

# **THE STATE AND THE STATE OF VIOLENCE IN THE WESTERN CAPE: AN EXPLORATORY STUDY**

**By**

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the degree of Masters of Philosophy (Political Management) at the  
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I, the undersigned, hereby declare that the work contained in this assignment is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

Signature:

Date:

## **ABSTRACT**

This study concerns the state and violence in the Western Cape. This study was undertaken because the Western Cape has since 1996 been plagued by violence, including bombings, assassinations and violent protests. In particular these violent incidents have been labeled as terrorism or urban terrorism. The South African government does however not have a definition or a policy promulgated into law regarding terrorism. Very little progress has been in apprehending the person(s) and or group(s) responsible for these incidents of violence. The study therefore looked at violence in the Western Cape in an exploratory way.

The aim of the paper was to (1) find credible appropriate definitions of terrorism, (2) to identify possible role players in violence, (3) to establish a chronology of violent events, (4) to identify the frequency, distribution and patterns of violence, (5) analyse the communication of events. An underlying theme throughout the paper is the weak state in which violence is a cause, consequence, and indicator of the weak state. The violence-plagued Western Cape is the geographical focus of the study. The paper looks at three incidents of violence, representative of the types of violence that have taken place in the Western Cape. The bombing of the Planet Hollywood restaurant, the killing of policeman Bennie Lategan and the killing of gangster Neville Herold are the cases discussed by in paper. For the purpose of the paper, the period of interest is the transitional period of the 1980's to 1994. The period under study is August 1998 to December 1999.

After careful consideration of all the information the following conclusions were reached. The killing of Bennie Lategan is a terrorist act while the killing of Neville Herold and the Planet Hollywood bomb blast are not terrorist acts according to the definition used by this paper. PAGAD emerged as the major role player involved in violence. The organization is also complex and multidimensional with various groupings within the organization. The weak policing and justice systems are among the factors contributing to violence.

The propositions and theories suggested by this study are based on current information and therefore speculative. Should more information become available these propositions may need to be revisited. Continual research on this topic is therefore important.



## OPSOMMING

Hierdie gaan oor geweld in the Wes Kaap. Die studie was noding omdat die Wes Kaap sedert 1996 geteister word deur geweld, insluitende bomplanting, sluipmoorde en geweldading protesaksie. Hierdie geweldige insidente is bestempel as terrorisme of stedelike geweld. Die Suid Afrikaanse regeering; het egter nie n' definisie of beleid oor terrorisme nie. Baie min persone of groepe verantwoordelik vir geweld is voorgekeer. Hierdie studie gaan dus oor geweld in die Wes Kaap.

Die doel van hierdie studie was (1) om 'n definisie van terrorisme, georganiseerde misdaad, geweld, vigilantsme en Islamise Fundamentalisme te vind, (2) om moonlike deelnemers van geweld te identifiseer, (3) om 'n kronologie van geweld op te stel. (4) Sekere patrone van geweld te identifiseer, en om te studeer wat hierdie insedente aan ander kommunikeer? 'n Onderliggende tema, in die studie is die swak staat waarin geweld n' oorsaak, gevolg en aanduiding is van die swak staat is. Die Wes-Kaap is die geografiese focus van die studie. Die studie kyk na drie insidente van geweld wat alle tipe geweld in die Wes Kaap verteenwoordig. Die bomontploffing van die Planet Hollywood restaurant, die moord van polisieman Bennie Lategan en bende leier Neville Herold is die gevalle wat bespreek word in die studie. Vir die doel van die studie is die tydperk van die 1980's tot 1994 van belang. Die tydperk onder bestudering is Augustus 1998 to January 1999.

Na oorweging van al die informasie is die volgende gevolgtrekkings gemaak. Die Planet Hollywood ontploffing en die moord op Neville Herold is nie terroriste dade nie, maar die moord op Bennie Lategan is n' terroriste daad. PAGAD kom te voorskyn as die grootse deelmeemer in geweld. Die organisasie is kompleks en het vuulvuldige dimensies met verskeie groepe binne die organisasie. Swak polisieering en die regsletsel is onder die faktore wat bydra tot geweld.

