



Workshop Report

The SARPCCO Code of Conduct

Taking stock and mapping
out future action



Edited and compiled by
Sean Tait, Cheryl Frank, Irene Ndong'u and Timothy Walker
16-17 March 2011, Johannesburg, South Africa

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Abbreviations and acronyms

APCOF	African Policing Civilian Oversight Forum
CSO	Civil society organisation
DRC	Democratic Republic of Congo
EROG	Enhancing Regional Responses against Organised Crime
ICD	Independent Complaints Directorate
ISS	Institute for Security Studies
LMPS	Lesotho Mounted Police Service
NGO	Non-governmental organisation
SADC	Southern African Development Community
SAPS	South African Police Service
SARPPCO	Southern African Regional Police Chiefs Cooperation Organisation
TRC	Transformation Resource Centre

Executive summary

The year 2011 marks ten years of the Southern African Regional Police Chiefs Cooperation Organisation (SARPPCO) Code of Conduct, which lays down the Southern African police forces' own standard of policing to which they aspire. The African Policing Civilian Oversight Forum (APCOF), in partnership with the Institute for Security Studies (ISS) and with funding support from the United Kingdom Department for International Development, hosted a workshop to discuss the application of the Code of Conduct and explore means to deepen its implementation.

Specifically, the objectives for the workshop were to:

- Promote awareness of the Code of Conduct

- Disseminate and discuss tools for monitoring the Code
- Discuss strategies to monitor compliance with the Code and encourage its implementation
- Identify lessons learnt in the development and application of the Code of Conduct that are relevant to the development of a Southern African Development Community (SADC) code of conduct
- Encourage networking and collaboration among stakeholders in the region

This report reflects the proceedings of the workshop. Representatives from all SARPPCO countries were invited, but unfortunately there were no attendees from Botswana, Swaziland, Angola or Mauritius.

Introduction

Sean Tait

Coordinator, APCOF

In 2011 we mark ten years of the SARPCCO Code of Conduct, which lays down the Southern African police forces' own standard of policing to which they aspire. This important workshop forms part of a programme of events over the year by APCOF and its partners to raise awareness and popularise the Code of Conduct, but also to take stock of efforts to apply the Code, celebrate its achievements and seek workable strategies to meet the challenges that it faces. Over the past decade and more, many Southern African countries have undergone and continue to experience police forces reform interventions with the view to, among other things, modernising their operations, improving their responsiveness to the clients they serve, increasing organisational effectiveness and efficiency, and institutionalising the principles of democratic governance.

Considerable progress has been made in recent years, but such progress is often undone when reports of police corruption, brutality and torture are revealed. Key crime combating and prevention projects are likely to be hamstrung by the alienation of the community from police who may be perceived as brutal or partisan, and this is likely to have effects across the region. In 2001 SARPCCO adopted its Code of Conduct, which represents an agreed standard of operation by the police agencies of Southern Africa. It clearly sets out principles of integrity and respect for life and for the law that, if robustly applied, could greatly strengthen compliance with human rights standards and promote the rule of law. Assessments of compliance with the Code of Conduct have been notably absent over the decade of its existence. However, this has been hampered by the fact that there is no readily available tool to monitor the application of the Code and identify and promote key interventions that would encourage compliance and focus

the resources of SARPCCO, the region's police services, policymakers, police oversight agencies and civil society on meeting common objectives.

In 2010 APCOF developed a project to identify monitoring indicators for the SARPCCO Code of Conduct. The objectives of the project are to:

- Promote the efforts of and capacitate external organisations, non-governmental organisations (NGOs), research and state civilian oversight bodies, etc. in their efforts to monitor the police
- Help police managers assess their own progress towards implementing the Code of Conduct and identify areas presenting challenges
- Promote SARPCCO's role in monitoring the implementation of the Code of Conduct

In this workshop, we will map out the advances, successes and challenges in implementing the Code, and present useful tools to both assess its implementation and raise awareness and understanding of it. The workshop is strategically important. SARPCCO is being integrated into SADC. A stated objective of the Strategic Indicative Plan of the SADC Organ on Politics, Defence and Security Cooperation is to promote the good governance of police organisations in the region through, among other things, promoting a code of conduct. The experiences of the SARPCCO Code of Conduct provide essential lessons for this process.

Importantly, the workshop also provides a networking opportunity for civil society organisations (CSOs) in the region. Networks on police reform are recognised as critical facilities in promoting ethical and accountable policing. These represent the potential to reach wider constituencies and translate concepts of national

security for local-level consumption. The ability of local communities to internalise the need for accountable policing that delivers safety and security further deepens the role such communities can play in sustaining the demand for greater accountability and their input into future policy interventions to provide security and guarantee the democratic process.¹

Local civil society networks can benefit immensely from support at the regional and continental levels in their efforts to deepen and move forward the police reform agenda. Comparative experiences from other jurisdictions can provide useful insight and support. They can relieve pressure on processes that might have become blocked in a particular country, reduce tensions and add to mutual security.²

Specifically, our objectives for the workshop are to:

- Promote awareness of the SARPCCO Code of Conduct
- Disseminate and discuss tools for monitoring the Code
- Discuss strategies to monitor compliance with the Code and encourage its implementation
- Identify lessons learnt in the development and application of the Code of Conduct that are relevant to the development of a SADC code of conduct
- Encourage networking and collaboration among stakeholders in the region

Representatives from all SARPCCO countries were invited, but unfortunately there were no attendees from Botswana, Swaziland, Angola or Mauritius.

Opening address

Prof. Elrena van der Spuy

Centre of Criminology, UCT and director, APCOF

While the focus of our discussions for the next two days is the SARPCCO Code of Conduct, it may be useful for us to think – however briefly – in more comparative terms. One does not have to look very far for examples of such codes. Here, faith-based codes easily come to mind, e.g. the Ten Commandments and the Five Pillars of Islam. Then there are professional codes of conduct, of which the Hippocratic Oath is probably the best known. In the decade of the 1990s we have seen the proliferation of corporate codes. Take, for example, Shell's Corporate Code, which emphasises transparency, integrity and honesty.

Of course, some common features are shared across codes of conduct. Such codes define expectations and set standards, and they represent symbolic statements that rely on a degree of moral authority. They are framed against the backdrop of broader values and principles. Codes of conduct may vary in scope: they may be either vague or specific; they may be formulated in broad or narrow terms. Codes of conduct criss-cross the private-public divide: they are to be found within both state institutions and the corporate world. Codes of conduct crop up too in CSOs, and they may be national, regional, international or transnational in scope. In a way, all codes of conduct provide at least some leverage (of a social and political nature) to pursue particular objectives. They all come into being because of the efforts of particular interest groups (which we may want to depict as *drivers*) and they have to muster wider networks of support. Codes of conduct present one component of a wider and more complex process required to institutionalise the values, inculcate the principles, and reinforce over time the spirit and letter of such codes, and to measure and monitor adherence to them. The question of compliance is central to all codes of conduct. A strategic question

of some importance is thus how best to create *incentives* for compliance and how best to *censure* non-compliance. Engagement with such strategic questions is critical if codes of conduct are to have wider influence.

The SARPCCO Code of Conduct is a specific variation on a wider theme of identifying the values and principles on which organisational conduct is to be based. Setting normative terms of reference for police organisations within the Southern African region is a challenging undertaking, given the state of police institutions within the region and the many political challenges that confront the rule of law. The supportive documents at our disposal provide some clues as to the context within which the Code was formulated. Reference is also made to the drivers and mechanisms upon which the institutionalisation of the Code will depend. The Code makes specific reference to human rights values and principles, and sets out minimum standards for police conduct. It makes specific reference to the particular role of the SARPCCO Training and Legal Sub-committees in creating enabling conditions.

