



# South African Police Service July 2021 Unrest Expert Panel Commission Report

## Progress Report & Implementation Plan

06 September 2023

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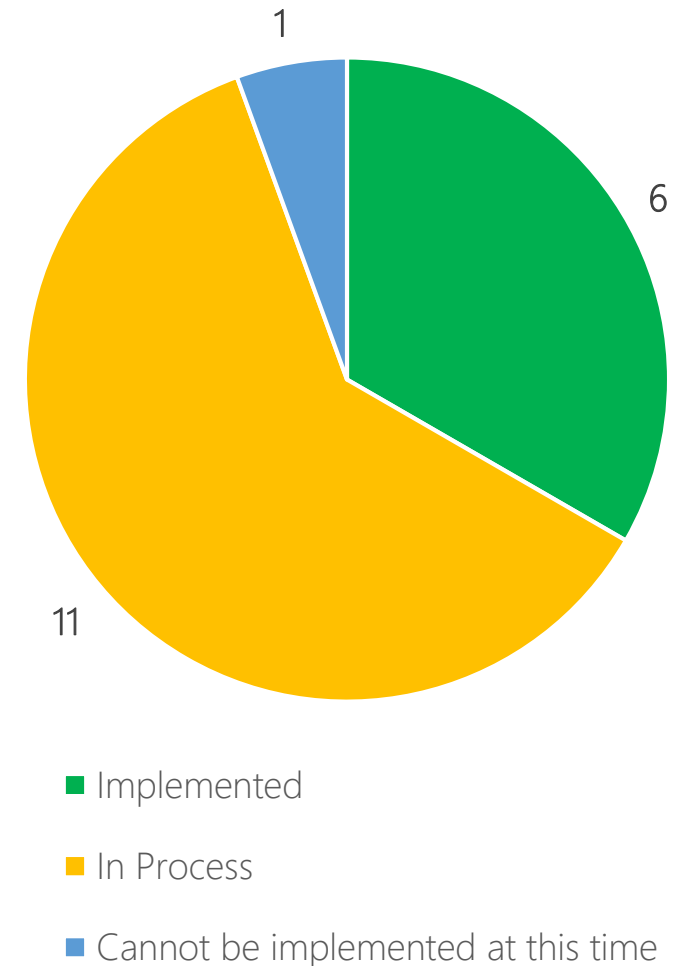
# Introduction

- South Africa experienced violent civil unrest, mainly in parts of the provinces of KwaZulu-Natal and Gauteng, from 8 July 2021 until it was brought under control around 17 July 2021.
- On 5 August 2021, the President of the Republic, Mr Cyril Ramaphosa, announced the appointment of an Expert Panel (“the Panel”) to review South Africa’s response to the unrest.
  - The Panel was required to review South Africa’s preparedness and shortcomings in responding to the unrest.
  - The Panel was chaired by Professor Sandy Africa, with Advocate Mojankunyane Gumbi and Mr Silumko Sokupa as its other members.
  - The Panel’s Report was released on 29 November 2021.

# Overview of Recommendations

- The Report contains a total of **34** Recommendations (please note that the list of recommendations is attached as **Annexure A**).
  - **18** are applicable to the South African Police Service (SAPS).
  - **11** are applicable to the National Intelligence Coordinating Committee (NICOC).
  - **3** are applicable to the Civilian Secretariat for Police Service (CSPS).
  - **1** is applicable to the South African National Defence Force (SANDF).
  - **1** is applicable to the Department of Cooperative Governance.

July 2021 Unrest Recommendations applicable to the SAPS (18)





Progress with recommendations  
relevant to the SAPS



# 2

## Recommendation 2: Government, at all levels, must seriously attend to the socio-economic challenges facing the country

- Cabinet has directed that all Government Departments should focus on the implementation of the Six Pillars of the Integrated Crime and Violence Prevention Strategy (ICVPS).