Die voorstellings en teorieë wat voorgestel in die studie, is gebaseer op huidige informasie en daarom is dit spekulatief. Indien meer inligting beskikbaar gemaak word sal die afleidings en voorstelle hersien moet word. Voordurende navorsing oor hierdie onderwerp is daarom noodsaaklik.

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**Dedicated to all those affected by violence.**

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## CHAPTER ONE: RESEARCH DESIGN

### EXTRACT

*26 August 1998, a bomb explodes at the Planet Hollywood restaurant at the Victoria and Alfred Waterfront in Cape Town. The explosion kills two people and injures 26 others. The damage to the restaurant is estimated at R3 million.<sup>1</sup>*

*On 14 November 1998 Neville Herold, alias Jacky Lonte of the Americans gang is shot dead outside his home in Athlone.<sup>2</sup>*

*14 January 1999, policeman Bennie Lategan is shot dead while driving home from work. Fifteen bullets hit the vehicle he was driving.<sup>3</sup>*

### Introduction

South Africa is one of the most violent societies in the world, with the roots of violence and disorder firmly and deeply embedded in our social and political past. Various forms of violence defile every aspect of our lives. This ranges from gang-related violence, violence in the home, school, church and work as well as political violence, which has been the dominant and most focussed on form of violence over the past three decades, both within the country and abroad. While the focus was largely on our countries political struggles, violence like child abuse, rape, gang related disorder and domestic violence continued at high levels but received minimal police and media attention. Because of this and our unique political history various forms of violence have become dominant in certain communities.

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<sup>1</sup> **The Human Rights Commission Report**, August 1999, p.35.

<sup>2</sup> **The Weekly Mail and Guardian Newspaper**, November 13-20 1998.

<sup>3</sup> Aranes, J. and Schronen, J. "PAGAD raid follow killing", **Cape Argus**, 15 January 1999.



The democratic election in 1994 ended the apartheid regime, a major source of political violence. In its place a democratically elected Government of National Unity (GNU) was instituted following the interim constitution of 1993 which was the precursor for the final democratic constitution in 1996. South Africa's constitution is hailed as one of the most democratic constitutions in the world, yet the decrease in violence did not follow democracy as expected. Instead a new form of violence has taken root in the country, labelled as "terrorism" or "urban terrorism" and has emerged as the dominant type of violence in the Western Cape. It is this type of violence this paper wants to explore and understand.

The events identified in the extract above are a few examples of the magnitude and extent to which violence and conflict is a part of the Western Cape. It is these events that members of the police corps, South African and foreign media as well as South African and foreign politicians have randomly labelled as acts of terrorism or urban terrorism. Not all acts of violence committed during the period under study can be viewed as terrorist according to the definition used by the paper. Nevertheless, if one applies the definition of terrorism as defined by Moss<sup>4</sup> and its included variants the majority of acts included in this study can be viewed as terrorist.

The paper however views all forms of violence as a form of communication. Labelling violence acts should therefore only occur after we have established what violent acts are trying to tell us and not before. The purpose of this paper will therefore be to fully understand and explore in depth the nature of this violence. Statistics compiled by the Western Cape police department and published in the Sunday Argus was used for this purpose.

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<sup>4</sup> Quoted in Schmid, A. P. **Political Terrorism: a research guide to concepts, theories, data bases, and literature and a world directory of terrorist organisations** by Jongman, A.J. Amsterdam: C.O.M.J Publication, 1984, p.125.