The wider context within which the SARPCCO Code of Conduct has to be understood is the post-Cold War context within which (according to Huntington) we have witnessed another wave of democratisation. It is a period of regional history in which we have witnessed many attempts towards state restructuring and security sector and justice reform. It is also a period in which the drift towards the regionalisation of security is more apparent and within which there are growing imperatives for police cooperation. The latter, it would appear, create space within which the conversation about common standards can be pursued more easily.

The SARPCCO Code of Conduct has little to say about the more strategic question of compliance. There is only

superficial engagement with the question of monitoring and assessing adherence to the Code among individual police organisations.

While it is importance to recognise efforts to inculcate normative values in police organisations within the region, we also need to be aware of the challenges in institutionalising the SARPCCO Code of Conduct. While codes of this kind are aspirational, it does not mean that they do not have to confront the gap between *what is* and *what should be*. Another way of looking at the issue is to recognise a potential gap between formal codes of conduct and the informal codes that guide police action on the street. These informal codes are, in the case of police organisations, very important. Police sub-culture has a pervasive influence on the way in which police officers think and act within the everyday routines of their work. The norms that guide sub-cultural practices may well be at odds with formalised codes of conduct.

The Code espouses democratic values congruent with a broader political culture defined by adherence to the rule of law. It presupposes a degree of professionalism within police organisations that enjoy a degree of relative autonomy from partisan political interests. None of these assumptions, however, can be taken for granted. As a consequence, we should accept that efforts aimed at the institutionalisation of the Code of Conduct will have to be creative, focused and multifaceted.

In the next two days, it is our task to take stock of how far we have progressed and how best we can capitalise on the opportunities out there to continue to popularise the Code, mobilise support and engage with the logistics of implementation in a more pragmatic manner. In rising to this challenge, we may be well positioned to define a course of action that can advance the political leverage embedded within the existence – on paper – of the SARPCCO Code of Conduct.

Promoting the implementation of the SARPCCO Code of Conduct

Monitoring tools, their utility and application, and indicators for implementing the Code of Conduct

Amanda Dissel

APCOF

The SARPCCO Code of Conduct is a minimum set of standards for policing in the region, characterised by a commitment to maintaining and promoting ethical rights-based and professional policing. The Code is derived from international and regional human rights standards and represents a commitment to uphold and implement these rights. It includes areas of accountability and acknowledges police responsibilities in protecting and serving members of the public irrespective of gender, ethnic or religious affiliations, as well as victims of crime.

The Code of Conduct developed from a context characterised by a growing desire by states, as they emerged from conflict, to uphold democratic and human rights principles. However, observance of the Code is subject to many challenges such as scarce resources, poorly trained or insufficient personnel, militaristic cultures, high crime rates, corruption and public pressure to reduce crime, which often favour a heavy-handed approach by the police. Despite these challenges, the Code of Conduct has the potential to promote a set of shared goals, programmes, practices, and standards for police within the region that are at the same time enshrined in the human rights standards and principles to which Southern African states are party.

The application of the Code has been hampered by the fact that there has been no readily available tool to measure progress and identify challenges. Against the above background, the development of the indicators is aimed at strengthening human rights and democratic principles, assisting states in the implementation of the Code, and fostering regional cooperation.

Monitoring indicators are a means of measuring performance against agreed standards. They provide information on how to meet obligations in a specified area and track progress towards a defined objective.

Indicators have the ability to take complex information and policies and make them understandable, so that information can be compared over time in order to track progress or the lack thereof. There are different kinds of indicators: strategic indicators are often articulated at the highest level of policy, e.g. an improved level of safety; institutional indicators are related to objectives such as increasing the number of convictions; while activity-level indicators link to what activities need to be taken to help reach the goal, e.g. training policing in investigative skills.

In compiling the SARPCCO Code of Conduct indicators, emphasis was placed on those that were most directly under the control of the police, i.e. institutional and activity indicators. On this basis, a set of indicators was developed for each article of the Code. Each indicator included a measure to ascertain if the indicator has been met and a means of verification, such as legislation, statistics, media articles, reports, etc.

The existence of these monitoring indicators does not mitigate the known challenges of data collection. In many jurisdictions, legislation, annual reports, public statements and even the constitution are not readily accessible.

Even where this information is available, it is also important to balance information from police and additional sources such as surveys, focus groups, interviews and studies.

Using the SARPCCO Code of Conduct to promote the rule of law

The utility of the code in promoting the rule of law in Malawi

Jacques Carstens

Team leader, Technical Facilitation Unit, Promotion of the Rule of Law and Civic Education Project, Ministry of Justice and Constitutional Affairs, Malawi

According to the World Justice Project, which is a multi-national multidisciplinary effort to strengthen the rule of law globally, the following principles are recognised as key to understanding and framing efforts to promote the rule of law:

- Principle 1: the government and its officials are accountable under the law. Government powers are defined by law and there is clear separation of powers among the executive legislature and judiciary. Checks and balances are in place and include institutions such as auditors general, ombudsmen, public protectors and human rights commissions.
- Principle 2: the laws are clear, accessible, fair, and protect fundamental rights, including the security of persons and property.
- Principle 3: the processes by which laws are enacted, administered and enforced are accessible, fair and efficient.
- Principle 4: access to justice is provided by competent and independent adjudicators, attorneys or representatives and judicial officers who are sufficient in number, who have adequate resources and who reflect the communities they serve.

When reflecting on the utility of the SARPCCO Code of Conduct in promoting the rule of law, clear synergies were evident. Articles 7 (Rule of Law) and 9 (Corruption) linked with principle 1 articulated above. Articles 1 (Human Rights), 2 (Non Discrimination), 3 (Use of Force), 4 (Torture), 12 (Confidentiality) and 13 (Property Rights) linked with the second principle. Articles 8 (Trustworthiness), 10 (Integrity) and 11 (Professionalism) linked with principle 3, and Articles 5 (Persons in Custody) and 6 (Victims) linked to the fourth principle.

There was weak uptake and low awareness in Malawi of the SARPCCO Code of Conduct, but despite these challenges, it has clear potential for utility in promoting the rule of law in the country. This utility is evident on three levels. Firstly, it can function at the policy level in shaping and informing the police reform agenda in Malawi. Secondly, there is potential utility at the management level for guiding day-to-day policing decisions, especially if the Code is properly integrated into the system of local police organisations; and, thirdly, there is advocacy utility in being able to hold police to account.

In conclusion, promoting the rule of law in Malawi through the SARPCCO Code of Conduct can be advanced with the following points of leverage in mind:

- There is an excellent opportunity for the Code to be taken up if the Independent Police Complaints Commission and Lay Visitors scheme is operationalised, as foreseen in the new Police Act (2010), and community policing is consolidated (lack of funds has been cited by government as the reason for not operationalising these schemes).
- The basic training curriculum for the police should be overhauled and corrupt recruitment practices stopped so as to bring training into line with international best practice.
- The Code of Conduct should be publicised and popularised to make it a part of the everyday business of policing.
- If taken up jointly with the justice sector departments and other partners, an assessment of the Malawi Police against the Code of Conduct can strengthen research, monitoring and evaluation, which remain weak in Malawi.

- An assessment of the Malawi Police against the Code of Conduct can strengthen CSO coordination, collaboration and advocacy, and increase the focus on

the demand side of police reform, especially by non-state actors, who should be more assertive in calling for reforms.

