PEACE AND STABILITY 8

A MID-TERM REPORT

1. Introduction

This Report is based on the resolutions of the Mangaung Conference, underpinned by the desire to realise the objectives of the Freedom Charter and informed by the activities of the Justice Crime Prevention and Security Cluster as well as the ANC Caucus of Parliament (Peace and Security Cluster) in the period following the Mangaung Conference and guided by the ANC Manifesto of 2014 and Medium Term Strategic Framework (MTSF) 2014–2019. The report seeks to provide feedback on the progress made regarding the implementation of the resolutions of the Mangaung Conference regarding peace and stability.

The vision of the committee can be expressed in the words of the National Development Plan (NDP) that in 2030, people living in South Africa are safe and feel feel safe. They are safe at home, at school, at work and enjoy an active community life free of fear. Women can walk freely in the streets and children can play safely outside. The police service is a well-resourced professional institution staffed by highly skilled officers who value their work, serve the community, safeguard lives and property without discrimination, protect the peaceful against violence and respect of the rights of all to equality and justice.

The NDP further provides that in 2030 South Africa has zero tolerance for corruption, the citizenry have the confidence and knowledge to hold public and private officials to account and leaders hold themselves to a high ethical standard and act with integrity.

2. Progress in realising the 2nd Phase of transition

The Security Cluster has been able to address some of the resolutions of the Mangaung Conference with varying degrees of success.

2.1 POLICE

SAFER COMMUNITIES

The Annual Crime Statistics released by the Police for the period 2008/09 to December 2013 indicate a continued general decrease in serious crime. The general decrease in serious crime can be attributed to the following:

■ Huge investment in policing and criminal justice system since 2009.

■ Improved police to population ratio which now stands at 1:336

■ Various other initiatives also contributed in this fight against crime, such as:

❏ closer interaction with communities, through strengthened implementation of Community Policing Forums (CPFs) and Community Safety Forums (CSFs) (there are, however, issues delaying full implementation). Sector policing has also been adopted as an operational policing approach to strengthen the philosophy of community policing in SAPS. As at the end of 2013/14, sector policing was implemented at 1 078 (95%) of the 1 137 police stations;

❏ the implementation of a Rural Safety Plan;

❏ Improving the police forensic capabilities at crime scene and forensic laboratories; (the National Department of Health laboratories have also improved their capabilities and capacity and have made progress relating to the backlogs in terms of blood and toxicology analysis).

❏ Improvements to the Automated Fingerprint Identification System (AFIS) as well as staffing and technology at local criminal record centres; and

❏ Improvement in detective services capacity, skills and training.

The reports of Victims of Crime Surveys in 2011 and September 2012 also indicated that victims of crime are beginning to see some results in the fight against crime and the improvement in the treatment of victims. This has also been alluded to by the 2013 Ipsos-Markinor survey which found that more than half (55%) of the population perceive government as performing well in ensuring the safety of the public by deploying the police within communities; and

the US-based IHS Crime Index which also noted that *"[t]he decline in overall crime in South Africa has been echoed in both indices, reporting a steady decline since 2002. Violent crime is at the lowest level seen in a decade, declining some 40% between 2002 and 2013. Property crime experienced a decrease of 24% over the same period."*

However, there has been only a slight reduction in the number of serious crime cases reported in the 2013/14 financial year according to police statistics released in September 2013. A worrying development has been the 0.5% increase in the number of contact crimes (murder, attempted murder, sexual offences, and assault with intention to inflict grievous bodily harm, common assault, robbery with aggravating circumstances and common robbery) reported in the same period.

The terms of reference for the second Victim Satisfaction Survey for 2014 was approved by the Director General of Department of Social Development for implementation in the 2014/5 financial year.

The Safer Festive Season Operations continues every year around such periods, with a concerted focus on crimes against women, children, persons with disabilities and the elderly. This campaign will continue in the years to come until crime over the festive season has been significantly lowered.

President Jacob Zuma has mobilised support for the crime combating effort, ahead of the 35th Annual Crime Stoppers International Conference when he called for a more active citizenry to enhance the quest to fight all types of crime that endanger and undermine human rights. He indicated in a media statement that in the South African context, active citizenry was yet to be fully exercised to advance the cause of drastically curbing crime. *"If we are to make even more meaningful inroads in the fight against crime, as a people, we need to fully activate our sense of community and each play our role in supporting the law-enforcement officers of South Africa, of the Southern African Region and even further afield. We must blow the whistle on crime when we are aware of it, whether it happens on a street corner or behind a closed bedroom door,"* said President Zuma. The President added that tolerance of perpetrators of crime in communities was no longer an option. *"In any country, the heinous murder of law-enforcement officers can never be supported, condoned or overlooked,"* he emphasised.

There seems to be a growing tendency towards attacks directed at law-enforcement officers. This is a phenomenon that would require the attention of

security cluster with a view to ensuring that the law enforcement officers gain the necessary respect from the population of South Africa whilst respectfully providing service to them.

