

# COVID-19

## A GGA RESPONSE

MAY 2020



# PATROLLING DURING A PANDEMIC

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## Recommendations to the South African Police Service and South African National Defence Force during the COVID-19 deployment

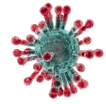
Good Governance Africa is a registered pan-African, non-profit organisation. Through cutting-edge research and trend analysis, regular publications and advocacy work, we aim to improve governance across our five key areas:

LOCAL GOVERNANCE | NATURAL RESOURCES | NATIONAL SECURITY | CHILD DEVELOPMENT AND YOUTH FORMATION  
ETHICAL VALUES AND SPIRITUALITY



## **COVER IMAGE - POSITIVE POSTURING**

*March 27 2020: A soldier checks the permit of a man making his way to work in Alexandra, Johannesburg, where military personnel are enforcing the lockdown announced by the president. PHOTO: THAPELO MOREBUDI/SUNDAY TIMES*



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# 1. INTRODUCTION

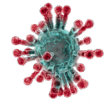
On 5 March, 2020, the Minister of Health, Zweli Mkhize, announced the first confirmed case of coronavirus in South Africa. On 15 March, President Cyril Ramaphosa declared a National State of Disaster and announced a series of immediate measures to mitigate the further spread of the virus, including strict travel restrictions and the closure of non-essential industries, schools and universities. Just over a week later, on 23 March, the president announced that the National Coronavirus Command Council (NCCC) had decided on a national 21-day lockdown, which was enacted in terms of the Disaster Management Act.

The lockdown was subsequently extended to 30 April. To assist South African Police Service (SAPS) members with implementation of lockdown restrictions, maintain law and order, support other state departments, and control the border in line with the Disaster Management Amendment Act (2015), 2,820 members of the South African National Defence Force (SANDF) were deployed across nine provinces. On 21 April, citing the continued spread of the COVID-19 virus, President Ramaphosa announced the deployment of an additional 73,180 members of the SANDF, consisting of the Regular Force, Reserve Force, and Auxiliary Force. The revised expenditure incurred for the employment of SANDF members was set at R4,590,393,00.<sup>1</sup>

For many disadvantaged communities, law enforcement officers are often their first point of contact with the state and therefore they can play an outsized role in determining citizen trust in government. In the current South African context, the conduct of both the SAPS and SANDF will go a long way in determining citizens' cooperation and compliance with government regulations pertaining to COVID-19. Maintaining law and order during a pandemic is also vital to ensuring public health policies can be effectively implemented to curb the spread of the virus.

In recent weeks, there have been concerning reports and videos circulated relating to a number of deaths, harassment and alleged human rights violations by the security forces, especially in the townships. Encouragingly, Minister of Defence and Military Veterans Nosiviwe Mapisa-Nqakula has come out strongly to caution members of the SANDF against their heavy-handedness during the lockdown, going so far as to say that they should refrain from using any kind of force - even if they are provoked. Similarly, President Ramaphosa, in a recent public address stated that: "This is not a moment for *skop* (kick) and *donner* (beat). This is a moment to be supportive to our people. When they see you patrol with your guns, they will be fearful but make sure that when they see you they see [the] kindness of the state of South Africa. They should even get to a point where they may want to give you roses" (Madisa, 2020).

Drawing on GGA's research and programming experience with social cohesion initiatives, and in support of the minister of defence and the president's emphasis on building community trust



***Soldiers of the South African National Defence Force (SANDF) escort a homeless woman to a gathering point in the Johannesburg CBD, on March 27, 2020. South Africa came under a nationwide military-patrolled lockdown on March 27, 2020, joining other African countries imposing strict curfews and shutdowns in an attempt to halt the spread of the coronavirus across the continent. PHOTO MICHELE SPATARI/AFP***

and collaboration to best implement COVID-19 related restrictions and measures, this brief aims to provide policy recommendations from a good governance perspective demonstrating how the SAPS and SANDF could be better or best deployed on such a mercy mission in grassroots communities. These recommendations are in line with the United Nation's recent emphasis for the need to centre human rights in state responses to COVID-19 to achieve better outcomes in beating the pandemic, ensuring healthcare for everyone, and preserving human dignity (United Nations, 2020).

Additionally, in line with the president's call for an extended period of deployment, looking forward, we have identified potential areas of concern, which may lead to political instability exacerbated by the COVID-19 crisis. These are issues policymakers should be made aware of when formulating future strategies to address the consequences of the pandemic. The COVID-19 pandemic requires South Africans to work collectively to address a common enemy, which has a negative impact on the safety and wellbeing of all citizens. The crisis also lays bare some of the glaring social and economic inequalities often overlooked in "peace times". This should, therefore, also be seen as an opportunity to consider community resilience and forge new relationships across race, class, and gender to bring about and promote a more equitable and just society.