Applying the indicators

Lessons from the field

Katleho Pefole

Transformation Resource Centre, Lesotho

A research project to assess the performance of the Lesotho Mounted Police Service (LMPS) in terms of the SARPCCO Code of Conduct was initiated with a memorandum of understanding between the Transformation Resource Centre (TRC) and APCOF. A research intern was recruited from the National University of Lesotho's Department of Sociology and Political Science. The TRC programme manager oversaw data collection and assisted with contacts, communication and transport logistics. The research was carried out over six months. Data was collected and captured and ordered data reported to the TRC project manager through regular progress reports. The data was compiled into a template mirroring the indicator template and forwarded to APCOF for analysis and writing up. The completed narrative was then distributed for comment and input, including to the police.

The study was undertaken using document analysis and primary data collection (interviews). Access was negotiated using standard ethical research methods of requesting permission, making appointments, explaining the study and clarifying confidentiality.

Data dating back ten years was collected to cover the period of the SARPCCO Code of Conduct. Documents were rarely taken away unless freely available public documents. The LMPS was the key information source. Additional sources included library searches, archives, media records, law court records, hospital records, individual victims, independent researchers, published documents, the Lesotho Constitution and other laws. Interviewed informants included NGOs, members of Parliament, political parties, journalists, former police

officers, magistrates, human rights lawyers, the ombudsman, the Police Directorate, the Police Inspectorate, the Police Complaints Authority, trade unions, etc.

Among the challenges encountered was that the formal approach was very time consuming. Documents were diverse and did not necessarily correlate over period and geographical area. Often data was neither readily available nor relevant. There was reluctance to share information with civilian and non-state actors, despite the fact that permission had been obtained. Often problems arose from the fact that the documents simply did not exist or could not be located. Difficulties in data collection were heightened by the fact that the police themselves were not aware of the Code of Conduct or the principles it contained and could not refer to other data that may have contained the necessary information. In hindsight, more time was needed to prepare the LMPS for the study. The legal nature of many of the issues being researched meant that a researcher with a legal background was necessary. Unfortunately, this was only realised once the study was under way, and it caused delay later on. Corroborating evidence was also difficult to come by and in many instances evidence was incomplete and inconclusive.

On the other hand, the study was assisted by good relations and cooperation between the TRC and the LMPS. Access to other institutions, such as the law courts, independent and state media, Parliament, the archives, etc., was good. The clarity and thoroughness of the monitoring indicators document also helped structure the study and the technical assistance provided by APCOF was very helpful.

Regional perspectives

Towards more effective responses to organised crime in Southern Africa – Project results and implications for policing in the region

Annette Hübschle

EROC Project, ISS

The ISS/SARPCCO Enhancing Regional Responses against Organised Crime (EROC) Project researched the patterns and frequency of organised crime in the region and their implications for policing in SADC. The project was developed jointly between the ISS and SARPCCO, and was conducted over a three-year period from January 2008 to December 2010.

The objectives of the project were to:

- Provide in-depth information on contemporary organised criminal activities in the sub-region to policy and decision makers
- Analyse the transnational dynamics of organised criminal groups and networks
- Determine whether and to what extent links exist between organised crime and terrorism
- Consider and document the role that corruption plays in organised crime
- Evaluate the capacity of law enforcement agencies in the sub-region to overcome organised crime and their effectiveness in doing so
- Establish a regional definition of organised crime
- Contribute to building the capacity of law enforcement agencies to combat organised crime by providing research and analysis of crime trends, and regular sharing of information among SARPCCO member countries

The first priority was to develop a working definition of organised crime. Here the Palermo Convention is usually used; however, the project consulted in order to find its own definition. The definition that was subsequently agreed upon and used was that organised crime is 'crime committed by two or more perpetrators who are aware of each other's existence and general role and who

are acting in concert'. Organised crime is measured in terms of its seriousness based on the extent to which it demonstrates potential or actual harm. Organised crime is also crime that is committed repeatedly and motivated by the prospect of material (usually financial) gain.

The main difficulties encountered during the research included the fact that quantitative research was often impossible, given the lack of statistics and data. Qualitative research was the major source of information, but often the data acquired from informal sources such as sex workers, club bouncers, and harbour workers was difficult to verify and confirm. Researchers also had to contend with an inherent distrust of research institutions.

The EROC research established that the following constituted the top organised crime activities in Southern Africa:

- The smuggling and illegal importation of goods and counterfeit commodities
- The importation/production and selling of drugs
- The smuggling of stolen motor vehicles
- Armed robberies
- The smuggling of endangered species and rare resources
- Financial crime and money laundering, including cybercrime
- People smuggling and human trafficking
- Stock theft and cattle rustling
- Corruption

The most commonly smuggled commodities across borders, where applicable to evade taxes on these goods, are drugs, vehicles and vehicle parts, petrol and

diesel, firearms, counterfeit bank notes, counterfeit audio-visual materials, electronics, alcoholic beverages, pharmaceutical and cosmetic products, sugar, cattle, flour, construction materials, meat, fruit and vegetables, cigarettes, tobacco and tobacco products, and people.

Some of these crimes are regarded as priority crimes by SARPPCO. Cigarette smuggling is regarded as a priority crime and the problem is twofold: on the one hand, genuine quality/brand cigarettes are smuggled across national borders to avoid taxation, while on the other hand, illicitly produced or counterfeit cigarettes are flooding regional markets. Often only the runners are apprehended. Fines do not deter criminals. Police also do not follow up on distributors, as they usually reside outside the police's areas of jurisdiction and often have links to high-ranking government officials.

There is also an emerging market for counterfeit medicines and cosmetics, which can have serious health implications. These predominantly originate from the Far East, in particular China and India.

Following the ISS presentation of findings to the SARPPCO Permanent Coordinating Sub-committee, these crimes were elevated to SARPPCO priority crimes. In the last five years, the cultivation, smuggling and consumption of drugs have become one of the greatest organised crime concerns in Southern Africa. Domestic Southern African consumption of so-called hard drugs, including heroin, cocaine and methamphetamines, has escalated in the last decade.

Drug trafficking is also increasingly connected to other forms of crime, especially the smuggling of endangered species, rare resources, precious metals and stones, and counterfeit goods and commodities. In regard to who is involved in these activities, the myth of an 'alien conspiracy' or a foreign, imported Mafia-type structure had been debunked. Rather, indigenous African organised crime is firmly entrenched. Even where non-Southern African nationals are involved, it is impossible to talk of domination by a foreign group, but rather of the existence of a multinational network.

Human trafficking and people smuggling have not seen the levels various inter-governmental bodies warn of and is not spiralling out of control in the SADC region. It had been suggested that thousands of people would be trafficked to South Africa in the run-up to the 2010 Soccer World Cup, but research has disproved

this, including fieldwork that was undertaken as part of the EROC Project and previous ISS studies on human trafficking in Southern Africa. These studies note that law enforcement agencies and others tend to conflate the concepts of 'human trafficking', 'prostitution' and 'people smuggling'. Although it is now common knowledge that there is continuous movement across national borders, less than was thought is human trafficking. A few isolated cases of human trafficking were identified, but this constitutes a far cry from a regional trend of massive cross-border trafficking in persons. People smuggling and immigration offences are of much greater concern.

Research into the trade in endangered species and rare resources revealed it to be a highly profitable organised crime system in many parts of the region. The groups involved consisted of both small opportunistic gangs and highly organised and extensively linked groups with high-tech equipment and light aircraft.

In conclusion, the main findings regarding policing were:

- Policing is reactive rather than preventative.
- There is limited intelligence gathering, in-depth investigations and information sharing.
- There is a lack of clear mandates – who is responsible for organised crime investigations (CID versus specialised units versus organised crime units versus intelligence bodies)?
- There is a lack of cooperation between different law enforcement authorities.
- Capacity building and training lacks follow-up and practical implementation.
- Poor computer and intranet networks hampers communication and the sharing of information internally and with partner organisations.
- There is a lack of specialised training, especially computer, forensics and crime scene management training.
- Human rights abuses, lack of ethical conduct and corrupt behaviour during investigations compromise efforts to combat organised crime.
- A hierarchical structure and military culture limit cooperative working relationships and increase victimisation.
- Gender mainstreaming is lacking.

