion that ‘normal policing’ was not possible in the unstable and violent context of transitional South Africa. Critical comments on the part of the Wits-Vaal Peace

11 In the process, the places occupied by Lieutenant Generals HPM de Villiers, AB Conradie, Louwtjie Malan, Basie Smit and J Swart were filled by a new batch of SAP officers. Each of the new incumbents represented a police division: Lieutenant Generals JH le Roux (Crime Prevention and Investigation); André Pruis (Community Relations); Mike Bester (Physical Services Rendering); M Cronjé (Basic Training) and A de la Rosa (Internal Stability Unit).

Secretariat in their presentation to the Board about the operational conduct of the ISU in that region were dismissed as ‘unfair’ and ‘biased’.¹²

Security briefings: Competing interpretations of political violence and the role of the security forces in fanning or mitigating such violence also constituted a source of division within the Board. Briefings on the security situation in the country were a regular item on the monthly agenda. Compiled by the Crime Information and Interpretation Centre of the SAP, the content of the briefings reflected the security sector’s interpretation of the prevailing political situation. The briefings included a short discussion of the causes of political violence,¹³ followed by descriptive details on incidences of violence,¹³ an identification of regional ‘hotspots’, and tallies of attacks on police. The presentation of the briefings created scope for debates that reflected ideological divisions between supporters and critics of the regime and its coercive instruments.

In an attempt to redress the exclusive reliance on police data and interpretations, civilian members of the Board proposed that the Board invite presentations from the regional structures of the National Peace Accord.¹⁴ Shortly thereafter presentations from the Wits-Vaal and Natal Peace Secretariats were made at meetings of the Board. The presentations provided a different angle on community conflict and the role of the police. These meetings allowed the SAP to air their complaints of one-sidedness and the overemphasis on police misconduct in the complex situations on the ground.¹⁵ Such exchanges illustrated the politicised character of policing generally, and public order policing more particularly. They served as reminders of the divergent experiences and views to which insiders and outsiders of the ethnic state adhered in their approach to the police.

Over a period of time the substance of the deliberations of the Board and its engagement with the ‘security situation’ became more even-handed. By early 1994, members of the Board expressed their appreciation for the greater amount of detail and more “balanced reporting” in the security briefings.¹⁶

12 Field notes, Board Meeting, 5 November 1993.

13 Political violence more generally, taxi violence, train attacks, farm attacks etc.

14 The presentation by Peter Harris on Police trends on the Wits Vaal (November 1993) sketched a complex context characterised by political intolerance, poverty, endemic conflict, rumour mongering, the mobilisation of criminal networks and security force misconduct. The conduct, *modus operandi* and operational accountability of the Internal Stability Unit were discussed at some length. De la Rosa responded by saying that his analysis was one-sided, and that “normal policing” was no longer possible under the prevailing conditions (Field Notes, Meeting of the Police Board, November 1993).

15 Field notes, Meeting of the Police Board, 5 November 1993.

16 Minutes of the Meeting of the Police Board, 4 February 1994.

Murder of police officers: The killing of police officials constituted a further source of controversy within the Board. The security briefing of November 1993 boldly stated that “(a)lmost all the attacks on members of the SAP are either carried out by members of the ANC or by members of their affiliates such as the SDUs”. To the Generals the “ongoing murder of police officials” constituted a “prolonged massacre”.¹⁷ They demanded that the Board “come out in support against the aimless killings of policemen”.¹⁸

