



Using the Army for Police Duty

"The Protection of society and its members from violence and crime is an essential moral value. Crime, especially violent crime, not only endangers individuals, but robs communities of a sense of well-being and security, and of the ability to protect their members. All people should be able to live in safety."¹

1. Introduction

Gang violence in the Western Cape has dramatically increased in recent months.² But even though this is predominantly a Cape flats phenomenon, gangsterism also regularly affects suburbs around Johannesburg and Port Elizabeth. Such violence has long-term costs for economic development and community building, in addition to the tragedy faced by every individual affected by it.³ Further, the State's failure to effectively combat the violence challenges citizens' faith in the State and undermines democracy.⁴ This pervasive violence must be addressed in order to protect society, and all strategies employed to fight crime must do so with this goal in mind.

Recently the idea has been proposed, most notably by Western Cape Premier Helen Zille, to deploy the army in order to provide more resources to stop the violence.⁵ This proposal must be critically examined and the potentially harmful effects of such a policy acknowledged. This paper aims to raise some of these concerns, drawing on examples from Latin America, where similar approaches to violence have been tested, to provide warnings and lessons for South Africa. Hopefully, this information will help answer the question of whether deploying soldiers in a policing role serves the ultimate goal of protecting society.

2. The Military and the Police Are Different

There are key differences between the

institutions of the military and the police; one cannot simply be substituted for the other. The two may appear similar as they are both protective service institutions, but the way they carry out this work is very different.⁶ It is important that the policy community understands the differences in the missions of these institutions, the way they operate and the training they receive.⁷ These differences must play a role in determining if it is appropriate to use the military in police operations to stop and prevent gang violence.

The primary goals of policing efforts and military efforts are different. A police service is intended to protect and serve. It is most interested in law enforcement, maintaining public order and supporting civic institutions as a way to promote the smooth functioning of social life. On the other hand, a military force is most concerned with overwhelming and defeating an enemy.⁸ These different goals lead to different attitudes. Firstly, the military is more likely to take a short-term view when responding to an incident, while the police will take a long-term view of the situation due to their permanent role in the community.⁹ Secondly, the military's focus on destroying an enemy dictates that it will be less concerned with thinking in terms of legal procedures and due-process rights.¹⁰ Instead of viewing its environment as one that is mostly benign, filled with citizens it is responsible for serving, the military views the environment as hostile, one filled with enemies.¹¹ It follows, thirdly, that the military is much more likely to act aggressively than the police, calling into question how appropriate it is for the military to be placed in a

role of serving citizens while they still lack the skills and attitudes necessary to manage the complex relationship between law enforcement officers and the public.¹²

Police officers and soldiers also follow different decision-making processes when faced with a critical situation. The police are taught to make decisions and take action independently. They are expected to exercise a great deal of judicious discretion, and to use problem-solving skills, persuasion and communication.¹³ Meanwhile, members of the military are taught to operate in a command and control system where they are expected to execute orders.¹⁴ They participate in drills and training that teach them to react to a threat without hesitation. This training leaves little space for soldiers to exercise the discretion needed for police work.¹⁵

The different institutions also have opposing approaches to the use of force to fulfill their duties. In its regular defence duties and military operations, the army is encouraged to use maximum coercion to meet its objectives, including the regular use of lethal force.¹⁶ This approach relies on the principles of efficiency and effectiveness to control the use of force, creating a clash with the police approach, which champions the proportional use of force,¹⁷ and which envisages a wide range of tools that allow officers to engage in a number of interventions, from gentle persuasion to deadly force, based on the specific situation.¹⁸

Thus, if the military is to play a policing role, soldiers will need extensive training to acquire the necessary skills and attitudes for the job, especially that of a supportive and service-oriented mindset. This is further complicated by the fact that soldiers must be able to revert to the attitudes and approaches needed for military work when they return to their primary role.¹⁹ The basic attitudes, approaches and training of the South African Police Service give it key advantages over the military when it comes to performing police and intelligence tasks. Its members have experience in the field and on the ground, and they are more qualified and better-trained to do this work than members of the military.