Country inputs on implementing the Code of Conduct

Challenges and opportunities – case studies

ZIMBABWE

Dr Martin Rupiya

Executive director, Centre for Defence Studies, University of Zimbabwe and CEO, African Public Policy and Research Institute

Reginald Chidawanyika

Lawyer for Human Rights

Southern Africa, and Africa itself, are not uniformly similar. Different contexts for policing exist. This is especially true in environments constituted and informed by a transitional agreement, as is the case in Zimbabwe. It is therefore important to draw attention to the broader context and to do so by drawing upon verifiable empirical sources of information about the situation.

Motivations for peace and stability are drawn from the observation that in many African countries, successful elections have strengthened democratic institutions and practices while enhancing opportunities for economic growth. In other countries, credible elections have paved the way for national reconciliation and a return to civilian rule after periods of armed conflict and civil war. Even so, simply holding an election is no panacea for conflict resolution, as flawed elections have sparked violence and further polarised divided societies and eroded public confidence in institutions, politics and electoral processes.

Regarding elections, the six critical functions that security forces must fulfil in their role are as follows:

- They must recognise that electoral security is part of the larger human security framework and accordingly ensure that during elections priority is placed on protecting civilians.
- They must fulfil their institutional responsibilities of ensuring impartiality in the conduct of their official missions during the entire electoral process.

- They need to actively participate in national, sub-national and local-level electoral coordinating bodies in order to maximise intra-government cooperation and coordination during and between electoral processes.
- The roles of the respective security forces are clearly defined in the provision of electoral security with the preference that the police play the lead role in an integrated effort that can draw upon support from the military if necessary.
- Electoral assessments should be conducted and security plans prepared in advance of the election day in order to ensure that training has been conducted, communication networks are in place and response capacity has been tested.
- Security forces must maintain high standards of professionalism during all phases of the electoral process.

The impact of bad governance on policing, while more subtle in the past, has been a characteristic of Zimbabwe throughout its history. It was a characteristic of the violence that marred the 1995 one-party state and subsequent emerging democracy. In 2000 farm invasions demonstrated the way in which police did not uphold the law. In 2005 Operation Restore Order saw prolific police abuse of informal settlements and traders. The violence and intimidation that marked the disputed 2008 election escalated the incidents of police abuse and clearly defined the police as carrying out regime policing. The police reside under the Department of Home Affairs and are operationally under the command of a commissioner general who reports directly to the president. Promotions and recruitment were also skewed in favour of so-called war veterans. Currently, with the announcement of further elections, the police are again

being used as a political instrument to arrest opposition members and harass civil society. The Government of National Unity presents an opportunity to take security sector reform forward. However, the reform of the police force remains outstanding.

Zimbabwe could serve as a template for SARPCCO to fashion programmes for police reform. While the situation in the country may not at present be conducive to such reforms, the SARPCCO Code of Conduct is nonetheless an effective and unobtrusive way of fulfilling other objectives regarding the achievement of peace and security.

SOUTH AFRICA

Andrew Faull

Researcher, Institute for Security Studies

The South African police have had to deal with two conflicting narratives of their role and conduct, neither of which is in the ascendancy, thus creating significant friction and confusion among police over which narrative to follow.

The first narrative is that of the war on crime, in which the police aim to communicate a message of fear to the citizenry by creating a criminal 'other'. Policing that is tough on crime is popular and populist. However, this narrative and its accompanying rhetoric ultimately contradict the internationally accepted principles of policing as contained in the SARPCCO Code of Conduct. Such a contradiction occurs with regard to non-discrimination and respect for all persons, as it creates a space in which entire groups can be labeled 'criminal' and so expose them to police abuse.

The second narrative is that of a police force that is primarily concerned with respect for human rights, due process and the law. It is less frequently drawn upon in the discourse around policing, but this message is unfortunately rendered ambiguous by the present focus on the war on crime narrative. The hardline rhetoric detracts from emphasis on internationally recognised principles of police practice and the agreed ethics and values in the South African Police Service (SAPS) and suggests a 'catch them at all costs' approach that trumps respect for human rights and professional policing.

The SAPS has a detailed Code of Ethics and Code of Conduct, which cover the bulk of the content covered in the SARPCCO Code of Conduct. All members of the SAPS must sign these codes. However, the values laid out in them are not always adhered to.

The SAPS is the largest and best-resourced police agency within SARPCCO. The SAPS underwent major reform in the early 1990s and operates in an environment characterised by high levels of violent crime. Crime and policing are highly politicised issues in South Africa.

Crime reduction targets expressed in terms of percentages have led to an organisational culture obsessed with reported crime (leading to non-reporting, the turning away of victims, statistic manipulation, etc.).

The SAPS has grown by approximately 80 000 to around 195 000 members in the past ten years. Quantity is emphasised rather than quality, and recruits are absorbed into an organisation that is driven by performance pressure.

In the post-apartheid era, South Africa has witnessed a shift in the discourse of policing, which is notably manifested in the change of references to the name from the South African Police Service to the South African Police Force by its leadership.³ Constitutionally, the SAPS remains a 'service', which has resulted in ambiguous communication to its members. The introduction of military ranks, intended to improve discipline, has also contributed to the confusion.

Ambiguity can also be seen in the training that the police have received to date, which has focused on the service element in policing. The subsequent shift in focus towards a more forceful approach to policing appeals to both the public and politicians, but the proper course of action that the police are expected to take now requires clarification. This dual narrative makes it difficult for operational police to interpret their mandate and know what is normatively expected of them.

The main challenges identified with policing in South Africa revolve around discipline, leadership and corruption. This is complicated by concerns regarding the SAPS leadership, with recent allegations made against senior police leadership regarding nepotistic promotions, irregular financial management and abuse of crime intelligence. These claims have threatened to upset positive gains made by the SAPS. To add to these challenges, controversies persist around the use of force, deaths in police custody or as a result of police action (908 in 2009/10, up from 792 in 2007/08), and torture.

There is also a growing perception of the SAPS as corrupt, but the organisation has been almost ten years without established anti-corruption systems. In this context, group solidarity supersedes peer accountability, with a lack of reporting and poor command and control, which is compounded by disparate promotions.

Good policing emerges in a context in which police officers have faith in their leadership and where leaders behave like ideal police officers. Suggestions that leaders are beyond reproach create spaces in which other police feel free to ignore codes of conduct or standing orders. A notable challenge facing the SAPS is that leadership is seen as beyond reproach, and that decisions are not based on the Constitution and Code of Conduct, but are guided by alternative agendas.

There were, however, numerous opportunities for improvement, such as the fact that the SAPS has tens of thousands of honest, dedicated, service-oriented members. The SAPS also has numerous systems that (although they can be enhanced) allow for checks and balances in policing and personnel management. These systems include systems of internal discipline. A total of 1 421 cases were resolved in 2009/10. Other systems include the existence of strong unions and the fact that all members sign the SAPS Code of Conduct. SAPS members also work under fairly good conditions, are well resourced with fairly good pay, and enjoy employee support services such as counselling and financial management. Furthermore, police training has been extended to two years from 2011.

Further opportunities can be identified in legislation and independent civilian oversight, where vibrant oversight architecture exists, including community policing forums, the Independent Complaints Directorate (ICD), the Civilian Secretariat of Police, the media, opposition parties, an independent judiciary and civil society. The South African population, including non-citizens, is also an increasingly empowered one, augmented by the growth of social media. Areas for new legislation also exist to further empower the ICD and Civilian Secretariat of Police and to criminalise torture.