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<sup>1</sup> See Appendix Figure 1 : A letter from President Cyril Ramaphosa to the co-chairperson of the of the Joint Standing Committee on Defence. 21 April, 2020.

In producing this report, GGA recognises and appreciates the significant risks SAPS and SANDF members are exposed to as a result of the COVID-19 pandemic, and the sacrifices they are being asked to make. Since the lockdown began, five members of the security services have lost their lives. In Gauteng, a SAPS detective sergeant was shot and killed, while another two SAPS members were killed in the line of lockdown duty and buried in Limpopo and the Northern Cape respectively.

## 2. POSITIVE POLICY MEASURES IMPLEMENTED

Comparatively, the South African government acted faster and more efficiently than many other nations to address the spread of COVID-19. World Health Organization (WHO) Director-General Dr Tedros Adhanom Ghebreyesus has publicly praised the leadership and measures taken by President Ramaphosa in this regard (Moromo, 2020). At the time of writing, there have been 185,497 tests conducted, 4,996 positive cases identified, 2,073 recoveries, and 93 deaths (Department of Health, 2020).

However, expert analysis suggests that while these measures have slowed the spread of the virus and bought the country time, South Africa will likely still see an exponential spread of COVID-19 in the coming months, and be at an increased risk after the end of the national lockdown (Karim, 2020).

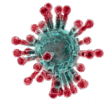
On 21 April, 2020, President Ramaphosa announced a R500 billion economic stimulus package to keep the South African economy afloat and mitigate the economic impact of the spreading COVID-19 pandemic.

In addition to providing support to small and medium businesses, the stimulus is designed to protect the most vulnerable. Support grant recipients will receive an extra R300 in May, and from June an extra R500. The government will also allocate an extra R260 for other grant beneficiaries for the next six months.

About R100 billion will be set aside for the protection of jobs and job creation, R50 billion will go towards relieving the plight of those who are most desperately affected by the coronavirus and R20 billion will be made available to municipalities for emergency water supply, sanitation, and to supply food and shelter for the homeless. While government should be commended on developing a comprehensive and timely stimulus package that takes into account the most vulnerable South Africans, a policy is only as good as its implementation, which will ultimately determine the efficacy of these measures over the medium to long term (Roodt, 2020).

Since the start of the national lockdown, the South African Military Ombud Office says it has received 28 complaints as of 19 April, 2020. At least 15 of the complaints were from the public alleging SANDF members were using excessive force and physical abuse during their lockdown patrols, while others were from serving members themselves concerning their conditions of service.

The military ombud released these numbers in the wake of the death of Collins Khoza in Alexandra, Gauteng, who was allegedly assaulted by members of the SANDF for drinking alcohol in a yard with his friend (Ngqakamba, 2020). It should be noted that part of the mandated role of commissioned officers, warrant officers, senior non-commissioned officers and other SANDF



leadership is to ensure service personnel are trained and adhere to international humanitarian law, as well as the SANDF's own code of conduct, standards, and values, to ensure cases are not referred to the military ombud.



***SANDF members in Alexandra, Johannesburg on day three of the lockdown. Note the very menacing posturing, the push-up position, as well as the police officer looking on. PHOTO: BONGANI SHILUBANE***

However, while these reports are concerning, rather than deny the allegations, both the SAPS and SANDF leadership have publicly acknowledged alleged use of excessive force by some of their members and promised to deal with the cases expeditiously. Mapisa-Nqakula, for example, has publicly stated that, “We hang our heads in shame” and that the police, military police and the military ombudsman were investigating the circumstances that led to the death of Khoza and other allegations of human rights abuses (See: Tandwa, 2020; Ngqakamba, 2020). This public display of accountability rather than denial indicates an acknowledgment by government of the importance of taking a human-rights centred approach to policing during the lockdown, something that has been reiterated by the president himself.

In addition to government actions, many in the South African private sector have worked to support the fight against the COVID-19 pandemic and shown the ability to shift focus from purely short-term returns for owners and investors to considering the needs of employees, suppliers, customers and, ultimately, the society in which they operate. The Solidarity Fund, which government established to allow for private sector and citizen donations towards the prevention, detection, care, and support of COVID-19 patients, raised over R500 million from corporates and individuals in its first week.



