

FACTPAPER: MUNICIPAL POLICE IN THE EASTERN CAPE.

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INTRODUCTION

During 1986 black municipal police forces were established in many townships around the country. Although their responsibilities are defined largely as crime-prevention, much of the thrust of their activities has been aimed at political opponents of the government (real and imagined), and at young people in particular. In the past year the Black Sash offices in Port Elizabeth and Grahamstown have received numerous complaints and allegations of abuse against this new addition to the security forces deployed within the townships. In this same period the number of complaints received from township residents concerning the SAP and SADF - so prevalent in 1985 - has fallen off considerably. This supports the view that these two forces have been withdrawn more (by no means entirely) into the background, into a supervisory role, and that much of the immediate responsibility for crushing anti-government organisation and reasserting control over the townships has been devolved onto the black municipal police (MPs) and the local authorities that they serve.

The municipal police force is thus an important institution to analyse. This factpaper is a very preliminary attempt to bring together the information that we have been able to collect on the operation of this new force in the Eastern Cape, as a first step towards developing a more thoroughly researched and documented report.

NATURE OF THE COMPLAINTS/ALLEGATIONS

By far the largest group of complaints concerns alleged assaults by MPs on township residents. They raise serious questions about discipline within the force and the use of violent methods such as beatings, torture and midnight arrests in MP operations. Few, if any, of the alleged MP "arrests" reported to us appear to have led to prosecutions. In most cases it seems that after being held for anything between several hours and two days, during which time he or she may be interrogated and reportedly suffer various abuses, the person arrested will be unceremoniously released.

Generally the cases of this sort brought to our attention have been referred to lawyers for civil claims for damages, but since none has yet been completed, they are sub judice and hence difficult to report on fully. The number of such cases alone must, however, be cause for concern. In Port Elizabeth, for instance, one legal firm is handling close on 50 suits against the Ibhayi Town Council for alleged assaults and wrongdoings by members of its municipal police force. Although we do not have precise figures, other Port Elizabeth firms are handling similar cases as well, so the total number of civil claims pending against Ibhayi MPs - never mind allegations or actual incidents - is still higher. In Grahamstown the Black Sash has 22 cases of alleged assault or shooting by the Rini MPs on

file, all dating from between April 1986 and mid-February 1987. One case concerned a 13-year-old Grahamstown girl, Nontle Koliti, who was shot dead while playing in her parent's yard in September 1986.

In addition to these specific cases, both the Port Elizabeth and Grahamstown Black Sash have received numerous generalised complaints about the behaviour of MPs from township residents in various outlying areas - Jansenville, Alexandria, Kenton, Fort Beaufort, Adelaide. In these places it is much more difficult for people to get legal help and advice. We have no doubt that the allegations reported to us represent only a very small proportion of the complaints that people would voice if they believed they would achieve anything by it or could do so without bringing further trouble upon themselves.

It should be pointed out, however, that all the civil actions that we know of are being contested by the responsible Town Councils. The response of the Ibhayi and Rini Town Councils to this legal action has been extremely swift, with denial generally following almost immediately upon receipt of the initial letters of demand (which has to raise concerns about whether they have allowed sufficient time to investigate the claims thoroughly and responsibly before repudiating them).

In addition to allegations of specific abuse, we have also received other complaints. The Fort Beaufort Residents' Association has sent a memorandum to the Minister of Constitutional Development and Planning complaining that the local MPs have been acting as traffic police and issuing tickets to motorists entering the township at "ambush roadblocks", without official signals; it is believed by the residents that the money from these tickets is used by the impoverished black council to meet various running costs, including the salaries of the MPs. There have also been several cases brought to our attention of MPs allegedly being used to repossess furniture from hire purchase defaulters in the middle of the night. In one such case a Grahamstown woman claimed that at about 2 a.m. one night in July 1986 4 policemen kicked open her door and took away furniture she had bought on hire purchase. The matter was subsequently taken up with the district commandant of the SAP, who denied SAP involvement but identified one of the men as a member of the Rini municipal force and also said that the casspir used during the incident was merely there to protect the debt collectors.

COMMUNITY RESPONSES

Whether or not all the allegations can be proven in court, it has become abundantly clear to us that the municipal police are deeply resented by the communities that they are supposedly intended to serve. The very names that are used to describe them popularly indicate their standing in the community - magodolos (the opposers), mangundwane (wild rats), amachaka or "Zulu boys", and "green flies" (after their army-green uniforms). The widespread resentment and hostility has, however, been expressed in different ways in different communities.

In the more politicised and organised centres, the MPs have become targets for attack. In Alexandria MPs were at the centre of a series of interlocked incidents during the first part of 1986 in which a number of

township youths lost their lives. They have been unable to live in the township since May 1986, when their houses were burnt down in retaliation; instead they live in tents on the far side of town.

In Grahamstown the Rini MPs also live in a separate compound, on the very edge of the township, surrounded by bright lights and security fences. There have been a number of reports of violent attacks on them and their associates, or perceived associates, in recent months. In September 1986 an apparent friend of a municipal policeman was burnt to death by a group of men. The following month a municipal policeman was shot dead and another wounded in the township.

