

# The South African Experience of Policing Public Gatherings

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## Introduction

Policing any public order demonstrations in Africa is fraught with complexity. Indeed, the business of policing crowds whether spontaneous gatherings or planned marches requires much planning from police officers and marchers themselves. In a democracy, there are key policy and operational imperatives that have to be respected and implemented by the police and marchers prior to such marches taking place. It remains a requirement for the police to protect the marchers, especially if the protests are peaceful. Their stance necessarily changes when the protest or march turns violent.

Does this mean that the policing of demonstrations, pickets and protests in South Africa are democratic? The answer to that question is the subject of much discussion and the purpose of this chapter is to discuss the processes that police in South Africa use to manage demonstrations. It hopes to address the question in the process of dealing with policing of crowds in South Africa.

Protest is a common feature of the South African democracy and groups of people who protest, march and express their views on any issue peacefully are protected in terms of the South African Constitution. Police management of public order protests requires a professional approach otherwise their actions can be seen to be serving the wishes of unpopular governments. This is the basis of political policing and was the role played by the old Apartheid police. This is especially true in States where the relationship between political parties, governments, supporters and opposition are tense. Policing is subject to contestation from the people they are meant to police.<sup>46</sup>

Across Africa, there are many situations of political instability where political parties in power seek to use the police as instruments of the State and of coercion to deal with political opponents. Invariably, supporters of political parties align themselves to their party manifestos and demonstrate when they feel their views are disregarded. In such situations, the police are expected to provide demonstrators the protection they require from the police, especially when they apply for the necessary permissions.

The measure to determine whether the policing of a protest is democratic or not depends on the role, posture and communication by the police officers towards the protestors and their adherence to the provisions of the Constitution. The legislators who developed the South African Constitution made sure that the country never returns to a situation where the police are unsure of the role they are expected to play during service delivery protests.

<sup>46</sup> Kinnes, I. (2017). *Contested Governance: Police and Gang Interactions*, unpublished PhD Thesis, UCT.

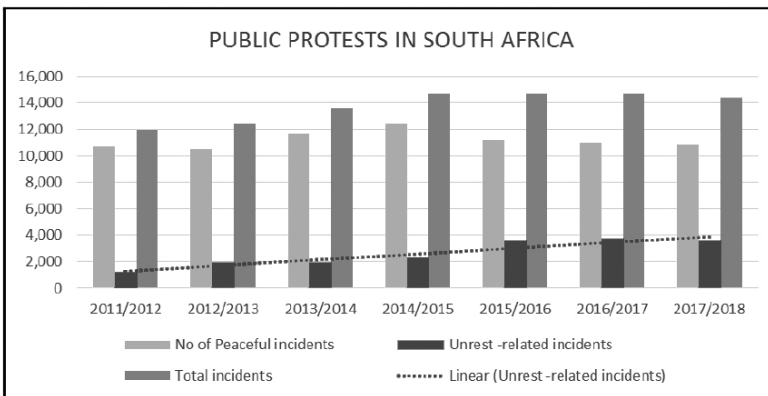
However, recent events such as the Marikana<sup>47</sup> massacre -- where the police killed 34 miners and seriously injured 78 -- appears to have been a setback to this approach. Police officers who ordered the killings and those who actually shot are on trial in South African courts. Several authors (Bruce2019; Duncan2016; Kinnes2013) made clear, in the wake of the Marikana massacre, that the role of the police in policing protest actions have to be unambiguous and in line with the South African Constitution.

This chapter looks at South Africa as an example of how protests are managed in a developing democracy from a policing perspective. To start with, it will provide a background to protests in South Africa before discussing the legal framework, oversight mechanism and how police have governed demonstrations.

## Background on Protests in South Africa

Thousands of protests have taken place in post-Apartheid South Africa and the police have been able to mostly manage the crowds whether they have been violent or not. In fact, the majority of protests in South Africa are peaceful (Duncan: 2016). However, different bodies monitoring protests do not have similar statistics because they monitor different definitions of what is called protests, demonstrations and marches.

