

**CONSTITUTIONAL  
ASSEMBLY**

**MANAGEMENT  
COMMITTEE**

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***DOCUMENTATION***

***PART 2***

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# THEME COMMITTEE 6.4 - SECURITY APPARATUS DRAFT PROVISIONS FOR FIRST REPORT

## INTRODUCTORY NOTE

### SECURITY APPARATUS: DRAFT CONSTITUTIONAL PROVISIONS BASED ON THE REPORT OF TC 6.4 DATED 27 FEBRUARY 1995

1. During its discussion of the above Report on 13 March 1995 the Constitutional Committee gave an instruction that the drafting of provisions relating to the security apparatus should commence. The understanding was that the provisions must be based on the agreed positions in the Report and that different options must, where possible, be given in the case of contentious issues.
2. The attached set of draft provisions is tabled in compliance with the said instruction.
3. No instruction was given by the Constitutional Committee as to where the security apparatus should be dealt with in the Constitution. The Interim Constitution provides a separate chapter on the security services and we recommend that this approach be adopted.
4. The proposed chapter on the security services is divided into four parts, viz  
Defence;  
Police;  
Intelligence; and  
All security services.

Each part is divided into sections and subsections with foot notes at the bottom of each section explaining the status and relation to the Report of each subsection. A copy of the Report is attached to facilitate reference to the Report.

5. Certain issues dealt with in the Report were not accommodated in the proposed chapter. Firstly, the agreement in Block 3 of the Report that the Constitution must be binding on the security apparatus. It has already been agreed in the Constitutional Committee that the Constitution will be the supreme law of the land and that it will be binding on all organs of state. As a general constitutional provision to this effect will also be binding on the security services, there is no reason for its repetition in the case of the security services.
6. Secondly, provisions relating to states of emergency (including national disasters) can only be drafted in the context of the bill of rights and the

structures and powers of the Executive. As neither of these issues have progressed to a point where sufficient data is available it is suggested that drafting on a state of emergency stands over at this stage pending further reports by TC 2 and 4. This also applies to states of national defence (war), but because of the agreement in Block 5 of TC 6.4's Report we are here in a position to provide at least the basic provision on the declaration of a state of national defence for inclusion in the Constitution at an appropriate place but not in the chapter on security services:

**"A state of national defence may be declared by the President with the approval of Parliament. If Parliament is not in sitting the President may declare a state of national defence without parliamentary approval, on condition that Parliament is forthwith convened to confirm or revoke the declaration."**

7. It must also be pointed out that references in the draft provisions to concepts such as 'Republic', 'President', 'Minister', 'Cabinet' etc., which have yet to be finalised for purposes of the final Constitution, were merely used to facilitate understanding of the provisions.

**CA Law Advisers**

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**29 March 1995**

**Technical Advisers:**  
**TC 6.4**

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**Mr A Cachalia  
Prof A Seegers**

## CHAPTER ....

### SECURITY SERVICES

#### DEFENCE

##### **Defence Force**

1. (1) There shall be a defence force for the defence and protection of the Republic, its people, its sovereignty and its territorial integrity.<sup>1</sup>

(2) The defence force shall be subordinate to the will of the people as expressed in terms of this Constitution. It shall at all times act in accordance with and within the confines of the law, including the norms of international customary law and treaties binding on the Republic.<sup>2</sup>

(3) The defence force shall be structured by law. It shall be organised in such a way as to secure an efficient, disciplined, balanced, modern and technologically advanced military force, capable of executing its functions in terms of this Constitution.<sup>3</sup>

##### [Foot notes

1. Subsection (1) is based on paragraph 1 of the agreed position as per Block 6 of the Report and is also in compliance with the requirement in CP XXXI that the security forces shall only act in the national interest. It is considered that defence of the Republic, its people, sovereignty and territorial integrity amounts to action in the national interest.

A transitional provision will be required to provide for the continuation of the SANDF which is presently established and structured in terms of the Interim Constitution. Transitional measures, however, can best be dealt with in a separate chapter at the end of the Constitution because of the temporary legal effect of such measures.

It is also not considered necessary to constitutionally establish the defence force under a particular name as this can be done by ordinary legislation.