In Lingelihle, in Cradock, all the newly appointed MPs resigned after completing their training, because of community pressure, and were subsequently reaccepted back into the community. This is the only township we know of where community pressure and organisation has been strong enough to bring this off, although non-violent attempts to persuade MPs to resign, through discussion and argument, have been made in other townships. An informant in Fort Beaufort described one attempt thus: " I asked him what he thought of this gemors that he is working with, why don't you come to us, you are black and we are black, we all feel the effects of apartheid ... He said: 'You are speaking the truth, we know that we have been made puppets by the government.' It shows that he knows that his way is wrong." Nevertheless, the MP in question did not respond and another informant's overall assessment was harshly critical: "They are our enemy."

In Alicedale it is believed that the municipal police control access to the R4-a-day government job scheme and that in order to get hired for this scheme one needs to be a friend of the MPs. Although this has been denied by the authorities, it is widely held to be so in the community. One informant described their MPs as the "dogs" of the SAP - they do all the hunting and watching for the SAP.

ESTABLISHMENT

The concept of a municipal police force was first given legislative form in 1977, in the Community Councils Act (Act 125/77). Section B of the Act laid down the procedure for establishing "a community guard" and described their powers. Authority to establish the guard rested with the Minister after consultation with the Minister of Police and the community council concerned. The powers of the guard were defined as:

- a) the preservation of the safety of the inhabitants of the area;
- b) the maintenance of law and order;
- c) the prevention of crime;
- d) the performance of the functions of a messenger according to black law in respect of the exercise of the judicial power of any person on whom such a power has been conferred."

In 1982 the Black Local Authorities Act (102/82) made very similar provisions for the appointment of what were then termed "law enforcement officers". Greater initiative for establishing this force was, at least on paper, granted to the local authorities, in that they were specifically

empowered to appoint persons to the force, although this had to take place "with the approval of the Minister". This act was amended in 1986 "to further regulate the appointment of law enforcement officers and their powers."

The regulations governing the operation of the MPs are spelled out in various government notices: R159 of 2.02.79; R1900 of 31.08.84; R684 of 29.03.85, and R4 of 3.01.86.

Despite the 1977 and 1982 legislation, it was not until 1985 that the government decided to go ahead with establishing this new force. In November 1985 the Minister of Constitutional Development and Planning announced that at least 5,000 black municipal police were to be trained in the next six months "for the maintenance of law and order" and to enforce council by-laws; this force would, said the Minister, "to a large extent be ancillary to the South African Police." (Eastern Province Herald, 6.11.85) Shortly thereafter the first advertisements for these new posts, "for people interested to serve the Black community of - ", began to appear in local newspapers.

The timing, during the first State of Emergency, makes it very clear that the municipal policemen were being called into existence to supplement the tightly stretched resources of the SADF and SAP in the townships. At the same time, they also fitted in with the government strategy of devolving more and more of the responsibility for running the troublesome black areas onto co-opted local black intermediaries.

RECRUITMENT

Far more systematic research is still required to get a full picture of the process of recruitment into the municipal police. What follows here is a preliminary account of the reasons and processes at work, as perceived by community sources. Several different categories of recruits into the municipal police force have been documented in the Albany area:

- 1) members of right-wing vigilante groups,
- 2) former political activists in anti-apartheid groupings
- 3) unemployed or poorly paid people attracted by the wages and job security.

There are also allegations that convicted criminals have been paroled early on condition that they join the municipal police force, but no direct evidence of this has been received by our office. There have, however, been reports that some MPs do have criminal records in their past, although they did not go directly from jail into uniform.

The best documented example of 1) is provided by Fort Beaufort. Here brutal conflict in late 1985/early 1986 between community councillors and their supporters on the one hand, and members of the community who were opposed to them on the other, resulted in the compilation of an assault dossier in which details of the allegations against the councillors and their vigilante supporters, as well as the role of the SAP, were documented, leading, eventually, to a police investigation. According to various community sources, relatives and sympathisers of the community

councillors have now found their way into the MP force in Fort Beaufort.

In Adelaide, according to information received in June 1986, a number of the local people recruited had been unemployed and money was identified as a major factor in their recruitment - "They said they were doing it for the money". One of them had formerly worked as a salesman but been retrenched or dismissed. Another had been a member of the SAP but been "rejected" on health grounds; subsequently he had allegedly acted as an informer in the community. None of those recruited were considered to have been politically involved in community organisations before - they were always considered "reactionary".

In contrast, in Grahamstown and in Alexandria some of the MPs are alleged to have been anti-apartheid activists previously. As would be expected, they are regarded with particular hostility by their former comrades. Not only have they betrayed the cause for which they were fighting. Their former involvement also gives them a dangerous inside knowledge of the people and organisations they are now employed to police. How these people came to be recruited into the municipal police force - whether by choice, cooption or coercion, or by some combination of all three - is not made clear by the limited information we have.