Lancaster (2016: 3) suggests that all the public order protests are captured on the South African Police Service (SAPS) Incident Registrations Information System (IRIS). According to Lancaster, the SAPS monitored 14,740 'crowd-related events' (including recreational, religious, cultural or sports events) between April 2014 and March 2015. The SAPS IRIS system records 15.5 per cent of the protests as unrest-related, according to Lancaster. From 2011, however, a clear trend-line can be seen that shows the number of unrest-related incidents increasing exponentially.



Source: SAPS Annual Reports

47 The SAPS opened fire on protesting mineworkers in Marikana on August 16th 2012, and killed over 34 miners and injured 78 in two sites in the hill they were occupying. This became known as the Marikana massacre. For more information, see: <https://www.sahistory.org.za/article/marikana-massacre-16-august-2012>

It is clear that the number of protests fluctuates and incidents that appear to have an element of violence are increasing. Lancaster, however, has raised concerns on the reliability of the IRIS data, including the manner in which it is captured. The data is also not audited, raising credibility questions. Further, what is defined as unrest-related protests is not clearly defined. It remains to be seen how the number of protests will increase or decrease depending on the type of policing deployed on assemblies.

There is no other better guarantee for people to express themselves in a democracy than having that right enshrined in the country's constitution. South Africa's right to protest is protected and enshrined in Section 17 of the Bill of Rights: Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.

Protests in South Africa occur on a daily basis and given South Africa's robust civil society, there are strong oversight mechanisms to make sure that the police are accountable for their actions when managing assemblies. The need to recognise the right to peacefully assemble was as a result of a long period of police violence on demonstrators opposed to Apartheid and the basis of any intervention in crowd control is now laid out in the South African Constitution (108 of 1996).

Irvin Kinnes (Kinnes2013) has noted that the structure of the SAPS responsible for dealing with public order events has not radically changed since 2013. The Public Order Policing (POP) Unit is a national unit and accounts to the Divisional Commissioner of the Operation Response Service (ORS).

Provincial Commissioners have a say over the deployment of the provincial POP units and they could be over-ruled by the Divisional Commissioner of the ORS with respect to deployment in terms of the legislation.

Nationally, public order policing resides under the Divisional Commissioner: Operational Response Services (ORS). He reports to the Deputy National Commissioner: Operations. The ORS Division is responsible for the POP units, the National Intervention Unit (NIU), the Special Task Force (STF) and the Tactical Response Teams (TRT). All the units report to the Divisional Commissioner for ORS.

These are all specialised and highly-trained units of SAPS that have responsibility for hostage situations, hijackings, high-level interventions and terrorist incidents. POP units in the provinces have the responsibility for policing crowds.

The basis of the work of POP units in the provinces is the division of POP members into platoons which consist of 36 members each. The platoons are the core units of the POP Unit meant to engage demonstrators, and they have to work and train together. The platoons are further subdivided into sections with eight members in each. The National Divisional Commissioner for ORS can call up any number of the POP Unit members in the provinces to assist with any national operation.

## Management of Assemblies: The Legal Framework The South African Police Services Act (68 Of 1995)

The SAPS Act (68 of 1995) reinforces the Regulation of Gatherings Act (ROGA 205 of 1993) ROGA provision, and Chapter 6, Section 17 establishes a national public order policing unit. Significantly, the provision is subject to section 218(1) (k) of the Interim Constitution (1993) which stated:

*the establishment and maintenance of a national public order policing unit to be deployed in support of and at the request of the Provincial Commissioner: Provided that the Act referred to in section 214 (1) shall provide that the President, in consultation with the Cabinet, may direct the National Commissioner to deploy the said unit in circumstances where the Provincial Commissioner is unable to maintain public order and the deployment of the said unit is necessary to restore public order.*

