

NATIONAL EXECUTIVE COMMITTEE

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22 APRIL 1994

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**AFRICAN NATIONAL CONGRESS
NATIONAL EXECUTIVE COMMITTEE**

22 APRIL 1994

MEMORANDUM

From : NWC Sub-Committee on Transition
Re : Strategy for the Transition

1. Introduction

" The RDP vision is one of democratising power . . . Thoroughgoing democratisation of our society is absolutely integral to the whole Reconstruction and Development Programme.

" This means fundamental change in the way that policy is made and programmes are implemented. Above all, the people affected must participate in decision-making. Democratisation must begin to transform the state and civil society. Democracy is not confined to periodic elections. It is rather an active process enabling everyone to contribute to reconstruction and development. . . "1

These basic principles of accountability, participatory democracy and transparency must inform our strategic approach to governance.

After elections on April 27 1994 we will be entering a totally new terrain of struggle.

¹Quoted from simplified published version of RDP

We dare not approach this juncture in our history without agreement on at least the basis of a strategic approach to our entry into government.

Unless we develop a coherent and co-ordinated approach to the issue of governance as a whole, the objectives of the RDP will not be achieved.

The assumption that when the ANC enters government, it will have secured political power is a false and dangerous one. Without denying the extent of the change that 27 April will usher in, we must recognise that power lies in many centres within the state structures and outside them. We have to devise specific strategies to gain access to each centre.

Unless we do so, the ANC will not be able to exercise state power in a meaningful way. We will not be able to make government at any level function to secure our policy objectives. Plans, policies and programmes can be made, but can also be easily thwarted in their implementation.

It is vital therefore that in the few days remaining before elections, urgent attention be given to strategic thinking to guide our entry into government. The time-table of events that will unfold very rapidly after 27 April demands broad agreement now on such an approach.

Given the constraints of time, all the questions cannot be answered in detail. However it is imperative that this NEC at least identifies and addresses critical areas to guide the process after 27 April.

The objective of this memorandum is to identify these critical areas, and in each case present the outline of an approach to area and thus seek the endorsement of the NEC in each of these areas.

2. Parliament

The National Assembly and Provincial Legislatures are where the elected representatives of the people sit. Parliament therefore becomes the highest organ of government. This basic principle must inform our approach to governance as a whole. All other structures of government, including the Executive, are accountable to parliament.

Some of the issues relating to the role of the new parliament which this NEC must address are the ff : the role of select committees and the relationship between the legislature and the GNU; the relationship between extra-parliamentary , legislative and executive forces; the relationship between the ANC as the majority party and other parties in parliament; the relationship between the ANC inside parliament and the organisation outside parliament; a Code of Conduct for all elected representatives of the ANC at all levels of government; a more general Code of Conduct for all parliamentarians; a broad time-table for parliament in 1994 which should accord with our priorities for the first year in government.

We will also need to ensure that ANC parliamentarians are properly prepared for office as elected representatives . This will necessitate an urgent meeting of our representatives in the national assembly and provincial legislatures, very shortly after elections to consider amongst other matters, the ff :

- * parliamentary procedure;
- * methods of handling the many and varied forms of lobbying and/or influences which public representatives are subjected to.

Our approach to parliament would also need to be guided by the reality that for the first year of government, the national assembly would need to focus on the task of constitution-making and would not be able to function as a parliament in the normal sense of the word.

These and other issues are raised in separate documentation attached hereto.

3. The Executive

The two key areas of the executive level of government provided for by the Interim Constitution are :

1. The President
2. The Cabinet

Our capacity at the centre, represented in our ability to exercise effective government through these two mechanisms is critical. Our capacity at the centre will affect not only our ability to carry out the business of government, but also our ability to transform government and the public service.

Another factor which demands careful attention to the Executive level of government is the likelihood, mentioned above, that for the large part of the first year of government parliament would sit as a constituent assembly. The burden of governing would thus fall heavily in the laps of Cabinet.

In all probability, the Executive level of government and particularly the Presidents Office would be required to kick-start the process of implementing the RDP.

We therefore need to strengthen the central machinery of government. In order to do this we need to address three critical areas :

1. What process and criteria should guide the President in the final allocation of cabinet portfolios ?
2. What assistance will the President and Cabinet require to function effectively ?

These two questions will each be briefly addressed in turn below.

3.1 Cabinet Portfolios

The Interim Constitution provides that the final decision for the allocation of cabinet portfolios , and hence the creation of Ministries, lies with the President. The constitution ofcourse further provides also that in exercising this power, the President shall consult the leader of the party concerned in the case of those parties entitled to cabinet portfolios, and that the power shall be implemented in the spirit underlying the concept of a government of national unity.

A further criteria which any government has in mind in allocating cabinet portfolios is ofcourse the priorities of that government. This is particularly so in the case of coalition government where more than one party is represented in cabinet.

To become government implies taking over key political positions. These positions must be allocated on the basis of the programme of the government of the day.

In our case, the choice would need to be guided by two key critical factors :

- * the priorities of an ANC government as outlined in the Reconstruction and Development Programme; and
- * the actual sites of power in the existing government.

A choice based on these criteria would avoid the danger that choice of cabinet portfolios become an artifact of political marketing.

The decision as to which the strategic *ministries* are, would further need to be guided by the role and functions of existing *departments*² and the urgent priorities of an ANC government as outlined in the RDP.

Besides examining, or rather, re-examining the role and function of existing departments, we would also need to ask the further question as to which new departments and instruments should be immediately created after elections ? Again the role and function which we perceive these new departments to perform would guide our decision of cabinet allocation.

We would also need to consider the sort of people we want as Ministers. Should they be popular within ANC structures, NEC members, or those with general and particular competence, or a combination of these ? More specifically, is a Ministerial appointment going to be a reward for services already rendered or a challenge to render particular services in the future ?

Are we going to ensure that Cabinet is representative of the population, racially, ethnically, provincially ? Is affirmative action to be applied to the appointment of women in the Cabinet ? Will the need for representativity be applied to the Cabinet as a whole, or only to the ANC component ?

3.2 Presidents Office

As already stated in previous sections, our general approach to governance recognises the primary role of parliament as the body which is the most direct link to the citizen. However, we dare not approach April 27 without having also carefully considered the role of the Executive and what it requires to function effectively.

²Note that for the clarity of the NEC, the distinction between a department and a ministry must be kept in mind. The point must be made that all departments find their political control resting finally within a ministry. Each ministry in turn is under the direct political headship of a minister.

The approach underlying this section of the memorandum, is as follows : The Interim Constitution rightly upholds the tripartite doctrine which stipulates that the three organs of government, namely the executive, legislative and judiciary, are essentially independent of each other and each organ is subject to checks and balances exerted by the other organs.

However, for the state to function, there has to be some functional overlapping with the governing functions substantially centred in the hands of the executive organ because the executive authority is involved in all those functions that are essential to governing.

It is responsible not only for policy determination, but also for directing, co-ordinating and supervising the activities of the various ministries and departments.

The difficulties Cabinet will experience because of GNU must not be allowed to undermine the pivotal role it will play in government as a whole. Its effective operation is essential to the smooth running of the state machinery.

Cabinet in turn relies upon Cabinet Committees to carry out its many tasks. It is impossible for Cabinet alone to deal effectively with the range of issues that any government is confronted with in the normal course of its daily work. Cabinet hence relies upon Cabinet Committees to provide the necessary analytical, scientific and political insight, drawing upon all the necessary inputs that government can muster.

Some of the most important of these would be the following :

- * Cabinet Committee on Defence and Security
- * Cabinet Committee on Finance
- * Cabinet Committee on Legislation
- * Cabinet Committee on the RDP
- * Cabinet Committee on Gender
- * Cabinet Committee on Youth

* Cabinet Committee on Transition³

It stands to reason that with this range of tasks, very systematic approach is required to ensure Cabinet functions effectively and efficiently. Cabinet would therefore require proper support staff. This is where the role of the Cabinet Office comes into play.

3.2.1 Cabinet Office

The basic function of the Cabinet Office is to ensure the cohesiveness of policy making. This is achieved by means of a cabinet secretariat responsible for policy co-ordination.

