

## **A call for the Devolution of Policing Powers**

**By Adv. Albert Fritz MPP – DA Western Cape Minister of Community Safety**

Chairperson of the National Council of Provinces;  
Members of National Council of Provinces;  
Fellow South Africans;

We have come together here today to debate a very important issue. For many of our citizens, the people we serve, what we are debating here today is literally a matter of life and death.

Chairperson, a fundamental duty of the state is that of protecting its citizens from all kinds of harm. Ironically, this even includes protecting them from harms they inflict on themselves. In a democracy, the noble social contract between the state and the citizens is one in which all parties have obligations, roles and responsibilities.

In the case of the state one of the key roles and responsibilities is that of protecting its citizens from harm. In specific terms Chairperson, the state has to ensure that the relevant state institutions, such as the police, law enforcement and broader criminal justice system are geared to perform this role and perform this role effectively.

It is when this does not happen that citizens begin to feel that they have been abandoned by the state. In this country there is indeed a growing feeling and realisation that a criminal element has infiltrated the state. When that happens the noble social contract begins to unravel, and then citizens begin to take matters into their own hands. It is one of the signal indicators of a failed state.

Chairperson, as the recent spate of looting and criminality has so vividly shown, we have reason to feel extremely concerned about the ability of the SAPS to fulfil its duties in terms of the social contract.

Minister Cele can boast all he wants about how well SAPS handled the looting, but the evidence of the 342 lives that were lost, and the damage to the economy, points to the exact opposite. The truth is that when SAPS needed to show their mettle and ability to protect lives and property, they were nowhere to be found.

My introductory comments are relevant because I am extremely concerned about statements made by SAPS Leadership on various occasions where they have effectively admitted that they are often unable to protect our citizens in terms of the social contract I refer to.

What is even more concerning is that this admission that SAPS has lost the battle to control and push back crime and criminality, is backed-up by their own statistics!

Chairperson, we are facing the prospect of a further deterioration of the situation if we do not get our act together.

The United Nations recommends one police officer for every 450 citizens. While SAPS has a national police to population ratio of one for every 400 citizens, in the Western Cape we have a police to

population ratio of one for every 507 citizens. In Ravensmead on the Cape Flats, the police to population ratio is a staggering one for every 895 citizens.

In his media briefing on the quarterly crime statistics, Minister Cele told us that, because of Covid-19, SAPS has made no new recruits since the beginning of 2020. At the same time, the Minister also announced that he is signing-off on about 100 early retirement applications per month. So, while we have had too few boots on the ground for many years, police officers are also retiring in staggering numbers. And then, to top it off, SAPS is not making any new recruits.

Chairperson, to paraphrase one Vladimir Lenin, whom many of those in this house still nostalgically quote, WHAT IS TO BE DONE?

The first thing that needs to happen is an upfront acknowledgement by the ANC, as the national ruling party, and by Minister Cele as the responsible minister for policing, that we need a complete rethink of the nature of policing.

The bottom line is Minister Cele, policing has failed in this country, under your watch. The bottom line is Minister Cele, every day the confidence of our citizens in a centrally-controlled, centrally-commanded SAPS grows less and less.

The bottom line is Minister Cele, under your political watch SAPS has deteriorated into a dysfunctional, unaccountable organization.

The citizens of this country require a hitherto unheard-of admission by the ANC, and you Minister, that things cannot continue on the current zero-sum path of destruction and dysfunction.

Chairperson, let me expand on this issue. There is a tendency for the ANC to think that the only correct policy response to challenges that emerge in governance is the concentration of power in the hands of ministers. We see this most vividly in the support the ANC is giving to proposals for the greater centralization of policing powers in the SAPS and, by extension, the Minister.

At one level, we shouldn't be surprised by this. The ANC has been singularly unable to break its ideological and political links with Stalinism which by its very nature glorifies and codifies the absurd notion of democratic centralism. And we know what democratic centralism boils down to: it's where the ruling party collapses into the state; where it becomes impossible to separate out the state and party; where the state and party believes that they have the answer to everything.

Democratic Centralism is statism gone mad. Nowhere else, perhaps outside of Cuba and North Korea, is such a fundamentally undemocratic concept codified and celebrated as much as in the case of the ANC.

And Chairperson, let me not miss the opportunity to remind this House to look for the origins and genesis of state capture in the ANC and its Stalinist notion of the National Democratic Revolution. This stillborn revolution, which is supposedly now in its second phase, has been the sole reason for the crisis we find ourselves in in this country, at social, political and economic levels.

And yet, the more the crisis deepens, the more the ANC seeks to centralise!

But our people aren't stupid Chairperson. They fully understand that all the ANC government has managed to do successfully, is centralise failure!

And, our people will demonstrate their opinion on this failure in no uncertain terms in the upcoming Local Government Elections.

As the DA we have the answer to the dysfunctionality of SAPS. We demand greater provincial policing powers and responsibilities, as set out in the Constitution!

In terms of subsection (d) of Section 1 of the Constitution, which covers the founding values of our society, the imperative of responsiveness is placed upon government. There can be little argument against the assertion that, at present, our policing policy is not responsive to the needs of our society.

While Section 199 (1) of the Constitution calls for the establishment of a single police service, and Section 206 (1) places the responsibility for national policing policy with a member of the National Cabinet, Section 206 (2) makes provision for different policies in respect of different provinces after taking into account the provincial needs and priorities of the provinces.

Additionally, in Section 206 (4), the Constitution allows for national legislation to authorise provinces to develop their own policy.

Chairperson, we are currently engaging senior counsel, academics and various other stakeholders to explore the powers of provinces in regard to policing in our country.

I want to thank you once again for the opportunity to address you here today. Honourable Members, I want to ask for your support to our call for greater acknowledgement of provinces' powers and responsibilities! We have all seen, and we all even admit, where the current policing strategy based on centralisation has brought our country, and so I would like to conclude my address by asking you to join us on this journey of giving greater powers to provinces.

Thank you for your attention.