These statistics are grouped for the period between January 1998 and January 1999 and indicate in total 696 incidents of pipe-bomb, petrol-bomb and drive-by attacks in the Western Cape. Of these, 188 incidents are related to People Against Gangsterism and Drugs (PAGAD), who gained public notoriety when known gang leader Rashied Staggie was burnt to death in 1996. To date, very few suspects have been arrested in connection with these incidents. Gang related incidents account for 470 of the 696 incidents and 140 suspects have been arrested.<sup>5</sup> It must be noted that these incidents do not include the total numbers for January to December 1999 due to police reluctance to discuss and disclose information of pending court cases. The author therefore compiled incident figures discussed by the newspaper. In an effort to curtail further violence, the police have instituted several anti-crime programs such as Operation Recoil in October 1998 and Operation Good Hope in January 1999. Through these programs, a number suspects have been arrested, and at the time of writing a number of suspects were awaiting trial.

### **Profile of the Western Cape**

The Western Cape is one of two provinces not under the control of the African National Congress (ANC), with the provincial government headed by a coalition between the New National Party and the Democratic Party. In 1995 the estimated total population in the Western Cape stood at 3 721 200 of whom 2 124 800 are Coloured, 675 500 are Black, 885 800 are White and 35 100 are Asians.<sup>6</sup> Historically the Western Cape was a Coloured labour preference area in which the movements of Africans were restricted through Influx Control. Considerable polarisation of race, religion, and language is evident in the province and was exacerbated by the Group Areas Act.

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<sup>5</sup> **Sunday Argus**, 3/4 January 1999.

<sup>6</sup> Demographic Statistics 1995, **Central Statistical Services**, Pretoria: 1995.

Coloured residents are politically significant because they make up the majority of residents in the Western Cape and wield considerable power in determining the political party that governs the province. Coloured political sentiment is therefore important for securing long-term democracy, although Coloured people make up only nine percent of South Africa's total population in 1995.<sup>7</sup>

In the earlier part of the century, Coloured people had limited political rights. These rights were denied them when the National Party came to power in 1948. Part of the grand plan of apartheid was to forcibly remove non-whites from urban areas and relocate them to undeveloped areas. During the 1950's under the Group Areas Act, thousands of Coloured people were forcibly removed from the District Six areas in Cape Town. Coloured people were resettled in the area called the Cape Flats. The Cape Flats soon after its creation became synonymous with gangsterism and high crime rates.<sup>8</sup> While the Western Cape has a history of violence confined mostly to Coloured areas of the Cape Flats, the recent incidents of violence however indicates that the violence has moved beyond the Cape Flats into the city and business areas.

### **Gangs and Organised Crime on the Cape Flats**

Before the 1994 election, a number of gangs with alliances existed and frequently fought about turf and prices for drugs. Drug trafficking was limited to mandrax and dagga but the Americans gang ventured into the sale of cocaine, crack, and LSD. However, in 1994 the Firm, a cartel of different gangs was formed in order to buy drugs in bulk, distribute drugs, and arrange portions at agreed prices and allocates distributing areas. This cartel however excluded the Sexy Boys, the Americans gang, and the Chinese triads.

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<sup>7</sup> Demographic Statistics 1995, **Central Statistical Services**, Pretoria: 1995.

<sup>8</sup> Pinnock, D. **The Brotherhoods: Street Gang and State Control in Cape Town**, Claremont: David Phillip Publishers, 1984, pp.104 - 107.



While turf battles between the Firm and gangs excluded from the cartel persisted, gang related shootings and turf battles decreased significantly until 1996 when PAGAD was formed. During the 1994 to 1996 period, the Firm also became involved in a range of other illegal business activities such as prostitution, taxi operations, and forged licenses.<sup>9</sup>

### **The Political Problem**

The political consequences of the tide of violence, conflict, and crime in newly democratised countries are enormous. Violence and crime are the major threats to democratised countries and casts serious doubts on the quality and durability of the democratic regime. Governments now view crime and violence as threats to national security. National security is defined as “the ability to preserve the nation’s physical integrity and territory; to maintain its economic relations with the rest of the world on reasonable terms; to protect its nature, institutions and governance from disruptions from outside; and to control its borders”.<sup>10</sup>

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<sup>9</sup> Schärf, W. and Vale, C. “The Firm – Organized Crime comes of Age During the Transition to Democracy” in *Social Dynamics*, vol. 22, no. 2, December, 1996, pp. 6-10.

