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#WhatSACanBe

100 DAYS TO UNLEASH ECONOMIC GROWTH AND GET SA BACK ON TRACK

LAW AND ORDER: REGAIN TRUST, PROTECT LIVES

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Introduction

For the first time in three quarters of a century, South Africa has ceased being a one-party-dominant state. The era of predictable and inflexible government power is over. In its stead, South Africans now find themselves in a new era of politics – one that must be defined by pragmatic, pro-growth policy. It is in this spirit that the South African Institute of Race Relations (IRR) has decided to publish *#WhatSACanBe: 100 days to get SA back on track,* a series of nine short papers each focusing on a different key policy area. Taken together, these papers offer a dynamic programme of action for the Government of National Unity (GNU) as it sets out its aims and gets to work earning the trust of South Africans.

The 2024 elections drew a fundamental dividing line in our politics between the country's pro-growth coalition – in the main represented in the GNU – and the pro-poverty parties, which have been denied access to the levers of government power.

But this arrangement is precarious. For democratic consolidation to succeed, the GNU must record notable governance wins in the short term. The policy proposals in this publication series show how a GNU can initiate crucial reform, quickly.

Embarking on a 100-day period of catalysing reform will make maximum political capital available to the GNU and its members. Public sentiment tracks upwards in the slipstream of economic improvements. A period of one hundred days following the first full meeting of the new GNU forms a natural timeframe within which pragmatic, constructive and meaningful government action will ensure an environment of good faith towards the GNU.

The responsibility to make the most of this moment by adopting a proactive, pragmatic plan of government lies heaviest on the leaders of political parties that find common cause in constitutional democracy, the rule of law, and good faith to remedy past failures and build on past successes. If the GNU is willing to do more together to rescue South Africa, this historic moment will be the rebirth of a hopeful rainbow nation.

Parties that occupy the pro-growth mainstream of South African politics based on the common ground of an economic system built on thriving businesses and job creators of all sizes able to operate in a fair, free and responsibly regulated economy; that believe in the ability of individuals and communities to find solutions; that acknowledge the fundamental role and dignity of secure ownership of property and the repudiation of historical crimes against South African property owners; that seek to protect and promote the rule of law;

and that hold true to the non-racialism of our Constitution – these parties, as a single constellation, hold between them the capacity to give South Africans hope again. At the core of these convictions lies the critical matter of economic growth – the catalyst for upward social mobility through jobs and a reliable welfare system. Achieving economic growth is the primary challenge and opportunity for the GNU.

Five tests for any reform proposal

The GNU needs a set of policy solutions that satisfies at least five key criteria:

1. Multiple GNU partners will have to support the proposed policies;
2. Labour interests, workers, entrepreneurs, businesses, markets, and investors should be left in no doubt that fundamental and positive changes are being made in the policy environment;
3. External stakeholders will have to be brought on board, or ways will have to be found to address their opposition;
4. The policy solutions will have to make a substantive, tangible change in the lives of ordinary South Africans in the short, medium, and long term; and
5. The outcomes of policy solutions have to be popular with the electorate, with the goals being clearly communicated by the GNU.

Every *#WhatSACanBe* policy reform is therefore scored on the basis of five simple questions:

1. Will voters support it?
2. Will economic stakeholders welcome it?
3. Will GNU partners buy into it?
4. Will the media support it?
5. Will opponents derail it?

Context of crises

Amidst the euphoria of taking office, the new administration must be under no illusions about the scale of the challenge. Some of the crises the GNU faces are, in no particular order:

1. An ineffective, bloated, and politicised civil service;
2. An overburdened judicial system that risks losing public trust;
3. A decline in the general standing, independence, and fairness of judicial officers;
4. An ineffective police force likely antagonistic to reform;
5. A small and shrinking tax base under immense strain;
6. Increasing water shortages across the country;

7. Violent crime, especially against the most vulnerable, running rampant in sub-middle-class areas;
8. A local currency of fluctuating reliability;
9. High levels of government debt;
10. Consistently high unemployment and youth unemployment rates;
11. Failing and unreliable road, rail, and port infrastructure;
12. Mass blackouts of power in large parts of the country due to a national power grid functioning at close to 60% capacity; and
13. Child malnutrition in rural and inner-city areas.