***President Cyril Ramaphosa sees off COVID-19 quarantined citizens from The Ranch resort. The group was placed under quarantine at the resort from 14 March, 2020 after they were repatriated from Wuhan in China following the outbreak of the novel coronavirus disease. PHOTO GCIS***

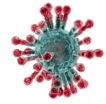
The Oppenheimer, Motsepe, and Rupert families have also all made significant donations of R1 billion respectively. Many South African banks, insurance companies, network providers, and retailers, to name a few, are also providing support in a variety of ways (Global Compact Network, 2020). Many civil society and non-government organisations, trade unions, faith-based organisations, and community structures, as well as regular citizens, continue to actively develop and support initiatives, at no reward, to help combat the COVID-19 pandemic and the social and economic impacts it is having, particularly in vulnerable communities. These initiatives, by government, the private sector, civil society and regular citizens, illustrate the potential for unity in the country and the resilience of the South African people.

### 3. POLICY RECOMMENDATIONS TO SAPS AND SANDF TO STRENGTHEN THEIR COVID-19 RESPONSE

#### 3.1 Prioritising effective public communication

As frontline responders who interact directly with communities, law enforcement officers must be prepared to clearly and concisely answer questions both about government's policies relating





to COVID-19, as well as common questions relating to the virus itself, such as how the virus is transmitted, personal safety measures, signs and symptoms of infection, recommended Personal Protective Equipment (PPE), travel restrictions, quarantine and isolation, and what actions to take if one thinks they might be infected, to name a few.

- The SAPS and SANDF need to ensure that all members have the requisite knowledge, training, and resources to ensure standardised and unified responses to commonly asked questions pertaining to COVID-19 and associated government regulations, and to dispel rumours;
- To achieve this, SAPS and SANDF information, intelligence, or communications teams should produce products to support these activities, and training departments used to capacitate SAPS and SANDF members in how to correctly use them;
- Law enforcement should become a reliable primary source of information pertaining to curbing the spread of COVID-19 for communities, able to rise above the general noise and disinformation being spread about the virus and government regulation. Here, intelligence and strategic communications teams can play a part in identifying emerging rumours, fake news, and disinformation campaigns and in developing effective responses;
- Law enforcement should communicate with the community concerns at the forefront of their minds and seek to allay rather than instilling fear. It is important that both SAPS and SANDF members communicate in a manner that shows they are there to assist the community in a time of crisis and are not simply a draconian force there only to enforce regulations. To achieve this, Civil-Military Coordination (CIMIC) officers as well as Female Engagement Teams (FETs) need to play a leading role in guiding law-enforcement actions at the community level;
- While standardisation and consistency in, for example, hygiene practices and social distancing practices are important, to the highest degree possible, law enforcement messaging should speak to the local reality and concerns of the citizens within a particular jurisdiction. To get a clear understanding of these local realities, community-needs analyses can be undertaken by SANDF intelligence corps in conjunction with SANDF environmental health teams;
- Law enforcement should identify and co-opt community leaders and authority figures to help bridge potential trust deficits between citizens and the police;
- Targeted communication and sensitisation strategies should be developed for those individuals or groups, particularly among religious communities, who are resistant to COVID-19 control efforts and related health and safety measures. To achieve this, SANDF chaplains and imams can help to inform the actions of law enforcement in dealing with these parties and play important roles as interlocutors;
- Communication strategies must be developed to support the reintegration of COVID-19 survivors back into their communities and fight potential stigmatisation.

### 3.2 Supporting community resilience capacity

It is important that the agency of citizens and communities in protecting themselves and their livelihoods from the threats posed by COVID-19 are supported by the SAPS and SANDF. Civilians are not simply passive victims during major social and political upheaval. Rather, empirical evidence, focusings on civilian agency as opposed to macro-political structural explanations for behaviour, reveals that civilians display incredible resourcefulness and adaptiveness to survive.<sup>2</sup>

<sup>2</sup> For a detailed discussion of the use of civilian self-protection mechanisms in the context of armed conflict in northern

While the provision of basic services and the economic wellbeing of communities during the COVID-19 crisis is paramount, encouraging a more holistic understanding, which includes the social and psychological needs of communities, may ultimately help in staving off social unrest and ensuring collaboration and compliance with government regulation. In the context of exposure to significant adversity, Ungar (2006) defines resilience as “both the capacity of individuals to navigate their way to the psychological, social, cultural, and physical resources that sustain their wellbeing, and their capacity individually and collectively to negotiate for these resources to be provided in culturally meaningful ways.”<sup>3</sup>

- Law enforcement should engage with community actors, including local faith-based organisations, civil society groups, economic and social networks, youth and women’s groups, as much as possible, to increase their level of agency, help identify vulnerabilities, and to ensure they have input in defining their needs;
- Efforts must be made to systematically identify and harness the resilience capacities provided by local faith-based organisations, civil society groups, economic and social networks, youth and women’s groups;
- Where social-distancing regulations allow, activities and cultural practices, which encourage inter-group harmony, should be supported;
- Government regulations will be most effective if carried out, not only in accordance with the law, but also hand-in-hand with the fulfilment of the government’s obligation to provide basic goods and services such as food, water, and health services to vulnerable community members.

