

POLICY BRIEF

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Community members from Jerusalema sought refuge inside the Florida police station following their escape from Zama Zamas engaged in territorial conflict. Image by: Mgcina Tshwaku¹

Summary

While the Zama-Zama territorial conflicts have caused fear and insecurity in affected communities, law enforcement alone is not the solution. Due to modern threats, national security and human security are inseparable. As a primary security provider, the State should prioritise both the social services and the protection of citizens. The use of the military for law enforcement roles must always be done with caution and for the shortest possible time.

HOW WILL THE MILITARY SUPPRESS ILLICIT GOLD MINERS, KNOWN AS ZAMA ZAMAS?

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Introduction

The consequences of illicit mining in South Africa extend far beyond financial losses. The Zama-Zama territorial conflicts have instilled a deep sense of fear and insecurity within the affected communities. In August 2023, the [image](#)² seen on platform X (Twitter) and TV screens showed a community of ‘Jerusalema’ who fled Zama Zamas and sought refuge at the Florida police station. The image fits the definition of internally displaced persons (IDPs) placed by the [Guiding Principles on Internal Displacement](#)³. This is the harsh reality faced by the Jerusalema community and other innocent people who live in fear due to the actions of illegal miners.

The country is also burdened by security approaches that lack foresight and are out of touch with current circumstances. There was a time when governments separated state security from human security, but such approaches are futile in dealing with modern-day security threats, which calls for a paradigm shift.

As a result of these new realities since the dawn of democracy, there is a continuous debate about whether it is desirable to employ the military for law enforcement operations. The predominant focus of these debates has been on important questions, such as the benefits related to this course of action, the guiding rules, and the financial implications of these deployments.

This policy brief contributes to the discourse by addressing the question of whether the deployment of the South African National Defence Force (SANDF) will successfully suppress illegal gold mining activities and the associated territorial conflicts. It focuses on two aspects: (1) Should militaries be used in maintaining public order and enforcing the law? (2) Will the use of the military achieve the desired results? In a broader sense, this brief offers some thoughts and suggestions.

Should militaries be used in maintaining public order and enforcing the law?

The employment of the military in law enforcement roles is something that has a tendency to result in the death of unarmed civilians. This has been the case in the history militaries.

During The Boston Massacre⁴, which was a fatal riot that took place on March 5, 1770, British soldiers who were deployed to enforce Britain's tax laws, ended in the soldiers killing unarmed American colonists under the command of Captain Thomas Preston⁵. The soldiers were apprehended, charged, but eventually they were acquitted.

On January 30, 1972, - during the Bloody Sunday⁶ - a similar incident took place in Northern Ireland where 13 Catholic demonstrators were killed by paratroopers commanded by Major Loden of the 1 Para (1st Battalion, Parachute Regiment)⁷. The troops were also acquitted by a tribunal.

Roll forward to April 10, 2020, the case of Collins Khosa⁸, a man who was allegedly beaten to death by soldiers in Alexandra South Africa, during the Covid-19 lockdown. It remains unclear if there have been consequences in connection with that specific incident. These are the revelations of what tends to happen when soldiers are used in policing roles.

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It is worth noting that the South African government did not immediately resort to 'military intervention' in response to the Zama-Zama situation. The deployment is taking place after numerous attempts by the South African Police Service (SAPS), yet the problems continued. There is widespread consensus, however, that even though there is a problem, the armed forces are generally not suited for law enforcement operations.

As Joseph Hope⁹ maintains, "Law enforcement and the armed forces are distinct security organs with different roles, rules, and trainings. The military does not have the same training and experience as the police and should be kept to a support and logistical role that reinforces the police but does not replace them" (Joseph Hope, 2017).

To contextualize Hope's position, when it is stated that soldiers lack adequate training for law enforcement operations, this means that their training is specifically tailored for campaigns that require utmost level of force against a military aggressor.