It is important for the NEC to recognise the co-ordinating role of Cabinet Office. It has important administrative functions such as the safekeeping of all cabinet documentation and the distribution of this documentation. However policy co-ordination and implementation is ensured by the ff. means :

- * ensuring matters are brought to Cabinet in a processed fashion;
- * preparing Cabinet agenda;
- * translating Cabinet decisions into implementable programmes for departments;
- * transmitting these decisions to departments and monitoring their implementation.

As regards the location of the Cabinet Office, it is recommended that it be situated in the President's Office since the President is Head of State and the convenor of cabinet.

³The function of this Committee will be dealt with more fully in a later section of the memorandum. See Section on Process of Re-organisation and Transformation.

The role of the EDP's in relation to the Cabinet Office would require further elaboration since the Constitution also requires that the President consults both the EDP's " in all matters relating to the management of the Cabinet and the performance of Cabinet business."

The exact role of the EDP's is however a matter the President would decide upon after elections and upon the decision of the composition of Cabinet itself.

3.2.2 Department of Public Service and Administration

There is general agreement on the need to establish immediately after 27 April a new Department of Public Service and Administration. This department would assume many of the functions presently assigned to the current Commission for Administration by the Public Service Act.

At present the CFA operates as the nerve centre and main co-ordinating mechanism of government. However it is envisaged in the new situation that the the functions of management and administration of the public service would be the responsibility of the new department⁴.

Where this department is finally located is also a critical decision for the new government to take.

One view is that it would need to be located within the Presidents Office, to allow it to operate effectively, and also to allow government to function.

⁴The new PSC would, as per the Constitution, operate as a constitutional body with reccomendatory powers. This is spelt out in more detail in a later section of the memorandum.

The basic principle underlying this approach is that *one cannot co-ordinate the affairs of government without co-ordinating the public service*. Once defined and adopted, policies have to be executed or implemented. The principal agent of the implementation is the public service.

Thus it would be advisable to locate within the Office of the President both the body that assists the President in co-ordinating the business of government, Cabinet Office, and the body that co-ordinates the public service and the transformation thereof, the new Department for Public Service and Administration.

A counter view to this approach, is that the work that this Department would engage is likely to be controversial and messy taking into account the hostile nature of large sections of the present public service. Extensive restructuring and re-organisation would be required to ensure one has, in the end, an impartial, representative, professional and efficient public service. It would therefore be inadvisable, according to this view, to have the President, particularly within the context of GNU, saddled and sullied with this burden. This view therefore recommends that the President be distanced from the often controversial work of restructuring the public service.

4. Public Service

4.1 Vision Statement

A democratic and broadly representative public service shall be guided by the principle of serving the public in a professional, efficient, effective, equitable and impartial manner. It shall be encouraged to apply state of the art techniques and approaches in the execution of its functions. The public service shall at all times maintain integrity and accountability in the performance of its duties. It shall also loyally execute policies and programmes of the government of the day. It shall facilitate the participation of civil society in the processes of service delivery and the policy process.

4.2 Code of Conduct

The RDP states that a Code of Conduct for the public service must be drawn up which incorporates the principles of the new South African public service as outlined above. This Code should be enforced and annual evaluation of personnel should take into account compliance with the Code. Amongst other things, the Code would require of public servants commitment to non-racism, non-sexism, honesty, prudence and efficiency in the conduct of public affairs and in the handling of public affairs and property.

The Code is intended to develop a new culture and set of values within the public service and is therefore an essential part of the transformation process.

4.3 Affirmative Action

Affirmative action is a crucial strategy that the GNU needs in order to undo what decades of apartheid policies have done. The aim of the GNU will thus be to provide on an equitable basis, the following : services, business, employment, education and training. Given the data available, blacks and women are disadvantaged in all these four areas. To effectively implement affirmative action requires that those making policies, allocating resources and employing people should be representative of all South Africans.

South Africa's public service is clearly not representative of the population as a whole and therefore fails to comply with Section 212(b) of the Interim Constitution in the attached strategy document. In terms of Section 8(3) the Public Service Commission will be empowered to put measures in place to achieve adequate protection and advancement of persons disadvantaged by unfair discrimination. Based on available data, disadvantaged groups in the public service are blacks (African, Coloured and Indian) and women in general, although to a varying degree among women of different racial groups.

The RDP commits an ANC government to an extensive programme of affirmative action to achieve the kind of public service that is truly reflective of our society.

If further states that within two years of the implementation of the programme, recruitment and training should reflect South African society both in terms of race, class and gender. Mechanisms must be put in place to monitor the implementation of the programme. A programme of monitoring and retraining for all those willing to serve loyally under a democratic government should be instituted.

Our approach to affirmative action thus requires a massive investment in affirmative action. It also requires the establishment of a professional training institute or Public Service Development Institute.

Any programme of affirmative action also depends heavily on the effective operation of a Statistical Office. Thus, the present Statistical Office would need to be re-structured in order to be able to obtain figures specifically in relation to the areas that need attention (geographical and human) and monitoring the impact of a new public service on different communities and sectors of the population. Only with this kind of data can future policy be planned with any degree of accuracy.

5. Process of Re-Organisation and Transformation

It is envisaged that the re-organisation and transformation of government at national and provincial level and the public service will take place in two distinct phases.

In the first phase, immediately or shortly after 27 April it is clear that fairly dramatic changes will take place at the top echelon of management in the public service. There will also be a visible change at the political level ofcourse in the allocation of portfolios in the new Cabinet.

In addition there will be some fairly immediate changes to the manner in which service delivery takes place.

However it is important for the NEC to recognise that that transformation of government and the public service as a whole is a process, and will take place over a period of time. Complete transformation cannot take place overnight.

Re-organisation of government and the public service would be one of the first priorities of an ANC government. To be effective however, it would have to be approached in a careful and strategic manner.

The approach that is recommended is one of change management. This involves an extended period of change, with a complete overhaul of the system being undertaken only after we have acquired a practical understanding of the situation.

The process of operationalising the Interim Constitution and transforming government and the public service is not a mechanical matter and must be understood in this context. What one seeks is a constant balance between service delivery and transformation.

In order to be effective, a process of change management requires that we position ourselves strategically in order to see the process through to the end. It is vital therefore that from the outset we find the best entry points into the system.

The process that is envisaged is as ff :

5.1 National Level

At national level it is envisaged that a Cabinet Committee on the Transition⁵ will be constituted by the President under the Minister for the Public Service. This Committee would be tasked with overseeing and co-ordinating the re-organisation of government at national and provincial level.

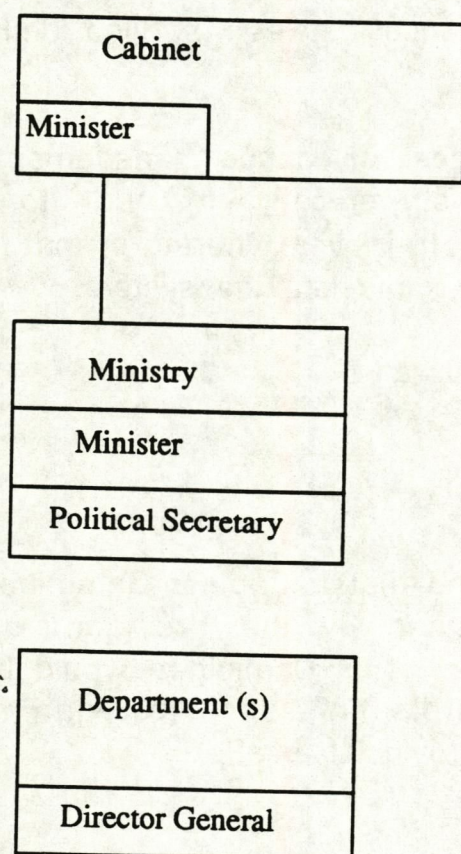
⁵Note that this Cabinet Committee would co-exist with other Cabinet Committees, for example Cabinet Committee on the RDP, Cabinet Committee on Youth, Cabinet Committee on Gender etc

This Committee would interact with new Ministries created as per allocation of cabinet portfolios.

The Minister would be responsible for the final re-organisation of the departments under his/her political direction. In order to fulfill their duties it will be necessary to strengthen the political offices of the new Ministers.

It is recommended that we create directly below the Minister the post of *Political Secretary*. This person would head the Ministers political Office and shall be responsible for the interface with the department/s, communicating the directives of the Minister and ensuring their implementation at departmental level.