Important challenges that remain include issues of discipline, command and control, and internal oversight. Internal oversight mechanisms remain weak in their application and should be strengthened. However, so long as a populist 'tough on crime' discourse dominates in South Africa, there will always be loopholes for police to escape sanction as a result of contravening the Code of Conduct.

LESOTHO

Katleho Pefole

Transformation Resource Centre, Lesotho

The Lesotho Mounted Police Service (LMPS) is highly politicised and feared, and there is worrying competition between the LMPS and the military over the distribution of resources. Frequent complaints are made that the military is favoured over the police.

Police training is yet another concern, given the relatively short period of six months' basic training. Whether this is an adequate amount of time to fully cover all areas of policing is debatable. Accordingly, there is increasing interest in police training and education in Lesotho.

There is a powerful outreach and public relations system in place, with a strong police media that competes with other media in creating public awareness and raising support.

Police oversight In Lesotho, however, is weak. Despite the establishment of oversight and complaint bodies within the police force, primary access to these bodies is through the state. Complaints from private citizens must first be directed through the Internal Security Ministry. Private citizens do have access to courts and the ombudsman, but the latter bodies can only offer general recommendations against complaints.

There is an effort to address gender imbalances in the LMPS with female promotion and the establishment of the Child and Gender Protection Unit to address domestic violence cases. Since this unit was established, there has been growing awareness of the rights of women and children in Lesotho.

Ongoing tension exists between law enforcement elements such as the police, and traditional and customary law determined by chiefs.

MALAWI

Peter Ngulube Chinoko

Executive director, Catholic Commission for Justice and Peace

The general functions of the police service in Malawi include the prevention, investigation and detection of crime; the apprehension of offenders; the preservation of law and order; and the protection of life, property, fundamental freedoms and the rights of individuals through the enforcement of all laws that the police are directly charged to uphold.

Regarding the powers, duties and privileges of the police, officers are compelled to obey all lawful directions in respect to the execution of their duties and promptly obey and execute all orders and warrants lawfully issued by a competent authority.

Notable progress has been made to increase respect for human rights in Malawi, and there has been progressive improvement in awareness of these rights. However, at the same time, fundamental rights are often being curtailed.

The powers granted to the police to use firearms in the exercise of their duty is a controversial issue in Malawi. The use of firearms is permitted if any person in lawful custody is attempting to escape, and may be directed against any person who by force rescues or attempts to rescue any other person from lawful custody and any person who by force prevents or attempts to prevent his or her own lawful arrest. This leaves wide latitude for abuse and has been exacerbated by recent political statements that have intimated that a shoot-to-kill policy is in place.

A recent development that prevents assembly in front of government buildings has the potential to impact negatively on freedom of assembly and expression, and on the role of the police in managing such demonstrations. People are likely to assemble in front of state buildings due to

their symbolic value, and the prohibition of such protests is a worrying trend, especially in the current context.

A positive development in regard to non-discrimination is that 'bad' officers are being prosecuted, but this is tempered by how the police have, on occasion, been used by the executive to arrest members of the opposition.

The Independent Complaints Commission, which is empowered to receive and investigate complaints by the public against police officers and the police service, to investigate deaths or injuries as a result of police action, and to investigate all deaths and injuries that occur in police custody, is yet to be established.

In relation to torture and cruel, inhuman or degrading treatment, Malawi was commended for passing very clear legislation that aims to stop any occurrence of these crimes, but at the same time the beating of those in police custody continues. It is also commendable that persons in custody have access to medical care (including antiretrovirals), it is easy for relatives to visit those in custody and legal counselling has been made available. One of the most positive developments that has been noted is that there is increasing support for victims of crime through victim support units and counselling. This development also indicates that the professional conduct of the police is improving.

In conclusion, Malawians should continue to strive for an independent police force that recruits according to merit. This process should be simultaneously complemented by a review of archaic laws.

Building a democratic police force can be assisted by increasing community awareness of the SARPPCO Code of Conduct among civil society in Malawi. The Police Training School should also continue to be orientated to upholding the Code – currently most junior officers are not aware of its existence.

NAMIBIA

Pauline Dempers

National coordinator and co-founder, Breaking the Wall of Silence Movement

Sharon Kasanda

LED project coordinator, Urban Trust of Namibia

The Namibia Police Service was established in the 1990s. Due to the political history of the country, ex-combatants were recruited into the police without necessarily receiving police training, and this has caused problems especially regarding the credibility and professionalism of the police. There is no formal forum for interaction between the police and the public and therefore little space to encourage engagement. Nonetheless, civil society and the police in Namibia have a good working relationship.

The SARPPCO Code of Conduct is neither well known nor widely used in Namibia. This is attributed to the perception that the Code is just another regional arrangement. Instead, police conduct is governed by the existing Police Act of 1990 and the Constitution. The existing legal regime is seen to cater for the articles contained with the SARPPCO Code, however.

A number of challenges face the police in Namibia, with police training remaining one of the most significant. Currently, training lasts for six months and it is debatable whether this is adequate for the comprehensive acquisition of requisite policing skills. Concern around excessive use of force by the police is ongoing. The lack of resources to effectively carry out police duties is another area of concern and results in slow response times that undermine police capability.

The public are also not aware of their rights. Members of the public continue to mistrust the police and as a result do not report crimes for fear of being victimised or branded as criminals themselves.

Challenges faced by CSOs in seeking to understand the challenges faced by the police include difficulties with information and data gathering. When data is finally received, it is often outdated. There are also few credible oversight agencies and accessible monitoring tools for holding the police accountable, especially when human rights are violated.

Recommendations for overcoming the above challenges include the need to raise awareness of what is considered to be desirable policing. The SARPPCO Code of Conduct could be useful in this regard. Secondly, civil society should engage the police a great deal more, including drafting shadow reports when the opportunity permits and lobbying and advocating for the reform of outdated laws and the introduction of needed legislation such as that pertaining to access to information.

TANZANIA

Adv. Shilinde Ngalula

Legal and Human Rights Centre

The police force in Tanzania is governed by the United Republic of Tanzania Constitution of 1977; the Police Force and Auxiliary Service Act, Cap. 322 of the Laws of Tanzania, which establishes the police force and its broad functions; the Police Force and Prison Service Regulations Act of 1995, which lays down staff regulations; and the Code of Conduct and the Police General Orders, which provide for the day-to-day operations of the police force. Other laws that touch on police duties and functions include the Tanzania Penal Code, Cap. 16; the Criminal Procedure Act of 1985; the Evidence Act of 1967; the Prevention of Terrorism Act of 2002;

international law; UN conventions and declarations; and bilateral treaties. Regional consensus and group resolutions also govern policing in Tanzania.

The powers and functions of the police in Tanzania include the preservation of peace; the maintenance of law and order; the prevention and detection of crimes; the apprehension and guarding of offenders; and the protection of people and property.

Internal and external oversight and accountability mechanisms govern the police in Tanzania. Senior officers are charged in accordance with the Police Force and Prison Service Regulations Act of 1995. Junior officers, on the other hand, are governed in accordance with the Police General Orders of 2006.

External oversight of the police in Tanzania is exercised by Parliament through parliamentary committees, the relevant ministry or through the courts. Legal proceedings are instituted for civil and criminal acts carried out by both senior and junior staff, who are charged in accordance with civil and criminal law. For criminal acts, accused officers are suspended pending hearing of their cases in courts. Other external oversight mechanisms include specific probe committees, the Commission of Human Rights and Good Governance, the Prevention and Combating of Corruption Bureau, and civil society and the media, who play a watchdog role. Regional and international actors also oversee police work and hold them accountable for violations of international law.