The relevant provision has been moved to the SAPS Act (1995) in part and was not included in the final Constitution. The Public Order Policing (POP) Unit is responsible for policing public order protests, demonstrations, sports events and spontaneous crowd disorder. The POP units have recently been beefed up with additional personnel and have added responsibilities for policing major crowd-related events such as big sports events (for example the 2010 FIFA World Cup), major national big events such as high-profile court cases, music concerts, international conferences and for the protection of judges. The public order policing policy<sup>48</sup> from the Ministry of Police in 2011 states that the objectives of public order policing are to: promote ideal crowd control and management capacity within the police in order to secure public trust and maintenance of safety during public gatherings; provide a framework and facilitate the development of appropriate guidelines by the SAPS on the use of force in relation to crowd control and management that adheres to internationally accepted standards; establish the principle of intervention in controlling public protest in order to proportionate the means of force that can be applied by the police; and facilitate the introduction of appropriate training initiatives which must, amongst others, address the principle of ‘first responder’, guide SAPS operational planning and response, resource deployment and physical execution.

More recently, the establishment of the Tactical Response Team (TRT) in 2009 has had the effect of complimenting the role of the POP units. The TRT is established as a national unit dealing with medium to high-level threats. It appeared that during the management of the Marikana massacre, members of the TRT were involved in the police actions against miners.

<sup>48</sup> Civilian Secretariat for Police, *Policy and Guidelines: Policing of Public Protests, Gatherings and Major Events* dated 29 August 2011.

## The Regulation of Gatherings Act (ROGA 205 Of 1993)

The legislation which regulate right to protest is encapsulated in the ROGA). ROGA is the culmination of the work of an international panel led by Dr Peter Waddington, appointed by the Goldstone Commission (which was appointed to investigate political violence in South Africa) to advise on the policing of demonstrations, protests and pickets.<sup>49</sup>

One of the key recommendations of the Waddington Report was for police to allow protests to occur while protecting marchers at the same time. Significantly, there is no requirement for marchers to apply for permission to demonstrate and march. Section 3(1) provides for notification to be provided to the municipality:

*“The convener of a gathering shall give notice in writing signed by him of the intended gathering in accordance with the provisions of this section: Provided that if the convener is not able to reduce a proposed notice to writing the responsible officer shall at his request do it for him”.*

Notification of the demonstration to the municipality is not seeking “*permission*” to hold a demonstration. Many municipal mayors and municipal police agencies sometimes erroneously “*ban*” marches under the mistaken premise that organisers have to apply for permission to march. The misapplication of the ROGA by municipalities according to Duncan,<sup>50</sup> closed the space for peaceful protests. It had the effect of changing the notification to a permission-seeking bureaucratic process. This shift increased the already-onerous bureaucratic obstacles municipalities put on protests, many of which already shared an assumption that the notification process in terms of the ROGA was actually a permission-seeking exercise, and that they had the right to grant or deny ‘permission’ to convenors to engage in a gathering or protest.

The importance of the requirement relates to a democratic right of protestors to express themselves. According to Heyman et al (1992: ix): The right to demonstrate is as fundamental a right of democratic citizenship as the right to take part in political campaigns. Where the purpose of the demonstration is protest, the demonstration is at the core of free expression in a democracy. One of the central responsibilities of the police is to facilitate the right to demonstrate.

One of the key questions at the end of the Apartheid era was how the police who had lost legitimacy had to regain trust of the people. The revision of the policing policy with respect to management of protests, and policing thereof assisted greatly in cooling off tempers with respect to the illegitimate police shooting at protestors. It engendered a healthy tolerance of demonstrators within the occupational cultures of the police. Equally, it had the effect of building trust between demonstrators and police.

The police service had no choice in the face of changes to the South African Constitution and

49 Heyman, P. et al (1992). *Towards Peaceful Protests in South Africa: Testimony of multi-national panel regarding lawful control of lawful demonstrations in the Republic of South Africa, Goldstone Commission of Inquiry, HSRC Publishers.*

50 Duncan, J. (2016). *Is South Africa reverting to a repressive State? Jane Duncan, Inaugural professorial lecture, Council Chambers, University of Johannesburg, July 13th 2016.*

the implementation of the ROGA but to train its members in managing demonstrations. In many respects, the critical innovation for policing was what became known as the “golden triangle” meeting, prior to the demonstration between the police, the local municipality and the organisers of the demonstration. The purpose of the meeting was for the parties to get together and discuss responsibilities after notification to the local municipality and the police and prior to the march.