<sup>10</sup> Hough, M. “Crime as a National Security Issue in South Africa,” *Strategic Review For Southern Africa*, vol. xvii, no. 2, November 1995, pp. 56-71.

Traditionally, national security refers to external security and includes economic and environmental security and recently domestic security has been added to the concept of national security. The distinction between national security and domestic security does however only apply to strong states but not weak states because domestic threats bring into question the integrity of the government and the state. The South African government in the White Paper on Intelligence published in 1995 identifies internal and external challenges viewed as threats to national security. These are socio-economic conditions such as massive socio-economic degradation, poverty, hunger, homelessness as well as crime, violence, economic collapse, overpopulation, mass-migration, ethnic rivalry, political oppression and terrorism.<sup>11</sup> The South African government's stance on security is framed by a number of considerations. Those considerations are internal, international and regional conditions and have given rise to the governments' particular stance on national security. Internal conditions based on the legacy of Apartheid and the democratic transition, which has opened South Africa to not only legitimate economic activities but also to transnational criminal activities are at the core of the government's view on national security. On the international front changes in the international community such as globalisation and the end of the cold war has set the environment for South Africa's views on national security, while on the regional front political instability and economic devastation are other considerations. The government therefore viewed the Reconstruction and Development Program (RDP) as the country's emerging national security doctrine. The Reconstruction and Development Program's (RDP) aims are to meet the basic needs of people, develop human resources, build the economy, and to democratise the state and society were believed to be the core determinants for genuine peace and lasting security.

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<sup>11</sup> White Paper on Intelligence, 1995.



Large - scale violence, crime and conflict are evident in countries that have undergone political transformations. South Africa is not alone in this regard. The former Soviet Union experienced similar increases in violence and crime since the end of the Communist regime in the late 1980's.<sup>12</sup> South Africa and the former Soviet Union are however different. South Africa's transition was from an authoritarian regime to democracy, while the Soviet Union's transition is from a Communist regime to a capitalist system as well as to a democratic regime. South Africa's transition also occurred in a relatively shorter period than that of the former Soviet Union, which is undertaking the change to capitalism in a longer period.

Violence, conflict and crime produce problems for the consolidation of democracies and are in particular a threat to the weak state, in which they are causes, consequences and indicators of the weak state. The process of globalisation poses threats to weak states because it results in the loss of control over the movement of people and goods. States in transition are particularly vulnerable to the threat of transnational criminal networks as found in the Western Cape.<sup>13</sup> Violence, conflict and crime in the Western Cape presents problems to the consolidation of democracy in South Africa and indicates the existence of the weak state.

Democracy also requires a culture that supports freedom of speech, media, assembly, religion, rights of opposition, the rule of law and human rights according to Lipset.<sup>14</sup> Gibson and Gouws in their 1996 study found that support for the rule of law was lowest amongst Coloured respondents. Coloured respondents have lower levels of trust in the government institutions along with Indians and Whites. Coloured respondents' support for legal institutions of the state decreased since a 1991 survey.

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<sup>12</sup> Ulrich, C. J. "The Criminal Threat in Russia, Eastern Europe and the Baltic Region," **Conflict Studies**, vol. 275, October 1994, pp. 1-3.

Also see **The Economist**. "The high price of freeing markets," February 19-25 1994 pp. 29-30.

<sup>13</sup> Williams, P. "Transnational Organized Crime and National and International Security: A Global Assessment" in **Society Under Siege: Crime Conflict and Illegal Weapons**, Virginia Gamba (ed.) Johannesburg, Halfway House: Institute for Security Studies, 1997, pp. 70-81.

<sup>14</sup> Gibson, J.L. "The Paradoxes of Political Tolerance in the Process of Democratization," **Politikon**, vol. 23, no. 2, December 1996, pp. 5-21.



This indicates that the legitimacy of legal institutions is particularly low amongst Coloured people.<sup>15</sup> This could prove problematic for the consolidation of South Africa's democracy.

