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IS MILITARISING POLICING IN THE WESTERN CAPE THE ANSWER?

On 11 July President Cyril Ramaphosa approved the deployment of South African National Defence Force (SANDF) units to help the South African Police Service (SAPS) combat unacceptable levels of violence in the Cape Flats. The question is whether this action is appropriate and whether it will be effective.

There can be no doubt regarding the seriousness of the situation: 2 302 people were murdered in Cape Town during the first six months of 2019. This represents a murder rate of more than 100/100 000 - compared with 33/100 000 for South Africa and 6/100 000 for the world. This gives Cape Town one of the highest murder rates in the world.

This already deplorable situation was further exacerbated over the weekend of 5 and 6 July 2019, when 13 people were violently killed in the township of Philippi East, located in Cape Town's notorious gang-ridden Cape Flats. Of those killed, six were women who were gunned down brutally at a residence in the Marcus Garvey area. Another three young people, between the ages of 17 and 25, were shot dead at a friend's home. Following the spate of deaths, residents from Philippi East, most of them women, marched to the neighbourhood's police station to demand more effective police action.

Philippi East police station is located within the Nyanga policing cluster. Nyanga is often referred to as the 'murder capital' of South Africa due to the high murder rate of over 250 murders annually. Last year, in the Western Cape, the Philippi East murder rate came in second place to Nyanga, which makes the weekend killings, whilst devastating, likely unsurprising for residents of the area.

Clearly, the police are simply not carrying out their primary duty of protecting the lives of citizens.

This is despite repeated efforts over the years to address the problem of gangsterism on the Cape flats. The SAPS's original Anti-Gang Unit (AGU) was disbanded in the early 2000s by then Police Commissioner Jacki Selebi as part of a restructuring move.

Subsequent increasing levels of gang related violence led to the establishment of "Operation Combat" - an initiative to take down and prosecute high-ranking gangsters under the auspices of the *Prevention of Organised Crime Act* (POCA). "Operation Combat" came to an end in 2016. In early 2018, Police Minister Bheki Cele announced the launch of "Operation Thunder", through which members from specialised units from other provinces would be brought in to deal with crime in the Western Cape.

The AGU was officially relaunched in November 2018 by Minister Cele, to combat the burgeoning gang-related violence in the Cape Flats. The AGU, which has approximately 600 members, was reintroduced following repeated outcries from the affected communities for better police visibility in their neighbourhoods. The AGU's strategy is community-based and is aimed at cooperation with residents of the affected areas.



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The conversation around poor policing has been ongoing, particularly in poorer areas. In the 2018 Equality Court ruling, *Social Justice Coalition and Others v Minister of Police and Others*, it was found that there was a stark under-allocation of resources in poorer areas (where gang violence is pervasive) of the Western Cape, when compared to more affluent areas. The Equality Court found that the intersectionality of the resource discrimination included race and social origin, largely due to the remnants of apartheid spatial planning, which resulted in the concentration of black and coloured people in these poor areas.

The question is what is to be done now?

There have been repeated calls from different forums, including the Democratic Alliance (DA), which runs the province, for the deployment of soldiers into these areas to assist in policing. The DA has even called for a declaration of a state of emergency.

These calls have finally been answered by the President's announcement of 11 July, in terms of which the SANDF will patrol the affected areas for an extendable period of three months.

However, will this solve the problem?

The SANDF's primary mandate is, in terms of the *Defence Act*, to defend South Africa from external aggression and in so doing, "must respect the fundamental rights and dignity of...all persons". In all SANDF conduct, one must remain mindful of the fact that it is a military institution with particular training and objectives. Both the Constitution and the *Defence Act* envisage a situation where co-operation with SAPS can take place. Legislation dictates that the SANDF may only be deployed together with SAPS in very specific circumstances. These include for the preservation of life, health or property in emergency or humanitarian relief operations, and to support any department of state, including support for purposes of socio-economic upliftment. This deployment must be ordered by the President (or Minister of Defence) who must inform Parliament promptly (within seven days of the decision being taken) of the reasons for the deployment, where the SANDF is being deployed, the number of people involved, for how long the SANDF will be in those areas, as well as the expenditure incurred. (Parliament must still consider this order and may after so doing, confirm, amend, substitute or terminate the order.)

Gang violence in the Western Cape is a direct threat to hundreds of thousands of lives, and this threat must be addressed. However, the deployment of the SANDF must be seen not as a solution but as a palliative measure.

The real problem lies with the effectiveness of the whole law and order chain: we need effective police; we need effective prosecution services and courts. Above all, we need to address the problems that underlie violence in the Cape Flats.

A holistic approach to gang violence requires impactful, well-researched policies that address the abject poverty and skyrocketing rates of unemployment, which have created a conducive environment in which crime thrives. We should welcome the deployment of the SANDF as a



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short-term measure within the framework of its constitutional mandate to help to restore safety and protect lives. However, the problem cannot in the long term be solved by the militarisation of policing: it will require an overhaul of the whole law and order chain and effective steps to improve the living conditions of the people of the Cape Flats.

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