The diagram below illustrates the point :



In some cases the Minister may require two or more Political Secretaries depending on the nature and scope of the work that the Ministry has political responsibility for. It may also be difficult to find one individual who possesses all the attributes required for the post. For example, whilst at one level technical expertise may be required it may be even more important to have persons with political experience and managerial ability. This may mean in the end employing more than one person.

The Minister's Political secretaries would constitute the core of the change management team for that ministry.

It may also be necessary to consider the appointment of new Directors General at the public service level.

The approach as a whole allows sufficient flexibility for the structure of the final department to emerge out of the process. New posts would also emerge out of the process and not be artificially imposed.

5.2 Provincial Level

The same principle would apply at provincial level with some modifications.

All provincial government structures will be new since provincial government does not exist at the present moment. This makes the task both more difficult, and easier, than re-organisation at the national level.

It is more difficult in the sense that one is required to create an entire machine since nothing exists as of now. It is also easier since one does not inherit the old structure and then have to transform it, as one has to at national level.

The initial structure of provincial government must allow for the *organic* development of administration in keeping with the needs of the province and the provisions of the Constitution.

Thus, the approach that is recommended is that each province or premier would immediately appoint a Director General for the province as a whole. The new provincial DG would be the starting point for the new government in the province and would be responsible for the new provincial government as it is established.

It would be foolhardy to mechanically establish 10 departments with 10 Directors General. This would lock each and every province into a structure that would bear no relation to the actual need.

The development of departments would take place over time. The time table for establishing departments at provincial level is expected to be much shorter than at national level.

The approach again must allow for sufficient flexibility. We should caution provinces against a sudden rush of new appointments.

Service delivery would in the short term continue through the existing provincial administrations and homeland departments. These bodies would also in the short term account immediately to the national ministry.

At the same time they would be instructed to co-operate with provincial government to ensure the proper establishment of government at this level.

Actual functions would be transferred when the province indicated that departments were in place with sufficient competencies to carry out the tasks assigned to them by the Constitution.

The approach outlined recognises the political leadership role played by the Premier and Executive Council in the process. Further attention however would need to be paid to the exact nature of the relationship between the Executive Council, the Director General and the various task forces and strategic management teams at provincial level.

6. Defence and Security

6.1 State Security Council

Any approach to governance in the new South Africa must take into account the role of the present State Security Council and the national security management system instituted in the 80's.

This system represents a vast network of structures with offshoots in each and every government department. The structure as a whole assumed an overall co-ordinating function, superior in many instances to that played by Cabinet.

6.2 Defence :

The ANC's approach to integration and the formation of a new National Defence Force is dealt with in a separate document.

6.3 Policing

There is general consensus that policing in South Africa must be depoliticised, more community-based and normalised in accordance with international standards.

Many motivations have been made regarding the restructuring of Ministerial control over the police. The following options exist :

- * Ministry of Law and Order
- * Ministry of Police
- * Police to be incorporated as function of Home Affairs Ministry

The NEC must be seized with this debate. Urgent resolution of the debate is required as it has major political connotations to the orientation of a new ANC government.

The process of restructuring and re-orienting the police force must be deepened. This process is not the exclusive domain of elected officials and senior officers but must include civil society and communities. As the detailed report attached specifies, this process must include confidence building measures to facilitate integration, the creation of police-community forums, establishment of joint operating centres and inter-organisational co-ordination.

More coherent and well-developed policy with respect to public order policing (the current role of the ISU) is necessary to deal with questions pertaining to our approach to this issue as well as the way in which we deal with the ISU. Should the unit be disbanded, retrained and/or redirected?

There is an urgent need to develop comprehensive and integrated strategy for restructuring and re-orienting the police before the ANC enters government

6.4 Intelligence

As we move into the GNU, it becomes imperative that we have a policy framework and vision with respect to the role of the intelligence services. This vision must be long-term and encapsulate the principles of national interest, political neutrality and the support role of the intelligence service.

The current state has a well-developed intelligence and security network which has effectively undermined the role of political officials in the policy process. It is of critical importance to ensure that our vision translates into organisational approaches which reflect it, while at the same time seeking to normalise the current reality.

The detailed proposal attached hereto seeks to do precisely this. A professional intelligence service consisting of various sections or departments (criminal intelligence, military

intelligence, foreign intelligence, domestic intelligence) are co-ordinated at central level by the Cabinet. In the final analysis, intelligence services are accountable to parliament, through the Cabinet, Presidents Office and the Joint Standing Committee on Intelligence. The role of the Human Rights Commission and Public Protector is one which monitors the intelligence service for conformance with basic principles.

7. Public Service Commission

The existence and effective functioning of an independent Public Service Commission is vital for the long-term transformation of the public service.

The PSC needs to function as a standard bearer of the new public service. The Constitution gives this body wide recommendatory powers with regard to a wide range of issues. The commission also has powers in some cases, to direct, and to conduct enquiries. However, as indicated earlier, a crucial distinction must be drawn between the role of the PSC and the new Department for Public Service and Administration.

The role of the commission would be to set norms and standards to ensure uniformity, professionalism and representativity within the public service. It would also play a role in monitoring the application of these standards at departmental level. This watchdog function would extend for example, to developing and monitoring adherence to a Code of Conduct for the public service.

8. Economic Management

It is essential that the new government begins to deliver on the RDP programmes as soon as possible. This is particularly true in regard to meeting basic needs. It is also essential that we establish a positive economic environment from the outset of government

However we will be faced with the constraints on finance and with the complexities of re-organisation and transformation at both national and provincial level.

The approach outlined in this section is designed to :

- * send out confident economic messages based on a high degree of consensus;
- * begin significant delivery projects almost immediately.

8.1 Policy Programmes from the Socio-Economic Departments

The socio-economic departments will have available for the President within a day or two of the election, policy programmes that set out the ff : policy objectives, programmes to implement these, division of national and provincial powers, structures of departments and how these can be implemented and budgetary adjustments required.

These documents will allow the President to assess the work and priorities of departments and provide a work programme for the new departments. In preparing these programmes, there is ongoing consultation and collaboration with the Legislative Drafting Group.

8.2 The 1994/5 Budget

The Finance Sub-Council of the TEC is charged with preparing the 94/95 Budget. However in quantifying the RDP we have worked very closely with the Budget preparation.

There is now substantial agreement on the aggregate level of expenditure, projected income and required borrowing. We will be constrained within an aggregate expenditure of about R125 billion. The estimates within this are spread across 35 expenditure votes based largely on the inherited expenditure patterns with certain obvious adjustments.

In short the position we face is tht the aggregate expenditure level should not rise and that within this moderate adjustment can be made with due regard to the department votes, expenditure patterns and staff.

Taking into account the work done by ANC departments in developing programmes, work is presently being done to establish where we can meaningful savings of expenditure and what adjustments are possible. The target for the announcement of the Budget is late May or early June.

8.3 Special Projects

It is important to preface this section by establishing that the RDP is not considered as an addition or add-on to the 94/95 Budget. The RDP involves the re-organisation, sector by sector, of the Budget. It is important to recognise also that the RDP represents the priorities of an ANC government and is not the sum total of everything an ANC government would need to spend on.

However, because of the constraints of the 94/95 Budget, an alternative method has had to be found for the new government to begin to deliver immediately on election promises.

The RDP task group has been convening meetings with business, the development agencies, the key forums such as housing and the NEF, in order to identify available resources, effective delivery mechanisms and feasible programmes

The proposed objective of this exercise is for the President to be able to announce a number of significant Presidential Projects to begin the longer term implementation of the RDP.

The criteria for selecting these projects have been : need (as identified in People's Forums and opinion polls during the election campaign), sustainability, must be in keeping with our long-term perspectives and should also be areas of broad consensus among the various stakeholders.

At the present five major areas have been identified for these projects : jobs (public works programmes), housing and infrastructure, education, focus on children (infant mortality, feeding schemes, immunisation) and sports as a major unifying factor between various race groups in South Africa.

In addition, it is proposed that provinces address needs relevant to their own specifics. For example, land and violence could be the subject of special provincial programmes. Other important areas for provinces would be the upgrading of community facilities and the revival of essential services.

These projects will have both the support and active involvement of government, development agencies, business, unions and communities.