2. Subsection (2) is in accordance with the agreed position as per Blocks 3, 6 and 10 of the Report.

3. **Subsection (3) is based on the agreed position as per Block 1 of the Report and section 226(4) of the Interim Constitution.]**

**Command of defence force**

2. (1) The President shall be the commander-in-chief of the defence force.<sup>4</sup>

- (2) The chief of the defence force shall be appointed by the President subject to parliamentary approval.<sup>5</sup>

- (3) The chief of the defence force shall exercise military executive command of the defence force in accordance with the directions of the Minister of the Cabinet responsible for defence and, during a state of national defence, of the President.<sup>6</sup>

**Foot notes**

4. **Subsection (1) covers paragraph 3 of the agreed position as per Block 8 of the Report.**
5. **Subsection (2) is based on paragraph 4 of the agreed position as per Block 8 of the Report. The rider "subject to Parliamentary approval" falls within the category of "further clarity needed" and needs to be further debated.**

**Clarity is also needed on the discharge of the chief of the defence force, for instance where the occupant of the post has lost the confidence of the Cabinet or Parliament. The following provision based on section 216(3) of the Interim Constitution relating to the National Commissioner of the South African Police Service may be considered for purposes of debate:**

**"If the chief of the defence force has lost the confidence of the Cabinet/Parliament appropriate proceedings for his or her discharge from office shall be instituted in terms of a law."**

6. **Subsection (3) is in line with the agreed positions as per Blocks 8 and 9 of the Report. See also section 225 of the Interim Constitution. It is, however, unclear whether the proposed subsection(3) adequately covers the agreement contained in Block 9 and further instructions are consequently required.]**

### **Accountability**

3. (1) A Minister of the Cabinet shall be charged with the political responsibility for defence and shall be accountable to Parliament for the defence force.<sup>7</sup>

(2) A (joint)<sup>8</sup> multi-party committee of Parliament shall be established and maintained for the purpose of continuous parliamentary supervision and review of all matters pertaining to defence.<sup>9</sup>

#### **[Foot notes**

7. Subsection (1) reflects the agreed position as per Blocks 8 and 9 of the Report.

8. The question of a second chamber of Parliament must still be resolved.

9. Subsection (2) is in compliance with the agreed position as per Block 7 of the Report. The matters listed under "Further Clarity" in the same Block can be dealt with in the Rules of Parliament and ordinary legislation. A definite instruction is, however, required.]

### **Employment of defence force**

4. (1) The defence force shall be employed solely in the national interest. Any employment of or action by the defence force furthering or prejudicing party political interest is unlawful.<sup>10</sup>

(2) In addition to its primary function to defend the Republic, its people, sovereignty and territorial integrity, the defence force may be employed in the national interest for any other purpose duly authorised by a law. Such a law shall be consistent with this Constitution and shall comply with the norms of international customary law and treaties binding on the Republic.<sup>11</sup>

**[Foot notes**

10. Subsection (1) is obligatory in terms of CP XXXI.

In view of the agreement in Block 1 of the Report, the question arises whether the prohibition on the furthering or prejudicing of "party political interest" as required by CP XXXI is wide enough and whether the prohibition should not be extended to apply also to other sectional interests.

11. Subsection (2) is in contention as per Block 6 of the Report. The contention revolves around the question whether the Constitution should contain a definition of "national interest", and if so, how such definition should be formulated. If a definition is included in the Constitution the "law" referred to in subsection (2) will to the extent that it authorises the purposes for which the defence force may be employed, have to conform to the definition. Possible approaches include the following options:

**Option 1:** No definition of "national interest" in the Constitution in which case it will be left to the courts to interpret and develop this concept as used in the section. In doing so a court will have regard to voluminous literature available in international jurisprudence on the meaning of "national interest".

**Option 2:** The Constitution should define "national interest" in specific terms to indicate the precise circumstances in which the defence force may be employed, for instance where it is necessary -

- (a) to comply with international obligations towards other states and international bodies;
- (b) for the preservation of life, health and property;
- (c) for the maintenance of essential services;
- (d) to assist the police service to uphold law and order; and
- (e) in support of reconstruction and development programmes and other efforts to improve socio-economic conditions.

A precise definition has the advantage of providing immediate legal certainty but leaves little room for legal development of the concept.



**Option 3:** The Constitution should define "national interest" in general terms to indicate that the concept embraces both the interest of the people and the interest of the state.]