2.4 Forging an institutional identity

At the first meeting of the Board there were some discussions regarding the issues of substance on which the Board should focus. Three major issues were identified: mechanisms of police accountability, police-community relations, and an agenda for transformation. All three of these focus areas were natural extensions of the kind of thinking that informed the Peace Accord framework. Behind the scenes, members of the Police Policy Group (PPG), initially constituted as an informal grouping with an interest in developing policing policy within ANC political circles, regularly caucused both before and outside of Police Board meetings. These discussions were aimed at setting an agenda for Police Board deliberations in line with the strategic assessments of the PPG about a future police dispensation. Between January 1992 and April 1994 the PPG evolved from an unofficial think tank existing on the margins of police policy with a somewhat fluid composition and some core policy entrepreneurs¹⁹ to a think tank of considerable importance to the deliberations of Working Group 3 of CODESA. Under the auspices of the PPG various policy papers were drafted on a wide set of issues. These ranged from the democratic principles of policing; structures of police accountability; interim mechanisms of political control; community policing; modalities of incorporation of homeland police agencies; decentralisation and representivity; priority issues for transformation; and the role of the international community in police reform.²⁰

3. KEY POLICY INITIATIVES OF THE NATIONAL POLICE BOARD IN SOUTH AFRICA

During the course of its short existence, the Police Board was quite directly concerned in a variety of policy issues relevant to police reform. Included in the

17 Briefing to the Police Board, 1994. Security Situation in the RSA, 2 September (p.1).

18 Minutes of the Police Board Meeting, 6 May 1993.

19 The driving force behind the PPG was Fink Haysom. Both Etienne Marais and Janine Rauch, at the time researchers attached to the Policing Project at Wits, funded by the Institute for a Democratic Alternative in South Africa (IDASA), were key participants. Various ANC politicians attended PPG discussion forums. PPG also invited inputs on various issues from NGOs active in the security field with the view to formulating policy guidelines to a cadre of senior ANC leaders.

20 This discussion draws on various minutes of the PPG, dating from late 1992 to early 1994.

ambit of the Board's deliberation were matters relating to: police training; a public police complaints system; internal disciplinary procedures and suspension; strategic planning, institutional restructuring and police effectiveness; police liaison forums and community policing; deaths in detention and lay visiting schemes; public order policing policy and operations; and trade unionism. The policy agenda was shaped by three sets of factors. First, there were the general terms of reference for the Police Board as set out in the Peace Accord, with specific reference to the restructuring of police training and the improvement of community-police relations. Secondly, the strategic framework that the Board adopted gave rise to five working groups that pursued the designated areas of concern. The deliberations of the working groups coalesced around the following contentious points: training; strategic planning; community policing; human resources and personnel; and the organisation and 'culture' of the SAP. A third activity was *ad hoc* in nature. The Board also attempted to respond to policing issues as those cropped up in the early transitional period.²¹

The Board conducted its affairs through a number of subcommittees. The composition of the subcommittees included both civilian and police representatives. Police divisional heads were appointed onto subcommittees that had a direct link to their areas of professional expertise. In civilian circles there was some behind-the-scenes caucusing to arrive at a sensible division of labour based on interest, expertise and political decorum. Each of the subcommittees served as a liaison mechanism for engaging with the police organisation itself as well as other public bodies and NGOs on critical policy issues.

In the section below the substantive concerns of each of the subcommittees are discussed in greater detail.

3.1 Strategic planning

Shortly after its inception the Police Board broached the issue of strategic planning in the police with a view to defining a role for itself in a process aimed at managing change. At the time, restructuring initiatives underway in the police institution were considered the responsibility of the SAP. By introducing policy issues relating to both the process and outcome of strategic planning and involving public input and scrutiny, the Board ventured into a challenging area of civilian-police interaction. It took as a point of its departure the Strategic Plan of 1991 that had been hatched in the inner corridors of the police. The document was circulated to members of the Board, and indicative of the culture of secrecy that prevailed at the time, it had

21 Two in particular deserve attention here: the Boipatong massacre (1992) together with the Waddington report on police handling of the events, and renewed concern about the torture of detainees in the aftermath of the publication of a report on the topic by the state pathologist, Dr Gluckman. Both issues provided the Board with opportunities to profile policy concerns of relevance to the project of police reform.

‘confidential’ stamped on its cover. From such secretive beginnings a debate evolved about the form, content and process of strategic planning in a context of rapid political change. Strategic planning, it was argued, had to be informed by the philosophy of ‘community policing’ based on the principles of transparency and a joint articulation of community and police resources in pursuit of public safety.