3. The Role of the Community

It is not possible to answer the question of what is the appropriate strategy to protect society

without involving those that are most affected by crime and violence in the discussion. Catholic Social Teaching, through the principle of subsidiarity, calls for problem-solving to involve the whole community. Crime should be understood as a threat to community and, to the maximum extent possible, the community should be empowered and engaged in the solution.²⁰ Furthermore, any intervention from the military would need to have the support of the community in order to be perceived as legitimate, a necessary component for the intervention's success.²¹ Any attempt to protect society and build peace must have its roots "in the lives and the consent of real people and societies who have the capacity to make choices within their own context and aspire to such agency."²² While some politicians and individuals have made the claim that communities are calling for military intervention, it is unclear if this is true. This is partly because it is unclear who has the right to speak on behalf of these communities. As with any military intervention that aims to build peace and stabilize a community, it is important to seek and nurture consent from more local actors before the military arrives.²³

Such community involvement is essential not only to create legitimacy for outside interventions, but also to develop effective local interventions. Gang violence is entrenched in the communities it affects,²⁴ and it is thus likely that these communities will have the knowledge and expertise to envision strategies that will improve the situation. Those that take on the task of policing these communities will need the co-operation of community members to provide intelligence about ongoing crime and to help analyze and learn from the situation during times when crime is successfully reduced.²⁵ Involving the community in these efforts also serves to prevent feelings of exclusion and frustration that have the potential to manifest themselves in more violence.²⁶ As the National Development Plan points out, local communities have a role to play in the fight against gang violence because "civil-society organizations and civic participation are elements of a safe and secure society."²⁷

4. Not a Guaranteed Solution

There is no guarantee that deploying the military to neighbourhoods plagued by violence will result in weakened criminal networks, less violence or safer communities. On the contrary,

there are many reasons, both theoretical and concrete, to suspect otherwise.

4.1 Ineffective

There is little evidence to prove that military involvement or other 'enforcement-heavy' responses produce results. In recent years, several Latin American countries have adopted similar approaches in their fight against organized crime; these have been largely ineffective. The '*mano dura*' or 'iron fist' policy has swept much of Central America as the gang violence in Guatemala, El Salvador and Honduras has pushed these countries to the top of the list of countries with the highest intentional homicide rate.²⁸ While such hard-line policies make for popular rallying cries during elections, they have had a limited impact on reducing crime and have failed to create safer societies. "Although the results varied from country to country, from a regional point of view there is no evidence that these *mano dura* reforms have reduced crime rates, increased the efficiency of justice sector institutions, or improved the public perception of criminal justice institutions." In reality, such heavy-handed law enforcement may have eroded links with the community, which ultimately undermines law enforcement's ability to effectively combat crime.²⁹

More policing should not be confused with smarter policing. In Guatemala, law enforcement agencies conducted sweeps that focused on arresting as many gang members as possible, but they have since learned that these sweeps were not effective, nor were they a good use of resources. The vast majority of gang members arrested were not key players in the gangs; they were easily replaced and their arrest did not weaken the gangs.³⁰ In Mexico, starting in 2006, President Calderón deployed roughly 45 000 military personnel to fight organized crime in the country. However, today Mexico is questioning its strategy of military intervention due to lack of results. Calderón has shifted to a policy that relies heavily on the Federal Police to use their police training and skill-set to defeat organized crime.³¹ President-elect Peña Nieto also recognizes that the use of the military should continue to be scaled back because it does not serve the country's ultimate goal of reducing violence.³²

In the United States, the decades long 'war on drugs,' which uses a militarized police response to address the nation's drug problem, has been

highly ineffective. It has focused on strict punitive measures for drug users and providing aid to foreign governments to stop drug cultivation, usually with a great deal of military funding. Despite the billions of dollars spent, some estimates are more than one trillion USD, on these initiatives, drugs are still widely available in the United States and their street price has actually decreased³³.

Military interventions and other enforcement heavy policies throughout the Americas thus provide a warning that simply deploying the military to crack down on gangs will not solve South Africa's gang problem. Of course, those politicians and community leaders who have been calling for the deployment of the army are well aware of this. They argue, though, that a temporary military presence will help to control the present spike in violence, thus allowing the police to concentrate on investigative, detective and preventative work. This may be so, but it offers no plan of how or when the military should be withdrawn from this temporary role; and there are also other downsides to military deployment.