With the above as the context, proper consideration can be given to setting out a viable and successful path forward. Great as these challenges would be to any incoming government, a pragmatic and outcomes-focused programme of government will ensure a vigorous turnaround and the introduction of pro-growth policy consensus.

Priorities of the people

Polling by the IRR over the past decade has repeatedly emphasised the key priorities of South Africans, revealing surprising unity across demographic divisions. The most recent survey indicated the following priority problem areas:

- Unemployment and job creation
- The abuse of women or children
- Corruption
- Electricity or load-shedding
- Housing
- Water and sanitation
- Education
- Poverty
- Inequality, including gender and racial inequality
- Health care

Economic growth forms the foundation of all solutions in these priority areas. To earn maximum political capital from their initial policy actions and announcements, it is advisable that policymakers focus on economic growth as the key to meeting public demands on these priorities, ensuring that the government's agenda is unambiguously pro-growth.

From the above, it is clear that one of the policy categories in which positive change will most likely generate political capital for the new government is law and order reform.

Therefore, this second paper of the #WhatSACanBe series focuses on reforming the law and establishing order to regain public trust and protect lives.

What should the GNU do?

The GNU should allow the provinces to form their own police forces. This will be done in concert with developing a national policy which takes account of the varying needs of different parts of South Africa, and will allow the devolution of policing powers to provinces and municipalities.

Why should the GNU make this change?

Devolving policing powers has for some time been flagged as necessary, to enable the police service to be more responsive and adaptable.

A key problem is that no real thinking on this has been done since the 1990s. During the constitutional negotiations the ANC pushed for the creation of a single national police force and was opposed to allowing devolved police forces. This was likely partly due to the ANC's goal of centralised control; but municipal 'police' also had a negative connotation during the period of white rule, often being little better than thugs deployed to enforce the state's will.

Nevertheless, the concept of municipal police is not new in South Africa, with Durban having its own police force from as long ago as the middle of the 19th century.

During the constitutional negotiations the issue of municipal or metropolitan policing was nearly left out of the final document. However, pressure from the Democratic Party (DP) ensured it was included. Due to time constraints what this actually meant was never clarified, resulting in the current situation where the Constitution provides simultaneously for a national police service, and the scope for creating municipal police services.

While the ANC was initially hostile to the idea, it soon became clear that local police forces were popular with the public. After the 1995/96 local government election the ANC, seizing the initiative from the DP, started working to make these a reality. By the turn of the century a number of metropolitan police services had been created in ANC-run municipalities.

Legislation now needs to be rationalised to resolve the contradiction of having one national police service while allowing municipal police forces, too.

However, it is also possible to achieve much greater oversight over policing in a particular province without having to create a provincial police service. The provinces are given significant powers in the Constitution and the SAPS Act to oversee policing, and set policy. The Western Cape government is working to secure greater control and oversight of the police, which can be done in the current constitutional and legislative framework.

At the same time, having one national force does not make sense for a country as [large and varied](#) as South Africa. The type of policing necessary for Alexandra in Johannesburg or Sea Point in Cape Town is not the same type of policing needed in Kakamas in the Northern Cape or Nottingham Road in KwaZulu-Natal. Murder rates differ widely (even between our large cities) and so does the type of crime.

The battle over resources between the national SAPS and the Western Cape government is one example of where, overlooking local expertise, the centre seeks to dictate what resources are needed to combat crime, often at the expense of those most affected by crime.

Creating police services that are more rooted in the local community could also go some way to improving trust in the police – one of the least trusted institutions in South Africa.

Several other reforms can be enacted to allow for better and more effective policing in the country.

These include reintroducing specialist units, and giving people tax breaks and deductions for security upgrades on their homes and contributions to private security services.

Restrictions on foreign ownership of security companies would also be lifted.

Another possible reform is giving private security officers the rank of peace officer (giving them broader powers of arrest than they currently have).

How should the GNU make this change in terms of laws, regulations, etc.?

It may not be necessary to make significant regulatory and legislative changes.

Although the Constitution does state that South Africa is to have a national police service, it also allows for municipal police services. Decentralising policing duties to the provinces will not need significant changes in terms of the law or regulation; executive and ministerial guidance and instructions from national government should be sufficient.