Public experience of policing in Tanzania is characterised by illegal arrest and detention, torture and excessive use of force, corruption, partiality (especially experienced during political rallies), extra-judicial executions, and abuse of due process. This is contrary to the expectations the public have of a democratic police organisation that is supposed to be accountable to the law, democratic structures and the community; should be transparent in its activities; and should give priority to protecting individual rights while providing professional services. It should also be representative of the community it serves.

Other challenges facing policing in Tanzania include inadequate infrastructure and equipment such as information technology, ineffective institutional frameworks, and budgetary limitations and constraints.

Police reform in Tanzania can be traced to the social, economic and political transformations of the 1980s and 1990s. These transformations resulted in the introduction of a liberal economy and democracy through the introduction of a multi-party political system and the incorporation of basic rights into the Constitution. In responding to these changes, the government initiated broad-based policies such as the National Development Vision 2025, the Poverty Eradication Strategy and the

Poverty Reduction Strategy. Major reform programmes include the Public Service Reforms Programme, the Local Government Reform Programme, the Public Financial Management Reform Programme, the National Anti-corruption Strategy, the Legal Sector Reform Programme and the strengthening of the business environment in Tanzania.

The vision of the Police Reform Programme 2006–2015 is to have a professional, modern and community-centred force with a mission of establishing a more dispersed, visible, accessible and service-oriented police force that interacts freely with the community in the protection of the life and property of all people. The reforms are also aimed at introducing community policing in order to enhance partnerships with the public. The aim of a 'professional' force is to have a workforce that can maintain law and order and uphold the rule of law while respecting human rights principles and standards.

Some of the successes of the reforms so far include:

- The integration by the Police Academy of human rights principles and the teaching of customer care skills in its curriculum
- The establishment of the Tanzania Female Network, which, among other things, has facilitated the establishment of gender desks at police stations
- The introduction of community policing and the publication of self-help kits for such policing
- The establishment of police websites and the facilitation of access to police information (including such basic information as telephone numbers)
- The reduction in crime rates and prevalence of HIV/AIDS among police officers

The SAPRCCO Code of Conduct is among many international, regional and sub-regional instruments that provide standard rules for police respect for the rule of law and human rights principles, and proper standards for police when executing their duties and functions.

However, some of the challenges with implementing the SARPCCO Code of Conduct include:

- The lack of mechanisms for enforcing compliance with the Code
- The Code's lack of legitimacy, because it has not been ratified by state authorities
- The absence of advocacy and lobbying strategies for implementing the Code
- The absence of monitoring and evaluation tools for the implementation of the Code
- The lack of indicators for outcomes resulting from the implementation of the Code

- The lack of community awareness of the Code in Tanzania

The ongoing police reform process in Tanzania represents a good opportunity to integrate the SARPCCO Code of Conduct into the Tanzania Police Force.

DEMOCRATIC REPUBLIC OF CONGO

Alain Kateta

Avocats des Droits de l'Homme

The Democratic Republic of Congo (DRC) is a vast country with a population of approximately 65 million people. It is bordered by nine countries and is still recovering from decades of conflict. For a long time, the DRC did not have a police force, which was only established in 2002.

Given the political history of the country, the police force faces many challenges. The lack of a police academy for training police recruits is cited as a critical challenge for the country. This is particularly so given the number of ex-combatants recruited into the police force without appropriate training. Public perception of the police in the DRC is one of deep mistrust. Police officers are widely perceived as being brutal, inefficient and corrupt. The harassment of human rights defenders by the police is also prevalent.

The police–population ratio in the DRC is low at 1 police officer for approximately 1 143 people. Stations are also located at great distances from large sections of the population, which makes access to the police to report cases difficult.

The DRC is a member of SADC, and introducing the SARPCCO Code of Conduct into the country presents an opportunity to frame what an acceptable police force should look like. The Commission for Police Reforms in the DRC, which includes human rights defenders and CSOs, meets regularly with the government and could be an important entry point for introducing the Code of Conduct. There is also a Network on Security and Justice in the DRC, which is very active and, as such, is another avenue for introducing the Code of Conduct.

ZAMBIA

Dr Robert Matonga

President, International Physicians for the Prevention of Nuclear War

Zambia inherited a colonial police force that was regarded as brutal and repressive. Since independence

in 1974, that perception persists. Under the single-party system, police brutality became worse and the country existed in a state of emergency for 27 years.

One of the challenges with policing in Zambia is the low police numbers. There are 26 000 police for a country with a population of 27 million people. The excessive use of force and corruption are ongoing challenges. The police force is also poorly resourced and porous borders compound problems.

Over the past ten years there have been ongoing police reforms. There is now a public relations department within the police and the orientation of the force has been changed to that of service. There have also been efforts to enhance civil society–police relations and this has been done mainly through the introduction of community policing. The aim of the reforms is to create a professional, lean and accountable police service that answers to the needs of the people.

Oversight of the police includes both internal and external mechanisms (Parliament, the Police Service Commissions, the Public Complaints Commissions and judicial reviews).

In the police, there is a general lack of awareness of the SARPCCO Code of Conduct, except among senior officers. There is an opportunity to deepen the application and use of the Code of Conduct as part of the ongoing police reforms in the country.

MOZAMBIQUE

Joao Jose Uthui

National Forum of Mozambique NGOs

There was little awareness of the SARPCCO Code of Conduct in Mozambique beyond the police leadership. It was also difficult to ascertain the extent to which the Code was being implemented. Information in this regard was not readily available.

Despite the challenges of police abuse and corruption, there have been a number of positive developments that include focused efforts at addressing the crimes of corruption and violence against women. Screening for new recruit police officers now includes screening by the communities they will serve to double-check the desirability of the new recruits.

Public awareness of the SARPCCO Code of Conduct and efforts to encourage compliance could assist in promoting a more ethical and professional police force in Mozambique.

Discussion

THE VALUE OF ASSESSING THE APPLICATION OF THE CODE OF CONDUCT

While each country was required to apply the Code domestically, there was a dearth of studies across the region on the extent to which policing conformed to the principles of the SARPCCO Code of Conduct. The proposed assessment of the police in Southern Africa against the Code of Conduct was confirmed as an important exercise.

An assessment would be an important test of how institutions have read, domesticated and implemented the Code of Conduct. Such an assessment would also reveal sub-cultures in police organisations and practices that occur within specific contexts.

The SARPCCO Code of Conduct is indicative of what people expect of the police. The public therefore also have the right to assess and oversee policing.

POLICING IN SOUTHERN AFRICA

The participants congratulated the presenters for the studies presented, as they had illuminated the areas civil society must become aware of and can engage. The presentations provided ideas on how the role that ethical policing plays in democratic governance and everyday life can be disseminated among organisations and the members of public who do not work on policing on a day-to-day basis.

While the presentations noted similarities in policing across the SADC region that were useful as a basis for a wider conceptual approach, it is equally important to consider and appreciate the diversity and differences among the countries of the region.

Respondents also stated that the police, civil society and states in the region should actively work to counter a situation where the civilian population grows ever more fearful of the police. Currently there is a whole range of crimes that are not policed due to a lack of trust in the police and a population fearful of coming forward with information. A militarised response to crime exacerbates the situation.

Police brutality was also noted as a cross-cutting problem in most countries represented at the workshop. Structures that are currently in place for overseeing police conduct need to be strengthened and, in some instances, established. One of the most urgent gaps to address in policing is for the professional use of force within the parameters of the law.

CHALLENGES IN ASSESSING COMPLIANCE WITH THE CODE OF CONDUCT

There was consensus on the usefulness of Katleho Pefole's presentation on the research processes and challenges involved in testing the indicators in Lesotho, particularly the difficulties in acquiring information. Researchers undertaking the assessment needed to be nimble and change methodology when necessary, given the lack of documentation and poor veracity of the documentation.