Through partnerships and tip-offs received via Crime Stop and Crime Line a total of 3 280 persons have been arrested and over R56 million worth of illegal or unlawfully obtained property and goods have been seized between 2007 and 2014. Furthermore and consequent to collaborative Drug Watch campaign in Gauteng and the Western Cape, 30 000 drug offenders were taken into custody, as a result of tip-offs. This clearly illustrates the value of collaboration between the law enforcement agencies and communities

PROGRESS IN ESTABLISHING COMMUNITY SAFETY FORUMS (CSF's)

CSF's have been established in all provinces except Free State. The level of implementation has been uneven, with some provinces such as Limpopo having reached their target, while other provinces have made only marginal progress. The majority of the structures have been established at a local municipal level as opposed to district and metro. The structures that have been established appear to be functional, with clearly designated chairpersons and frequent meetings. Changes in senior management personnel have had a negative impact in the establishment process in the Free State. The Free State is in the process of holding workshops with municipalities, with a view to obtaining Council Resolutions for the establishment of CSFs.

There are 278 municipalities. A total of 126 CSF's has been established in eight provinces. At this rate, the implementation process could be finalized in one to two years' time.

CHALLENGES

There is still a negative perception among the population regarding personal safety, citing instances of violence against women, children, Lesbian, Gay, Trans-gender, Bi-sexual and Inter-sex (LGBTI) persons, the elderly, as well as farm attacks. Consequently, to transform these negative perceptions regarding personal safety it is crucial that the violence against individuals and groups be effectively and efficiently combated. An aggressive media campaign by the security cluster (SAPS in particular) aimed at demonstrating the achievements of the SAPS in the fight against crime may be necessary to counter the negative media reporting.

The fact that SAPS provides the crime statistics on an annual basis implies that trends can only be known after a year. This prevents efficient intervention as plans to circumvent the trends can only be developed once the plans are known. This impacts negatively on what can be shared with the public at media briefings and it impacts negatively on planning interventions as trends and hotspots are not immediately known.

Interaction with the community through street and ward committees needs further attention to augment the work done through CPFs and CSFs. The strengthening of the policy and operational basis of CSF is required (CPFs operate in terms of legislation but not CSFs).

DOMESTIC STABILITY

Domestic instability is a serious challenge that if left unattended will undermine our democracy, rule of law and development trajectory. Issues that contribute to this instability are growing culture of lawlessness, impunity, violence in industrial and service delivery-related protests, as well as disrespect for authority and for one another.

Whilst general stability enforcement actions have continuously been imposed over the period under review, there still are instances of domestic instability characterised by violence associated with protest action (whether service delivery protests or labour protests) and stakeholder rivalries (i.e. union rivalries in the mining sector and violence in the transport sector).

In an endeavour to curb domestic instability, several mechanisms have been put in place including the launching of the Cluster of a Mine Crime Combating Forum (MCCF) in Rustenburg on 14 August 2013 and other Crime Combating Forums in other areas. The setting up of a JCPS National Joint Intelligence Support (NATJOINTS) structure with corresponding sub-structures at provincial and local levels is assisting with coordination of the stability actions. The NATJOINTS is operational on a 24 basis throughout the year. In addition, Inter-sectoral Priority Committees and dedicated inter-sectoral Task Teams, comprising all relevant role players across the JCPS value chain, have been set up to drive interventions as and when required at all levels, in an endeavour to address the priorities of the security cluster of government.

SINGLE POLICE SERVICE

The objective for as Single Police Service is to maximise effective policing in South Africa. This resolution is in a process of been realised. A concrete road map has been implemented by the Peace and Stability Sub-Committee. A technical legal team is being established for legal compliance of the resolution. In effecting a Single Police Service, the subcommittee proposes the option that municipal police function as a division within SAPS with a Deputy National Commissioner responsible for the division. In this option, it will require that the municipal police chiefs are appointed by the municipalities in consultation with the Deputy National Commissioner responsible for municipal policing. The proposal provides for all because the municipalities get to keep the municipal police, and the SAPS gets to exercise central command and control over the Metro Police Chiefs. It will require a reporting function to the National Commissioner. The SAPS Act provides for the establishment of two branches of single service namely SAPS and Municipal Police both becoming into existence by the same act, meaning there are certain readily implementable actions such as the National Standards which look at:

- Uniform training,

- Disciplinary framework,

- Inter-sphere police service co-operation, assessment and review of performance

- Assessment and review of the performance of municipal police in national policing efforts.

The technical team will also look at the effects of road traffic police, a function which is administered by the Department of Transport.

2.2 JUSTICE

IMPROVED EFFICIENCY IN THE JUSTICE SYSTEM AND TRANSFORMATION OF THE JUSTICE SYSTEM

Good progress has been made in relation to the transformation of the justice system.

- The decision to restructure the judiciary and integrate the courts was affirmed by the Superior Courts Bill and the 17th Constitution Amendment Bill which were both signed into law during 2013. The Superior Courts Act brought together a number of separate pieces of legislation relating to the Constitutional Court, the Supreme Court of Appeal and the High Court. The Act also rationalised the 13 High Courts, which included those inherited from the former apartheid homelands into a single High Court with a fully functional divisions of the Court established in each Province. The 17th Constitution Amendment Act on the other hand paved the way for the Constitutional Court to be the apex court

on all matters. This Act has also enhanced the independence of judiciary and strengthened the separation of powers.