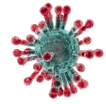
### 3.3 Supporting social cohesion and trust in institutions

As the socio-economic consequences of COVID-19 continue to deepen, so too will social tensions and trust in institutions likely be strained. The SAPS and SANDF must ensure that in focusing on the immediate and direct need to enforce regulation, they do not fail to identify and mitigate potential rising social tensions. In this regard, SANDF and SAPS members need to ensure that they:

- Assess immediate changes to the socio-economic wellbeing of a community due to the impacts of COVID-19;
- Identify and prioritise the particular needs of a specific community;
- Assess the potential for social exclusion, grievances, discrimination, and stigmatisation over access to resources and health services;
- Continually assess, identify, and counter arising anti-social narratives, especially against vulnerable groups such as migrants and refugees;
- Develop a context-specific “Do No Harm” policy for law enforcement based on this assessment;
- Identify and seize upon opportunities to contribute to strengthening and promoting social cohesion, as well as use the services of community liaison officers wherever possible;

Mozambique, see: Hamilton, L., Remi, S. (2019) Empowering Local Communities to Prevent Violent Extremism in Cabo Delgado. *Extremisms in Africa Vol 3*. Tschudin, A., Moffat, C., Buchanan-Clarke, S., Coutts, L., Russell, S.

<sup>3</sup> For a further discussion of community resilience factors, see: Grossman, M., Ungar, M., Brisson, J., Gerrand, V., Hadfield, K., & Jefferies, P. (2017). Understanding youth resilience to violent extremism: a standardised research measure. Alfred Deakin Institute for Citizenship and Globalisation, Deakin University, Australia, and The Resilience Research Centre, Dalhousie University, Canada.



- To encourage trust and collaboration, the SAPS and SANDF should adopt a visible posture suitable to engaging with the community and making them more approachable. This will require a thorough threat and risk assessment, direction and guidance on behaviour that wins the hearts and minds of the population, as well as reduced and softened postures where possible. Where little or no threat is detected, this could include, for example, the wearing of berets and not helmets, a reduction in weapons carried and the use of body armour and webbing;
- The SAPS and SANDF should look to co-opt neighbourhood leaders, market leaders, and other key community members to identify avenues of collaboration and community efficacy and empowerment;
- Wherever possible, the SAPS and SANDF should participate in community engagement and dialogues, interfaith dialogues, and other platforms that encourage inter- and intracommunity cooperation;
- Make sure to instil a mindset of community service and support in SAPS and SANDF members.



*A South African Police Service (SAPS) officer gestures as he talks with informal vendors in Braamfontein, Johannesburg, on April 8, 2020 as they try to obtain a permit for working during the 21-day national lockdown that started on March 27, 2020, in an attempt to halt the spread of the coronavirus outbreak. PHOTO Luca Sola/AFP*

### 3.4 Upholding human rights

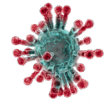
The severity of the public health threat posed by COVID-19 clearly justifies the temporary restriction on certain rights, such as limiting freedom of movement. However, careful attention to human rights such as non-discrimination, respect for human dignity and transparency will help to foster positive relationships between law enforcement and communities and avoid generating new social grievances.

- The executive must continue to clearly voice a zero-tolerance approach to the use of excessive force by SAPS and SANDF members, and the SAPS and SANDF leadership must ensure that this is communicated down the chain of command to police officers and soldiers on the ground;
- In line with calls by the Parliamentary Portfolio Committees on Police, Defence and Military Veterans, senior leadership and management of both the SAPS and SANDF should fully investigate allegations of the abuse of power and for proper corrective measures to be taken against those found guilty;
- Current cases before the military ombud and Independent Police Investigative Directorate (IPID) should be expedited and the findings made public. Where SAPS or SANDF members have been found guilty of the use of excessive force, penalties should be decisive;
- Government should continue to publicly call on citizens to record and report any cases of SAPS and SANDF abuses to the relevant authorities and provide clear guidelines on how to do so. Initiatives such as the Gender-Based Violence Command Centre for vulnerable women, men, boys and girls who are at risk of abuse to turn to for help during the national lockdown is a positive measure;<sup>4</sup>
- Military Gender Advisors and Female Engagement Teams (FETS) must be deployed to train service personnel on gender violence issues and integrate gender into planning at the strategic (national and departmental), operational (division to brigade), and tactical level (i.e. battalion down to patrols);
- It is important that women are present in patrols in areas where high levels of gender-based violence, sexual violence, sexual exploitation and abuse, human trafficking, and children affected by crisis and violence are prevalent;
- SAPS and SANDF members need to ensure that in implementing government restrictions and policies relating to the COVID-19 pandemic, their actions are not discriminatory in practice, but respectful of human dignity, subject to review and proportionate in nature;
- It is important that law enforcement recognises how the highly unequal nature of housing and public spaces in South Africa pertains to lockdown and social distancing measures. In informal settlements and townships it is far more difficult for some regulations to be followed in comparison to more affluent suburbs.