However, there have been challenges to the ROGA by a number of actors in South Africa. The Social Justice Coalition (SJC) has challenged provisions of the law, specifically Section 12(1)(a) which some municipalities argued required protestors to seek their permission before marching (Duncan2016: 182). The Constitutional Court declared provisions of Section 12(1) (a) unconstitutional and inconsistent with the Constitution on 19 November 2018.

The Court ruled that:

*The declaration by the High Court that section 12(1) (a) of the Regulation of Gatherings Act 205 of 1993 is constitutionally invalid is confirmed to the extent that it makes the failure to give notice or the giving of inadequate notice by any person who convened a gathering a criminal offence.*

Much of the implementation of the Court’s rulings with respect to marches and demonstrations is to be implemented by the SAPS POP unit, which is legislated for in the SAPS Act.

South African Police Procedures for Managing Crowds: National Instruction 4 of 2014 Standing Order 262 which regulated crowd control prior to the Marikana massacre has since been replaced with the SAPS National Instruction 4 of 2014 which provides for public order police crowd management during public gatherings and demonstrations. The National Instruction provides for a management process for all officers managing crowds during public gatherings and demonstrations. One of the key criticisms against the police was political interference by senior officers in the operational command of officers managing the protest and control over demonstrations (Kinnes 2014:32).

Some members argued that control should rest with the officer on the scene and the member in charge. Often this member is undermined by senior officers not on the scene, who give instructions through telephone calls, which cause the officer to lose authority. This is echoed by the Farley Commission recommendations when dealing with operational control of the demonstrations.

## Control over operational decisions

While it is recognised and accepted that in large and special operations there is a role for consultation with the Executive, in particular the Minister of Police, the Commission recommends that the Executive should only give policy and not make any operational

51 Constitutional Court Judgement: *Mlungwana and Others v The State and Another* [2018] ZACC 45, case number CCT 32/18.

decisions and that such guidance should be appropriately and securely recorded. The Commission recommends further that in Public Order Policing situations operational decisions must be made by an officer in overall command with recent and relevant training, skills and experience in Public Order Policing.

National Instruction 4 of 2014 appears to echo this issue of control by police personnel while managing a demonstration. Section 13 of the National Instruction points to the overall command of a peaceful crowd management. The overall commander must designate a member, trained in POP operational tactics and techniques, as operational commander. The commander must at least have the rank of Warrant Officer or a higher rank in order to meet the criteria set out in section 9 of the Act.

### **Process for Designating Threat Levels in Crowds**

Threats to public safety during events and crowd management processes are clearly designated and defined according to Section 9(a)-(c) of the National Instruction.

**Level One:** A peaceful gathering and less significant sport, entertainment or social event which can be policed by members of Visible Policing at station level or the Metro Police (trained in basic Crowd Management skills) where there is no threat or need for the use of force is envisaged. The POP unit must be on standby: Provided that the POP unit may take over control of the management of the crowd, if the commander of the POP unit deems it necessary. Members doing crowd management must form part of a unified command structure and must work in sections, platoons or companies. All members trained in basic crowd management (even Metro police officers) must be in possession of the necessary crowd management equipment.

**Level Two:** Unconfirmed information regarding a possibility of a threat against lives and property. Members of Visible Policing at station level and the Metro police service, that are trained in basic crowd management skills, must be the primary role-players, with the relevant POP unit in reserve at the scene. Members doing crowd management must form part of a unified command structure and must work in sections, platoons or companies. All members trained in basic crowd management (even Metro police officials) must be in possession of the necessary crowd management equipment.

**Level Three:** Confirmed information regarding a likely threat to lives and property. The POP unit must take operational command. (Visible Policing at station level and the Metro Police service may be utilised to assist in policing the event).