# 2

## Recommendation 2: Continued...

- The SAPS National Policing Strategy confirms the SAPS' response to the ICVPS and includes a detailed Annual Operational Plan (AOP), with performance targets.
  - It is focussed on the key indicators in the SAPS' Annual Performance Plan (APP), which relate to the prevention and combating of violent crime prevention and improved crime detection.
- The National Policing Strategy comprises the following 6 Focus Areas:



2

## Recommendation 2: Continued...

- Following intensive engagements with the Minister of Police, the Deputy Minister of Police and the Civilian Secretariat for the Police Service (CSPS), the Top Management of the SAPS developed an Increased Crime Prevention and Combating Action Plan (ICPCAP), during May 2023.
- The ICPCAP has a specific focus on the country-wide mobilisation of the SAPS' resources to address violent crime, through, *inter alia*, high-density operations, intelligence-led roadblocks and suspect tracing operations.
  - The ICPCAP also addresses the introduction of specific technology, such as drones, body-worn cameras, Close-Circuit Television (CCTV), the ShotSpotter technology and automated number plate recognition (ANPR), to support the SAPS' operational capabilities.
  - Increased community mobilisation is a key element of the ICPCAP and focuses on the capacitation of Community Police Forums (CPFs) and extensive engagements between the SAPS and communities, through the CPFs, including in rural areas.
  - The ICPCAP also addresses key issues related to the condition and availability of the SAPS' infrastructure and vehicle fleet.
- The ICPCAP has been incorporated into the National Policing Strategy AOP 2023/24, in addition to several other key initiatives that are related to crime prevention, combating and investigation.
- The Minister of Police receives weekly feedback reports from the SAPS' Top Management, including the National Commissioner, Deputy National Commissioners, Provincial Commissioners and key Divisional Commissioners.





# 3

## Recommendation 3:

Social cohesion and support programmes, including solidarity networks that bridge the racial and class divides in society must be supported by all social partners

- The ICPCAP, includes the following interventions to support the functioning of CPFs:
  - **Finalisation of new elections at all levels:**
    - In compliance with the State of the Nation Address (SoNA) statement, Provincial Commissioners were requested to ensure that elections are completed at all levels and newly elected CPFs and Board members are inducted.
      - ❖ All CPF elections have been completed.
  - **Capacity building sessions with provincial and district boards:**
    - Capacity building sessions with the provincial and district boards are in process, in all Provinces.

3

## Recommendation 3: Continued...

- Conducting a “Community Policing Indaba” involving diverse stakeholders in order to generate more ideas as to how CPFs could be enhanced:
  - The Community Policing Indaba was held from 17 to 19 May 2023 and was intended to enhance community and other stakeholder participation in crime prevention, through structured multidisciplinary collaboration.
  - A task team was established to develop an action plan emanating from the discussions during the Community Policing Indaba.
  - All Provincial Commissioners will also conduct Community Policing Indabas, within their Province.
- Provisioning of support to Community Police Forums:
  - Financial support to the value of R70 million was allocated to CPFs by the National Commissioner, in 2023/2024.
  - The funding will be used to provide “tools of trade” for CPFs to function efficiently.



# 8

## Recommendation 8:

Holding accountable those accused of criminal conduct; and insisting on expediting internal disciplinary processes.

- The investigations of these cases were conducted in a multidisciplinary and integrated approach.
  - The DPCI, together with the other role players, prioritised these investigations by creating dedicated investigation teams at head office and in the three affected provinces.
- Current Progress relating to the criminal cases investigated by the DPCI:
  - 68 suspects were arrested and their cases are not yet finalised. The cases are still pending in the Durban magistrate court and the other two cases are pending in the Durban high court and the Pietermaritzburg high court.
  - The cases at the Durban magistrate court were postponed to 17 November 2023 for additional charges and indictment under the Protection of the Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004.
  - The other two cases pending in the Durban and Pietermaritzburg high courts were postponed to 11 December 2023 until 22 January 2024, and 8 September 2023 for judgement.