## **POLICE**

### **Police Service**

6. (1) There shall be a police service to maintain law and order, to prevent, combat and investigate crime and to secure the internal security of the Republic.<sup>14</sup>

(2) The police service shall be structured by law and shall at all times act in accordance with and within the confines of the law. It shall be organised in such a way as to secure an efficient, disciplined, balanced and modern police force, capable of executing its functions in terms of this Constitution.<sup>15</sup>

(3) The police service shall be structured to function at both national and provincial levels under the direction of the national government and the provincial governments, respectively.<sup>16</sup>

### **[Foot notes**

14. It is suggested that a provision such as subsection (1), in so far as it gives an indication of the primary mission of the police service, complies with the requirement in CP XXXI that the police service may only act in the "national interest". Further clarity is however needed. The reference in the subsection to "internal security" raises the question whether this term should be defined in the Constitution, and if so, whether in specific or general terms.

Foot note 1 with reference to transition of and a name for the defence force also applies to the SAPS.

15. Subsection (2) reflects the agreed position as per Blocks 3, 6 and 10 of the Report that all arms of the security apparatus must be subject to the law.

16. Subsection (3) is in contention as per Block 8 of the Report. Further clarity is needed before provisions providing for a possible dualistic structure operating at both national and provincial levels can be developed further.

#### **Control of police service**

7. (1) The national commissioner of the police service shall be appointed by the President subject to parliamentary approval.<sup>17</sup>

(2) The national commissioner of the police service shall exercise executive command of the police service at the national level in accordance with the directions of the Minister of the Cabinet responsible for police matters at national level.<sup>18</sup>

#### **[Foot notes**

17. Subsection (1) is based on paragraph 4 of the agreed position as per Block 8 of the Report. Further clarity is, however, needed on Parliament's role in confirming appointments.

Another area where further instructions are required concerns the dismissal of the national commissioner, for instance where the occupant of the post no longer enjoys the confidence of the Cabinet. The matter is dealt with in foot note 5 above.

18. Subsection (2) is in line with the agreed position as per Blocks 8 and 9 of the Report in so far as it relates to the national commissioner. The reference in the subsection to national level, however, is in contention as the matter of a dualistic police service operating and controlled at both national and provincial levels has still to be decided.

#### **Accountability**

8. A Minister of the Cabinet shall be charged with the political responsibility for police matters and shall be accountable to Parliament for the police service.<sup>19</sup>

**[Foot note**

19. This section is in line with the agreed position as per Blocks 8 and 9 of the Report.

**Functions of police service**

9. (1) The police service shall perform its functions solely in the national interest. Any act by the police service furthering or prejudicing party political interest is unlawful.<sup>20</sup>

(2) In addition to its primary function to maintain law and order, to prevent, combat and investigate crime and to secure the internal security of the Republic, the police service may be employed in the national interest for any other purpose duly authorised by law. Such a law shall be consistent with this Constitution and shall comply with the norms of international customary law and treaties binding on the Republic.<sup>21</sup>

**[Foot notes**

20. A constitutional provision to the above effect is required in terms of CP XXXI. (See also the question raised in foot note 10).

If the principle of a dualistic police service operating at national and provincial level is agreed to, the national and provincial spheres of operation of the police service will have to be defined in the Constitution.

A further question is whether "police action in the national interest" should be defined in the Constitution, and if so, whether in broad or specific terms.

21. The Interim Constitution lists all police functions. The approach in this section was simply to name the primary functions and leave the rest for ordinary legislation. If "national interest" is constitutionally defined with reference to the police service, the "law" referred to in subsection (2) will be restricted to the definition.]

## INTELLIGENCE

### **Establishment of intelligence services**

10. (1) Any intelligence service, whether intended to operate as part of or independently from the defence force or the police service, may only be established by law. The objects and functions of any such intelligence service shall be circumscribed by law.<sup>22</sup>

(2) An intelligence service shall at all times act in accordance with and within the confines of the law.<sup>23</sup>

(3) An intelligence service shall perform its functions solely in the national interest. Any act by an intelligence service furthering or prejudicing party political interest is unlawful.<sup>24</sup>

### [Foot notes

22. Subsection (1) is based on the agreed position as per Blocks 1 and 10 of the Report. The subsection as presently worded is an empowering provision permitting the establishment of intelligence services. In this respect it differs from the corresponding provisions relating to the defence force and the police service where the establishment of a single instrument is provided for.