Ordinarily, when militaries encounter a perceived threat - even when it is a mistaken belief - they may respond with a loss of self-control and employ excessive force, in contravention of their rules of engagement (RoEs). The investigation to the Boston Massacre and the 2010 Bloody Sunday Inquiry¹⁰ shed light on this matter.

Within the South African context, the SANDF is comprised of four service arms and divisions. One of these divisions is referred to as Joint Operations (J Ops)¹¹. The four service arms are responsible for training and preparing personnel for their respective roles, for actual military exercises or operations. The J Ops Division takes over and ensures the successful execution of joint exercise or operations. It primarily focuses on operational development, specifically in the areas of military and joint military capabilities, joint doctrine, the planning, and execution of joint exercises, mission-ready training, and operations. It does not deal with police work, except for military police under the Military Police Division. But as part of its 'over and above roles' the SANDF supports the SAPS when the police are unable to maintain law and order. It also provides assistance to other government departments for the purpose of social and economic upliftment.

Will the use of the military achieve the desired results?

It is difficult to disagree with Dr. Vidette Bester¹², a Social Researcher and Community Development Specialist, in the assertion that the illicit small scale mining is "not quite so black and white ...fresh thinking is required, which must be backed up by meaningful dialogue between all parties. When such a space is created, the socio-economic development potential of artisanal mining can be fully explored" (Bester, 2020).

I argue that the use of the military with the police in this scenario, erodes the image of the SANDF. Instead of focusing on the underlying causes of illicit mining, which are poverty, unemployment, and inequality, the military is primarily being used in the current situation to deal with the symptoms of the problem, which are violence and crime.

The use of the military must always be done with caution and for the shortest possible time

The geopolitical component of artisan and small-scale mining (ASM) is an important factor to take into consideration. Other countries have a longer history and are more experienced with ASM than South Africa. In his 2019 Policy Brief, Alan Martin¹³ highlights the limited experience of South Africa in dealing with the artisanal sector, despite the country's position as a global miner:

"This requires the government to learn from African countries with more exposure to the ASM sector. It is hoped that a more holistic, nuanced understanding of the Zama-Zama phenomenon will contribute to the development of multi-faceted responses that are able to curb criminality and enable the sector to contribute more effectively to development. The poverty and socio-economic factors driving the phenomenon are bigger and more relentless than the rule of law" (Martin, 2019).

This is echoed by John Campbell¹⁴ “The South African government sees the increasing trend of artisanal miners as unfavourable, and it is taking efforts to inhibit or stop such operations. However, the security services and government regulatory agencies do not have the [means] or experience to enforce laws on illegal mining” (Campbell, 2016). It is becoming increasingly obvious that collaboration with experienced countries is necessary!

Final thoughts and suggestions

Although addressing law breaches is important, it is evident that the situation in South Africa does not require a law enforcement approach only. In

light of modern threats and challenges faced by citizens, including socio-economic difficulties and a high level of crime and violence - state security and human security cannot be separated. The state remains the central security provider, and it should be more concerned about protecting citizens on the domestic front than being concerned about a potential for inter-state wars. Modern threats are increasingly prevalent in communities and have an enormous effect on ordinary citizens.

The suggestion is that the government should strengthen institutional capacity including that of security organs so that the police can do their soft security functions. It must also work in close collaboration with other countries on the continent in addressing the Zama-Zama phenomenon. The use of the military in law enforcement roles must always be done with caution, and for the shortest possible time.

References

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About the author

Having accumulated more than two decades of experience in the defence and security sector, Lunga Dweba has actively taken part in a wide range of military exercises and operations, both on a bilateral and multilateral level. He held positions as a staff officer in South African National Defence Force and the United Nations peace missions. In 2020, he established the Geopolitical Intelligence Advisory, an independent agency focused on peace and security. His mission is to advocate for proactive and preventive strategies for combating security threats and acts of collective violence, including warfare. He is highly interested in geopolitics and the law of armed conflict, with a specific focus on conflict, peace and security, and the non-proliferation of nuclear weapons.

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