■ In its endeavor to transform the justice system the Department of Justice and Constitutional Development has also started to implement the alignment of the magisterial districts to municipal districts. In this regard, 36 magisterial districts within Gauteng and North-West province have been identified for alignment to the municipal districts with effect from 1 December 2014. The process will continue across the other provinces over the next two years. The rationalisation of courts and re-demarcation of magisterial jurisdictional boundary processes resonates within the National Development Plan particularly with regard to its quest to redress the legacy of spatial injustices of the past. The effect of this legacy is that communities living in the defunct Bantustans, and historically Black townships and rural areas continue to be excluded from the mainstream of the country's economy and justice system. In terms of the rationalisation principles for every municipality there ought to be a magistrate's court and for every province a Division of the High Court. The rationalisation project will also benefit the justice sector broadly. Within government the JCPS cluster and law enforcement agencies such the Police, Corrections and the Department of Social Development will be able to reorganise their service areas in line with the rationalised demarcations. This will in turn enhance coordination and integration of services across the justice sector.

■ The Legal Practice Act has been finalized and signed into law. This Act will help in removing barriers to entry into the legal profession and in the long-term increase the pool of legal professionals from which potential judges and magistrates can be drawn. At the same time, the Act will strengthen the independence of the profession, whilst at the same time allowing for greater accountability of practitioners. One of the new initiatives contained in the Act is that there will be one regulatory body for the legal profession as a whole. The Act provides for the Minister to, after consultation with the Council, prescribe the requirements for community service which could include community service as a component of practical vocational training by candidate legal practitioners; or a minimum period of recurring community service by practising legal practitioners.

■ As part of the transformation of the State Legal Services process the DOJCD has proposed amendments to the State Attorney Act of 1997, which have been passed by Parliament. This will enable the Department to appoint a Solicitor-General who will oversee state litigation and put in place measures to effectively manage state litigation. There are serious challenges relating to the functioning of the state attorneys and how state litigation is dealt with. The transformation of the state legal services will help improve the interaction between state attorneys and the client departments.

■ On 17 September 2014 Cabinet noted the transfer of administrative functions and staff attached to the Superior Courts from the Department of Justice and Correctional Service to the Office of the Chief Justice. The transfer of functions and identified staff commenced on 1 October 2014. This is in line with the constitutional requirement for the separation of powers and an independent judiciary. It will also allow the Office of the Chief Justice to render support to the Chief Justice in exercising administrative and judicial powers, duties as Head of the Judiciary and of the Constitutional Court. Through delegated authority sanctioned by the Superior Courts Act and other applicable legislation the Minister's administrative management role is exercised through the Secretary-General of the Office of the Chief Justice as his proxy. The Minister however remains the Executive Authority and in terms of the Constitution and applicable legislation the Secretary-General, and not the Chief Justice, accounts through the Minister to the Auditor-General and Parliament's Standing Committee on Public Accounts (SCOPA) and other relevant Portfolio Committees.

Court Efficiency Improvement. The Cluster continued to make good progress in relation to the move towards a more effective and integrated Criminal Justice System (CJS). In this regard there has been good progress in relation to the following:

■ **Improved Case Finalisation:** The judiciary has embarked on improving the effectiveness of the courts through judicial leadership in case flow management and the development of norms and standards for courts that have been gazetted and applies to all judicial officers. During 2013 National and Provincial Efficiency Enhancement Committees were established, led by the respective Judges President to strengthen coordination and communication and the removal of blockages across the whole criminal justice system value chain.

- The lower and high courts have maintained a positive clearance ratio during 2013/14. A total of 931 799 new cases were enrolled and 962 632 cases disposed of, representing a positive clearance rate of 3.3%. A total of 30 833 more cases were disposed of than received in delivering justice to the community.

- The courts increased the number of criminal court cases finalised with verdict by 1.8% during 2013/14. A total of 5 763 more cases were finalised than in the previous year. The lower courts finalised 329 153 cases with a verdict, with an overall conviction rate of 91.7%.

The first quarter 2014 (April – June 2014) indicated the following positive aspects (NPA statistics):

- High conviction rates were maintained by all courts and the set targets were significantly exceeded. Conviction rates in all forums also improved compared to that achieved in the same period the year before.

- Performance improved with the courts achieving a 94% conviction rate in complex commercial crime, exceeding the quarterly target of 93%. The Special Commercial Crimes Unit's (SCCU) methodology of prosecutor guided investigations (PGI) contributed to the successful prosecutions and increased performance.

On the negative side the first quarter statistics from the NPA indicate the following:

- The courts finalised 1 718 fewer criminal court cases with a verdict, 2.1% below the quarterly target of 81 069.

- Court performance continued to be negatively impacted by case flow related challenges, poor investigations by the South African Police Service (SAPS), shortage of foreign interpreters and Legal Aid South Africa representatives and the unavailability of judicial officers at some courts.

There has also been a significant reduction of court backlogs through the Backlog Courts:

- At the end of March 2014, there were 27 582 backlog cases country-wide in all courts. In addition to the normal courts, 57 regional and 21 district backlog courts assist in dealing speedily with these cases to reduce the backlogs. The backlog courts continued to assist during 2013/14 by finalising 21.3% (3 679) more cases compared to the previous year. This contributed to the overall reduction in the number of outstanding cases which was reduced by 3.6% (6 831 fewer cases) and the backlog cases which was reduced by 11.2% (3 472 fewer cases). The backlog courts further maintained high conviction rates with the district courts maintaining an average conviction rate of 93.1% and regional courts of 75%.