23. Subsection (2) reflects the agreed position as per Blocks 3, 6 and 10 of the Report.

24. A constitutional provision to this effect is required by CP XXXI. See also the question raised in foot note 10.]

### **Control of intelligence services**

11. (1) The head of an intelligence service shall be appointed by the President subject to parliamentary approval.<sup>25</sup>

(2) The head of an intelligence service operating independently from

the defence force or the police service shall exercise executive control of such service in accordance with the directions of the President or the Minister of the Cabinet responsible for that intelligence service.<sup>26</sup>

(3) The head of an intelligence service operating as part of the defence force or the police service shall exercise executive control of such service under the supervision of the chief of the defence force or the national commissioner of the police service, as the case may be. Such supervision shall be carried out in accordance with the directions of the President or the Minister responsible for defence or police matters.<sup>26</sup>

**[Foot notes**

25. Subsection (1) is based on paragraph 4 of the agreed position as per Block 8 of the Report. Parliament's role in appointments needs further clarification. Instructions are required on the question of dismissals of heads of intelligence services. For particulars see foot note 5.
26. Subsections (2) and (3) is based on the agreed position as per Blocks 8 and 9 of the Report.]

**Accountability**

12. (1) The President or a Minister of the Cabinet shall be charged with the political responsibility for an intelligence service and shall be accountable to Parliament for such intelligence service.<sup>27</sup>

(2) A (joint) multi-party committee of Parliament shall be established and maintained for the purpose of continuous parliamentary supervision of intelligence services and their activities.<sup>28</sup>

**[Foot notes**

27. Subsection (1) reflects the agreed position as per Block 9 of the Report.
28. Subsection (2) covers the agreed position as per Block 7 of the Report. An instruction is needed whether the matters listed under "Further Clarity" in the same Block should not rather be dealt with in the Rules of Parliament or ordinary legislation.]

**ALL SECURITY SERVICES**

**Code of conduct for members of security services**

13. Members of the security services shall at all times act in accordance with the standards of political neutrality, impartiality and professionalism required of the security services in terms of this Constitution.<sup>29</sup> In particular members of the security services -

- (a) shall be obliged to comply with all lawful orders;<sup>30</sup>
- (b) shall refuse to comply with an order if compliance with the order would constitute an offence or would breach international law on armed conflict binding on the Republic;<sup>30</sup>
- (c) shall not be entitled to strike;<sup>31</sup>
- (d) shall not be entitled to hold office in any political party or political organisation;<sup>32</sup>
- (e) shall refrain from furthering or prejudicing any party political interest.<sup>33</sup>

**[Foot notes**

29. Based on par. 2 of the agreed position as per Block 13 of the Report.
30. Based on par. 2 of the agreement in Block 12 of the Report, and also as per instruction of the CC that section 226(7) of the Interim Constitution should be taken into account.
31. Reflects par. 1 of the agreement in Block 12 of the Report. In all probability the bill of rights will guarantee the right to strike to every person. See section 27(3) of the Interim Constitution. Basic rights can be curtailed either by ordinary legislation

complying with the general limitation clause in the bill of rights or by way of a specific limitation in the Constitution. A prohibition as contained in paragraph (c) above serves as a specific limitation on the right to strike as far as security personnel are concerned. The question arises whether it would not be more appropriate to deal with limitations on fundamental rights in the bill of rights itself, rather than in a chapter on the security services.

32. This paragraph refers to "Further Clarity" in Block 12 of the Report. See also section 226(6) of the Interim Constitution. What was said in foot note 31 about limitations on fundamental rights equally applies here. It is suggested that the curtailment of the political rights of security personnel can more appropriately be dealt with by way of ordinary legislation within the bill of rights regime.
33. A constitutional prohibition on the furthering or prejudicing of party political interests by members of the security services is required by CP XXXI.

#### **Training**

14. Members of the security services shall be properly trained in accordance with international standards of competency and discipline. The members shall be instructed in the applicable basic concepts of the law, including the inviolability of fundamental human rights.<sup>33</sup>

#### **[Foot note**

33. The section is based on the agreement in Block 13 of the Report.]

#### **Personnel administration**

15. (1) The conditions of service and the right and duties of members of the security services shall be regulated by law. Special mechanisms and procedures for the resolution of labour disputes within the security services shall be established.<sup>34</sup>

(2) A security services commission shall be established to supervise the application of uniform standards and practices in the security services with regard to appointments, promotions, transfers, discharges and other personnel related matters.<sup>35</sup>

**[Foot notes**

**34. Subsection (1) is based on Block 12 of the Report.**

**35. Subsection (2) is in contention as per Block 12 of the Report. The options are:**

**Option 1:** Constitutional provision for the establishment of a security services commission as above.

**Option 2:** Constitutional provision for a Public Service Commission to oversee also staff matters in the security forces as is presently the case under the Interim Constitution.