It was within this framework that the Board approached the issue of strategic planning in various contexts. Slowly but surely both the politics and logistics of strategic planning in democratic police institutions were being flagged. So, for example, the issue appeared on the agenda of a meeting between the Board and the Commonwealth observers.²² This was a consequence of caucusing between a delegation of the observers and Board members of the PPG. Furthermore it was a focus area of discussion in the Police Board visit to police institutions in the UK, which was undertaken by five members in mid-1993. In her report back to the Board, Janine Rauch related the dividends that accrued from public transparency of strategic assessments and the institutionalisation of modern management techniques involving performance evaluation.²³

The subcommittee on Strategic Planning liaised regularly with Efficiency Services, the department responsible for Strategic Planning in the SAP. The chair too participated in the discussions of the SAP General Management’s discussions on the topic. In its progress report of September 1993²⁴ the Board reported that consensus was reached that the Strategic Plan had to “involve the community”. Details of how that was to be achieved and to what end were very much left open. Furthermore there was also agreement that the Police Board should give its support to the Strategic Plan, once finalised.

In August 1993, an external consultant was appointed to facilitate Strategic Planning in the Police. *The Strategic Plan of the SAP* (South African Police 1993) was promulgated on 19 October 1993. For the first time ever it was made public, a not insignificant concession to the demand for ‘transparency’ embodied within the philosophy of community policing. The Plan itself was couched in the fashionable language of environmental analysis. It included a scan of both the external macro- and internal micro-environments within which the police organisation operated. The driving forces moulding the role of the police agency included cryptic references (in a schematic format) to the needs of the community; technology; globalisation; the rule of law and a Bill of Human Rights; trends in crime; trends of violence; and cost-efficiency. As such the *Strategic Plan* signalled the introduction of some elements of

22 Minutes of Meeting of the Police Board, 25 November 1992.

23 J Rauch, 1993. *Visit to Britain*. Report to the Police Board.

24 National Police Board, Progress Report to the Minister, dated September 1993.

managerialism that became a key feature of organisational reform after 1994. From 1995 onwards the publication of the strategic plan of the SAPS became mandatory in terms of provisions contained in the South African Police Services Act of 1995 (Act 68 of 1995).

3.2 Police-community consultation and community policing

From the early 1990s, the concept of community policing was being promoted by a wide range of constituencies in South Africa as a suitable paradigm for the delivery of policing services in the new political order. The utilisation of the concept, however, masked deep-seated differences in understanding what exactly community policing entailed (policing *by* the community; policing *in* the community; policing *on behalf of* the community).²⁵ The notion of community policing was also generalised in police circles “to describe recent developments in ‘police reform’” (Marais 1992a:8) with a particular emphasis on the desirability of police-community consultation. The creation of police-community consultative forums as a mechanism for liaising with members of the community flowed directly from this point. In the community at large, debates on community policing proliferated in a wide variety of organisational contexts. Those who took part in the discussions ranged from NGOs active in the field of monitoring police operations, research institutions, to policy-orientated practitioners. Among the fruits of these deliberations was a realisation that clarity was needed in defining features of community policing, critically assessing its suitability to the post-apartheid policing context, and an appreciation of the obstacles likely to be encountered in its institutionalisation. After 1993, key elements of community policing were entrenched in law (both the 1993 Interim and the 1996 final Constitution, and the Police Services Act) and in-house police policy frameworks. The main mechanism through which this approach to policing was to be institutionalised was the station-level Community Police Forum (Pelser 1999).