In addition, any assessment of policing across the region needs to be mindful of unique differences and in particular of the fact that in some jurisdictions in the region the rule of law does not exist, making the application of the Code largely academic.

Police practices also remain very opaque and it is difficult to discern the extent to which high-level implementation of the Code of Conduct translates into the

daily behaviour of the police on the ground. A balance of quantitative and qualitative information to allow for interpretations and analyses was required.

The interface between a police station and the surrounding community was a rich site of research into police conduct. It was not immediately clear how many stations would be necessary to constitute a representative national sample size and the criteria for selection.

In addition, researchers must find out about police training and recruitment to ascertain how police were prepared for their ultimate observance of the Code of Conduct during the execution of their day-to-day duties. On the face of it, six months of basic police training seem inadequate to instil the values and behaviour expected from the police in terms of the Code.

Managing police expectations was an important aspect of the study. The police were often dissatisfied with the interpretations and conclusions reached. However, the results of any assessments could be seen as positive as they identified critical areas of change that, if undertaken, could have a significant impact on how the police did their work and how this was experienced and perceived by the citizens.

DEEPENING THE CODE OF CONDUCT – ADVOCACY OPPORTUNITIES

Discussions were facilitated under the headings:

- How to engage SARPCCO
- Deepening the Code of Conduct
- Police capacity building
- How to maximise regional support among APCOF members

How to engage SARPCCO

- Unfortunately, there has been a less-than-enthusiastic response from SARPCCO.
- SARPCCO may not necessarily be resistant to the Code of Conduct, but rather the question is whether the Code is on the organisation's agenda and has been prioritised. If it has not been prioritised, civil society should advocate that it is afforded the priority it deserves. Civil society needs to find ways of engaging constructively with this key security actor.
- Engagement should be pursued at the regional level, but also individually through domestic police agencies and the relationships between CSOs and their countries' police.
- Engagement with the police at the local and regional levels should be sustained. Even though there may

be fall-outs, it is critical to build trust between the police and CSOs. Such relationships are important, particularly because some police do have influence and are willing to embrace change. It is also from such relationships that spoilers and champions of applying and promoting the Code of Conduct can be identified.

- Other regional entities also provide opportunity for engagement:
 - The SADC Organ on Politics, Defence and Security Cooperation would be another way of getting regional buy-in. An assessment of what is currently taking place in SADC countries should be undertaken first. Lessons can then be drawn from these studies and presented to the SADC Organ on Politics, Defence and Security Cooperation, under which SARPCCO now falls. The Organ has recognised the importance of a code of conduct for security forces in its strategic plan and could benefit greatly from the type of study discussed here. The need for a protocol on policing could also be advocated.
 - The SADC NGO Forum has been interested in developing its focus on the police and could be an important partner.
 - The SADC Parliamentary Forum is another important partner in promoting ethical policing in the region and could be interested in the study and its outcomes.

Deepening the Code of Conduct

- There is a need to popularise the Code of Conduct as a tool for monitoring human rights adherence, especially among human rights bodies, gender groups and others.
- Oversight mechanisms such as parliaments and national human rights commissions could be supported in their work by being engaged in the study.
- Radio and the print media are effective tools for community awareness raising and mobilisation on the SARPCCO Code of Conduct.
- An inter-agency seminar or workshop for relevant stakeholders on the results of the study will hold further advocacy prospects.
- The report from this workshop should be disseminated to APCOF members.

Police capacity building

- Monitoring indicators could be an important training tool for the police in educating members on the Code of Conduct. Training institutions should be engaged and offered the publication. Where possible, civil

society and groups like APCOF should advocate that the Code of Conduct is incorporated in curricula at police training colleges.

- The Code of Conduct should be regarded as one intervention and not as a silver bullet.

How to maximise regional support among APCOF members

- The lack of uptake of the Code of Conduct by SADC countries may not necessarily be an issue of disinterest or disengagement. Rather, there is need to seek ways of gaining entry from different levels (national and regional) in order to profile the Code.
- Holding a regional workshop for organisations that offer police training could be one way of raising awareness of the Code of Conduct.
- The Code of Conduct needs to become a regionally owned product.
- The recurring challenge is how to practically respond to issues of police conduct especially during elections. It was noted, for instance, that there will be elections in 2011 in four SADC countries. The Code of Conduct sets a standard for police that is as applicable to policing an election as to any other police duty.
- There is little value in comparing country implementation of the Code of Conduct due to the different contexts that exist in each country. However, applying the indicators could in future create a baseline for establishing or comparing performance among countries.
- The present opportunity in Lesotho is that by applying the indicators and assessing compliance with the Code, an agenda for change has been set.
- Popularising and showcasing the Lesotho case study could go some way in promoting the assessment of the Code in the region. The report from this

workshop should therefore be disseminated to other countries. At least two other countries should also be identified for an initial study, and a comparison could then be made of the three.

- Existing networks are another avenue for popularising the Code of Conduct, for instance SASDEM, IANSA and other regional security sector reform networks.
- Inviting police to seminars so that they can also raise concerns and challenges is important.
- Other meetings taking place across the region can be used to disseminate and raise the issues discussed in this meeting.

Sean Tait offered a summary of the issues that had emerged during the two-day workshop. He noted that the presentations had confirmed the utility of the SARPCCO Code of Conduct, but that there is an ongoing need to identify ways of enhancing its application. He identified continued communication among APCOF members as critical to maintaining the momentum achieved during the workshop.

In conclusion, it was agreed that a regional APCOF network would be supported using this workshop as its genesis and the Code of Conduct as a focal issue. APCOF would seek to report back at least quarterly to this group. An incremental assessment of police agencies in the region would be undertaken. APCOF would be contacting participants to take this forward.

The workshop discussions, monitoring indicators for the Code of Conduct, and the plans to assess compliance with the Code would be communicated to the SADC Organ and SADC Parliamentary Forum.

Mr Tait thanked participants for their attendance, thoughts and time, and the effort they took in preparing their presentations. He also thanked the ISS for its contribution towards hosting the workshop.

Concluding remarks

Cheryl Frank

Director, Pretoria office, ISS

During her closing remarks, Ms Frank reflected on whether the governments of the SADC region are delivering on issues important to the region. She lauded the workshop as an important forum in which the current state of the rule of law for the region had been established, especially on issues of justice, and expressed her gratitude to the presenters for their presentations. She noted that discussions that had emerged during the workshop were critical leveraging tools for the Code of Conduct, as are CSOs in the region. What is important

moving forward for the APCOF network is to maintain momentum from the workshop discussions and to nurture and strengthen one another's work especially on security issues.

Finally, Ms Frank thanked APCOF for holding the network together and encouraged other members of the network to continue to support APCOF. She also thanked participants for the rich discussions and encouraged them to move discussions forward in their respective countries and to keep communication lines open.

Notes

- 1 J Forman, Security sector reform: what role for civil society?, in M Caparini, P Fluri and F Molnar (eds), *Civil society and security sector reform*, Geneva: DCAF, 2006.
- 2 N Ball, Civil society, good governance and the security sector, in M Caparini, P Fluri and F Molnar (eds), *Civil society and security sector reform*, Geneva: DCAF, 2006.
- 3 This was introduced in 2010. The ranks have been remilitarised, and while the Constitution stills refers to the Police Services, it is now common for the police to refer to the organisation as the South African Police Force.

