

1185. There was also evidence that suggested that a culture of violence had taken root in the Province and that this culture had its roots in the colonial and apartheid eras. The murder of politicians is not a new phenomenon in KZN. The killing of Griffiths and Victoria Mxenge is one of the most high-profile cases of the murder of politicians. They were assassinated in 1981 and 1985.

RECOMMENDATIONS

1186. The Commission deliberated and decided on the recommendations that follow hereunder.

1187. Political parties must take responsibility for the violent competition between their members for political positions and power. The Commission recommends that political parties urgently educate their members about democratic practices, especially the universal practice of peaceful political competition as opposed to political intolerance and violent political competition. Political parties must discipline their members whose conduct encourages or results in political intolerance and violence and where their members are involved in or are accomplices to killings they must report these members to the relevant law enforcement authorities.

1188. In the current context of an extremely volatile political environment and an upcoming election, it is recommended that political parties immediately settle differences within and between themselves through peaceful means using negotiation, mediation and other consensus building techniques to avoid the continuing murder of politicians and public officials.

1189. There was overwhelming evidence from the majority of witnesses that access to resources through the tender system is the main root cause of the murder of politicians. The Constitution of the Republic of South Africa (s217(1)) states that, when an organ of State in the national, provincial, or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system that is fair, equitable, transparent, competitive, and cost effective. There was ample evidence before this Commission that the above constitutional provisions were violated in all respects by manipulation and exploitation by politicians and public officials in collusion with business people. It is therefore strongly recommended that the State must urgently investigate this matter and where necessary revise its procedures to ensure that it complies with the

constitutional provisions of fairness, equity, transparency, competitiveness, and cost effectiveness.

1190. The Commission recommends that the State immediately take measures to depoliticise and professionalise the public service. The State must rebuild a public service that is driven by the politics of delivery and public service and not the politics of patronage and personal accumulation. The State must also take measures to immediately enforce the separation of powers, duties, and functions between public representatives and public officials and hold each accountable professionally and criminally for their respective conduct.

1191. Government functionaries must, without exception, have the appropriate qualifications for the jobs that they are expected to perform in. Political deployment of persons as government functionaries into positions without the appropriate qualifications must be discouraged and eliminated as a practice.

1192. The investigation of corrupt activities and the attendant criminal acts by politicians, public officials and business people must be vigorously investigated and those against whom there is evidence of corruption must be expeditiously

prosecuted and if found guilty must be appropriately sentenced to rebuild the confidence of the public in the public service and to avoid building a culture of impunity and a culture where perpetrators believe that they are politically protected from prosecution and punishment.

1193. There was ample evidence before the Commission that acts of omission and commission by the police, through incompetence or political manipulation, has led to a loss of public confidence in the criminal justice system but especially the police services and security agencies in general, including crime intelligence, national intelligence, and the specialised policing and prosecution agencies. It is recommended that the State take immediate measures to ensure that institutions of the entire criminal justice system are immediately depoliticised and the political manipulation of these agencies to meet political ends is immediately brought to an end and public measures be taken to instil confidence in the public that the State is acting vigorously, expeditiously, and without fear or favour.

1194. It is recommended that an inter-ministerial task force of national Ministers of the security cluster, working with their provincial and municipal counterparts, immediately review the workings of the security agencies to ensure that effective

coordination and coherence among and between these agencies is reinforced in practice. Competition and non-cooperation among these agencies is a major contributory factor to the unresolved murder of politicians and consequently contributes to the perceptions and actual culture of impunity.

1195. It is recommended that the recruiting, training, and deployment of police be improved through ensuring that properly qualified people are recruited, adequate and specialised training is given, and appropriate police be deployed to appropriate situations.

1196. The evidence indicates that weak political parties and leadership is what leads to factionalism and intolerance within and between parties which in turn results in violent conflict, often resulting in the murder of political functionaries. It is therefore recommended that political parties build a strong membership base that is rooted in democratic values, political competition, tolerance, sound moral values and service to the public.

1197. It is also recommended that political parties re-enforce a culture of adherence to and mobilisation along the lines of democratic principles and political programmes and not

narrow identity or along the lines of political positions and power.

1198. Whilst educational qualifications should never be made a requirement to hold public office as such a requirement will violate the democratic right of any citizen to hold public office, it is recommended that political parties and state institutions should provide effective and appropriate training as well as reassess any current training so as to ensure that elected public officials are well prepared for the tasks that they are expected to carry out.

1199. In the medium to long term, it is recommended that political parties must work with religious organisations, civil society organisations, the media, academics and any other appropriate institution to reverse the current culture of intolerance, violence, and killings and political parties, together with the State and organs of civil society, must enforce a strict code of conduct which prevents politicians, state officials and citizens from using language which incites hatred, prejudice, and violence.

1200. The evidence presented before this Commission is not confined just to the Province of Kwazulu-Natal but has similarities with incidents of the murder of politicians in

other Provinces, and the underlying causes of the murder of politicians are potentially present in all Provinces. The Commission therefore recommends that this report be referred to the National Cabinet so that the evidence and findings can be studied and the recommendations can be implemented nationally. The culture and network of patronage and impunity does not stop provincially but stretches nationally and the problem must therefore be prioritised provincially but eventually addressed nationally!