### 3.5 Ensuring the special protection of women and girls

COVID-19 is disproportionately affecting women in a number of ways. As the UN (2020) has noted, across every sphere “from health to the economy, security to social protection, the impacts of COVID-19 are exacerbated for women and girls simply by virtue of their sex.” Globally, deepening socio-economic stress, coupled with restricted movement and social isolation measures, means that levels of gender-based violence have increased exponentially. In South Africa, Police Minister Bheki Cele recently clarified to the media that the SAPS had received 2,320 complaints of gender-based violence during just the first week of the lockdown. This is 37% higher than the weekly average for the 87,290 gender-based violence cases reported during 2019, while the national Gender-Based Violence Command Centre said they have seen triple the usual number of calls (Newham and Du Plessis, 2020).

<sup>4</sup> The Gender-Based Violence Command Centre assists through Skype via “HELPMIEGBV”, a toll-free line (0800428428) and a call-back service victims can use by dialling \*120\* 7867#



- The South African government should integrate gender mainstreaming and a gender perspective into its national COVID-19 response in line with UN Security Council Resolution 1325 which “reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security” (United Nations, 2000);
- As outlined by UN Women, several cross-cutting measures should be taken to mitigate the impact of COVID-19 on women and girls. These include ensuring women’s equal representation in all COVID-19-related planning and decision making; driving transformative change for equality by addressing the care economy, paid and unpaid; and targeting women and girls in all efforts to address the socio-economic impact of COVID-19 (UN, 2020);
- To address recent increases in levels of domestic violence, more resources and capacity should be provided by government to organisations that provide assistance to survivors of abuse, such as medical attention, shelter, and counselling services. Government should also take steps to help survivors of gender-based violence find alternative accommodation during lockdown and consider measures to require abusers to shelter in isolation separate from victims;
- Increased public awareness campaigns as to how survivors of abuse can report their cases to the SAPS, such as the SAPS Domestic Violence Hotline and Childline, should be supported;
- The South African Human Rights Commission (SAHRC) should monitor and report on gender-based violence and sexual exploitation as part of its ongoing monitoring of the human rights situation during the national lockdown.



*Cuban health specialists arrive in South Africa to support efforts to curb the spread of COVID-19. PHOTO GCIS*

### 3.6 Ensuring police and national defence force health and wellbeing

Law enforcement and military assistance to the civil authority (MACA), like other frontline responders, face an increased risk of potential COVID-19 infection. In addition to everyday work-related stressors, officers will likely experience increased levels of anxiety and fear around contracting the COVID-19 virus, spreading the virus to their families and loved ones, potential stigmatisation by their communities, as well as mental and physical exhaustion due to constant vigilance against contamination and adhering to no-touch policies. Not only does this impact directly on the health and wellbeing of the officer, but may also effect the ability of the officer to perform his or her duties efficiently.

- Government must prioritise the provision of standardised and approved PPE to the SANDF and SAPS;
- SANDF and SAPS members should be trained on the correct use of PPE equipment, how to identify signs and symptoms of infection, the measures to avoid potential transmission of the virus to friends and family, and other health and safety best practice with regards to COVID-19;
- Measures should be taken to identify early signs of anxiety or depression in SANDF and SAPS members through continuous assessment, the provision of discreet counselling services, and the development of peer support initiatives;
- A mental health and psycho-social support plan (MHPSS) should be developed for law enforcement that provides solutions to the unique stressors faced by SAPS and SANDF members in the field. This should include, for example, basic components of psychological first aid and suggested coping mechanisms, as well as strategies on how to communicate with friends and family to alleviate stigmatisation and fight misinformation.

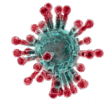
### 3.7 Special considerations for SANDF members

The rapid and unprecedented deployment of the SANDF across the country to address the COVID-19 pandemic will likely see a number of challenges arise, particularly around the powers afforded to SANDF members, cooperation and coordination with joint forces, as well as accountability and oversight.<sup>5</sup>

Despite a recent statement by the army's chief of staff, Lieutenant-General Lindile Yam, to the contrary, the formulation and execution of defence policy by the SANDF is subject to the authority of *both* the executive and parliament, and SANDF members must abide by the rule of law and Constitution at all times.<sup>6</sup>

In addition:

- The SANDF, when engaged in joint-forces operations with the SAPS, are legally allocated all the powers of a police officer, except those of investigation, the only condition being that they be "appropriately" trained (PMG, 2000). However, additional detail as to the operational instructions of the SANDF should be clearly and publicly articulated by government;
- New regulations, which are primarily the task of the SAPS and SANDF to enforce, will inevitably contain gaps, vagaries, and be vulnerable to legal challenges. It is, therefore, important that SANDF members do not enforce these regulations in an overzealous or arbitrary manner.