The Sexual Offences Courts programme was re-launched in 2013 to address sexual offence cases more effectively. In this regard 57 such courts were identified to be operationalized, with 22 expected to be re-established during the current financial year.

The Integrated Justice System (IJS) Project, led by the IJS Board and reporting to the JCPS DG Cluster Forum monthly, entails the re-engineering of business processes and ICT system developments throughout the criminal justice process, i.e from arrest to prosecution, to imprisonment, parole and rehabilitation has been fast tracked. Five (5) key Integration priorities were approved for the short to medium term and are currently underway, notwithstanding challenges as a result of SITA areas of concern. Much has been achieved in this regard, but full integration is still work in progress and may take several more years to complete. The 5 key integration areas are as follows:

- Prioritisation of the integration of all the departmental case related systems (in and across Police, NPA, Justice, Legal Aid SA, DCS).

- The establishment of a single person identifier across the Criminal Justice System (CJS).

- Re-prioritisation of the development and rollout of the Person Identification Verification Application (PIVA), and other person related integrations for 10-fingerprint searches, fast criminal record checks on SAPS AFIS/ E-NATIS and DHA HANIS systems.

- The establishment of a single database for the JCPS cluster for statistical purposes and the electronic exchange of management info across the Cluster.

- On-going development of an integrated CJS performance measurement information system and dashboard (based on 28 Key Performance Indicators across the CJS).

Harsher Sentences for Rhino poachers

There has been a visible effort by the courts to hand down harsher sentences against those convicted of rhino poaching.

Race and gender breakdown in the Judiciary 2014

RACE AND GENDER BREAKDOWN OF JUDGES									
	African Male	African Female	Indian Male	Indian Female	Colored Male	Colored Female	White Male	White Female	Total
Total number all Judges	62	16	10	8	12	4	79	14	205
%	30%	8%	5%	4%	6%	2%	38%	7%	100%
	55%						45%		100%

RACE AND GENDER BREAKDOWN OF MAGISTRATES									
	African Male	African Female	Indian Male	Indian Female	Colored Male	Colored Female	White Male	White Female	Total
Total number all Magistrates	416	285	62	88	82	61	421	233	1648
%	25%	17,2%	3,7%	5.3%	4,9%	3,7%	25,5%	14,1%	
	60,3%						39,7%		100%

A comparison of the magistracy between 1998 and 2014 indicates the following progress in making the lower court bench more representative:

	1998	2014	% change
Total generic Black	567	994	75.3%
Total White	948	654	-31.0%
Total female (all races)	284	667	134.9%

CORRECTIONAL SERVICES

In terms of correctional Services the following has received attention:

- **Reduction of Remand detainees:** In general the number of remand detainees have continued to decrease from about 50 511 in 2010 to about 4100 during 2014. DCS, the DOJCD, NPA, SAPS and Legal Aid SA now review the top 20 longest awaiting trial finalisation detainees on a monthly basis in order to prioritise their matters. Lists of those in remand for a lengthy period of time are also shared with the judiciary and at Provincial Efficiency Enhancement Committee (PEEC) meetings chaired by the respective Judge-Presidents. Since its implementation the number of remand detainees who have been in detention for more than 24 months was reduced from approximately 2,200 in July 2013 to 1 889 in March 2014.

- **Rehabilitation and Restorative Justice Initiatives:** DCS has increased its efficiency in the assessment and classification process towards developing an effective correctional sentence plan that will guide interventions for each individual offender based on specific circumstances. Various Correctional Programmes are now available to all sentenced offenders, including skill improvement and educational programmes as well as victim–offender mediation and victim-offender dialogues and other restorative Justice programmes. DCS has signed a number of memoranda of understanding with Non-Governmental Organisations (NGOs), Non-profit Organisations (NPOs) and government departments to ensure community involvement in the social reintegration of offenders;

- **Parole:** the Parole Boards and the Case Management Committees (CMCs) structures were reviewed and strengthened. Integrated training of CMC's and Correctional Services Parole Boards (CSPB's) in all regions have been instituted and all regions have embarked on roll-out training to enhance performance in this regard.

- **Pardons:** Challenges remain in dealing with certain persons who require pardons and have received high media attention.

CHALLENGES

While there have been visible public awareness campaigns by the government, there is no legislation to regulate and synchronise the operations of Parole Boards

Remand detainee overcrowding remains a challenge that needs to be addressed holistically across the JCPS value chain.

Elimination of overcrowding requires comprehensive policies on bail, diversion, sentencing, and parole. Private prisons present policy and operational challenges and this requires further attention.

Reduction of recidivism requires a policy on rehabilitation that neutralises threats against rehabilitation like security and prison gangs. The policy should also strengthen community infrastructure development projects.

There has been no visible effort to resolve the contradictions regarding the role of traditional leaders with regards to the adjudication powers.

The payment of maintenance monies remain a societal challenge that requires attention across all spheres. Educational and awareness raising programmes needs to be enhanced to assist the legislative changes that are currently being promoted to deal with improved maintenance enforcement.