The National Instruction designates threat levels and operational control to different levels of police officers when dealing with crowd management incidents, both peaceful and violent. It is only at level three where members of the POP units become involved in policing the crowd. There are 12 planning steps that must be followed by the overall commander which should be implemented prior to the protest or march after notification

has been made. Further, there are clear procedures for tactical and operational decisions by the officer in command.

The overall commander must designate a member, trained in POP operational tactics and techniques, as operational commander. The commander must at least have the rank of warrant officer or higher to meet the criteria set out in Section 9 of the National Instruction. One of the reasons why this provision was included appears to be the real interference from senior officers who are not on the scene of a protest or march and while based in their offices, give commands to officers on the ground. In this respect, the SAPS have noted that the individual police officer in command of policing a protest must be trained in public order operational tactics and techniques and must be the rank of warrant officer.

## **Farlam Commission of Inquiry into the Marikana Massacre**

The Farlam Commission of Inquiry into the Marikana Massacre has redefined how the SAPS should deal with protests and what equipment should be used for the policing of mass marches. The Commission also recommended that police officers should be held accountable for the deaths of the miners. Accountability of police officers became an important thread that ran through the pages of the Farlam Commission Report.<sup>52</sup> It is useful to note the key findings and recommendations for policing crowds as it has contributed substantially to the reform of public order policing.

The Commission made findings with respect to a number of areas for policing crowds and in particular the deaths of miners at Scene 1 and Scene 2<sup>53</sup>. The Commission recommended a full investigation, under the direction of the Director of Public Prosecutions (DPP), with a view to ascertaining criminal liability on the part of all members of the SAPS who were involved in the events at Scene 1 and 2.

Significantly, the Commission recommended that SAPS stop using sharp pointed ammunition at crowd control scenes. It further recommended that all police officers should be trained in first aid and specialist firearms officers should receive additional training in basic first aid skills needed to deal with gunshot wounds. The Commission found that the police leadership at the highest level had misled the public in its submission and press release. It recommended that a Board of Fitness be constituted to investigate the National Commissioner's fitness to hold public office.

The Commission found that the Independent Police Investigative Directorate (IPID) was not in charge of the scenes, was not permitted to access them immediately and did not properly warn people in taking their statements. The Commission recommended that a panel of Public Order Police experts (including international experts) be constituted to advise the SAPS on policing crowds.

<sup>52</sup> *Farlam Commission of Inquiry was established by Proclamation No. 50 of 2012, published in Government Gazette No. 35680 of September 12th 2012.*

<sup>53</sup> *These were the reconstructed scenes where miners were killed by the police.*



The Commission recommended that police at operational levels be the only persons who make operational decisions on crowds and that such decisions not be interfered with. Such an officer must have recent and relevant training, skills and experience in Public Order Policing. To date, SAPS has implemented all of the recommendations except investigations of the deaths at Scene 1 and 2 by the IPID. The police have been held accountable for implementation of the recommendations by the Parliamentary Portfolio Committee on Police. Some have however taken issue with the manner in which SAPS attempted to conceal the shootings at Scene 2 in particular. According to the Amnesty International report (2014: 9): “Of serious concern, however, is the evidence indicating what appears to have been a systematic attempt by the police authorities, with possibly higher-level involvement or influence, from the start to conceal or falsify evidence and to mislead the inquiry”.

Bruce (2018) confirms this account through interviews with surviving Marikana miners who were part of the strike. His investigation into the Marikana shooting shows that some of the miners were shot at Scene 2 while surrendering to the police. Bruce (2018:19), critical of the Commission’s findings, argues that although it made no findings about the reach at least one significant set of conclusions about the events at Scene 2, namely that there was no effective command and control of the police.

The question of police accountability is clear when it comes to them implementing the necessary laws, policies, regulations and standing orders. One of the critical procedures for what the police were to do is spelt out in Standing Order 262. This order sets out terms under which police officers can engage and regulate the management of crowds. Section 3(2) places a responsibility on station commissioners to engage in conflict resolution practices when they are informed of such threats, which also must be reported to the provincial commissioner if public safety is threatened.