Funding for these projects would come from : identified savings in the 94/95 Budget (between R2 and R5 billion), resources in development agencies, business support and overseas grant aid that would have to be negotiated. A rough target at present is in the region of R5 billion.

We would also need to carefully consider the timing of the proposed International Donors Conference being planned by the TEC for June. It is likely that a new government would only have " one shot" at the international community. In all likelihood, a new government would not be adequately prepared to present its development agenda and full requirements to the international community by June. It is therefore recommended that the NEC agrees to this conference taking place in September.

This would allow the new government adequate time to " get its house in order" and state its case properly at such an important occasion. The amounts of money involved are huge and must be carefully handled.

It is also proposed that prior to this international donors conference, a South African socio-economic summit is convened by the new government to set the stage for the later event.

8.4 The first 100 days

Taking all of the above processes into account the ff. steps are proposed :

1. In the Presidents Inaugural Address a confident economic message based on consensus is sent. The Presidential Projects should also be indicated.
2. In the President's Opening Speech to Parliament, there should be a detailed outline of these projects and setting out of a number of other economic policy issues. He would also announce the convening of the summit referred to above.
3. The 94/95 Budget be announced in late May or early June, together with the funding of Presidential projects along with other supplementary Budget items.
4. A major socio-economic summit be convened, followed by the international donors conference in September.

ends

20 April 1994

**MHQ : REPORT ON INTEGRATION
PROCESS AND FORMATION OF NDF**

CONFIDENTIAL

A. INTRODUCTION.

Less than one week remains before the elections and the establishment of the new National Defence Force. At midnight on April 27, Umkhonto we Sizwe will cease to exist. Its membership will form part of the NDF, the other constituent parts of which shall be the SADF, TBVC armies and APLA members.

B. AIM

The aim of this presentation is to give the leadership of the ANC some insight into the planning that has so far gone into the creation of this integrated defence force, and to outline options that can be followed by the ANC in attempting to make the necessary strategic interventions at critical posts in the defence force generally, to ensure meaningful integration and lessen threats to the stability of the new democracy.

C. SCOPE

The presentation will take us through:

1. Plans for the New NDF and the integration of the various armed forces
2. The present structure of the SADF and the important posts therein
3. The ranking of MK cadres and its impact on integration
4. Other implications of the disbandment of MK
5. Brief summary of decisions that need to be taken

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1. **Plans for the New NDF and the Integration of the Various Armed Forces.**
 - a. **Mandate**
 - b. **Process**
 - c. **Structure**
 - d. **Force design**
 - e. **Creation of MOD**
 - f. **Rationalisation**
 - g. **Line Function**
 - h. **Strategic Issues**
 - j. **Assembly Points**
2. **The Present Structure of the SADF and the Important Posts therein.**
(SEE ANNEXTURES A TO F)
3. **The Ranking of MK Cadres and its Impact on Integration**

Many Commanders have rendered outstanding service for many years and deserve senior ranking. But it does not follow that they should be placed in senior positions because they may not be equal to the tasks performed in those posts.

In general any MK appointments made at the general level will be political. The peoples appointed would normally have had to have completed several courses (including three staff courses) to be eligible for appointment at that level, and to have served for many years in the military/defence force.

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But there are historical precedents for deviating from the norm outstanding in this country. For the new Defence Force to be legitimate there is a need for appointments at the General level immediately the NDF is formed.

Such appointments should be made on the basis of assessment of the candidates capability and suitability for the task. There should be preparedness and possibility on the part of the candidate to undergo requisite training to equip him/her for the tasks of the designated post.

At the middle to lower level, a less flexible approach should be pursued. Here people will have to be ranked according to their age, qualifications and their capacity to successfully complete any bridging training that may be necessary.

Ranking someone as Major who is not capable of Junior Management or Command at that level no matter how long and how dedicated the service rendered by him/her would be grossly unfair to him/her for he will fail to qualify.

4.1. Other implications of the disbandment of MK

- a. Many cadres may fail to gain entry in the NDF. Many may be rationalised over the three year period allowed in the planning process to bring the NDF to the desired force level. What should happen to this cadreship?
- b. Other questions relate to widows or widowers, families of our comrades who made contribution to the struggle.
- c. Our dead outside? Plants for heroes acres?

Re-integr.
Pensions
gratuities
- family
involved.

-3-

CONFIDENTIAL

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- d. The disbandment of MK on April 27 does not mean that certain activities conducted by MHQ will stop. On the contrary, there are many administrative tasks that will still have to be undertaken by MHQ, like ensuring that the movement of personnel takes place from different regions in the country and outside into the Assembly Points continues.

MK Cadres who go to Assembly Points will receive an allowance of a private until they are formally engaged in the NDF \pm three months. This is equivalent to R1,400-00.

It is important therefore that in the restructuring that has to take place at HQ this be borne in mind. The large body of MHQ members and staff will have to be retained on the payroll until they have contracts with the NDF.

4.2. Proposals.

- a. That our heroes who fell in battles outside be returned back into the country for proper reburial. Worth noting is that a resolution was taken at the Conference of MK in September last year with regard to the matter.
- b. Heroes acres should be erected to ensure that the contributions of our fallen heroes are immortalised.
- c. It is also imperative that we ensure the release of political prisoners before the elections. No less than 80 of our comrades are languishing in jails at the moment and the Legal Department has been furnished by MHQ with all necessary details.

-4-

CONFIDENTIAL

CONFIDENTIAL

- d. **When the movement enters into parliament, this impact heavily on the personnel. Rationalisation will have to take place. This should be done in such a way that no one will feel dumped. The MHQ therefore proposes that a structure be put in place to look into the matter more deeply. The following should be considered:**
- I) Facilitating that comrades acquire more skills**
 - II) Self reliance projects be put in place**

Summary of Decisions Needed:

- 1. Confirmation of thinking on target posts**
- 2. Setting up of special President's Committee to look into the filling of the strategic posts and the conferring of senior ranks.**