# 8

## Recommendation 8: Continued...

### ▪ Breakdown:

- Number of cases investigated by the DPCI - 11.
- Number of arrests - 68.
- Convictions - 0.
- Seizures - 0.
- Departmental cases - 1.
- Cases with DPP/SPP for decision - 4.
- Internal disciplinary processes
  - 1 member of the SAPS, based in Durban, was arrested for incitement of violence and is part of the 68 individuals who are attending court.
  - The disciplinary matter against this member is still pending.



10

## Recommendation 10:

The problems in the Crime Intelligence Division of the SAPS must be addressed with urgency

### ▪ Filling of Critical Vacancies:

- The post of Divisional Commissioner: Crime Intelligence was filled on 1 December 2022.
- A total of 18 posts were advertised in the Division: Crime Intelligence since February 2023, of which 15 posts are earmarked for filling on 1 July 2023 and 14 posts were filled.
- 10 SMS posts were filled in 2022/2023.
- 9 posts were filled in the Polygraph Unit within the Division: Crime Intelligence.

### ▪ Post promotions 2023/24:

- 268 vacancies were filled during the 2022/23 post promotion process at Crime Intelligence.

- **Optimisation of Crime Intelligence:**

- The following projects are aimed at further capacitating the Division in the 2023/24 financial year:
  - The SAPS Project 10 000 for 2023/2024: 600 posts were requested by the Division, with an allocation of 100 Collectors for the Eastern Cape.
  - The SAPS project on specialised units 2023/24: 120 posts were requested, with 30 posts for Interception Data Distribution, 20 posts for Technical Support Services, 22 posts for Cybercrime Collection and 48 posts for Analysts.
- The Division has also deployed two operatives per police station, at all Top 30 National High Contact Crime Stations, to provide for proactive and reactive operational intelligence products on prioritised crime threats, in support of the SAPS intervention plan, which is aimed at capacitating these police stations, in the fight against crime.

# 15

## Recommendation 15:

The recommendations contained in the Panel of Experts Report on Policing and Crowd Management established by the Minister of Police in terms of the recommendations of the Marikana Commission of Inquiry should be implemented without further delay.

- The SAPS has developed a comprehensive Progress Report and Implementation Plan on the Farlam Commission Report.
  - The Report contains a total of 136 Recommendations.
    - 102 are applicable to the SAPS.
    - 30 are applicable to the Civilian Secretariat for Police Service (CSPS).
    - 3 are applicable to the Independent Police Investigative Directorate.
    - 1 is applicable to the Department of Cooperative Governance.

Total Recommendations that are applicable to the SAPS		102
The Recommendations have been implemented		63
The implementation of the Recommendations is in process		38
The implementation of the Recommendations has not been initiated		1

# 16

## Recommendation 16:

The police should work towards rebuilding the trust of the communities, and build or strengthen formal and informal relations between the communities they serve, including community leaders.

The SAPS launched the implementation of community perception-based surveys, with the cooperation of the University of South Africa (UNISA), resulting in the development of the following indices:

- Public satisfaction with the SAPS' Performance Index: 50,57%
- Confidence Index for the SAPS to Create a Safe and Secure Environment: 41,64%
- Levels of satisfaction with the SAPS' investigation of crime - Feedback on Complaints Index: 40,70%
- SAPS Visibility and Community Involvement Index: 42,77%
- Community Police Forum Efficiency and Satisfaction Index: 66,45%



# 16

## Recommendation 16: Continued...

- The SAPS has developed the following specific deliverables within the National Policing Strategy Annual Operational Plan 2023/24, which are focused on building trust with the community:
  - Implementation of the Community-in-Blue Concept and the Traditional Policing Concept.
  - Review of the Community Policing Strategy.
  - Reinvigoration of the approach to Community Policing, including:
    - The capacitation of CPFs with key resources (vehicles, laptops, troches & reflective vests).
    - The review of the CPF mandate (CSPS).
    - The finalisation of CPF elections.
    - The hosting of a national Community Policing Indaba and Provincial Community Policing Indabas.
    - The training of CPF members and SAPS members in community policing.
    - The conducting of national and provincial Izimbizos, including at prioritized High Contact Crime Stations, GBVF Priority Stations and rural stations.