According to the information received by us, recruits for the municipal police in the small towns have generally been local people. It seems that it is only where it has proved impossible to find or to keep local recruits that outsiders have been brought in - thus in Cradock the authorities were reportedly looking to Steynsburg, Graaf-Reinet, Lady Frere and Maclear for potential MPs for Lingelihle. The breakdown into local/outsider in the forces of the larger centres of Port Elizabeth, Uitenhage and Grahamstown is not known, although it is known that at least some of the Rini MPs are from outside Grahamstown.

TRAINING AND ACCOUNTABILITY

The municipal police undergo an initial three-month training period. In the Eastern Cape this takes place at the Mtombolwazi Training College near Motherwell, in Port Elizabeth.

Unlike the so-called "special constables" or kitskonstabels who were established in late 1986 to augment the riot police, MPs are not a division of the South African Police. Their area of operation is only within the jurisdiction of the local authority which appointed them, and there are certain limitations on their powers. They are accountable to their commanding officer, who is in turn accountable to the local Town Council.

One important consequence of the municipal police falling under local authorities and not the South African Police, is that a complainant in a potential civil suit has only 90 days - and not 180, as in an action against the SAP - in which to send off the intitial letter of demand. This provision applies to any legal claim against a municipality, and not only to those relating to MPs. It does, however, make it somewhat more difficult to institute legal action, particularly in the small towns where people are very isolated from and ignorant about legal avenues for redressing their grievances.

DEPLOYMENT IN THE EASTERN CAPE

In November 1985 it was announced that a batch of about 60 municipal police had finished their training and would be deployed throughout the Eastern Cape. (Oosterlig, 25.11.86) By August 1986, according to Minister Heunis, a total of 429 municipal policemen were operating in the following 19 East Cape towns: Adelaide, Alexandria, Aliwal North, Barkly East, Bedford, Burgersdorp, Cathcart, Eliot, Fort Beaufort, Indwe, Jansenville, King Williamstown, Kirkwood, Komga, Klipplaat, Lady Grey, Maclear, Middelburg, and Somerset East. (Eastern Province Herald, 27.08.86) Not mentioned in his list were Port Elizabeth (Ibhayi Town Council), Uitenhage (Kwanobuhle Town Council) and Grahamstown (Rini Town Council), all of which have established municipal police forces.

The size of the force in most of these towns is not known. In Adelaide, Alexandria and Fort Beaufort the estimate in mid 1986 was 10 to 11 MPs for each. In Grahamstown there are plans to increase the existing force to a total of about 100. In Cradock, so we were told in September 1986, the plans call for a force of about 85 MPs to be put in place eventually.

A new development, not properly documented, is the addition of women to the police force. In Fort Beaufort in June 1986 about 4 of the approximately 10 MPs were said to be women. In Grahamstown a group of women in Rini uniform were noticed for the first time in February 1987.

PAY

There are several different levels within the municipal police force, with pay varying according to educational qualification and rank.

At the bottom are the regular "municipal police" or "community guards". The minimum educational requirement as advertised in late 1985 was not the same throughout the country. Thus, whereas in the Eastern Cape a Junior Certificate (Std. 8) was stipulated, in the Western Cape a minimum of a standard six pass was acceptable. Potential recruits were also required to be between 18 and 35 years of age.

Above the regular policeman the ranks are sergeant, senior sergeant and warrant officer. The age requirement for sergeants and senior sergeants is also 18 - 35. A senior sergeant is required to have a senior certificate and at least 5 years experience in either the SAP or SADF; a regular sergeant 3 years experience in either the SAP or SADF.

The advertised salary scales for the Eastern Cape and Western Cape were not precisely the same in 1985 either, although they were roughly comparable. In the Eastern Cape the salary scales advertised in late 1985 were as follows:

Municipal police	R2 691 - R7 470 p.a.
Sergeant	R6 846 - R11 460 p.a.
Senior sergeant	R11 460 - R16 020 p.a.

A 12% pensionable allowance was included for each category as well. This means that the very lowest starting salary for a municipal policeman

is almost R225 a month. Although in absolute terms this is very little, by comparison to most other wages being offered in the small towns of the Eastern Cape it is a lot of money. In many areas the only jobs going are in domestic or agricultural work, where the average cash wage is no more than R30 - R40 a month. The government's job creation scheme offers R4 a day, which translates into R80 a month if one is fortunate enough to get work for the whole month. One 1986 study in Grahamstown estimated that the average black wage in the town was only R50 a month (as compared to an estimated subsistence level of R168 per month).

As discussed already, the prospect of a relatively good and regular wage has been an important factor in recruitment.

STATE OF EMERGENCY REGULATIONS

Of note is that municipal police were not defined as a "force" in the emergency regulations gazetted on 12th June 1986. They were not, therefore, granted formal powers to detain anyone under the emergency regulations, although informally they have, allegedly, detained people - by arresting them and then handing them over to the regular police for actual detention. They were, however, included in the definition of "security force" in the emergency regulations gazetted on the 11th December 1986 relating to the control of publications and reporting. One effect of this is to prohibit any news or comment on any deployment of the municipal police which "to a reasonable bystander would appear to be for the purposes of security action" as defined in the proclamation.