Recent incidents of violence have no clear motive and the killing of gangsters and police officers, the bombing of private property and police stations are wide ranging and police assume that links exist between these incidents. Secondly, no group and or person(s) have claimed responsibility for these attacks. This makes it difficult for the state to employ appropriate public policy measures to curtail violence and conflict. Part of the political problem is the absence of legislation that provides for a definition of terrorism, procedures, which identify groups believed to be terrorist and action necessary to prevent activities these groups are believed to commit.

### **The Research Problem and Research Questions**

Conventional wisdom however holds that violence is a form of communication. Violence as a form of communication tells us about the victim or target, communicates with a broader audience, tells us about the perpetrator and their aims and objectives. It is believed that the perpetrators of violent acts in the Western Cape are communicating with various audiences. The messages sent are however unclear, contradictory and need to be decoded. This paper attempts to decode these messages through analysis.

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<sup>15</sup> Gibson, J. and Gouws, A. "Support for the rule of law," *Politikon*, vol.23, no.2, December 1996, pp. 5 - 7.

The paper is therefore concerned with violence in the Western Cape and in particular the nature of acts labelled as "terrorism" or "urban terrorism" between August 1998 and December 1999. To understand the nature of violence a number of interrelated issues are addressed, these include determining who the actors involved in violence and conflict are, what or whom the targets of violence are and what the possible contributing factors are which gives rise to violence in the Western Cape. Acts of violence under discussion by the paper are viewed as forms of communication that needs to be decoded and interpreted.

### **Methodology**

The paper focuses on events randomly classified as acts of terrorism or urban terrorism, which were perpetrated in the Western Cape between August 1998 and December 1999. By focusing on these events the paper embarks on an exploratory study of the nature of violence. Acts of violence cannot be examined individually because too many violent events have occurred and inferences and assumptions made about one incident may not necessarily hold true for another.

### **Data Collection and Analysis**

The study makes use of qualitative research methods, using newspapers, legal documents and other published material for analysis and information. Interviews were conducted to supplement published material for an understanding of certain events and processes.

The wealth of information obtained was analysed on the bases of logic, probability, and authenticity and accuracy of the source and its ability to refute or support propositions made by the study. Propositions made by this study are supported by cases selected, published material, interviews and other documents. The chronology of events in the seventeen months under study also supports propositions made in the paper.

- (1) The study therefore uses a coherent definition of terrorism whereby the actions randomly labelled as terrorism or urban terrorism can be measured and redefined where necessary.



- (2) The study identifies essential weaknesses indicative of the weak state using the criteria set out by Joel S Migdal. Identify other weaknesses within the policing and justice system as contributing factors in violence and conflict in the Western Cape.
- (3) The study identifies PAGAD as the direct actor involved in violence Western Cape. Police, justice officials and politicians and intelligence agents are identified as indirect actors.
- (4) The study identifies the frequency, distribution, patterns of violence in the between August 1998 and December 1999.
- (5) Analyses what these violent actions may communicate and to who this communication is aimed at.

### **Incidents of Violence**

The acts included in this study and under examination were selected on the basis of one or more of the following criteria. (1) Acts should be defined as “terrorist” by the media and or politicians. The acts or events should be violent in nature, and should be perpetrated in a public area and or against private property. (2) Acts should be directed against the state, state organs and state employees. (3) From these events the loss of life, injury, psychological damage and damage to property should have occurred. Not all the above criteria apply to all the acts chosen for discussion. These acts have diverse targets, settings, contexts and methods of execution.

### **Interviews**

Interviews were conducted to supplement information. This was necessary because written material did not have up to date information on certain issues.

### **Limitations of the study**

The number of events that can be addressed by the paper limits the study. The nature of violence in the Western Cape places limitations on the type and quality of information that can be obtained. It is difficult to research violence and crime due to the illegal nature of such activities. Finally, the acts itself have limited the information that could be gathered as no person or group has taken responsibility for the acts of violence. It is impossible to clearly answer the research question posed by the paper but the study does raise awareness of the issues involved.