ORGANISATION OF THE SANDF HQ IN BROAD OUTLINE

A

CHIEF OF THE SANDF

INSPEC GEN

C DFS

CHPLN GEN

CHIEFS OF STAFF DIVISIONS

AG

PERS

INT

OPS

LOG

FIN

C DCOMMS

ARMS OF SERVICE

CHIEF SA
ARMY

CHIEF SA
AIR FORCE

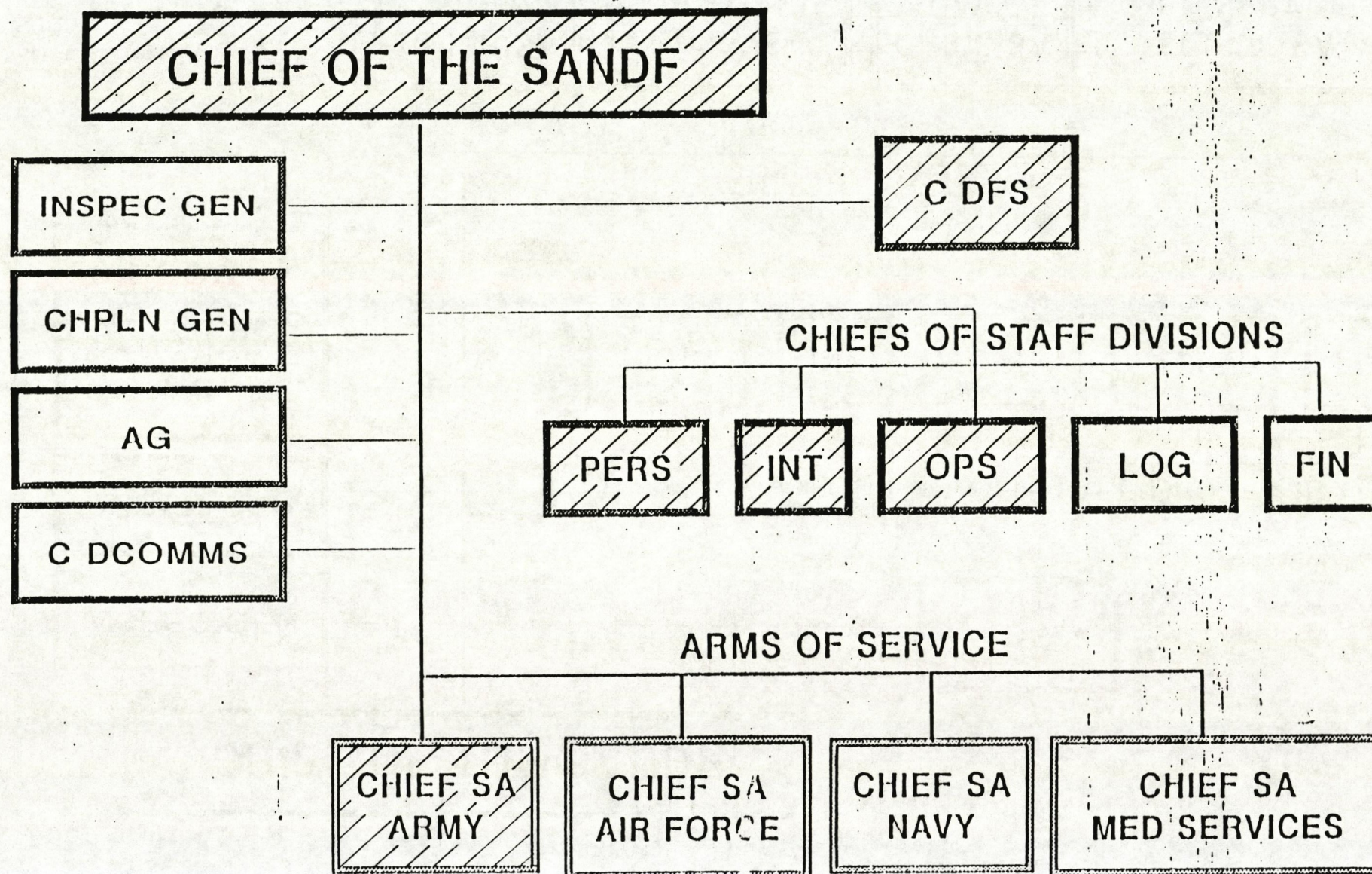
CHIEF SA
NAVY

CHIEF SA
MED SERVICES

30

ORGANISATION OF THE SANDF HQ IN BROAD OUTLINE

B



ORGANISATION OF THE SANDF HQ IN BROAD OUTLINE

CHIEF OF THE SANDF

INSPC GEN

CHPLN GEN

AG

C DCOMMS

C DFS

CHIEFS OF STAFF DIVISIONS

PERS

INT

OPS

LOG

FIN

ARMS OF SERVICE

CHIEF SA
ARMY

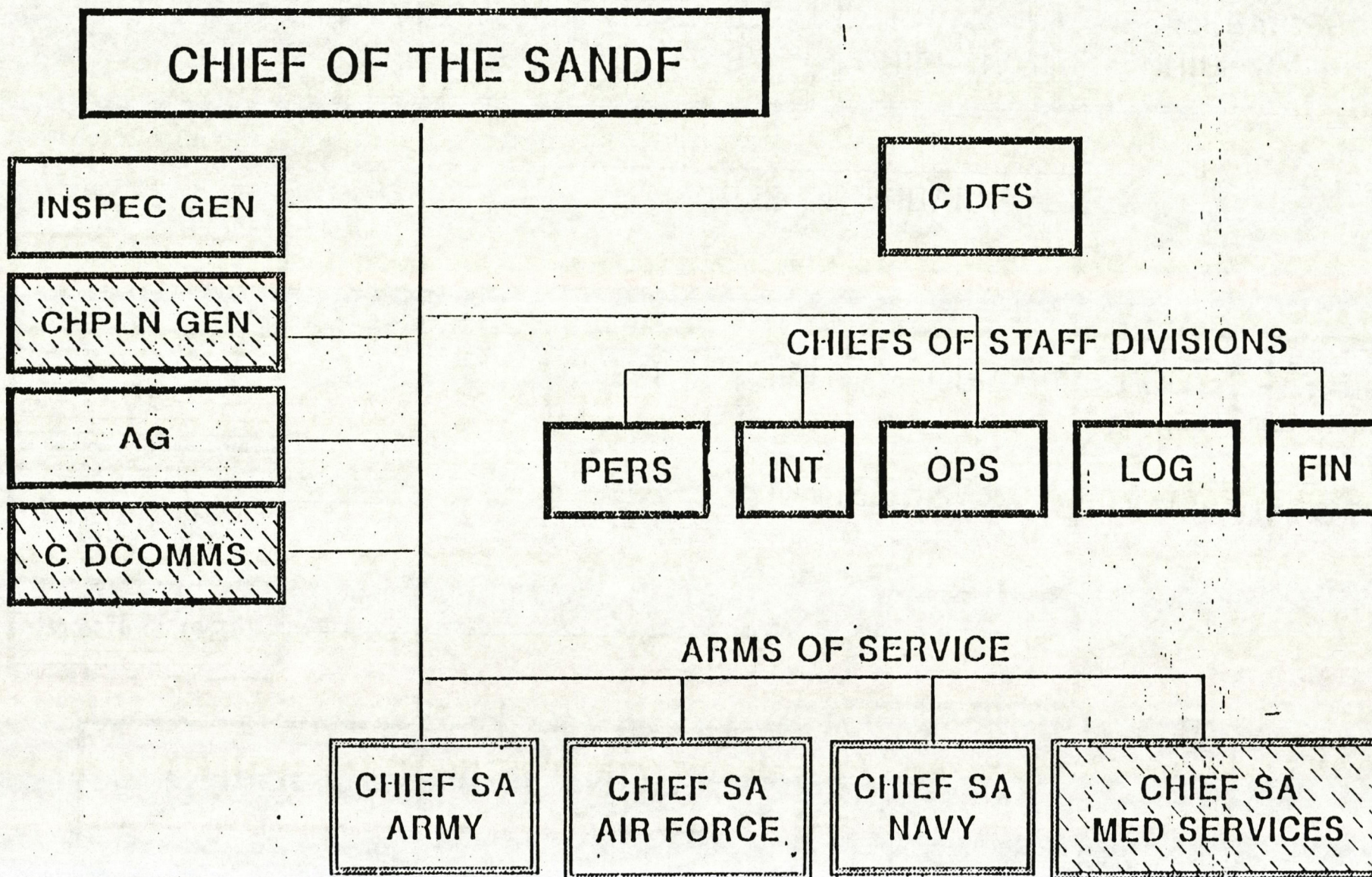
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NAVY