4.2 Potential to Fuel Violence

Deploying the military not only risks being ineffective and wasting resources; it can actually lead to even more violence. One way this can occur is through increased and intensified confrontations between the military and gang members.³⁴ In these situations there is always a risk that civilians will be caught in the crossfire. This is especially concerning in densely populated areas like many of those plagued by gang violence in the Western Cape. Increased pressure from the military can also intensify the fighting between gangs as they fight to fill power vacuums. In Mexico, the military's involvement led to increased violence for this reason.³⁵ During the 1990s in South Africa, anti-gang activists began to attack individual gangsters, which pushed gangs to join together and co-operate with each other. Taking a hard-line stance against gangs actually intensified the gang threat in the region.³⁶ In Guatemala, efforts to arrest as many gang members as possible actually strengthened gang ties by placing gang members in prison where their gang loyalties were more important than ever.³⁷ Any military involvement in domestic affairs must pay attention to the complexities of the situation to ensure communities are not left in conditions that are more violent than those

before the military intervention.

4.3 Repression

Involving the military in domestic policing duties carries with it the risk that the military will abuse their power. Even the White Paper on Defence warns about this risk.³⁸ The military is not trained to serve in a police role, and soldiers may not have adequate training or experience to interact with civilians, at least not with the same respect and sensitivity to civil liberties as members of the police service are expected to display.³⁹ Applying military attitudes and orientations to domestic policing situations can further threaten civil liberties.⁴⁰

Examples of such repression by the military can be seen throughout Latin America, primarily due to flawed counter-drug policies that have resulted in many cases of human rights violations.⁴¹ In Brazil, a heavy reliance on police and military operations in the *favelas* has resulted in a disproportionate use of force and the loss of innocent lives.⁴² Mexico provides one of the most drastic examples of military abuses. Complaints against the army have been on the rise since they began to play a larger role in Mexico's internal fight against organized crime.⁴³ These abuses include the systematic use of torture, murder, forced disappearances and arbitrary detention.⁴⁴ Such appalling behavior has had disastrous effects on the public's perception of the military in Mexico. Though it was once seen as a respected organization, its image has been forever damaged by its involvement in the fight against organized crime.⁴⁵ South Africans must pay attention to these devastating examples; certainly there is a need to ensure public safety and collective security, but it is possible to do this without sacrificing democratic values and civil liberties.⁴⁶

5. The Need for a Holistic Approach

There are many factors that contribute to gang violence. It has roots in various social structures that have failed to serve or include everyone, and it thrives on poverty, social dislocation, dysfunctional families, the easy availability of drugs, and the notion that belonging to a gang offers a chance of safety, a purpose in life, and a sense of belonging. Catholic Social Teaching acknowledges this complexity:

“Excessive economic, social and cultural

inequalities among peoples arouse tensions and conflicts, and are a danger to peace.”⁴⁷ “Sometimes people who lack adequate resources from early in life ... turn to lives of crime in desperation or out of anger or confusion. Unaddressed needs—including proper nutrition, shelter, health care, and protection from abuse and neglect—can be steppingstones on a path towards crime.”⁴⁸

Given this reality, it is clear that only a holistic approach to combating gang violence can be effective. The multiple drivers of violence cannot all be addressed with a one-dimensional approach.⁴⁹ Instead, we need to find ways to address those factors which law enforcement, whether the police or military, is unable to engage.⁵⁰ The recent National Development Plan points to the risk that,

“In discussing crime, the danger is to focus on policing as the only solution. It is necessary to move from a narrow law-enforcement approach to crime and safety, to identifying and resolving the root causes of crime. To achieve this, South Africa will have to mobilize state and non-state capacities at all levels, which requires an integrated approach, with active citizen involvement and co-responsibility.”⁵¹

Simply relying on the military to help police gangs falls into this trap; it does not address the root causes of crime, nor does it engage other actors. Solutions are needed that aim to solve the problem of gang violence by addressing its causes, not just its effects. Short-term, heavy-handed interventions may succeed in undermining individual gangsters, but they will not be able to undermine gangsterism as a whole. Such an approach offers no plan to prevent gang violence from returning or being pushed elsewhere; indeed, it may end up raising levels of violence and leave the gangs stronger and more united. Only approaches that embrace law enforcement alongside other economic and social development programs can offer hope for peaceful communities.