The deliberations of the Police Board underlined the popularity of the doctrine of community policing during the transitional phase. The subcommittee on Police-Community Consultation of the Police Board developed as its brief “monitoring, facilitating and assessing the community relations initiatives of the SAP”. Here the Police Board latched on to initiatives undertaken by other constituencies – particularly those of prominent NGOs and research institutions. One example involved Police Board support and participation in a conference organised by IDASA in October 1992 that explored various aspects of community-police relations. The conference brought together representatives from political parties, community organisations, the police and international experts. Discussions focussed on a wide range of issues concerning the reform of a police organisation long maimed by its lack of legitimacy

25 See in this regard the excellent discussion by Marais (1992a).

and credibility.²⁶ The enhancement of police-community relations was a dominant theme at the conference.

A second workshop of particular importance to the Board's role in facilitating policy discussions among the police, community organisations and others on the challenges confronting the implementation of community policing, took place in June 1993. This time round the workshop was co-hosted by the Police Board and the National Peace Secretariat.²⁷ The involvement of the Police Board ensured a large representation of senior police personnel. The workshop took place a week after the right-wing attack on the World Trade Centre (where political negotiations were underway) that gave rise to public criticism of police handling of the events. The contentious and divided nature of the debate on policing was borne out by the party political perspectives on the state of policing. For the remaining part of the conference constructive engagement with both the obstacles confronting community-based policing and pragmatic strategies for intervention took place. This workshop helped set the agenda for the Board's own work in the area of community-police relations. It also succeeded in challenging head-on the conservative agenda of the police as reflected in their semantic use of the term 'police-community' (as opposed to 'community-police') relations. The Board undertook to organise a series of regional and local workshops so as to facilitate discussions between the police and particular communities. Both kinds of workshops provided proof of the extent to which the Police Board could slipstream in the momentum created by the initiatives of others. Both workshops confirmed the centrality accorded to community policing in the discourse on police reform.

With regard to the development of a mechanism to address allegations of police conduct *vis-à-vis* detainees, the Police Board played a particularly active role. On this score the force of political circumstances proved instrumental. Prompted by a fresh round of allegations concerning deaths in detention by Dr Gluckman, a Port Elizabeth District Surgeon, the Minister of Law and Order in a letter to the Police Board²⁸ expressed concern about the "perceptions which have been created and which are worsened by every death which occurs". Gluckman's allegations once again propelled the issue of police abuse of power *vis-à-vis* detainees to the centre of attention. The Commonwealth Secretariat also raised its concerns about the well-being of detainees. In a bid to defuse public concern the Minister appointed 12 magistrates to visit cells countrywide. Permission was also granted to the International Red Cross Committee to inspect police cells.

26 For a summary see Valentine (1992).

27 See Programme and Report on the National Workshop, *Police community relations: The future*, 30 June - 1 July 1993.

28 Minister of Law and Order: Letter to the Police Board, 9 December 1992.

It was against this background that the Minister requested that the Board advise him regarding the possibility of introducing a mechanism for monitoring detention facilities (along the lines of the British system of “lay visiting”) so as to “convince the public that the South African Police has nothing to hide”.²⁹ The subcommittee on Police Community Consultation took the issue forward. An information note on Lay Visiting was circulated to Members of the Board in early 1993. Members of the subcommittee carefully examined a body of evaluative research on lay visiting schemes in Britain. Bar a few alterations, the British guidelines were adopted. Other agencies too helped to create a climate conducive to the idea of lay visiting. During a visit by the Commonwealth Observer Group in November 1992, issues relating to community police liaison and lay visiting were discussed.³⁰ Chief Superintendent Peter Stevens, a delegate from Scotland Yard, held several meetings with police chiefs to discuss the principles and procedures involved. A British video on lay visiting was utilised as a marketing exercise with police in the various regions.