2.3 CORRUPTION

Major strides have been made towards establishing a resilient Anti-Corruption System. More than 800 persons are currently under criminal, financial and/or forensic investigation, with pre-trial proceedings initiated against 298 persons during 2013/14 financial year.

Since 2010 a total of 169 criminal cases, involving 945 persons, have been under investigation and led to 54 convictions. These cases include 7 cases under investigation in terms of the OECD Foreign Bribery Convention.

In the same period a total freezing orders to the amount of R1, 811 million were obtained; assets to the amount of R1, 039 million were seized and criminal assets to the amount of R105 million were forfeited on Anti-Corruption Task Team (ACTT) cases.

During the first quarter of 2014/15, the Asset Forfeiture Unit (AFU) finalised freezing orders to the value of R511 million, exceeding the quarterly target with R344 million (206%). The AFU also exceeded the performance of last year with R382.9 million (299%) due to exceptional performance in April and June. The focus on high value cases, improved investigation of big cases at ACTT and more use of Chapter 6 to speed up cases contributed to the excellent performance. In April 2014, 2 very large court orders of R60m and R431m were also obtained.

It is, however, important to note that although the target was exceeded, performance fluctuates significantly during the year and it is likely that the trend of increased losses will continue from the previous year.

An Anti-Corruption Inter-Ministerial Committee (ACIMC) was established by the President to coordinate and oversee the work of state organs aimed at combating corruption in the public and private sectors. The ACIMC, supported by the ACTT Executive Committee, has met twice (on 30 June 2014 and 12 August 2014) since its establishment on 18 June 2014.

- The ACTT was mandated as a central body to give effect to the government anti-corruption agenda, and it reports to the ACIMC.

- The ACIMC was tasked that a comprehensive review should be should be conducted by the Office of the Public Service Commission on the inter-sectoral National Anti-Corruption Forum (NACF), its structures and its future role in implementing government's anti-corruption agenda, specifically in dealing with public and private sector.

- A first version of a national Base Document on Corruption was developed focussing on South Africa's international anti-corruption related obligations and to inform government's anti-corruption agenda. The Base Document on Corruption is available for distribution to departments. A second version of the Base Document on Corruption is under development to incorporate the SA Domestic policy position.

- A high level Anti-Corruption Governance Architecture was approved, the role-players in the Anti-Corruption Task Team (ACTT) Executive Committee expanded and the operational approach diversified through five new programmes:

  - ❏ **Programme 1:** *Communication and Awareness.*

  - ❏ **Programme 2 :** *Policy & Strategy Development, and Intelligence Coordination*

  - ❏ **Programme 3:** *Public Sector Policy and Capacity Development.*

  - ❏ **Programme 4:** *Vulnerable Sector Management.*

  - ❏ **Programme 5:** *Crime Operations and Resolutions.*

The first report of the JCPS Integrity Support Project was concluded. The objective of the project is to:

■ Identify JCPS cluster employees with conflict of interests;

■ Perform a risk assessment of service providers doing business with the JCPS cluster;

■ Support decision making concerning, strengths, weakness, threats and opportunities in integrity management, supply chain management and auditing;

■ Support vetting processes of JCPS Personnel.

The BRICS heads of states meeting at the 5th BRICS Summit in Durban included BRICS Anti-Corruption Cooperation in the Ethekwini Plan of Action.Corruption has morphed into an organised multidimensional and cross-border phenomenon threatening the national security, economic growth and political stability of states at regional and international levels. In terms of BRICS, closer cooperation is being fostered amongst the BRICS states in relating to anti-corruption activities. Serious and organized crime threatens our national security.

The National Security Strategy (NSS) adopted on 4 December 2013 by Cabinet reflected these and a range of other weaknesses, proposing a comprehensive review of the manner in which South Africa conducts anti-corruption activities.

2.4 HOME AFFIARS

SECURE IDENTITY MANAGEMENT

The identity of all persons in South Africa should be known and secured. National and personal security and public safety depends to a significant degree on the state knowing and protecting the identity and status of every citizen and every foreign national who has entered the country legally. Identity systems that are not secure expose countries to risks and threats from domestic and international crime and terrorism. It also impacts on the integrity of systems including tax collection, business licenses, driving licenses, firearm licenses, social grants, qualifications and security vetting. The main strategies for achieving security in the above regard are the early registration of all births, establishing a secure, comprehensive National Identity System; and the risk-based management of immigration.

The smart ID card is just one element of a comprehensive, integrated National Identity System that is under construction. The system will incorporate HANIS, the database of biometric data (fingerprints, photos and now signatures), and the biographical data

of citizens that is currently on the National Population Register. It will also have data on all known foreign nationals that have been in South Africa, including biometrics. It will be linked to immigration systems that include information on movement control, visa and permitting, asylum seekers and deportation. Such a system can reduce fraud and the cost of services in both public and private sectors.

Good progress has been made in terms of identity management systems entailing the following:

■ Issuing of more than 125 000 smart ID cards during the 2013/14 financial year against the target of 100000.

■ Seventy offices were equipped with live capture functionality for smart ID cards and passports in 2013/14.