Appendix A

Group photo

Photo 4 Workshop participants: Ten Years of the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO) Code of Conduct – Taking Stock and Mapping out Future Action, 16–17 March 2011



Appendix B

Workshop programme

TEN YEARS OF THE SARPCCO CODE OF CONDUCT – TAKING STOCK AND MAPPING OUT FUTURE ACTION 16–17 March 2011, Johannesburg, South Africa		
16 March 2011		
8:30 – 9:00	Registration	
9:00 – 9:30	Introduction	Sean Tait, coordinator, APCOF
9:30 – 10:00	Opening address	Prof. Eirena van der Spuy, Centre of Criminology, UCT and director, APCOF
10:00 – 10:30	Promoting the implementation of the SARPCCO Code of Conduct: monitoring tools, their utility and application, and indicators for implementing the Code of Conduct	Amanda Dissel, APCOF
10:30 – 11:00	Tea	
11:00 – 11:30	Using the SARPCCO Code of Conduct to promote the rule of law: the utility of the Code in promoting the rule of law in Malawi	Jacques Carstens, team leader, Technical Facilitation Unit, Promotion of the Rule of Law and Civic Education Project, Ministry of Justice and Constitutional Affairs, Malawi
11:30 – 12:00	Applying the indicators: lessons from the field	Katleho Pefole, Transformation Resource Centre, Lesotho
12:00 – 12:30	Panel discussion	All presenters
12:30 – 13:30	Lunch	
13:30 – 14:00	Regional perspectives: towards more effective responses to organised crime in Southern Africa: project results and implications for policing in the region	Annette Hübschle, EROC Project, ISS
14:00 – 16:20	Country inputs on implementing the Code of Conduct: challenges and opportunities: case studies	All participants
14:00 – 14:10	Democratic Republic of Congo	
14:10 – 14:20	Malawi	
14:20 – 14:30	Mozambique	
14:30 – 14:40	Namibia	
14:40 – 14:50	South Africa	
14:50 – 15:00	Tanzania	
15:00 – 15:30	Tea	
15:30 – 15:40	Zambia	All participants
15:40 – 15:50	Zimbabwe	
17 March 2011		
9:00 – 9:30	Recap	
9:30 – 11:30	Working groups: Deepening the Code of Conduct – Advocacy opportunities	All participants
11:30 – 12:30	Plenary and closure	
12:30 – 13:30	Lunch and departure	

Appendix C

List of participants

	Title	Name	Organisation	E-mail address
1	Mr	Boichoko Abraham Dithake	SADC Council for NGOs	abied@sadc-cngo.org.bw
3	Mr	Alain Kateta	Avocats des Droits de l'Homme	a_kateta@yahoo.fr
4	Mr	Katleho Pefole	Transformation Resource Centre, Lesotho	pefole@trc.org.ls
5	Mr	Peter Chinoko	Catholic Commission for Justice and Peace, Malawi	chinokopeter@yahoo.com
6	Mr	Jacques Carstens	Rule of Law Project, Malawi	jcarstens@ruleoflawmw.org
8	Dr	Joao Jose Uthui	National Forum for Mozambique NGOs	joaouthui@yahoo.com.br ruthui@yahoo.com.br
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Appendix D

SARPCCO Code of Conduct

6th ANNUAL GENERAL MEETING

27 – 31 AUGUST 2001

MAURITIUS

HARARE RESOLUTION ON THE SARPCCO CODE OF CONDUCT FOR POLICE OFFICIALS

In view of the objectives and principles of SARPCCO as stated in its Constitution;

Following the recommendations of the Police Chiefs at the Human Rights Workshop, in Kasane, Botswana, 8–10 February 2000;

Considering the report by the Chairman of the Legal Sub-Committee on its meeting held in Mangochi, Malawi, 8–12 January and Harare, Zimbabwe, 3–5 July 2001, it is agreed as follows:

- That the attached Code of Conduct for Police Officials is adopted as a minimum standard for police forces / services in the region
- That each member of SARPCCO takes the necessary measures to implement nationally the Code of Conduct for the Police Officials and to adopt it to its own national requirements, if necessary
- That the Legal Sub-Committee of SARPCCO shall oversee the effective dissemination, promotion and implementation of the Code of Conduct, including providing advice on national legislation required to fully implement the Code. Annual reports to the SARPCCO Annual General Meeting shall be provided by the Legal Sub-Committee on its monitoring of the implementation of the Code of Conduct
- That the Training Sub-Committee of SARPCCO shall produce for the SARPCCO Chairman within three months of the passing of this resolution, a comprehensive training plan and curriculum on the Code of Conduct
- That a joint workshop of the Legal and Training Sub-Committees, be convened to assist the Training Sub-Committee to draw up a training plan on how the SARPCCO Code of Conduct could be taught to all Police Officials in the region

- That the Training Sub-Committee of SARPCCO shall provide annual reports to the SARPCCO Annual General Meeting on the training it has provided and facilitated on the Code of Conduct.

CODE OF CONDUCT FOR POLICE OFFICIALS

Preamble

We, the Chiefs of Police of the:

Republic of Angola;
Republic of Botswana;
Kingdom of Lesotho;
Republic of Malawi;
Republic of Mauritius;
Republic of Mozambique;
Republic of Namibia;
Republic of South Africa;
Kingdom of Swaziland;
United Republic of Tanzania;
Republic of Zambia; and the
Republic of Zimbabwe,

As members of the Southern African Regional Police Chiefs Co-operation Organization (SARPCCO);

GUIDED by the following principles: respect for all human life; reverence for the law; integrity; service excellence and respect for property rights;

RECOGNIZING that ethical standards, in particular human rights norms, are an important tool in the professionalization of police forces/services everywhere and in SARPCCO member countries;

DESIROUS of integrating human rights in SARPCCO police training and practices, in line with the values and ideals of SARPCCO;

CONSIDERING that it is desirable that police officers have the active moral and physical support of the public they are serving;

AWARE of the need to disseminate best practices and strengthen respect for human rights in SARPCCO member countries;

REAFFIRMING the commitment to a high degree of professionalism in serving the public;

HEREBY AGREE AS FOLLOWS:

Respect for all human life

Article 1

Respect for human rights

In the performance of their duties, police officials shall respect and protect human dignity and maintain and uphold all human rights for all persons.

Article 2

Non-discrimination

Police officials shall treat all persons fairly and equally and avoid any form of discrimination.

Article 3

Use of force

Police officials may only use force when strictly necessary and to the extent required for the performance of their duties adhering to national legislation and practices.

Article 4

Torture, cruel, inhuman or degrading treatment

No police official, under any circumstances, shall inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment to any person.

Article 5

Protection of persons in custody

Police officials shall ensure the protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Article 6

Victims of crime

All victims of crime shall be treated with compassion and respect. Police officials shall ensure that proper and prompt aid is provided where necessary.

Reverence for the law

Article 7

Respect for the rule of law and Code of Conduct

Police officials shall respect and uphold the law and the present Code of Conduct.

Integrity

Article 8

Trustworthiness

The public demands that the integrity of police officials be above reproach. Police officials shall, therefore, behave in a trustworthy manner and avoid any conduct that might compromise integrity and thus undercut the public confidence in a police force / service.

Article 9

Corruption and abuse of power

Police officials shall not commit or attempt to commit any act of corruption or abuse power. They shall rigorously oppose and combat all such acts.

Police officials shall not accept gifts, presents, subscriptions, favours, gratuities or promises that could be interpreted as seeking to cause the police official to refrain from performing official responsibilities honestly and within the law.

Service excellence

Article 10

Performance of duties

Police officials shall at all times fulfil the duties imposed upon them by law, in a manner consistent with the high degree of responsibility and integrity required by their profession.

Article 11

Professional conduct

Police officials shall ensure that they treat all persons in a courteous manner and that their conduct is exemplary and consistent with the demands of the profession and the public they serve.

Article 12

Confidentiality

Matters of a confidential nature in the possession of police officials shall be kept confidential, unless the performance of duty and need of justice strictly require otherwise.

Respect for property rights

Article 13

Property rights

In the performance of their duties police officials shall respect and protect all property rights. This includes the economical use of public resources.



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