## Oversight of Policing

The question of accountability of police members for their actions is guided by Section 49 of the Criminal Procedure Act, which governs when the police can use deadly force against criminals. However, there are many other oversight agencies that play a role in the oversight of policing. These include the IPID, the Parliamentary Portfolio Committee on Police, the Civilian Secretariat for Police, the Western Cape Provincial Police Ombudsman, civil society organisations and the media.

## Independent Police Investigative Directorate (IPID)

The SAPS is subject to oversight by IPID. The mandate of the IPID is regulated through the IPID Act (1 of 2011), which is established in terms of Section 206(6) of the Constitution. The objectives of the IPID Act are to, amongst others: ensure independent oversight of the SAPS and Municipal Police Services; provide for independent and impartial investigation of identified criminal offences allegedly committed by members of the SAPS and Municipal Police Services; make disciplinary recommendations in respect of members of the SAPS

and Municipal Police Services resulting from investigations conducted by the Directorate; and enhance accountability and transparency by the SAPS and Municipal Police Services in accordance with the principles of the Constitution.

Investigators of IPID have the same powers as police officers with respect to investigations in terms of Section 28 (1) and (2) of the IPID Act. The Directorate must investigate:

- (a) any deaths in police custody;
- (b) deaths as a result of police actions;
- (c) any complaint relating to the discharge of an official firearm by any police officer;
- (d) rape by a police officer, whether the police officer is on or off duty;
- (e) rape of any person while that person is in police custody;
- (f) any complaint of torture or assault against a police officer in the execution of his or her duties;
- (g) corruption matters within the police initiated by the Executive Director on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC or the Secretary, as the case may be; and
- (h) any other matter referred to it as a result of a decision by the Executive 40 Director, or if so requested by the Minister, an MEC or the Secretary as the case may be, in the prescribed manner.

(2) The Directorate may investigate matters relating to systemic corruption involving the police.

The IPID is also responsible for investigating deaths caused by police officers managing protests. IPID was responsible for investigating the deaths of Andries Tatane<sup>54</sup> and Mido Marcia,<sup>55</sup> protestors who were killed by the police during protests. During the Marikana massacre investigations, however, the IPID complained of a lack of resources to enable it conclude its work. The agency reported that it received poor co-operation and experienced difficulties from both the police and National Prosecutions Authority.<sup>56</sup> IPID's investigations into police officers and police leaders over the Marikana massacre faced serious challenges with the clash with SAPS spilling out in public.

IPID has also investigated senior police officers who allegedly were involved in systemic corruption, further testing the relations with the police. An institutional fight between the National Police Commissioner and the Executive Director of IPID ended up in the courts.

<sup>54</sup> Andries Tatane was killed by police after a service delivery protest in Ficksburg, Free State in 2011 and eight police officers were arrested for his death. They were all found not guilty.

<sup>55</sup> Mido Marcia died in police custody after a crowd of witnesses saw police drag his body behind their vehicle in Daveyton in February 2013. Eight police officers were convicted of his murder.

<sup>56</sup> See Thamm, M. (2018). Marikana Massacre – IPID investigates massacred miners' deaths, and SAPS' lies, without the promised funding, Daily Maverick, available at: <https://www.dailymaverick.co.za/article/2018-08-30-marikana-massacre-ipid-investigates-massacred-miners-deaths-and-saps-lies-without-the-promised-funding/>, accessed 26 May 2019.

In addition, the Minister of Police in 2016, tabled a complaint against the IPID Executive Director<sup>57</sup> in Parliament. This too ended up in the Constitutional Court which confirmed the position and independence of the Executive Director. The Court's judgement made clear that the Executive Director was not accountable to the Minister of Police, but to Parliament. The Executive Director's contract was eventually not renewed as the dispute with the second Minister of Police raged on. The matter is now under investigation by the court.