6. Conclusion

Political rhetoric about using the army to police gangs seems to have died down in recent days.

After weeks of consideration, President Zuma announced that he will not deploy troops to areas faced with high levels of gang violence. Instead, he plans to implement long-term interventions that will address social and economic issues. He also plans to strengthen the law enforcement presence by police officers.⁵² The City of Cape Town has announced it will apply its 'Violence Prevention through Urban Upgrading' plan, along with a ceasefire program, to some of the communities plagued by gang violence. These programs are another effort to engage in interventions that address the root causes of violence.⁵³ Similarly, at a recent meeting of Parliament's Portfolio Committee on Police, both the South African Police Service and the Civilian Secretariat for Police made presentations on the situation of gangsterism in the Western Cape and advocated for a holistic approach that includes partnering with other government agencies and civil society organizations, and involving communities in these efforts.⁵⁴

These are certainly promising developments, but government must be held accountable to these plans and rhetoric. Any critical analysis of the current debate around the deployment of soldiers must also take account of the politics of the matter: the Western Cape is governed by the

opposition, and it may occasionally suit national government to respond negatively to the province's requests; equally, it may suit the province to show up national structures in a bad light. Nevertheless, it is important to remain skeptical of future proposals for military solutions that are presented as a panacea to situations as complex as the gang violence plaguing the Western Cape. It is also important to critically examine any other proposals that emphasize heavy handed policing at the expense of holistic approaches to combating violence. South Africa should continue to look for long term solutions that promise sustainable development, stable communities and a safe society.

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² State of Emergency Demanded for Cape Town Gangs. (2012, July 7). *Sunday Times*.

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⁵ Zille, Helen (2012, July 10). *Statement Requesting Employment of the SANDF in Gang Hotspot Areas*. Retrieved from <http://polity.org.za/article/sa-statement-by-helen-zille-western-cape-premier-requesting-employment-of-the-sandf-in-gang-hotspot-areas-10072012-2012-07-10>

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⁷ McDavid, H., Clayton, A., & Cowell, N. (2011). The Difference Between the Constabulary Force and the Military: An Analysis of the Differing Roles and Functions in the Context of the Current Security Environment in the Caribbean (The Case of Jamaica). *Journal of Eastern Caribbean Studies*, 36:3, p. 40.

⁸ Ibid., 64; Soldiers as Police Officers, 329; Costa, A. & Medeiros, M. (2002). Police Demilitarisation: Cops, Soldiers and Democracy. *Conflict, Security & Development*, 2:2, p. 28.

⁹ Clayton & Cowell. The Difference Between the Constabulary Force and the Military, p. 63.

¹⁰ Campbell & Campbell. Soldiers as Police Officers/Police Officers as Soldiers, p. 331.

¹¹ Ibid., p. 344.

¹² Ibid., 343-44; Clayton & Cowell. The Difference Between the Constabulary Force and the Military, p. 59-60.

¹³ Clayton & Cowell. The Difference Between the Constabulary Force and the Military, p. 64; Campbell & Campbell. Soldiers as Police Officers/Police Officers as Soldiers, p. 339, 343.

¹⁴ Clayton & Cowell. The Difference Between the Constabulary Force and the Military, p. 64; Campbell & Campbell. Soldiers as Police Officers/Police Officers as Soldiers, p. 339.

¹⁵ Clayton & Cowell. The Difference Between the Constabulary Force and the Military, p. 56.

¹⁶ Campbell & Campbell. Soldiers as Police Officers/Police Officers as Soldiers, p. 331.

¹⁷ Costa & Medeiros. Police Demilitarisation, p. 28. The recent tragic events at Marikana mine may seem to negate this argument. However, it is precisely the fact that the police acted more like soldiers – with maximum force, including the use of assault rifles – that contributed to the death-toll.

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- ¹⁹ Campbell & Campbell. Soldiers as Police Officers/Police Officers as Soldiers, p. 330, 343-344.
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