# 16

## Recommendation 16: Continued...

- The 3023/24 Service Delivery Improvement Plan (SDIP) was finalised, approved and included in the 2023/24 APP
  - The 2023/24 SDIP includes 11 KPIs that focus on the implementation of the Batho Pele Principles.
  - A monitoring tool has been developed for the above-mentioned KPIs.
- Service Delivery Improvement Plans (SDIAPs) for divisions, components, provinces, districts, stations and units for 2023/24 have been finalised and distributed.

17

Recommendation 17:

The police should work closely with other government departments at district level to ensure that there is an integrated plan to address the socio-economic ills that make the population vulnerable to criminal conduct.

34

Recommendation 34:

Local government should be encouraged to undertake initiatives, including strengthening community policing forums that establish partnerships between the public and the police.

- The SAPS is participating in the development and implementation of the District Development Model (DDM).
  - The Tshwane District has been earmarked for the development of a DDM blue-print, in collaboration with Gauteng Provincial Government, which will be completed by 30 September 2023.
- The NATJOINTS and PROVJOINTS have established priority committees to ensure integrated plans to address socio economic challenges and threats.
  - JCPS Outreach Programmes are being conducted, as part of ministerial outreach programmes, with relevant government departments.
  - National priority interventions are being implemented with relevant government departments, to stabilise identified hot spots by addressing identified crime threats.



18

### Recommendation 18:

Police officers at station level should receive adequate training in crowd control; they should also be involved in exercises to simulate what to do under conditions of extreme violence.

- Measures have been implemented to capacitate Visible Policing members in crowd management techniques.
  - More than 10 000 station members have been trained to assist in crowd management situations, as first responders.
- A total number of 4 900 POP members were trained during the period 1 April 2022 to 31 March 2023.
  - The training includes basic crowd management principles and techniques, the use of an armoured vehicle and water cannon.
- Training for first responders, as well as for POP members, is included in the SAPS' annual Training Provisioning Plan (TPP).

# 19

## Recommendation 19:

The Public Order Police unit needs to be properly capacitated, and equipped, and their methods and training revised to deal with large scale operations.

- A total number of 4 000 new entry-level SAPS Act members were enlisted during 2022/23, of which 3 460 will be deployed at Public Order Policing Provincial Units and 540 at the POPS National Reserve Unit.
  - These members are currently attending the Workplace Exposure Training Programme at police stations and will report to their respective POP Units, on 6 October 2023.
- Command and control of POP capabilities has been centralised, with effect from 01 April 2023 and units operate under one command, at National level.
  - The POP structure has been finalised and is awaiting approval.
  - Since the 1st of July 2023, three National Reserve Units were amalgamated with the former Provincial units to establish accounting units within the respective Provinces and one Reserve Unit was renamed to establish the POP Pienaar Unit.
  - The current capacity of POP within the country comprises of 50 POP (National) Units which are divided within the provinces.
  - The following three units have been established: Limpopo – Groblersdal; Free State – Mooiriver and KwaZulu-Natal – Harrismith.
  - The following two POP Units will be established shortly: Western Cape – Caledon and Vrydenburg.

# 19

## Recommendation 19: Continued...

- Procurement process are in place to procure critical specialised equipment for modernised crowd management.
- The Crowd Management training curriculum, which comprises 5 learning programmes, exposes members to realistic crowd management simulations, including large scale operations.
  - There are dedicated POP training facilities in place (Thabazimibi and Mankwe Academies).
  - Various operational concepts, such as the prohibition of the use of R5 rifles during crowd control, and regulations have been reviewed, aligned with the recommendations and the training material adapted accordingly.
  - Members were also trained in the use of the Long-range Acoustic Devices (LRAD), which is only utilised as a public address system.