## Parliament of The Republic of South Africa

The oversight of policing is undertaken at parliamentary level by its committees in the National Assembly and the National Council of Provinces. The Portfolio Committee on Police in the National Assembly and the Select Committee on Security and Justice in the National Council of Provinces have oversight over the police.

The SAPS budget, Annual and Strategic Plans are scrutinised by the two committees of Parliament to align it with the delivery plan of government, the National Development Plan. Regular oversight visits are undertaken to different provinces and police stations throughout the country to look at service delivery. Parliament, in terms of Section 55(2) (a) of the Constitution, must ensure that all Executive organs of State in the national sphere of government are accountable to it and --as per Section 55(2) (b) -- must maintain oversight over the national Executive authority, including the implementation of legislation, and any organ of State.

Interactions with the police department in Parliament are robust and police leaders are often called to account on any matter in the public domain. The Portfolio Committee on Police in particular has been driving the agenda with respect to the police's implementation of the Farlam Commission recommendations on public order protests.

## The Civilian Secretariat for Police Service

The Civilian Secretariat for Police Service (CSPS) has the responsibility to develop policy and advise the Minister of Police on any matters. The mandate of the CSPS<sup>58</sup> is to:

- a) Provide the minister with policy advice and research support
- b) Develop departmental policy through qualitative and evidenced based research
- c) Provide civilian oversight of the Police Service through monitoring and evaluating overall police performance
- d) Mobilise role-players, stakeholders and partners outside the department through engagements on crime prevention and other policing matters, and
- e) Provide other support services to the Minister in pursuit of achieving his/her mandate.

<sup>57</sup> *Constitutional Court of South Africa, Robert McBride v Minister of Police and Another, CCT 255/15, 6 September 2016.*

<sup>58</sup> *According to the Civilian Secretariat for Police Service Act (2 of 2011).*

Section 5(a) of the Civilian Secretariat for Police Act provides for civilian oversight over the police. An important feature of the oversight process is that it must be civilian driven, given the history of Apartheid-police-controlled policy making. There are mechanisms where the CSPA co-operates with the IPID in order to monitor police implementation of the Domestic Violence Act, for instance.

The CSPA also produces performance reports of the SAPS with respect to the implementation of certain Acts.

## Western Cape Provincial Police Ombudsman

The Western Cape Province has established a provincial Police Ombudsman whose responsibility is to investigate complaints against the police. The mandate of the Police Ombudsman originates from Section 206(3) of the Constitution which entitles provinces to: monitor police conduct; oversee the effectiveness and efficiency of the police service and promote good relations between the police and any community and assess the effectiveness of visible policing. It should be noted that the Western Cape Police Ombudsman functions at a provincial level.

## Civil Society and The Media

South Africa has a vibrant civil society that engages robustly on policing. Civil society and the media routinely challenge the policies on policing and have always expressed strong statements especially with respect to opposing restrictive legislation and policy. In fact, it was civil society organisations that challenged the IPID and the ROGA legislation which allowed the changes by the Constitutional Court.

Given the transparency of policing, the media in particular have been reporting critically on measures that are seen as threatening human rights. A case in point was the return of the police to military ranks which caused a furore in the South African media. The police were accused of being militarised against the vision of the democratic order.

## Conclusion

Policing crowds requires that the police have a long-term vision of protests. This necessitates that such a view must incorporate the understanding that protests are part of the social glue that holds democracies intact. The police cannot proceed to blindly carry out apparent illegal orders such as shooting peaceful demonstrators. There are opportunities where the police as an institution should seek dialogue with those protesting to lower the temperature and prevent the demonstration or march from turning violent.

Therein lies the test for effective, professional public order policing: What to do when protests turn violent. How far should the police go when attempting to quell violent protests? In some countries, it has been observed that if violent protests are allowed to continue unchecked, it could threaten the very foundations of the State.

Training the police in professional methods together with strong and effective legislation must be complimented with strong oversight agencies that ensure that professionalism of the police always triumphs against coercive methods. South Africa has many innovations in the policing of crowds, demonstrations and protests and the operating theatre of managing such protests and demonstrations are constantly evolving, which impacts on policing methods.

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