■ More than 230 000 smart ID cards have been issued from April to August 2014 with more than 250 000 cards in process of being issued.

■ A total of 35 offices have been equipped with live capture functionality since the start of the 2014/15 financial year bringing the total to 105 offices.

IMPLEMENT INTER-AGENCY CLEARING FORUM (IACF) AT THE BORDERLINE AND PORTS OF ENTRY

The Port of Entry Control Centre) within the Port of Cape Town, was officially opened on 2 May 2014 and other Control Centres will be rolled out to selected harbours over the coming months. Included will be Saldanha Bay, Richards Bay, Mossel Bay and Durban.

The IACF has conceptualised an inter-governmental approach to harbours where all border control departments will be housed and operate from a single facility. The intention of this initiative is to enable Government to better manage maritime ports of entry. The centre will allow Government agencies to jointly control the movement of vessels, cargo and passengers in and out of the harbour as well as jointly rummage vessels suspected of any transgressions. The centre will receive vessel, cargo and passenger information from various sources, and will evaluate information to ascertain risks. The advantage of this concept is that Government will work together from a single facility and act in unison where intervention is required.

The operational part of the centre comprises the Joint Command Centre, which will in turn be supported by an Intelligence Coordinating Centre.

For the centre to operate optimally and for it to meet its objectives, directives have been developed and have been approved by the IACF. These are national directives for the management of the Port of Entry Coordinating Centre (PECC), as well as specific risk-based events. Inter-departmental Standard Operating Procedures (SOPs) are currently being drafted.

One of the tasks of the Joint Command Centre is to rummage vessels and to process crew on their vessels before the crew can disembark, thereby alleviating the risk of admitting inadmissible aliens. In order to achieve this, a portable eMCS (electronic Movement Control System) solution, capable of being transported to various locations and which connects to the main network via Wi-Fi technology, has been developed and implemented. In turn, a Wi-Fi network has been installed in the port to enable the use of the wireless portable eMCS devices.

The original Wi-Fi installation has been found to be effective and it is being expanded to cater for wider area access to DHA's back-end systems. This Wi-Fi network will allow DHA Immigration Officials to access vessels moored far from offices and clear passengers on board.

AUTOMATED CARGO MANAGEMENT

The SAPS (Border Policing) is in discussions with all the relevant departments that have electronic access to systems covering the movement in ports, whether persons or goods, to promote automated cargo management.

Currently there is a pilot project at Cape Town Harbour, where a building was purchased utilising the collective budget of the Border Control Co-ordinating Committee (BCOCC) to provide a a facilty where the computer systems of the relevant departments will be linked to each other. Each system will run on their respective department's network and currently the proposal is to use WIFI or 3G while waiting for the final interface. Target date for full implementation is 2014/2015.

THE ESTABLISHMENT OF THE BORDER MANAGEMENT AGENCY (BMA)

In mid-2013 Cabinet approved that the Department of Home Affairs (DHA) lead the establishment of the Border Management Agency. The planned date for the launch of the BMA is December 2016. The date takes account of the need to provide a solid policy, legislative and operational basis for an organisation that will change the functioning and structure of many departments. The Border Control Coordinating Committee (BCOCC) will be transferred to the BMA Project Management Office from SARS in January 2015. The objective is to strengthen interim measures to secure the border environment and at the same time help prepare for the BMA.

A BMA Project Manager was appointed by the DHA; a work programme was drafted; inter-departmental work-streams and governance structures are operational and a Programme Management Office has been set up. An Institutional Option Analysis Report (this is crucial part of the overall BMA Feasibility Study) has been developed and approved with key inputs by the BMA Oversight Inter-Ministerial Committee.

A business case, which is part of the larger BMA feasibility Study, is to be finalised and submitted to Cabinet before the end of the year with clearly identified interlocking phases.

Three international study tours on border management were undertaken for benchmarking purposes – Europe, Americas, Russia and China.

Work on the BMA legislation is to commence once there is Cabinet approval for the above-mentioned feasibility study with its various components. It is envisaged that the bill will be submitted to Parliament in 2015.

LEGISLATION TO CRIMINALISE FRAUDULENT USE OF VITAL DOCUMENTS

Births and Deaths Registration Amendment Act, 2010 (Act No. 18 of 2010) that was implemented from 1 March 2014 increases penalties for contraventions of the Act from 5 years (in the 1992 Act) to a fine and / or imprisonment to a maximum of 15 years. The Immigration Amendment Act, 2011 (Act No. 13 of 2011) that was implemented from 26 May 2014 increased the penalty for certain offences from 4 years to 15 years, without the option of a fine; and for other contraventions the penalty increase from 2 to 4 years. Other gaps in legislation have been filled, such as preventing the smuggling or trafficking of children and replacing fines with periods of prohibition from re-entering South Africa. Requiring a full birth certificate for children entering or leaving is a regulation that must be explained and defended by all JCPS departments. The overall effect has been to increase awareness of the need to take South Africa's immigration laws seriously.

IMMIGRATION POLICY

The review of international migration policy has reached the stage where the DHA can launch a broad public discussion aimed at building a consensus around the main policy principles and outlook that South Africa as a nation will adopt. These principles are embedded in the Constitution, which is in turn deeply rooted in the history and aspirations of our people. However, the principles have to be defined and understood in the context of a dynamic, globalised world that presents huge opportunities and serious risks and threats.