**Option 3:** No constitutional provision for a Commission to supervise staff matters in the security services, in which case it becomes a matter for ordinary legislation.

**Ombudspersons**

**16. An ombudsperson shall be appointed for the defence force, the police service and the intelligence services to deal with improper or unlawful conduct in the security services with regard to staff matters.<sup>36</sup>**

**[Foot note**

**36. The matter is in contention as per Block 11 of the Report. Further instructions are required before a proper ombud structure can be developed.**



**ANNEXURE "A"**

**REPORT THEME COMMITTEE 6.4  
SUMMARY: AREAS OF AGREEMENT AND CONTENTION  
27 February 1995**

Constitutional issue	Agreement	Contention	Further clarity
<b>1. What goes into a Constitution on security apparatus</b>	The Constitution should cover long standing principles. However it may be necessary to flesh out these principles because SA is a new democracy with a particularly troubled history with regard to security apparatus.		
<b>2. Where should security apparatus be located within the Constitution</b>	There are various possible places, which are not necessarily mutually exclusive - Preamble, Bill of Rights, Powers of the State President, separate chapters dealing with each of the security services, or one chapter dealing with all of them. No finality at this stage, will be an ongoing thread of discussion in work of Subtheme.		That Correctional Services is not part of security apparatus and should be dealt with under Theme 5 in relation to judiciary and legal systems.

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Constitutional issue	Agreement	Contention	Further clarity
<b>3. Supremacy of the Constitution</b>	<ol style="list-style-type: none"><li>1. The Constitution is the supreme law in South Africa.</li><li>2. The Constitution must be binding on the Security Apparatus.</li><li>3. The Constitution should prohibit the Security Apparatus from acting on their own and bypassing Parliament and the Executive.</li><li>4. The Constitution should state that the Executive cannot use the Security Apparatus to violate the Constitution.</li></ol>		

Constitutional issue	Agreement	Contention	Further clarity
<p><b>4. Declaration of a state of emergency</b></p>	<p>1. The Constitution should provide for Presidential power to declare a State of Emergency, and to regulate suspension of human rights in that context, and right of Parliament to review/ overturn such decisions.            2. The Constitution should provide for the Judicial right to overturn decisions to declare a state of emergency if procedure has not been followed correctly.</p>	<p>1. The powers of Provinces to deploy police in a provincial state of emergency            2. The right of Provinces to review or overturn the declaration of a state of emergency in that Province.</p>	<p>1. Length of time allowed to lapse before convening of Parliament.            2. Deployment of the Defence Force within South Africa and relationship between Police and Defence Force within this deployment.</p>
<p><b>5. Declaration of a state of national defence/war</b></p>	<p>The Constitution should provide for Presidential power to declare a state of national defence/war, subject to Parliamentary confirmation.</p>		<p>1. Time period allowed for the review of such a decision by Parliament.            2. Deployment of the Defence Force within South Africa and relationship between Police and Defence Force within this deployment.</p>

Constitutional issue	Agreement	Contention	Further clarity
<p><b>6. Definition of action in the national interest and national security</b></p>	<p>1. The Constitution should provide that the Defence Force's primary function is to defend the territorial integrity of SA.</p> <p>2. The Constitution should provide that action of the security apparatus should be orientated to the implementation and execution of statutory, constitutional and relevant international conventions and law on armed conflict.</p>	<p>1. The Constitution should define national interest and national security policy in broad non-militarist terms focusing on the quality of life of citizens in economic, political, social and environmental terms.</p> <p>2. The Constitution should provide for the definition of national interest as the interests of the citizenry and the interests of the state.</p>	

Constitutional issue	Agreement	Contention	Further clarity
<p><b>7. Parliamentary oversight</b></p>	<p>The constitution should provide for oversight by multi party Joint Oversight Committees for defence and intelligence.</p>		<p>1. The Constitution must enable the Legislature to have multi party Oversight Committees to control the security apparatus. Such Committees must be empowered to deal with legislation relating to security apparatus and related matters, make recommendations prior to submission of budgets, investigations, hear evidence, subpoena witnesses, convene themselves as a Commission of Inquiry.</p> <p>2. Parliamentary oversight before, during and after Executive action.</p> <p>3. Number and nature of oversight committees, need for both Portfolio and Joint Oversight Committees in relation to defence and intelligence.</p>