Rather, they should be enforced in good faith and with the rights of South Africans outlined in the Bill of Rights and Constitution taken into account;

- Where ambiguities exist in government regulations, the COVID-19 National Command Council should work with, and issue directives to, the SAPS and the SANDF leadership. Where possible, ongoing review and feedback from SANDF and SAPS members on the ground should also inform ongoing strategy;
- Efforts must be made to ensure effective collaboration and communication between joint forces, and to ensure that the oversight and accountability of SANDF members is prioritised. As Burger (2020) writes, the SANDF leadership must address command and control problems on the ground by placing suitable officers in charge and holding them directly accountable for their subordinates' conduct. All allegations of unlawful behaviour by security officials must immediately be investigated and the resulting action communicated to the public.



***A soldier takes position during a raid in the Madala hostel in Alexandra township on March 28, 2020 during the second day of the 21-day national lockdown announced by President Cyril Ramaphosa to combat the spread of the coronavirus outbreak. PHOTO: Luca Sola/ AFP***

<sup>5</sup> As Burger (2020) writes, “The rapid escalation of government efforts to counter the spread of Covid-19 simply didn’t allow for proper planning and preparation. The Joint Operational and Intelligence Structure (JOINTS) – responsible for planning and coordinating all joint security force operations – has significant experience in major sporting events, elections and crime combating operations. But for these they have many months to plan and prepare, something not possible as the pandemic swept the world.”

<sup>6</sup> Government Gazette Vol 452, February 2003, No 24576, of the Defence Act 2002, Chapter 1, Paragraph 2 states “The Minister and any organ of state defined in section 239 of the Constitution, as well as members of the Defence Force and any auxiliary service and employees, must, in exercising any power or performing any duties in terms of this Act, have regard for the following principles: (a) The formulation and execution of defence policy is subject to the authority of Parliament and the national executive.”

## 4. FUTURE CONCERNS EXACERBATED BY THE COVID-19 PANDEMIC

### 4.1 Competition over basic needs – unequal access to healthcare and sanitation

The COVID-19 crisis will expose any lack of government services or unequal distribution of these services. Access to healthcare should be carefully monitored and managed to ensure that limited availability does not result in social upheaval. Due to the potentially high numbers of affected patients, the lack of adequate care will be strongly felt and could have dire consequences if not properly managed. Importantly, since the coronavirus appears relatively egalitarian, affecting all sectors of society, it becomes imperative for government policies to demonstrate an all-encompassing approach so as not to appear biased against a certain sector of society.

### 4.2 Increase in criminal incidences

At 36.4 per 100,000 people, South Africa has one of the world's highest murder rates. These problems are exacerbated by chronic alcohol and drug abuse. Studies have shown that a large number of murders are attributable to conflict between young adult men who make up 81% of the 21,022 murder victims recorded by the police in 2018/19 (Newham and Du Plessis, 2020). In South Africa, the failure to comply with containment and lockdown measures has been made a criminal offence, and some people have been arrested or fined for this kind of COVID-19 offence (Thaw, 2020). In fact, this proactive policy led to the Minister of Communications, Telecommunications and Postal Services, Stella Ndabeni-Abrahams, being charged with the contravention of regulation 11b of the Disaster Management Act. The minister was ordered to pay a fine of R1,000 and will appear in court next month. This judgment is proof that all citizens are equal in the eyes of the law and demonstrates the seriousness of the lockdown measures implemented (Thaw, 2020).

A major concern relates to keeping men in their homes during the lockdown period, with many unemployed or possibly losing their job as a result of the lockdown. A positive trend reported is that the lockdown measures have seen the reduction of some serious crimes such as murder. However, there has been a sharp increase in crimes related to gender-based violence and violence against young people (Newham and Du Plessis, 2020).

An increase in crime may exacerbate prevailing tensions, leading to citizens taking the law into their own hands or to social unrest. This, in turn, will place further demands on the police and the already overburdened criminal-justice system. An increase in crime may also break down social cohesion and public trust, and lead to people taking the law into their own hands or to general social unrest.