COUNTER ILLEGAL MOVEMENT OF GOODS AND PEOPLE THROUGH PORTS OF ENTRY AND ACROSS THE BORDERLINE

The SAPS is deployed in all identified ports of entry in the Republic (air, sea and land) under the Component Border Policing. The SAPS is in a process of dealing with the ideal capacity by introducing new intakes.

The DOD safeguards the borderline. The deployment of the SANDF to patrol the country's borderlines is contributing to the safeguarding of the sovereignty of our country.

At present, the SANDF has 13 companies, comprising a total of 2 469 members, deployed in seven provinces along the borderlines (Limpopo, Mpumalanga, KwaZulu Natal, Free State, Eastern Cape, Northern Cape and North West.

The other primary departments are also dealing with the issue of capacitating their environments.

2.5 DEFENCE

SOUTH AFRICAN DEFENCE REVIEW

Twenty-Year Trajectory

The Defence Review 2014 defines the policy and strategy principles that will steer the Defence Force through the next twenty to thirty years to achieve the following identified targets, namely:

- **Planning Milestone 1:** Arrest the decline in critical capabilities through immediate and directed interventions.

- **Planning Milestone 2:** Reorganise and rebalance the Defence Force as the foundation for future growth.

- **Planning Milestone 3:** Create the sustainable Defence Force that can meet ordered defence

commitments (interim end-state of the Defence Review).

- **Planning Milestone 4:** Enhance the Defence Force's capacity to respond to emerging threats (end-state of the Defence Review).

- **Planning Milestone 5:** Defend the Republic against an imminent or dire threat.

Each of the above five milestones in the Defence Strategic Trajectory specifies an estimated budget requirement, personnel targets, required number of operational units, required capital programmes, and organisational interventions to be pursued.

The Capability of the End – state Defence Force (2035)

The primary focus of Milestone 4 (Year 2035), being the desired end-state of the Defence Review, is to develop those capabilities that would: Ensure that the Defence Force remains relevant to developments in the strategic environment and be able to respond to wide range of strategic challenges. The defence capability for Milestone 4 is posited as:

- *Internal Operations*

One sustainable infantry battalion-group with associated medical, air and other support, dedicated to cooperate with the Police Service and conduct other routine internal tasks.

- *Border Safeguarding Operations*

The sustained deployment of five infantry battalions, with appropriate embedded combat support and combat service support capabilities, in a 1 in 3 rotation-cycle, implying a pool of 15 battalions to conduct this task appropriately.

The sustained deployment of a two warships, with the required embedded capabilities, on patrol along the east coast and two warships on patrol, with the required embedded capabilities, along the west coast of South Africa, expandable to the maritime areas south of the SAHEL.

The sustained deployment of two maritime reconnaissance/patrol aircraft on patrol along the east and west coasts of South Africa, expandable in support of surface and sub-surface maritime deployments.

Peace Missions

In Milestone 4, three large, enduring peace missions can be sustained at the level of a combat-group

in each instance. In each deployment area a 1 in 4 rotation-cycle can be achieved, implying a pool of 12 constituted combat groups to conduct this task appropriately. The efficacy of forces deployed in peace missions is increasingly enhanced by improvements in command and control, intelligence, firepower, manoeuvre, protection and sustainment systems.

Intervention Operations

In Milestone 4, a sustainable mission-tailored task force of approximately brigade-strength can provide early entry, link-up and follow-on forces to either fulfil South Africa's continental obligations or to protect vital national interests. This may possibly comprise:

- A combat group-sized early entry force comprised from Special Forces and/or Special Operations Forces.

- A link-up Special Operations Force, reinforced by attached elements from the combat services, supporting arms and any other specialist military capability to enhance firepower, manoeuvre and protection.

- A motorised or mechanised follow-on force, augmented as necessary with heavier combat capabilities required for the task.

In Milestone 4, as the capabilities initiated in Milestones 1 to 3 become available, the intervention force enjoys greater:

- Inter- and intra-theatre mobility

- Landward, air and maritime combat support

- Firepower, protection and manoeuvre as may be required for operations in complex and often hostile environments.

Defence Operations in the Republic

In Milestone 4, operations within the Republic would extend to the enhanced and expanded protection of bases, critical infrastructure, lines of communication and identified vital national interests in the rear area.

Regional Assistance Operations

In Milestone 4 significant regional assistance, disaster relief and humanitarian aid can be provided and sustained.

2.6 MILITARY VETERANS

Utilisation of the Skills of Military Veterans

A mechanism is being developed to utilise the skills of the military veterans in the various departments of government. The Forum of South African Director Generals (FOSAD) should be the driving force in identifying opportunities as section 5 (3)(b) of the military veterans act places obligations on all organs of state to play a crucial role in utilising skills of military veterans.

Progress in implementing benefits for Military Veterans

There have been some positive strides made since the establishment of Department of Military Veterans (DMV) such as:

- Allocations by National Treasury for the Department of Military Veterans increased substantially from R20 million in 2010/11 to R504 million in 2014/15.

- 800 military veterans have access to the Department of Social Development's SASSA program for relief of social distress.

