



COUNCIL
FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN
CONSTITUTION

Media Statement

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Army on the streets should be a measure of absolute last resort.

“We are not there yet”.
CASAC urges utmost caution

CASAC is concerned by the recent statement by the Minister of Police, Mr Fikile Mbalula, proposing that the SANDF be deployed to combat crime in areas in Gauteng and the Western Cape.

Speaking from Cape Town, **CASAC Executive Secretary Lawson Naidoo said:**

“We believe that such a knee-jerk response to the scourge of crime, particularly violent and organised crime, is misplaced and probably misguided”.

South Africa requires a more thoughtful, holistic approach that acknowledges the failure of the SAPS to fight crime and to protect people. Such an approach must take into account the socio-economic challenges that we continue to confront.

The call for the use of the defence force is tantamount to a vote of no confidence by the Minister in the SAPS. In this context, it is worth reflecting on the fact that the SAPS has been without a permanent head since the suspension of Riah Phiyega in 2015.

The Directorate for Priority Crimes Investigation (Hawks) is also without a permanent head since the courts declared the appointment of Berning Ntlemeza unlawful.

Council for the Advancement of South African Constitution

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Added Naidoo:

“Minister Mbalula should focus on fixing what is broken in the SAPS, including dealing with the pervasive levels of corruption among its personnel, rather than over-reacting by deploying troop – which should always be a measure of last resort. We are not yet there.”

The defence force is not equipped nor trained to fight crime, and any deployment of the army must be part of a carefully designed operation in which they play a complementary role to that of the SAPS.

There is no evidence that such a plan is in place.

We recall the deployment of the SANDF during ‘Operation Fiela’ in 2015, ostensibly to deal with xenophobic violence, and which ultimately led to the arrest of hundreds of foreign nationals, the very group the deployment was designed to protect. Such transgressions cannot be permitted in a democratic society.

Whilst the Constitution does make provision for the employment of the defence force “in co-operation with the police service”, we draw the attention of the Minister and the President to section 201(3) of the Constitution which provides”

*“...the President must inform Parliament, promptly and in appropriate detail, of –
(a) the reasons for the employment of the defence force;
(b) any place where the force is being deployed;
(c) the number of people involved; and
(d) the period for which the force is expected to be employed.”*

Should the President endorse the proposal from Minister Mbalula, he will be required to inform Parliament “promptly and in appropriate detail” of that deployment.

Parliament in turn must consider the President’s reasons and apply its own mind as to whether the deployment is justified. The Defence Act provides Parliament with the necessary authority to challenge the President’s decision, and we would urge them to do so if they are concerned about the potential negative impact and unintended consequences of an unjustified, knee-jerk military deployment.

For further comment:

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