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MED SERVICES

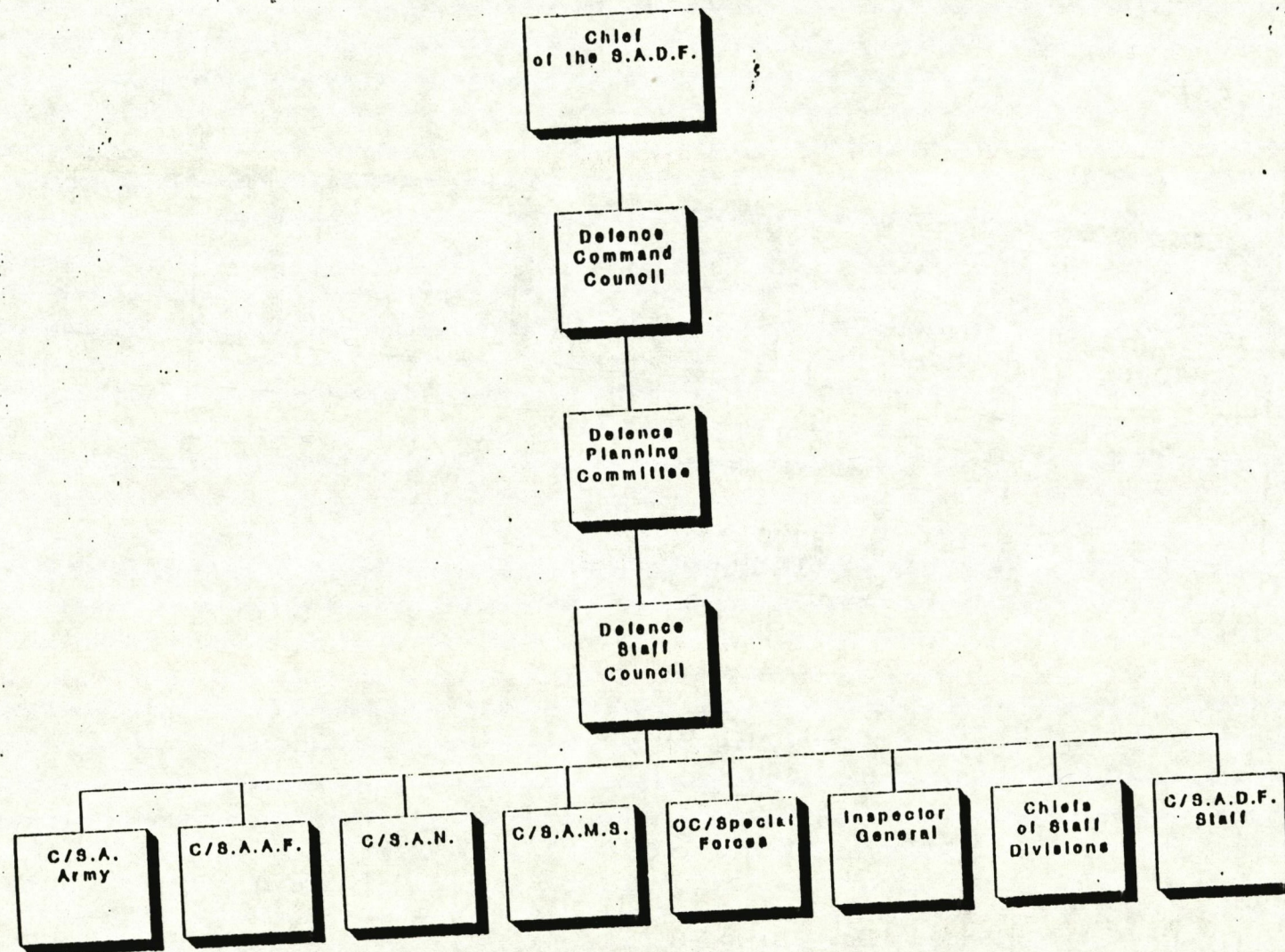
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ORGANISATION OF THE SANDF HQ IN BROAD OUTLINE



SADF EXECUTIVE COMMAND STRUCTURE

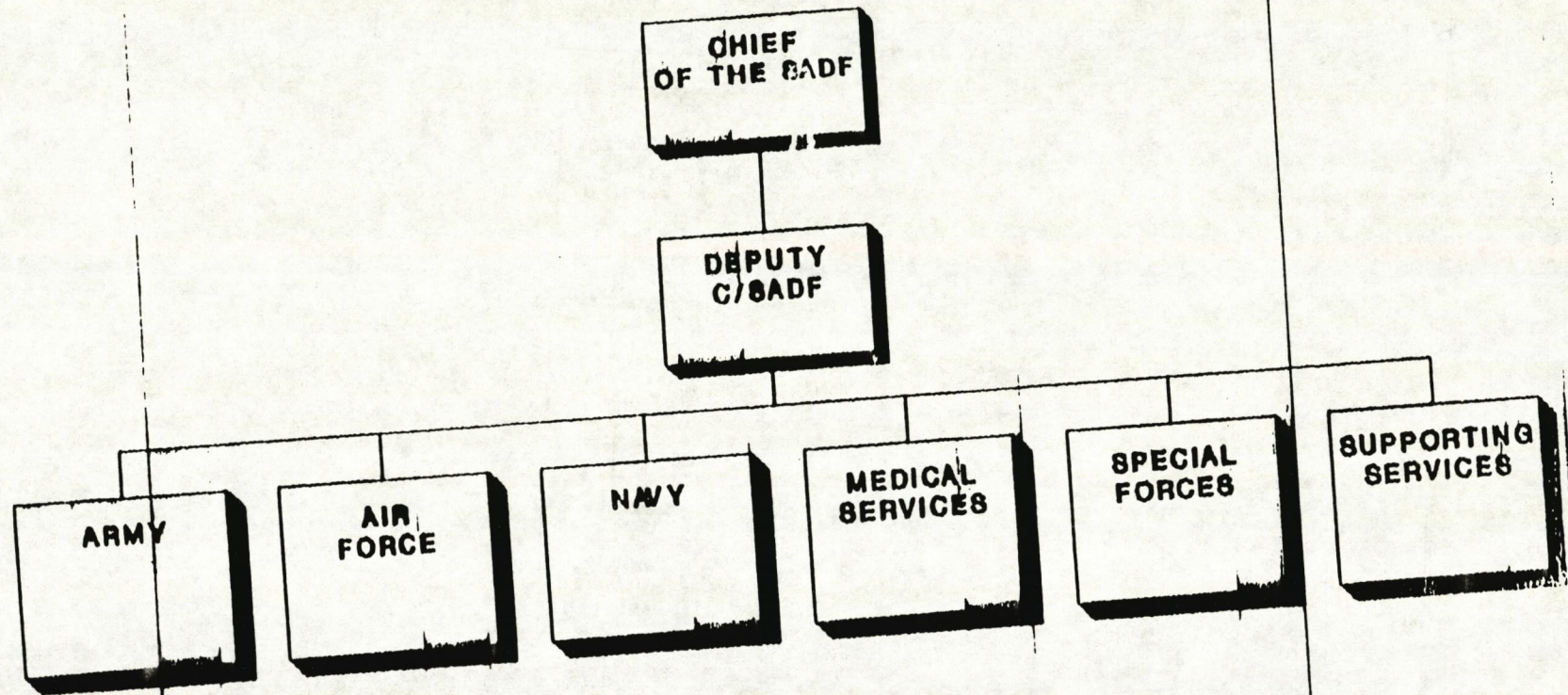
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ORGANIZATION OF THE SADF

As of 1993

F



BASIC PRINCIPLES AND GUIDELINES OF NATIONAL INTELLIGENCE

*[AS APPROVED BY THE SUBCOUNCIL ON INTELLIGENCE FOR
SUBMISSION TO THE TEC]*

1. INTRODUCTION

It is accepted that the creation of a new political dispensation in South Africa shall have to be accompanied by the process of reviewing the security system, including the role, culture, methodology and structures of intelligence.

The principles discussed in this document shall serve as a basis for the formulation of a code of conduct, legislation and the creation of a national intelligence capability in a new dispensation.

2. DEFINITIONS

In this document:

- 2.1 "national intelligence" means integrated intelligence that covers the broad aspects of national policy and national security of special concern to strategic decision-making on a national level;
- 2.2 "counter-intelligence" deals with offensive and defensive activities to neutralise the effectiveness of foreign/hostile intelligence operation; to protect sensitive information; and to counter subversion, sabotage and terrorism directed against personnel, strategic installations and material;
- 2.3 "departmental intelligence" means the intelligence which Government departments and agencies need or generate to execute their (own) legal and

functional responsibilities (in the interest of the State);

- 2.4 "foreign intelligence" deals with information on external threats (or potential threats) as well as opportunities relevant to the protection and promotion of national interests and which can be used in the formulation of foreign policy;
- 2.5 "domestic intelligence" deals with information of internal activities, factors and developments detrimental to national stability, as well as threats (or potential threats) to the constitutional order and the safety and well-being of the citizens of a country".

3. GUIDELINES ON NATIONAL SECURITY

National security should be understood in comprehensive terms to include the military, political, economic, social, technological and environmental dimensions.

National security should, therefore, besides its traditional concern with defence, violence and subversion, encompass the basic principles and core values associated with and essential to the quality of life, freedom, justice, prosperity and development. The following broad principles should underpin the activities of the intelligence community:

- South Africa shall be committed to resolving internal and external conflict primarily through non-violent means.
- National, social and individual security shall be sought primarily through efforts to meet the social, political, economical and cultural needs of the citizenry.

- South Africa shall pursue peaceful and co-operative relations with neighbouring states in order to promote regional security, stability and development.

4. THE MISSION, PURPOSE AND FUNCTIONS OF NATIONAL INTELLIGENCE

- The primary mission of national intelligence is to gather, collate, evaluate information and disseminate intelligence that pertains to the security of the state and its citizenry.
- Intelligence services are required to act in the interests of the country as a whole. In this respect intelligence should enhance national security, protect and promote the interests of the state and the wellbeing of its citizens.
- National intelligence functions shall include those of counter-intelligence, foreign intelligence (which includes special activities as defined by an Act of Parliament), and domestic intelligence.
- Given the actual and potential moments of conflict in South Africa and the dynamic interaction with the international environment, it is suggested that the abovementioned functions will be indispensable for government decision-making in a future South Africa.