In late 1993, a pilot lay visitor scheme was introduced at a number of SAP stations. Opportunities were created for purposes of drawing lessons from the pilot phase.³¹ Upon finalisation of the national guidelines, community visiting schemes (as the programme then became known) were then open to nation-wide implementation. In terms of the operational guidelines for community visiting schemes, lay visiting functioned as a subcommunity of Community Consultative Committees. By January 1995, according to official figures presented to the Police Board, the community visitor scheme was operative at 237 police stations. By then 832 visitors had been appointed.³² Interest in expanding the operation of visitor schemes into regional structures was forthcoming from organisations with a long-standing interest in police monitoring. In the Western Cape proposals advocated by the Regional Peace Committee to develop a regional lay visiting structure modelled on similar programmes in Grahamstown and the Wits-Vaal Peace Committees were met with resistance. The police in the Western Cape favoured local schemes operating under the auspices of police community liaison forums.³³

Evaluative research into the functioning of a small sample of community visiting schemes in the Western Cape conducted at two stages (Van der Spuy 1995;

29 In its British form, lay visiting was concerned with the “making of unannounced visits...by independent persons on the detention and custody of suspects in police stations” (Kemp and Morgan 1990:13).

30 Peter Stevens (Scotland Yard, UK) and Henry Jensen (Canada).

31 See correspondence between Janine Rauch and Rob Midgley of the Grahamstown Community-Police Forum, 26 October 1993.

32 Correspondence from Head: Physical Service Delivery to the Police Board, 2 March 1995.

33 See Western Cape Regional Peace Committee Correspondence regarding the task force on the lay visitors programme. Report on Meeting with General Du Toit, 23 March 1994.

Gopane 2000) suggested that the initial flurry of enthusiasm and activity was not sustainable in the longer term. The petering out of the initiative had as much to do with infrastructural constraints as with a change in the political mood concerning detainees in police custody. By late 1999, community visiting schemes had become a concept more alive on paper than in practice.

3.3 Subcommittee on complaints procedures, suspension and departmental investigations

For obvious political reasons, the issue of police accountability was central to all the discussions on police reform. Concerns about human rights abuses by the police and the structural weaknesses besetting both internal disciplinary procedures and external accountability measures had long fuelled debates on police accountability in South Africa. It was thus almost inevitable that the Board came to focus its attention on the issue of oversight more broadly, and internal complaints procedures more specifically. The Board's deliberations benefited from a momentum for change created on two fronts: provisions contained within the National Peace Accord regarding proposals to establish a Police Complaints Investigation Unit, and discussions on the issue that also emerged within police circles. What the Accord had in mind was the investigation of selected criminal offences allegedly committed by members of the Force in an impartial and unprejudiced manner.³⁴

A subcommittee on Suspension and Departmental Investigations of the Board was given the responsibility of examining the current structures in operation, exploring cross-cultural models operative in other societies, and developing recommendations for an appropriate public complaints procedure. The subcommittee was headed by Nicholas Haysom, who was widely regarded as one of the leading local experts on the topic.

Given the contentious nature of the topic, the subcommittee's deliberations required close working relations with the relevant police divisions. The subcommittee invited a prosecuting officer of the SAP to brief members of the Board on disciplinary procedures and suspension. He concluded his presentation saying "that the policy relating to suspension seems to be fair and reasonable and if exercised responsibly it should normally satisfy everyone who has an interest in the matter".³⁵ To this presentation Haysom responded in writing.³⁶ In a damning comment on existing

34 Proposal submitted to the National Police Board by Col. JC Naude on "Establishing a Unit to Investigate Criminal Offences Against Members of the Force", 29 June 1992.

35 Briefing by Col. Mulder van Eyck to members of the Police Board regarding the disciplinary procedure in the South African Police, 3 September 1993.

36 Haysom N 1993b. *Suggestions for improvement to the police disciplinary procedure*. Submission to the Police Board.

police disciplinary procedures Haysom described the SAP's procedure and practice in regard to suspension of policemen and women as "unfair and unjust; arbitrary and selectively used ... out of line with practices in police forces elsewhere, and in conflict with current industrial relations practices".³⁷ Here the appeal to international best practices was obvious enough.

A proposal for a new complaints procedure to an impartial body was accepted by the Board and then discussed with the Minister of Law and Order. The Board's recommendations were forwarded to the SAP Legal Services and submitted to the subcouncil on Law and Order, Stability and Security of the Transitional Executive Council. Such proposals formed the backbone of the proposed Independent Police Complaints Council as set out in section 15 (1)(c) of the Transitional Executive Council.