Constitutional issue	Agreement	Contention	Further clarity
8. Executive control	<p>1. The Constitution should provide that the security apparatus are accountable to an appropriate member of the Executive.</p> <p>2. The Constitution should provide that each arm of the security apparatus is accountable to a member of the Executive at the appropriate level of competence.</p> <p>3. The Constitution should provide that the State President is the Commander-in-Chief of the Defence Force.</p> <p>4. The Constitution should provide that the State President appoint the Chief of the SANDF, the Directors General of the National Intelligence Agency and SA Secret Service and the National Commissioner of the SAPS.</p>	National and Provincial competencies.	<p>1. Constitutional provisions relating to powers of Provincial MECs and Provincial Commissioners of Police and Heads of Defence.</p> <p>2. The extent to which the Executive and Parliament interact in confirming the appointments of the Chief of the Defence Force, the Director General of the National Intelligence Agency, SA Secret Service and the National Commissioner of the Police.</p>

Constitutional issue	Agreement	Contention	Further clarity
9. Civilian control of the Ministry	<p>1. The Constitution must provide definitions for clear lines of political accountability, command and operational accountability.</p> <p>2. The Constitution must provide for civilian control of the Ministries responsible for Defence and Police.</p>		<p>1. Concept of civilian control, as it is not clear if an ex-soldier or police officer in civilian position is civilian control.</p> <p>2. Chain of command and its relationship to civilian control.</p>
10. Judicial and legal control	<p>The Constitution should state that the security apparatus should act within the law, Bill of Rights, Constitution and relevant international law and conventions on armed conflict.</p>		
11. Ombud structures		<p>The Constitution should provide for an Ombudsperson, or similar structure, for each of the Security Apparatus.</p>	<p>Role of the Ombudsperson or similar structure, in each arm of the Security Apparatus and relationship to the Public Protector and Human Rights Commission.</p>

Constitutional issue	Agreement	Contention	Further clarity
<b>12. Rights of members of the security apparatus in relation to the state</b>	<p>1. The Constitution should curtail the rights of members of the security apparatus to strike. The Constitution should provide for alternative compulsory mediation and arbitration procedures.</p> <p>2. The Constitution should provide that members of the Defence Force should be constitutionally obliged to disobey an unlawful order.</p>	<p>The Constitution should provide for Security Apparatus Service Commissions. Members of the security apparatus should not fall under the Public Service Commission.</p>	<p>1. Status of members of the security apparatus regarding membership of political parties, holding of office, standing for election.</p> <p>2. Further discussion needs to take place with Theme 6.1 on the exact nature of the relationship of the Security Apparatus Service Commission and the Public Service Commission.</p>

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Constitutional issue	Agreement	Contention	Further clarity
<b>13. Political neutrality of security apparatus</b>	<p>1. The Constitution should provide that members of security apparatus should be educated to be conversant with the law, Constitution, international law and Conventions on armed conflict and human rights.</p> <p>2. The security apparatus constitute non-partisan professional bodies; the security apparatus themselves cannot participate in partisan political activity, and cannot allow partisan political activity within themselves.</p>		

<b>PART 3</b> <b>Matters discussed but not debated</b>			
<b>Constitutional issue</b>	<b>Agreement</b>	<b>Contention</b>	<b>Further clarity</b>
<b>A. Demilitarisation</b>			
<b>B. Control of intelligence functions</b>			To be debated in the block on Intelligence
<b>C. Control of arms industry</b>			How the Special Defence Account would be seen in future. Once the Cameron Commission has reported proposals relating to arms procurement to be considered. This will be debated in the block on Defence.
<b>D. Community policing</b>	The need for Community Policing		Funding of community policing as determined by allocation of national and provincial powers. This will be debated in the block on Police.

Constitutional issue	Agreement	Contention	Further clarity
<b>E. Structure of security apparatus</b>		1. Provincial competency in relation to police services. 2. Allocation of any powers in relation to the SANDF to Provincial legislature.	
<b>F. Monopoly of force</b>	The Constitution should enshrine individual's right to self defence.	The Constitution should enshrine the right to bear arms.	
<b>G. Access to Information</b>			To be debated in the blocks on Police, Intelligence and Defence.