- 645 military veterans accessed education in 2014 and 13 058 have been provided with healthcare services.

- Funds have been transferred to the Department of Human Settlements (DHS) for the construction of houses for military veterans.

- DMV and DHS have agreed that a total of 1505 houses will be built for military veterans in 2014/15.

- A list of 116 military veterans has been forwarded per for compensation for injury in military services.

2.7 INTELLIGENCE

SECURE CYBERSPACE

The National Cyber-security Policy Framework (NCPF) has been developed and approved by Cabinet and the implementation plan thereof is being led by the State Security Agency (SSA).

Implementation aspects include the following:

- Establishment of a JCPS Cyber-security Response Committee (CRC) in 2012 chaired by SSA;

- Initiation of the establishment of a Cyber Security Centre at the SSA to deal with cyber security threats;

- Initiation of a Cyber Security Hub by the

Department of Telecommunications and Postal Services (DTPS) to ensure engagement with civil society and business;

■ Repositioning of the current Electronic Communications Security Computer Security (CSIRT) to deal with cyber threats targeted at organs of state.

Specific policies that have been developed and await discussion at JCPS Cluster level include the following:

■ An overarching draft Cyber Security Policy has been developed in line with the NCPF under the guidance of SSA.

■ A draft National Critical Information and Infrastructures Policy has been developed under the guidance of SSA.

■ A draft National Cybercrime Policy has been developed under the guidance of SAPS.

■ The review of current cyber security laws was conducted and to address the gaps identified during the review, a draft Cyber Security and Related Crimes Bill was developed under the guidance of DoJ&CD to address cyber threats and cyber security.

■ The development by the Department of Science and Technology (DST) of a National Cyber Security Research & Development Agenda to build the requisite capacity and skills to deal with cyber threats is receiving attention; and

■ The development of an Online E-Identity Management Policy under the guidance of DTPS is underway.

■ Training for SAPS and DPCI cybercrime investigators, prosecutors and the judiciary regarding cybercrime is continuing.

In line with the JCPS Delivery Agreement, the NPA continued to place a special focus on the prosecution of cybercrime cases in order to curb this growing international phenomenon. These cases are very complex and encompass extensive technical evidence. The majority of matters (70%) are therefore dealt with by the Special Commercial Crimes Unit (SSCU). During 2013/14, the NPA SCCU has improved the prosecution of cybercrime cases by finalising 52.9% (73) more cases than in previous year. A total of 211 cybercrime cases were finalised with a conviction rate of 94.8%.

THE NATIONAL SECURITY STRATEGY IMPLEMENTATION PLAN

The National Security Strategy for South Africa was approved on 4 December 2013 with the instruction that it be implemented speedily. A NSS Implementation Committee chaired by the Coordinator for Intelligence, is in place and consists of the chairs of the following six sub-committees:

■ **NICOC Principals Committee**, which already exists.

■ **Chair of Sub-Committee**: Review of JCPS Cluster Structures.

■ **Chair of Sub-Committee**: Violent and Organised Crime.

■ **Chair of Sub-Committee**: Private Security Industry: the existing PSIRA Working Group set up the Secretary of Police to do this work.

■ **Chair of Sub-Committee**: Counter-Corruption: the existing ACTT to do this work.

■ **Chair of Sub-Committee:** Border Security and Migration: DHA and the SANDF to co-chair this work.

The NSS deals with threats to the authority of the state as well as threats to the territorial integrity of the Republic. There are four threats to the authority of the state that the NSS focuses on:

■ Outsourcing state security to the private security industry,

■ An uncoordinated approach to cyber security,

■ Domestic instability, and

■ Espionage activities of foreign intelligence services

A national threat that is increasing relates to the theft of copper, copper cables and other non-ferrous metals. This threat has a serious impact on infrastructure development and the supply of power and even water. The JCPS is addressing this through Priority Committees in conjunction with the intelligence community and other relevant role players. Legislative amendments to various pieces of legislation are also envisaged.

The main threats to the territorial integrity of the Republic are identified as follows:

■ Weak control and management of border security,

■ Uncontrolled migration, and

■ International terrorism.

INVOLVEMENT OF OTHER CLUSTERS

It is clear that interaction with other Clusters is required. The following has been identified for interaction:

- ■ *Engagement with the Economic Sectors and Employment Cluster:*
  - ❏ Comprehensively scoping the illicit economy.

  - ❏ Develop and implement a strategy to eradicate the illicit economy and to define the role of the security services.

  - ❏ Review and capacitate the effort in terms of specialised skills, budget, human resources and equipment.

  - ❏ Ensure cooperation with neighbouring states and major role players.

  - ❏ Identify and scope strategic resource stocks.

  - ❏ Develop and implement a coordinated approach to protecting resource stocks.

  - ❏ Manage foreign partners in these sectors.

- ■ Social Protection and Community Development Cluster

  - ❏ Social crime prevention issues

  - ❏ Drug master plan

  - ❏ Review the state's disaster management capacity and create mechanisms for coordination across the three spheres of government.

  - ❏ Create an interface with the security services and with our neighbouring states.

  - ❏ Create disaster equipment caches in all nine provinces.

  - ❏ Develop and implement a Disaster Simulation Plan.