

HORIZONTAL AND VERTICAL COOPERATION ON INTERNAL SECURITY AND CRIME

20-21 JANUARY 2016 | VIGYAN BHAWAN, NEW DELHI, INDIA

Mr. Mohammed Bhabha
Advisor to the Minister of Constitutional Affairs
South Africa

Context

- Post apartheid South Africa challenge: integrate 14 police services, each with capacity do destabilize the State
- Consequence: a single police force with central command and control within the central government. One police commissioner located at central government and provisional commissioner reporting to the national commissioner
- Anomaly: While policing- concurrent function, political accountability is limited to provincial function
- Policing is a concurrent power and the political accountability at the provincial level is limited to an operational level within a national frame work where the provincial commissioner reports to the provisional government
- Uneven development compelled the central government to assume a strong redistributive role- finance and capacity
- More than 60% of the budget is given to the provinces as with all concurrent powers of which policing is one

Architecture

- Hence the responsibility for development of policies and legislative framework, M & E and maintenance of minimum standards vests with the central government
- At national level the police ministry belongs to cabinet cluster which includes prisons, national intelligence and justice (exclusive powers) to ensure coordination, cooperation and sharing of intelligence
- An intergovernmental committee comprised of heads of administration and technocrats to deliberate on the efficacy of policy and political decisions

Lessons

- Design objective performance indicators to minimize political impulses
- The location of the M & E is important
- Funded mandates or conditional grants powerful incentive. Central government's ability to intervene when a province fails to comply is a further encouragement
- The inclusivity established by MINMECs makes state ministers part of policy development and reduced the risk of recalcitrance

Thank you