Section 206 of the Constitution gives the provinces significant oversight powers. It also requires national policy to be set in conjunction with the provinces to meet their policing priorities and needs. However, since 1996 no overall national policing framework has been developed to take the varying needs of the country's different provinces and municipalities into account. This needs to be developed as a priority.

Allowing each province to have its own police force would require a constitutional change but provisions which give the provinces control over their own policing needs already exist and must simply be applied.

At the same time legislation already exists allowing municipal police to fight ordinary crime (not just by-law or traffic violations) as well as for the establishment of municipal courts, which can also prosecute ordinary crime in terms of existing legislation. There is, therefore, no need for new legislation on these issues.

At the same time, proposed legislation granting national government greater control over municipal police services must be resisted. The current South African Police Services Amendment Bill (it is not clear where it is in the legislative process, although it has come before Parliament) proposes giving the national commissioner considerable control over municipal police. Scrapping this legislation would be prudent for the multi-party government.

On the question of peace officers, this would also not be difficult to enact as legislation already allows for this. However, there would have to be strict regulations governing the behaviour of security officers who have been granted the status of peace officer to curb abuses. Restrictions on foreign ownership would be addressed through existing legislation governing the private security industry.

Will it fly?

Will voters support it?

Voters are likely to back this proposal strongly. As noted, trust in the police (as an institution) has been declining for many years. Anything that will make it more accountable to communities is likely to find strong support among voters. It became clear in the mid-1990s that voters strongly supported municipal police services.

Will economic stakeholders welcome it?

This is likely to be welcomed by investors, too. Crime is often raised as a key barrier and cost in doing business in South Africa. Any contribution to improving the security environment will be welcomed by investors and the market.

Will GNU partners buy into it?

Yes, GNU partners are generally 'law-and-order' parties and this is likely to find relative acceptance among the various partners.

Will the news media support it?

This is likely to receive fairly strong support in the media although there will be opposition from some. However, strong support from voters is likely to be reflected in the media. Opposition is likely to come from those who might believe this is a move by the DA to further insulate the Western Cape against control from Pretoria.

What's the downside?

There seems to be little downside to this proposal. It is likely to be popular among voters and most of the media.

Will opponents derail it?

There will be opposition from two fronts. The first will be from the ANC and its ideological allies who will characterise this as an attempt by the DA to secure policing for a 'minority' (this despite ANC governments having been the first to pioneer municipal police services in post-apartheid South Africa).

The second will come from vested interests in the SAPS who will see increased devolution of policing as a threat to their patronage networks.

This proposal is likely to face stiff opposition and there is a fairly high likelihood that this could be derailed. Nevertheless, given how popular it is likely to be among the public and media, it is certainly not a foregone conclusion that it will be a policy that fails.

Conclusion

Without restoring law and order, South Africa's future looks grim – it is time to change course before the country goes into decline. The GNU's fate, and that of all South Africans, hinges on the unity government's first 100 days.

The 2025 State of the Nation Address will mark the beginning of the implementation of the promises made during the electoral campaigns and the implementation of the governance agenda discussed, developed and agreed upon in the National Dialogue. To this end, this paper outlines a series of reform policies that the GNU can refine and agree upon as pragmatic and mainstream proposals for the upcoming National Dialogue.

These proposals aim to spur thinking about what practical reforms might look like, which concrete steps are required to implement them, and the support and opposition they might encounter. The measures proposed here, though only a fraction of potential reforms, address the most critical areas in need of attention.

The question facing South Africa in the wake of the GNU's discussions cannot be, "Can they come up with a plan?" Instead, it must be: "How can this new government deliver on ambitious goals to restore trust, protect lives and bring about lasting change in South Africa?"

To regain the trust of the public, the GNU must:

- Develop an overall national policing framework which takes into account the varying needs of the country's different provinces and municipalities;
- Decentralise policing and shift policing duties to provinces;
- Utilise existing laws that allow municipal police to handle ordinary crime, and establish municipal courts;
- Push back against the South African Police Services Amendment Bill to prevent increased national control over municipal police; and
- Use existing private security laws to enforce strict regulations for security officers with peace officer status.

Prioritising these reforms, the GNU can drive effective action now, and lead a new era of pragmatic, results-driven policies from day 101 forward.

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