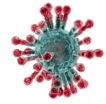
### 4.3 High rates of domestic and gender-based violence

At the start of April 2020, the SAPS acknowledged receiving 87,000 gender-based violence calls.<sup>7</sup>

High levels of domestic violence may in fact serve as an early warning indicator of societal unrest and political violence. One can draw the assumption that violence perpetuated in the household will spill

<sup>7</sup> For a full National Command Council media briefing and statement by Police Minister Bheki Cele, see <https://www.power987.co.za/news/covid-19-lockdown-police-receive-87-000-gender-based-violence-calls/> accessed on 21 April 2020.





out into the streets if not adequately addressed. As alluded to earlier, reports of domestic violence have surged globally in the wake of massive lockdowns imposed to contain the spread of the virus. UN Secretary-General Antonio Guterres has urged governments to include the protection of women in their response measures to curb the pandemic, stating: “Violence is not confined to the battlefield ... For many women and girls, the threat looms largest where they should be safest. In their own homes” (UN News, 2020).

Policy formulation should include supporting structures that provide services related to:

- access to formal and civil society institutions that normally provide counselling, psycho-social support and other coping mechanisms;
- gender-based violence centres will remain open during the lockdown measures;
- developing plans to address violence perpetuated by men against other men;
- urgent need by providing better support for the victims, especially women and LGBTIQ+ individuals (Lamb, 2020);
- improve and implement better crime prevention plans;
- disaggregate and analyse the data of gender-based crime, gender-based sexual abuse, and violence against women, men, boys and girls;
- in areas where high levels of gender-based violence, sexual violence, sexual exploitation and the abuse of children affected by crisis and violence are prevalent, it is important that SAPS and SANDF women members are present when patrolling.

#### 4.4 Decline in social cohesion/decreasing levels of trust in the government

Social cohesion remains an important determinant of a peaceful, democratic and prosperous nation. It creates stronger bonds within and across different groups and fosters greater trust in the institutions of government. Therefore, it is vital to sustain levels of trust between the citizenry and government institutions.

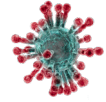
In his address at the World Government Summit in Dubai on 13 February, 2017, UNSG Guterres stated: “If one looks at today’s governance problems at the country level, between countries or at multilateral governance in the world, we face a terrible lack of trust.” As part of a strategy to enhance the trust of ordinary citizens in the efforts to flatten the curve, state institutions should use the opportunity presented by the COVID-19 crisis to build a broad social compact with community structures and local leaders (Ngubane, 2020). The COVID-19 crisis facing South Africa has the potential to place undue stress on socio-political relations across different sections of society.

The following are possible impediments to strengthening the trust between citizens and state institutions when implementing measures to curb the spread of COVID-19:

- The ability of the state to communicate effectively, timeously and coherently about any measures to be implemented to address the COVID-19 pandemic. As indicated earlier, South Africa has been exemplary in providing accurate information and should be encouraged to continue this approach;
- Avoiding unnecessary heavy-handedness response measures by the SANDF and SAPS deployed during and after the lockdown period. These heavy-handed measures erode social trust and pit affected communities against the state, while diminishing any gains made during the lockdown;

- In South Africa, social grants remain the second-most important source of income for households in the country after salaries, according to Statistics South Africa's *General Household Survey* conducted in more than 20,000 households. According to the results, 45.2% of households depend on social grants. More than 17 million South Africans, one in five, rely on social welfare grants from the state (Ngatane, 2019). The eagerness and acceptance of ordinary citizens to comply with the implemented initiatives to address the COVID-19 crisis will hinge heavily on their perceived notions of fairness regarding the equitable distribution of various social support services. Incidents viewed as unfair, corrupt and perceived to be biased in the distribution of social benefits during the COVID-19 crisis, such as those already reported, may instead erode all public confidence and trust in state institutions (Nyembezi, 2020). Therefore, the implementation of well thought out policies remains key to ensuring the continuance and promotion of social cohesion and trust in the state's COVID-19 measures;
- Lastly, trust in the private sector may be eroded by acts of unscrupulous and opportunistic behaviour intended to increase short-term financial gains at the expense of customers. There have been several reports of the excessive pricing of essential goods and services by the private sector (Timeslive, 2020). These price hikes increase the risk of ordinary citizens failing to adhere to already implemented COVID-19 measures. They also increase the risk of acts of social tension and violence, leading to incidences of looting and other criminal acts, justified as a means to access basic necessities (Cowan, 2020). The South African government has acted swiftly in countering such unscrupulous acts, thereby lowering the risk of tension while building on, and increasing, the confidence of citizens (ENCA, 2020).

Currently, the majority of South Africans are obeying the strict lockdown measures, but it must be recognised that obedience may be conditional. Citizens place their trust in the state, trusting that the state will formulate well thought out policies to curb the threat of the COVID-19 pandemic. Importantly, trust should be reciprocal. Any perceived betrayal of that trust may come at a high cost to the state as well as society.