5. BASIC PRINCIPLES AND POINTS OF DEPARTURE

The functions of intelligence in a new constitutional dispensation, in order to enhance national security in South Africa, shall be governed by the following:

5.1 The principle of a national intelligence organisation

- The intelligence needs and responsibilities of central government in a highly diversified and complex society requires the existence of a national intelligence capability essential for effective government and decision-making. Such a service is necessary to collate, interpret and integrate national strategic intelligence as well as to recommend national intelligence priorities and to provide a balanced framework for national policy.
- Irrespective of South Africa's constitutional model, a national intelligence capability needs to exist. National intelligence is a function and responsibility of central government that cannot be delegated to regional governments.
- The national intelligence organisation shall uphold the principles of integrity, objectivity and credibility. Further, it shall strive at all times to be relevant to the maintenance, promotion and protection of national security. The national intelligence organisation shall be loyal to the State and the Constitution.

5.2 The principle of Departmental Intelligence Capabilities

- The necessity for departmental intelligence capabilities to support line-functional responsibilities and departmental decision-making, is recognised.
- Such structures will observe the legal obligations, style, character and culture of the departments they serve, but it is essential that they observe the same fundamental approach to their tasks as that applicable to the national intelligence organisation.

5.3 The principle of political neutrality

- A national intelligence organisation is a national asset and shall therefore be politically non-partisan.
- No intelligence or security service/organisation shall be allowed to carry out any operations or activities that are intended to undermine, promote or influence any South African political party or organisation at the expense of another by means of any acts (eg "active measures" or "covert action") or by means of disinformation.

5.4 The principle of legislative sanction, accountability and parliamentary control

- The mission, function and activities shall be regulated by relevant legislation, the Bill of Rights, the Constitution and an appropriate Code of Conduct.
- Intelligence work shall derive its authority from a legal framework and shall be subordinate to measures of accountability and parliamentary control.
- Legislation must provide the intelligence services with the mandate to carry out their typical intelligence activities pertaining to the security, stability, wellbeing and interests of the State and its citizens.

5.5 The principle of the balance between transparency and secrecy

- Effective intelligence, whilst requiring amongst others the essential component of secrecy, needs to be sensitive to the interests and values of a democratic society. In pursuance of this, a reasonable balance between secrecy and transparency needs to be found. The need for intelligence should be reconciled with fundamental civil liberties, ethical norms and democratic

values of society. A system of declassification should be considered to enhance the principle of public accountability and openness.

5.6 The principle of separation from policy making

- As a general rule, national intelligence should be restricted to play an informative and advisory role with reference to policy formulation. This role will entail the presentation of facts, assessments, forecasts, options formulation and advice.
- Decision-making, policy formulation and strategy are the prerogative of policy makers and executives. The influence of intelligence on policy formulation will depend on the timeliness and accuracy of information supplied and on the quality of intelligence estimates produced. However, mutual trust between policy makers and intelligence professionals is desirable without compromising the objectivity of the intelligence provided.
- In regard to the above, a national intelligence organisation should not have any police or military law enforcement responsibilities (powers of arrest, detention and search).

5.7 The principle of effective management and organisation and sound administration

- The flow of intelligence to the Government of the day should always be maintained. Efficiency and continuity should be constant objectives whilst making provision for transformational needs.
- The compilation of a national intelligence service shall endeavour to reflect the gender and racial composition of society whilst also taking into consideration

the objective criteria of merit. To this end, an affirmative action programme shall be implemented to address imbalances. Necessary security requirements shall always be a prerequisite for membership of the intelligence organisation.

- Provision should be made that all recruits/appointees in an intelligence service be optimally enabled by relevant training programmes to perform their duties at the required level.

- The national intelligence organisation shall ensure effective management, organisation and administration of its activities. It shall strive to promote a strong organisational culture that reflects high standards, professionalism and moral integrity. Management shall strive constantly to improve the objectivity, timeliness and accuracy of information and the quality of its intelligence estimates.

- The national intelligence organisation shall strive to develop the full potential of all its members and promote the qualities of loyalty, esprit de corps, expertise, creativity, courage of conviction, adaptability and foresight.

5.8 An ethical code of conduct for intelligence work

- All members of intelligence services shall be required to accept a code of conduct that governs their performance. The code of conduct should have the support of all relevant parties, be based on universally accepted democratic principles and inclusive of accepted intelligence principles, norms and practices.

5.9 Co-ordination of intelligence and liaison with departmental intelligence structures

- A national security system should include structures and opportunities to facilitate an input by those domestic departmental intelligence/information structures as authorised by law.
- A well functioning intelligence co-ordinating mechanism is essential to co-ordinate the flow of information, priorities, duplication of resources, the audi alteram partem principle with regard to interpretation and other matters pertaining to the other functions of intelligence.
- The scope and degree of co-ordination between a national intelligence organisation and departmental intelligence/information structures will be influenced by the constitutional arrangements of the new South African State.

POLICE POLICY WORKSHOP
REPORT
March 12-13 1994

1 Background

The workshop was initiated by the Police Policy Group (PPG). Its objectives were:

- to further develop ANC policy on key policing issues, by generating policy proposals for adoption by the structures of the ANC.
- to develop a co-ordinated approach to policing issues;
- to develop a strategic approach to the police agencies during the transition;
- to generate policy proposals on the restructuring of the police service at both National and Provincial level.

The workshop was facilitated and organised by the Policing Research Project of the Centre for the Study of Violence and Reconciliation at Wits University in conjunction with the ANC Peace Desk.

It was attended by delegates from most ANC regions, from relevant departments within ANC Head Office (such as NAT, Youth League, Local Govt, Legal Dept, Civil Service Unit and Peace Desk), and by academics and delegates from relevant NGO's. (A full list of participants is attached).

Discussion in the workshop covered a wide range of policing issues, but attention was focused on the following:

- Community Policing
- Internal Stability Unit
- Confidence-Building Measures
- Restructuring of the Police Service at National and Provincial levels.
- Developing organisation and communication within the ANC around policing issues.

This report will provide a brief description of the approaches that were adopted to the above issues. It highlights the recommendations which arise out of the workshop for consideration by the National Working Committee of the ANC.

2 Community Policing

Discussion of community policing began from the premise that the ANC has already committed itself to this style of policing, which is reflected in the interim Constitution. Although there are problems with the SAP's interpretation and implementation of community policing at present, it was felt that ANC branches at local level should be encouraged to participate in consultation forums with the police. Our people should begin to engage with the police with the objective of securing true community policing and police accountability to the communities.

We also agreed that since there are initiatives on the ground in various areas regarding Community Policing including community policing forums, that these initiatives should remain in place and be encouraged to flourish.

2.1 SHORT-TERM RECOMMENDATIONS ON COMMUNITY POLICING

In the short-term, the following strategies and priorities in relation to community policing were agreed:

- in police-community consultation forums, the emphasis (in this period leading up to elections) should be placed more specifically on securing the commitment of the security forces to police the electoral process properly. This could be achieved through joint assessments (with the police) of the threats to the election process in each local community. The police should then be held accountable to the agreements they make to address these threats.
- the priority issues for discussion in the police-community forums should therefore be
 - preventing violence
 - improving community safety
 - prevention of intimidation
 - the creation of proper monitoring structures
 - reducing gangsterism and crime
 - how to empower communities in terms of these issues.
- the immediate establishment of Joint Operations Centres (JOC's) to involve community representatives in policing decisions.
- greater co-ordination between such JOC's, the Peace Accord structures, the community-police forums and observer groups.
- the establishment of "violence watches"
- greater use of preventative measures such as visible police presence and joint (or monitored) patrols by the police.