3.4 Restructuring police training

The subcommittee on Police Training of the Police Board became one of the most active of the Board's various subcommittees. In its focus on police training, the Police Board could count on support and expertise from various quarters. The Strategic Plan of 1991 had already identified training as an area requiring revamping and investment. The desirability of international exchange and input into training so as to offset the damage caused by international isolation was acknowledged by the police themselves. The Board could thus count on the support of the police bureaucracy. Reform of training was simply considered less contentious than many other aspects, such as reform of disciplinary procedures, for example. In ANC policy circles too the strategic importance of an overhaul of police training was well appreciated.³⁸ It too had been identified in a confidential briefing document as one of the critical areas of reform. Furthermore, as an area suited to technical transfer, reform efforts could count on donor support that was said to be readily forthcoming.

The three members of the Board responsible for co-ordinating the work of the Training Committee were Janine Rauch,³⁹ Professor Clifford Shearing and General Cronjé (the Divisional Head of Physical Services). At the second meeting of the Board, Rauch tabled a research report on police training which she had completed a few months earlier. Entitled "*Drill is the means, discipline is the end*": Basic Training in the SAP, the paper provided an assessment of the basic training programme at police colleges. Rauch argued that the basic training of police recruits exhibited a number of

37 *Ibid.*, pp.2-3.

38 See submission of the Police Project on Police Accountability to the ANC-aligned PPG, late 1991.

39 At the time Rauch was a researcher attached to the Policing Project at the University of the Witwatersrand.

problematic features: a preoccupation with drill and parades; hierarchical interaction between students and trainers; a tendency toward repetition, rote learning and front-loading in the classroom, and a focus on knowledge-based assessment. As for the paramilitary habit of mind at work in the field of police training Rauch (1992a: 13) commented as follows: “The social life and culture of the colleges are characterised by regimentation and uniformity, reflecting the philosophies of discipline and drill which underpin the training as a whole. The colleges merely reflect the features of the prevailing police culture.” In the conclusion to the report, it was recommended that “training must remain a focus of reform energies...because the training sphere is a microcosm of the Police Service at large, reflecting its convictions, its discontents, its relationships, maybe even its future”.

Rauch’s excursion into the content and dynamics of police training made an important contribution to the sparse South African police literature on this issue. Within the context of the Police Board this research report was used to galvanise support for the reform of training. The subcommittee was required to advise on the way forward. The restructuring of training, it argued, must be informed by a new vision for the SAP. In a short policy paper on the police role in a rapidly changing context there was reference to the need for adhering to “international norms of professional policing”⁴⁰ as a way of addressing the legacy of adversarial police-community relations. The hand of Clifford Shearing was evident in the argument that, internationally, policing had become focussed on a problem-solving approach. Such an approach, he argued, relied on an integration of police and community resources. In the South African case nothing short of a “thorough review and revamping of basic training” was required. The policy paper helped frame the debate on the utilisation of expertise situated outside the police institution. Before long, the Minister announced that an independent expert committee would be appointed to investigate training within the SAP.

The subcommittee on police training was instrumental in the creation of two structures of importance to the restructuring of police training: the International Training Committee (ITC) and the Multinational Implementation Team (MIT).⁴¹ With international backing from both developmental agencies and foreign police institutions, the deliberations of the subcommittee on Police Training were quickly transformed into an effective pressure group. With such backing it commanded a considerable measure of persuasive power within the police organisation.

40 Subcommittee on Police Training, Report I to the Police Board, 6 August 1992, p.2.

41 The Subcommittee on Police Training set out the tasks for the International Training Committee and the Multinational Implementation Team in a document titled *Proposals on training* tabled at the Meeting of the Police Board, October 1993.