# 19

## Recommendation 19: Continued...

- Crowd management training, however, comprises numerous additional function-specific courses, as indicated below:

Type of POP training	2021/22	2022/23
Water cannon operators	36	111
Crowd Management for Platoon Commanders	28	0
Crowd Management for Platoon Members Train-the-Trainer	0	40
Crowd Management for Platoon members, inclusive of the Metropolitan Police Department	199	4 656
POP Refresher's Training	643	258
Dangerous Weapons Act, 2013 (Act No 15 of 2013)	194	0
Crowd Conflict Management Training	44	0
First Aid	47	0
RG-12 Nyala operators Course	-	129
2 <sup>nd</sup> Generation Nyala/Water Canon Induction Course	27	59
New Generation Nyala Mechanical Workshop	50	0
Video Operators Course	50	0
K53 Code EC(14)	9	2
K53 Code C1 (10)Driving License	-	24
K53 Code 10	-	126

23

## Recommendation 23:

Policy pronouncements on the responsibilities and powers of the police needs to be streamlined, and communicated clearly to police officers.

- The policy environment relating to Public Order Policing has been reviewed:
  - National Instruction 4 of 2014: Public Order Policing: Crowd Management during Public Gatherings and Demonstrations, was amended during 2022 to include the recommendations contained in Panel of Experts Report on Policing and Crowd Management.
  - The Use of Force Policy, as approved 30 August 2011 by the Minister of Police Mr Mthethewa (MP), has been integrated into the POP National Instruction.
  - Three Standard Operating Procedures are under review and will be finalised by 31 March 2024:
    - Use of Force during Crowd Management SOP;
    - POP Recruitment and Selection; and
    - Review of POP Deployment SOP.
- National Instruction 5 of 2017 (Media Communication in the South African Police Service) was issued and provides that the Constitution of the Republic of South Africa, 1996, entrenches the right to freedom of expression within certain limitations, which are provided for in the Constitution.
  - The Constitution also determines the objectives of the South African Police Service and requires the National Commissioner to control and manage the Service in a manner that will ensure that these objectives are achieved.
  - The National Commissioner issued the National Instruction to determine how employees must communicate through the media.
  - National instruction 2 of 2015: Responsibilities of a Duty Officer provides for reporting channels for serious incidents.



### Recommendation 24:

The matter of what constitutes 'critical infrastructure' or National Key Points needs to be reviewed. In spite of the Critical Infrastructure Protection Act having only recently been promulgated, we now have to pause to consider if its coverage is wide enough.

- The Critical Infrastructure Protection Act (CIPA) aims to repeal and replace the National Key Points Act. However, CIPA is not yet fully operational.
- The Critical Infrastructure Council (established in terms of CIPA) is operating in preparation of the finalisation of the Regulations before the Act will be put into operation.
- The impact of the Act and its effectiveness can only be evaluated once the Act is in operation.
- Therefore amendments to the Act before it is put into operation will be premature.

### Recommendation 26:

A crime prevention strategy between the SAPS and PSIRA needs to be developed; this could include SSPs being afforded minimum police-related powers in times of crisis and equipped with legal knowledge about the extent of their role, to be more effective.

- The SAPS and PSIRA have entered into a MoU to address cooperation and regulation of the private security industry.
- In addition, the SAPS and BACSA developed the Eyes and Ears “E2” Concept that facilitates the involvement of the private security industry in crime prevention.
- The E2 concept is based on the premise that the private security industry functions as Eyes and Ears of the SAPS, but each functions within in its own legal parameters.

## Recommendation 28:

A more structured process should be developed, with effective risk assessment at its centre, to assist the police to react timeously to unrest

- The establishment of a National Co-ordination Centre (formerly referred to as the NATJOINTS Nerve Centre) and the implementation of a new practice already approved for the functioning thereof by the National Security Council (NSC).
  - Project 1 (NOCC at Mobilisation Support).
  - Project 2 [Integrated Management Centre (IMC) at Maupa Naga as NOCC Redundant Site and VVIP Hosting Centre].
  - Project 3 [Renovation of Toise Building as interim accommodation of NATJOINTS activities, until new build is completed].
  - Project 4 – [Roll-out and capacitation of Operational Command Centres (OCC's) at Provincial and District levels].
  - Project 5 – [New Build – Establishment of the (NATJOINTS) National Co-ordination Centre].
- The integrated feasibility-work study in respect of process and practice for the establishment of establishment of a National Co-ordination Centre has been completed.
  - The work-study investigation and the DPWI feasibility report were submitted to and approved by the NSC.