2.2 LONGER-TERM RECOMMENDATIONS ON COMMUNITY POLICING

In the medium and longer-term, the following recommendations were agreed:

- at national level, a comprehensive document on community policing must be drawn up by the PPG for discussion throughout the movement.
- policing sub-committees at set up at regional level will take responsibility for ensuring that this document is discussed by the movement as whole.
- the ANC should consider the establishment of a national (or perhaps provincial) task team to address the implementation of community policing in concrete ways. Such structure/s could deal with community empowerment strategies, public education campaigns, police education initiatives, and the appointment of facilitators for police-community consultation.
- our view on participation in police-community consultation forums is that it should be as inclusive as possible, in order to achieve representivity of the forums.
- local government structures will have an important part to play in police-community relations once they are democratically elected.
- the police-community forums should retain advisory status, (as laid out in the interim Constitution) rather than giving them decision-making powers. This because the police still require operational autonomy, and because police are not only accountable to the local community, but also to the constitution, the Bill of Rights, Statutes and the nation-building process. However, the new Police Act should include a clause which places an onus on the police to respond in a considered way to community recommendations, perhaps even to give explanations when they do not follow the community's advice.
- the forums may be strengthened by an internal personnel mechanism within the police service which evaluates individual police officers or units on the basis of their relationships with local forums.

3 Internal Stability Unit & Public Order Policing

Discussion was divided onto an immediate response to the issues

Discussion was divided into an immediate response to the issues surrounding the ISU, and a longer-term approach to public-order policing. Extended Page

3.1 SHORT-TERM RECOMMENDATIONS CONCERNING I.S.U

On the question of the ISU, we agreed that the ANC needs to draft and circulate an interim position paper regarding public order policing in the period leading up to election. This paper should cover the following positions which were discussed by the workshop:

- we must acknowledge that there is a real need for the SAP to perform proper public order policing during this period, given that the capacity of the NPKF is smaller than was originally anticipated. The ISU is the division of the SAP which is responsible for public order policing.
- the ANC must adopt a differentiated approach to the ISU's - that is, not to reject all units without considering the individual merits or problems of each.
- ANC regions are going to undertake a thorough study of the activities of the ISU's within respective regions, to identify problematic units, and will also propose measures of ensuring that the activities of the ISU in the regions are in keeping with the overall objective of levelling the political playing field.
- we must emphasis that the real issue is to make the ISU more accountable, both to the local SAP and to the communities. A number of strategies for achieving this have been proposed in the draft response to Kriel's proposals on the ISU, which were made to the TEC in December 1993 (see attached). In particular, two approaches were recommended by the workshop to address this problem in the short term:
 - civilian monitoring of ISU or placing civilian personnel in command of the ISU's.
 - JOC's in which there can be multilateral control over the deployment of police, especially ISU's.
- the Law and Order Sub-Council should utilise its National Police Inspectorate to monitor the activities of the ISU very closely in this period.
- the ANC needs to consider, in particular, how it can build the confidence of its members in the ISU's, when the above requirements have been met. This will be important in areas where the ISU is deployed at the ANC or TEC's request.

3.2 LONGER-TERM APPROACH TO PUBLIC ORDER POLICING

It was also agreed to that the PPG should draft a discussion paper regarding public order policing in the post elections period. This paper should address the following questions:

- should Public Order be the responsibility of the police or of an entirely separate body ?
- what form should a public order unit take in relation to the real threats which will be faced in the future?
- how do we reorientate personnel from the existing ISU if they are to be used in a future public order role.
- how do we address existing imbalances in the composition of public order units such as the ISU ?
- how do we build in community involvement in public order policing - how do we reconcile public order policing, which is necessarily fairly repressive, with a community policing approach ?

4 Confidence Building Measures

One of the major obstacles to effective policing of the elections, and to the necessary process of change in the police agencies, is the high level of fear and insecurity among police officials.

There was agreement that the ANC needs to embark on confidence-building measures in relation to the police for the following reasons:

- to minimise possible police resistance to the policies of the TEC and the new government;
- to generate reassurance about future (ours and theirs !);
- to ensure police support for the democratisation process;
- as part of the ongoing struggle against racism;
- to develop our understanding of the police forces;
- as part of the general programme of transformation of the state.

It was also agreed that confidence-building should be seen as a two-way process - that we want to build the police's confidence in the ANC as the future government, but also that we must build the confidence of our people in the ability of this police service to meet their needs.

4.1 RECOMMENDATIONS: CONFIDENCE-BUILDING

The following suggestions were made:

- a series of bilaterals between ourselves and the police should begin at national level, and should involve officials of the ANC. Such bilaterals could then be reproduced at regional level.
- we need to work with the police SAP in developing comprehensive plans for securing the elections.
- the ANC elections campaign should include certain activities aimed specifically at the police, and these should incorporate the perspectives which were formulated out of this workshop regarding
 - (i) ANC policy on policing; and
 - (ii) confidence building measures aimed at the police.
- confidence-building initiatives aimed at the police should be spearheaded by the officials of the ANC, particularly the President.
- specific measures could include:
 - (i) meetings between ANC office-bearers and senior police generals, of the SAP and the homeland police agencies.
 - (ii) an "open letter to police officials" signed by the President, to be published as a press advertisement or to be mailed to all police officials.
 - (iii) the distribution of the ANC-DIP booklet "Policing in the New South Africa" to all police officials.
- a group should be formed within the ANC, at HQ level, to co-ordinate different interactions with the police (see attached document on co-ordination of TEC Sub-Councils).
- there should be a follow-up to the community policing initiative recently taken by the Youth League.
- special training courses for ANC members and others presently outside the police forces, to equip them to move into the police service in future as part of a lateral entry programme.

5 Restructuring of the Police Service

Workshop discussions concerning restructuring were limited. The police's proposals were circulated for discussion in the regions, and comments will be forwarded to the PPG for inclusion in a national discussion paper. Areas of concern raised at the workshop included the following:

- the need to demilitarise the police service;
- the need to create a "flatter" organisation;
- the need to decentralise and reduce the size of the police head office;
- the need to civilianise certain functions;
- the need for affirmative action to form part of the restructuring process;
- the problems of integrating homeland police forces;
- the need to define clearly the jurisdiction of national and provincial police services.

5.1 RECOMMENDATIONS: RE-STRUCTURING

- the ANC needs to start a process of elaborating our positions regarding the restructuring of the police service both at Provincial level and National level. To that end we need to draft a National discussion paper to facilitate this process.
- through the committees that are going to be formed at national level we are going to monitor whatever police on questions of restructuring. However, a note of caution was sounded in this regard. In terms of process, there will need to be a bilateral meeting at national level first, to clarify the police's proposals and to give us the opportunity to present to them the general perspectives that emerged from our workshop. Once that has been done, then we can begin, in a controlled way, to engage in bilaterals at regional levels focusing on restructuring. Given the sensitivities involved in this issue, we need to make sure that the way we move does not send conflicting signals in the various regions on this issue.
- the question of structures needs to be separated from discussions about personalities, jobs and succession within the SAPS.
- The drafting of the SAPS Act - there has to be a drafting of legislation and this is one of the tasks that needs to be undertaken at national level, but with regional input which is again co-ordinated through the PPG.

6 Co-ordination of approaches within the ANC

An earlier document concerning co-ordination at TEC level is attached.

6.1 RECOMMENDATIONS: CO-ORDINATION

- Workshop delegates from the regions are going back to their respective regions and to seek authority from the constitutional structures (i.e. the REC's) to set up as a matter of urgency small committees which will enable them to do on-going strategizing on policing issues. The responsibilities of such committees will include linking up with ANC representatives who are sitting on the TEC Sub-council on Law and Order, and raising issues which need to be discussed at TEC level.
- The PPG will be a policy generating forum. It must also play a co-ordinating function. It is not a "policy-formulating" but "policy-generating" forum because whatever positions emerge there must still be taken to working committee and the NEC of the ANC.
- the PPG, which brings together some of the comrades who are assisting at headquarters level, as well as comrades who are sitting at sub-council level, must include comrades from regions. These comrades must be coming to the PPG as representatives of established sub-committees in the regions so that they come with mandated positions.
- Relevant NGO's such as the Policing Research Project in Johannesburg and the Community Peace Foundation in Cape Town, should be invited to participate in the activities of the PPG in an integrated way.
- A report of this workshop will be sent to all the regions of the ANC, for discussion at REC level, in the hope that all regions will, by then, have formed policing sub-committees.
- This report will be taken to the National Working Committee of the ANC in order to seek ratification of recommendations and decisions that emerged from the workshop and from which we will be able to proceed.

If all the above recommendations are pursued, there will be a need to increase the resources at national level to facilitate communication between HQ and the regions.