4. CLOSING DOWN

In November 1994 the work of the Board was brought to a conclusion. Its closure was commemorated by a farewell dinner held at the Police Training College in Pretoria. Earlier in the year there had been clear indications that the role of the Police Board was being overtaken by events. In a context of dramatic political changes, alternative policy centres were being created. First came the Transitional Executive Council's (TEC's) subcouncil on Law and Order that took responsibility for drafting interim legislation. Initially the Board played a supportive role *vis-à-vis* the TEC. But before long there was concern about the way in which the Board was being marginalised in the subcouncil's deliberations. After the general elections a number of civilian members of the Board were appointed to political or policy positions.⁴²

After the general elections of April 1994 a newly styled Ministry of Safety and Security took charge of the police bureaucracy. By then already it was clear that the momentum of political change had overtaken the Board. Devised as a policy mechanism to help facilitate a process whereby police-community relations could be normalised and aspects of police reform could be developed, by mid-1994 it had become a spent force. From then onwards policing policy became the prerogative of interim advisory structures, a wide variety of technical teams, and later, the newly established policy centre of the Ministry, the National Secretariat.

5. CONCLUSION

The Board's influence on the development of policing policy in support of democratic constitutionalism was constrained by a variety of factors. Issues of structural design played an important part in the scheme of things. In the absence of statutory powers the Board had little official clout radically to redefine the terms of reference for transitional policing. For purposes of influencing aspects of policing policy - particularly in the early phase - it remained dependent on the power of brokerage that the police generals could wield within the larger police organisation. In some respects the Board remained a structure of peripheral importance to many of the policy manoeuvring that interest groups within the police organisation were pursuing. Planning around organisational restructuring, for example, proceeded without any recourse to the Police Board. Some would argue that the Board was never intended to play more than a symbolic role. "It was toothless. The Board was never meant to be more than an exercise in window dressing", as one general put it.⁴³ Other factors too

42 See footnote 9 for details on the career moves of key civilians on the Board after the elections in April 1994.

43 Interview, former Police General and Member of the Board, LM (for security reasons only referred to as 'LM'), Pretoria, 3 September 2003.

shaped its role. In the first phase of its existence, the Board operated in an environment where political control over the police remained firmly embedded in the hands of the National Party. By late 1993, however, a shift in political power relations created a momentum for change on which the Board could capitalise. By the time that political control moved toward the Transitional Executive Council, the Board became displaced as other policy centres of importance to the future of policing emerged. Before long, the reason for the initial existence of the Board became obsolete. In this way the Board became a casualty of a political process that delivered the outlines of a new political order as well as broad agreements for a security sector subject to democratic control.

Despite its short lifespan and the absence of any statutory powers, the Police Board deserves recognition for its role as a conduit of reformist ideas and practices associated with democratic policing. As an interim policy mechanism, the Board helped set the agenda for police reform in very particular ways. The Board focused its deliberations on a number of strategic priorities: police training; the police complaints system; and mechanisms of civilian oversight and community policing. With hindsight it would appear that the Board provided a convenient platform for a number of strategically-minded players to frame a reformist agenda.

Various subcommittees of the Board succeeded in setting in motion processes of reform on which other subsequent structures (TEC; the National Secretariat of the newly established Ministry of Safety and Security) capitalised. Key to the success of the Board was the way in which it utilised both international and local expertise in mobilising support for reform of the former authoritarian police institution. During the course of its short existence it deployed innovative strategies based on élite networking across a number of interlocking institutions. Such institutions ranged from research units, to political structures (ANC, National Peace Accord, the Goldstone Commission), and civil society structures (NGOs such as the Institute for a Democratic Alternative in South Africa, Lawyers for Human Rights, and others played prominent roles). In addition, networking also succeeded in identifying and involving reformist-orientated members of the police organisation in the discussions on the future of the police in a constitutional democracy. To some extent, the Police Board provided a social laboratory within which strategically placed individuals could both conceptualise and refine an agenda for police reform, which later provided a blueprint of sorts for the new Ministry of Safety and Security.

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