28Recommendation 28:  
Continued...

- A Threat Matrix was established and is being maintained with a concomitant process where actionable alert/early warning intelligence received from the Intelligence Community, and self-observed Open Source Intelligence (OSINT), including Social Media, is disseminated to subordinate structures and tracked for planning/actioning by way of receipt of certificates from Provincial Operational Command Centres (POCC's) and PROVJOCS.



29

### Recommendation 29:

Business feels that they should be briefed urgently on what action is being taken to identify perpetrators of the July 2021 violence and bring them to book.

- The National Head: DPCI provides quarterly national briefings on the crimes that are addressed by the DPCI, including successes.



30&31

### Recommendations 30 & 31:

Business believes that strategic distribution centres must be allocated “national key point” status. These include fuel pipelines, water treatment plants, specific 79 chemical facilities and others

They (TRANSNET) want to pursue the designation of certain infrastructure as critical infrastructure or national key points in terms of the Critical Infrastructure Protection Act.

- Interim Critical Infrastructure Protection Regulations were approved and published in the Gazette on 5 May 2023.
- The regulations regulate the functions and performance of the Council.
- The broad regulations are in the process of being consulted and will be published in the Gazette after approval from the Minister.



32

### Recommendation 32:

They (TRANSNET) would like to see the Coordinating Council provided for in the Act, established as soon as possible and the parliamentary process to finalise the regulations for the operation of this body, concluded.

- Members of the Critical Infrastructure Council have been appointed.
- Interim Critical Infrastructure Protection Regulations were approved and published in the Gazette on 5 May 2023.
- The regulations regulate the functions and performance of the Council.
- The broad regulations are in the process of being consulted and will be published in the Gazette after approval from the Minister.



Thank You

# Annexure A – Recommendations (1)



Recommendation	Responsibility	Status
1. It goes without saying that the capacity of the security services needs to be strengthened to respond effectively to all situations. The security services must use all the lawful levers available to them, in particular the need to intercept communications, in a lawful manner, where the security of the State is at stake. They need to strengthen their technological capacity as well.	National Intelligence Coordinating Committee	
2. Most important of all, government, at all levels, must seriously attend to the socio-economic challenges facing the country. We will be failing in our duty if we fail to express the profound frustration from, in particular the civil society, business and security sector delegations we met, that the government is not paying sufficient attention to this matter.	Division: Visible Policing and Operations	
3. Social cohesion and support programmes, including solidarity networks that bridge the racial and class divides in society must be supported by all social partners, to ensure that there is accountability, restorative justice and compensation of those who have suffered harm through the violence.	Division: Visible Policing and Operations	
4. A national early warning capability must be established to ensure accurate and timely intelligence is provided to the government on an ongoing basis.	National Intelligence Coordinating Committee	
5. The multiplicity of intelligence coordinating structures must be rationalised. The proposals made in the High-Level Review Panel need to be evaluated against the experience of these riots.	National Intelligence Coordinating Committee	
6. The country needs a more effective and streamlined and accountable intelligence capacity. Thus the President should identify and implement those recommendations of the High-Level Review Panel that need urgent implementation.	National Intelligence Coordinating Committee (Presidency)	
7. The steps by the President should include bringing stability to the SSA by appointing suitable people into positions of leadership is an urgent priority to counter the demoralisation that has dogged the agency for years.	National Intelligence Coordinating Committee (Presidency)	



