

HUMAN RIGHTS AND POLICING IN SOUTH AFRICA: A HISTORICAL PERSPECTIVE

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ABSTRACT

The renamed South African Police Service (SAPS) is widely viewed as an inefficient and corrupt institution whose members are often implicated in criminal activities. Scandal after scandal plagues the SAPS whose reputation is in need of massive rehabilitation. Since the advent of democracy in South Africa in 1994 almost 2000 police officers have been murdered. This crisis in policing is part and parcel of the larger crime problem that plagues South Africa. 20,000 people were murdered in South Africa in 2000 and reports indicate that the South Africa trails only Russia and Colombia in the prevalence of organised crime.

In a country where unemployment runs between 30-50% and where the majority of the population struggles on the economic margins, high crime rates are not surprising. It is the violence associated with so much of the crime that has created a climate of fear. Carjacking, rape, murder, armed robbery, gang conflicts, taxi wars, vigilantism and police shootings dominate the headlines and the national consciousness. While it is generally acknowledged that the effects of segregation and apartheid nurtured conflict and hostility amongst all population groups in South Africa, popular perception, media reports, and academic analyses tend to locate the more immediate roots of the current situation in the civil conflicts of the 1980s and 1990s. In other words, violence in South Africa is considered a post-conflict phenomenon.

This popular analysis is limited by its failure to consider the longer term dimensions of the prevailing crisis. This paper investigates the historical origins of South Africa's pervasive criminal violence, suggesting that it was produced by a unique combination of a longstanding culture of violence interacting with large-scale political hostilities. While acknowledging that the politically driven violence of the past two decades has contributed to contemporary South Africa's critical situation, I argue that these conflicts did not create a culture of violence. A historically grounded analysis clearly demonstrates that the political rivalries found fertile ground for escalation partially because a culture of violence was already ingrained in township society. This position is supported by a comparison between South Africa and other post-conflict societies. Many countries recovering from horrific civil conflicts have been relatively untroubled by criminal violence. Lebanon, Mozambique, Bosnia-Herzegovina and Congo-Brazzaville are but a few examples. Beirut, Maputo, Sarajevo and Brazzaville are all much safer cities than Johannesburg. What differentiates Johannesburg is the level of violence township residents experienced *before* the outbreak of political hostilities. South Africa's endemic violence, in other words, is not a "post-conflict" affair, but rather a continuation of pre-existing township violence.

Organised criminal violence dates back to the establishment of the Johannesburg townships in the 1880s and I argue that policing, criminal gang activity and vigilantism were critical factors in determining the patterns of violence over several generations of political, economic and social change. The poverty, social dislocation, and institutionalised racism that were a direct result of state policies governing African urbanisation undoubtedly created conditions that encouraged violence. However, we need to probe more deeply to understand the forces that shaped and sustained a culture of violence in the townships and the ways that different segments of township communities coped with the violence. The nature of township policing encouraged both criminal gang activity and the emergence of a vigilante culture. These three particular dynamics became inextricably intertwined over the years and were a driving force behind the culture of violence that developed in the townships.

This paper concentrates on the historical role of the South African police and discusses why the police have failed to become more effective and accountable in the post-apartheid era.