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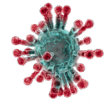
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# APPENDICES

Figure 1



21 April 2020

Dear Co-Chairperson,

**EMPLOYMENT OF ADDITIONAL MEMBERS OF THE SOUTH AFRICAN NATIONAL DEFENCE FORCE FOR SERVICE IN COOPERATION WITH THE SOUTH AFRICAN POLICE SERVICE**

On 25 March 2020 I authorised the employment of 2820 members of the South Africa National Defence Force (SANDF) for a service in cooperation with the South African Police Service in order to maintain law and order, support other State Departments and to control our border line to combat the spread of COVID-19 in all nine provinces.

The outbreak of COVID-19 continues to increase with reported cases across the Republic of South Africa.

As a result, I have decided, in terms of Section 201(2) (a) of the Constitution of the Republic of South, 1996 and Section 18 (1) of the Defence Act, 2002 (Act 42 of 2002), to employ an additional 73180 members of the SANDF, consisting of the Regular Force, Reserve Force and Auxiliary Force.

The employment of the additional members of the SANDF is for the period 2 April 2020 to 26 June 2020.

The revised expenditure expected to be incurred for the employment of members of the SANDF is R 4,590,393,940.00.

I will communicate this report to members of the National Assembly and the National Council of Provinces and wish to request that you bring the contents hereof to the attention of the Joint Standing Committee on Defence.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Cyril Ramaphosa', written over a white background.

**Mr Matamela Cyril Ramaphosa**  
**President of the Republic of South Africa**

Mr Cyril Xaba, MP  
Co-Chairperson of the Joint Standing Committee on Defence  
Parliament of the Republic of South Africa  
P.O. Box 15  
**CAPE TOWN**  
8000

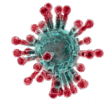


Figure 2

**The Disaster Management Act 57 of 2002 intends to provide for:**

- an integrated and co-ordinated disaster management policy that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, rapid and effective response to disasters and post-disaster recovery;
- the establishment of national, provincial and municipal disaster management centres; disaster management volunteers; and
- matters incidental thereto.

Available at: <https://www.gov.za/documents/disaster-management-act>

Figure 3

**The Disaster Management Amendment Act 16 of 2015 aims:**

- to amend the Disaster Management Act, 2002, so as:
- to substitute and insert certain definitions;
- to clarify policy focus on rehabilitation and functioning of disaster management centres;
- to align the functions of the National Disaster Management Advisory Forum to accommodate the South African National Platform for Disaster Risk Reduction;
- to provide for the South African National Defence Force, South African Police Service and any other organ of state to assist the disaster management structures;
- to provide for an extended reporting system by organs of state on information regarding occurrences leading to the declarations of disasters, expenditure on response and recovery, actions pertaining to risk reduction and particular problems experienced in dealing with disasters;
- to strengthen reporting on implementation of policy and legislation relating to disaster risk reduction and management of allocated funding to municipal and provincial intergovernmental forums established in terms of the Intergovernmental Relations Framework Act, 2005;
- to strengthen the representation of traditional leaders in national, provincial and municipal disaster management advisory forums;
- to expand the contents of disaster management plans to include the conducting of disaster risk assessments for functional areas and the mapping of risks, areas and communities that are vulnerable to disasters;
- to provide measures to reduce the risk of disaster through adaptation to climate change and developing of early warning mechanisms;
- to provide for regulations on disaster management education, training and research matters and declaration and classification of disasters;
- And to provide for matter incidental thereto.

Available at: <https://www.gov.za/documents/disaster-management-amendment-act-16-2015-15-dec-2015-0000>



*Soldiers march at the Doornkop Military Base in Soweto, on March 26, 2020 as they get ready to support the police in maintaining public order during the national lockdown to prevent the spreading of the coronavirus outbreak in South Africa. PHOTO Luca Sola/ AFP*

In producing this report, GGA recognises and appreciates the significant risks SAPS and SANDF members are exposed to as a result of the COVID-19 pandemic, and the sacrifices they are being asked to make. Since the lockdown began, five members of the security services have lost their lives. In Gauteng, a SAPS detective sergeant was shot and killed, while another two SAPS members were killed in the line of lockdown duty and buried in Limpopo and the Northern Cape respectively. Two SANDF officers have also lost their lives in accidents while carrying out measures to implement COVID-19 government regulations (SAPS, 2020). In addition, 103 SAPS members have tested positive for the coronavirus and more than 1,000 quarantined to date (Gerber, 2020). In this regard, GGA calls on the public to actively support and collaborate with law enforcement officials to ensure that government regulations are followed.