# Annexure A – Recommendations (2)



Recommendation	Responsibility	Status
8. Holding accountable those accused of criminal conduct; and insisting on expediting internal disciplinary processes.	Directorate for Priority Crime Investigation	
9. Government needs to take a firm decision about whether the Agency is going to be split into two and initiate the legislative processes for that if this is to be pursued.	National Intelligence Coordinating Committee (Presidency)	
10. The problems in the Crime Intelligence Division of the SAPS must be addressed with urgency, meaning there must be stability at the top. There are good officers in this section of the police who are dedicated to their work but are frustrated by the instability at the top, including that introduced into police structures by the instability within the governing party.	Division: Crime Intelligence Division: Human Resource Management	
11. Government must ensure that the National Intelligence Estimate (NIE) developed for 2022, and for all years going forward after being approved by the NSC and the Cabinet, informs planning across all government departments, and that there is accountability by various government departments for their role in averting threats to national security.	National Intelligence Coordinating Committee	
12. Institutionalising intelligence briefings to the Premiers of the provinces on a regular basis should be re-established as the norm.	National Intelligence Coordinating Committee	
13. There is a need for regulations to compel intelligence structures to provide intelligence to NICOC.	National Intelligence Coordinating Committee	
14. The Intelligence services can benefit from structured interaction with State-Owned Companies, the business sector, the private security industry, think tanks, and most importantly community-based organisations. Whilst the primary function of these organisations differs from Intelligence, what they do often entails the gathering of information relevant to the security of the country.	National Intelligence Coordinating Committee	
15. The recommendations contained in the Panel of Experts Report on Policing and Crowd Management established by the Minister of Police in terms of the recommendations of the Marikana Commission of Inquiry should be implemented without further delay.	SAPS Management Civilian Secretariat for Police Service	

# Annexure A – The Recommendations (3)



Recommendation	Responsibility	Status
16. The police should work towards rebuilding the trust of the communities, and build or strengthen formal and informal relations between the communities they serve, including community leaders.	Division: Visible Policing and Operations Component: Strategic Management	Yellow
17. The police should work closely with other government departments at district level to ensure that there is an integrated plan to address the socio-economic ills that make the population vulnerable to criminal conduct.	Division: Visible Policing and Operations	Yellow
18. Police officers at station level should receive adequate training in crowd control; they should also be involved in exercises to simulate what to do under conditions of extreme violence.	Division: Human Resource Development	Green
19. The Public Order Police unit needs to be properly capacitated, and equipped, and their methods and training revised to deal with large scale operations.	Division: Visible Policing and Operations Division: Human Resource Development	Yellow
20. The appointment procedure of the National Police Commissioner as set out in the Constitution may need to be changed. The attempts in legislation to try and delineate the powers of the Minister of Police from those of the Commissioner, while commendable, have introduced some confusion over the years. We were informed that whether the relationship between a Minister and a Commissioner works depends on the individuals occupying the posts. This is clearly untenable, and if it requires closer scrutiny of the process leading to the appointment of the National Commissioner, this should receive urgent attention.	Civilian Secretariat for Police Service	
21. The policy relating to community patrols in support of anti-crime operations needs to be refined. There is merit in communities working closely with the police to fight crime, but there is a reason why the state is accorded a monopoly of the use of force in a democracy. The move from armed community patrols to vigilantism can be swift, as seen during the July riots. Matters such as arms control and supervision of the activities of these groups, described by some as militia, fell by the wayside, with a mixture of 'community groups', private security and criminal groups seemingly heavily armed and, in some instances, taking the law into their own hands.	Civilian Secretariat for Police Service	

# Annexure A – The Recommendations (4)



Recommendation	Responsibility	Status
<p>22. In light of the reality that budget constraints limit the number of police we can employ in the short to medium term, our Constitution correctly envisaged that from time to time members of the South African National Defence Force may be called upon to assist the police in the execution of their duties. There is, however, no policy to require that members of the SANDF at the outset be trained in policing duties, such that they are always ready to perform this secondary role if called upon to do so. We should look into introducing basic police training to military recruits, rather than the proposal to create a separate military police unit</p>	South African National Defence Force	
<p>23. Policy pronouncements on the responsibilities and powers of the police needs to be streamlined, and communicated clearly to police officers. With inconsistent and sometimes conflicting messages coming from the Minister and National Commissioner it becomes very difficult for police to know whether, when faced with volatile situations, they can act firmly or not.</p>	Component: Corporate Communication and Liaison Division: Legal Services	
<p>24. The matter of what constitutes 'critical infrastructure' or National Key Points needs to be reviewed. In spite of the Critical Infrastructure Protection Act having only recently been promulgated, we now have to pause to consider if its coverage is wide enough. We were informed, for example, that the Transnet oil pipeline is not a National Key Point, only certain parts are. The private sector raised the matter of key contributors to the food production value chain in the country. Should they not be considered for this category? Likewise, the supply and distribution of critical medical supplies, some of which ran out during the riots. Our proposal is that in line with new realities of what keeps nations together, the matter of what we regard as 'critical infrastructure, or National Key Points should be revisited.</p>	Division: Protection and Security Services Division: Legal Services	
<p>25. Section 37 of the Constitution makes provision for the declaration of a State of Emergency under certain circumstances. The State of Emergency Act, 1997 complements the constitutional provisions, and related regulations have been drafted but not finalised. On the other hand, the Disaster Management Act has been used to regulate the state's response to the Covid-19 pandemic. The far-reaching regulations, which included provisions for the imposition of a curfew, and other lockdown rules, were deemed to grant the state sufficient extraordinary powers to bring the unrest under control.</p> <p>Either the Disaster Management Act must be revised to deal adequately with mass violent events, or the State of Emergency Act or its regulations must be fully realized to deal with emergencies of all the kinds we can contemplate including terror attacks, insurrections, major disruption of critical infrastructure, including through cyber-attacks.</p>	Department of Cooperative Governance and Traditional Affairs	

# Annexure A – The Recommendations (5)



Recommendation	Responsibility	Status
26. A crime prevention strategy between the SAPS and PSIRA needs to be developed; this could include SSPs being afforded minimum police-related powers in times of crisis and equipped with legal knowledge about the extent of their role, to be more effective.	Division: Visible Policing and Operations	Green
27. Leaders of the business organisations we spoke to recommended a strong and effective partnership between business and government to engage on how to provide a safe space in which business can function, and to plan and manage the response if such insurrectionary activity recurs, which they believe is likely.	Civilian Secretariat for Police Service	
28. A more structured process should be developed, with effective risk assessment at its centre, to assist the police to react timeously to unrest; in that regard business is willing to work closely with the police and other security services.	NATJOINTS Secretariat Division: Visible Policing and Operations	Yellow
29. Business feels that they should be briefed urgently on what action is being taken to identify perpetrators of the July 2021 violence and bring them to book.	Directorate for Priority Crime Investigation	Green
30. Business believes that strategic distribution centres must be allocated “national key point” status. These include fuel pipelines, water treatment plants, specific 79 chemical facilities and others. Clear criteria and prioritisation lists must be established for the deployment of forces to specific national key points.	Division: Protection and Security Services	Yellow
31. They (TRANSNET) want to pursue the designation of certain infrastructure as critical infrastructure or national key points in terms of the Critical Infrastructure Protection Act.	Division: Protection and Security Services	Yellow
32. They (TRANSNET) would like to see the Coordinating Council provided for in the Act, established as soon as possible and the parliamentary process to finalise the regulations for the operation of this body, concluded.	Division: Protection and Security Services	Yellow
33. They (TRANSNET) would like to see better coordination and information sharing between the security services, particularly intelligence, and the bodies providing critical infrastructure such as Transnet, PRASA, ESKOM, and the telecommunications services. The revitalisation of the government’s Security Managers’ Forum is an important step in this regard.	National Intelligence Coordinating Committee	
34. Local government should be encouraged to undertake initiatives, including strengthening community policing forums that establish partnerships between the public and the police.	Division: Visible Policing and Operations	Yellow