### **Delimitation's of the study**

The paper does not look at terrorism per se, but those specific incidents of violence in the Western Cape that have been defined as terrorist.

## **Chapter Outline**

### **Chapter Two:**

**The Difficulty of Definition:** This chapter discusses and defines the concept of terrorism. The chapter holds that the way in which terrorism is defined is problematic and leads to the inability to understand and find solutions to the problem. Terrorism can be defined as conflict between groups that have opposing ideologies. This conflict manifests itself in bombings, kidnappings, hijackings etc. and breaks the rules of conventional warfare.

### **Chapter Three**

**The Weak State:** This chapter discusses the theoretical grounding of this paper, Migdal's theory of state-society relations. This section uses Migdal's weak state criteria to look at the South African State and society. The author views violence in the Western Cape province as the cause for the weak state as well as a consequence of the weak state. The justice and policing system are used as institutional examples of the weak state. This chapter concludes that the weaknesses in the justice and police systems are the causes and consequences of the weak state. The Departments of Justice and the Department of Safety and Security have low rates of arrests and conviction.



Furthermore, the departments are plagued by labour actions such as strikes, work stoppages and absenteeism that hamper investigations. Corruption and fraud are other serious problems. The failure to transform the justice and policing system in terms of race and gender representation in the Western Cape is yet another weakness. Other state institution, that are weakening the state are the Intelligence Agencies, headed by the Department of Intelligence created in 1999. The state has a hybrid of intelligence services implicated in bombings in the Western Cape and other criminal activities and are factors accounting for the weak state and inability to curtail violence. The conflict between the national government and the provincial government with regards to matters of justice and policing only add to the problem. It is believed that all these weaknesses in the justice and policing system are responsible for the low rate of arrests of people responsible for acts of violence in the Western Cape.

## **Chapter Four**

**The Three Faces of PAGAD:** This chapter discusses the group People Against Gangsterism and Drugs as direct participants in conflict and violence in the Western Cape. The chapter also discusses the definition of organised crime, vigilantism and Islamic fundamentalism. Vigilantism and organised crime have in common the use of violence to achieve its aims. These definitions should be kept in mind when assessing PAGAD. This chapter provides an overview of the group in terms of its mission statement, organisational structure, links to other organisations and public opinion on the group.

Finally it analyses and assesses the group according to its strategies, leaders and motivation for engaging in a chosen cause of action. This chapter concludes that PAGAD may not be thought of as one organisation, with one set of objectives and one set of leaders, but as three separate yet interdependent organisations. Each of the organisations has there own leader, objectives, and strategy to achieve their objectives.



## **Chapter Five**

**Chronology of events:** This chapter provides a chronology of relevant violent events that occurred from August 1998 to December 1999. The chronology includes local and international viewed as related to each other.

## **Chapter Six:**

**The Analysis:** This chapter is interested in the frequency, distribution and pattern of violent acts during the seventeen months of August 1998 and December 1999. Secondly, the aim is to classify violent acts according to the definition of terrorism discussed in Chapter 2 and examine what violent acts are communicating to the audiences.

## **Chapter Seven**

**Concluding Remarks:** This chapter concludes the study of violence in the Western Cape by looking at the major points asserted and developed by the paper. This chapter also suggests policy measures that the state may employ to better deal with the problem of violence as discussed in the paper.

## CHAPTER 2:THE DIFFICULTY OF DEFINITION

### Introduction

This chapter addresses the following questions. What is terrorism and how ought it to be defined? This definition is designed especially to fit activities in the Western Cape. The government of South Africa does not adopt this definition. This chapter evaluates the definitions of terrorism by different scholars and assesses its strengths and weaknesses as well as that used by the Western Cape police. Ill-defined and inappropriate use of the term terrorism and urban terrorism has consequences for the solutions the state employs to deal with this problem. The chapter also looks at the term Islamic Fundamentalism that is also increasingly used by the media to describe actions and organisations. The final question asks what these definitions have in common and whether these definitions are better understood as conflict.

### Defining Terrorism

J.J Lader-Lederer defines terrorism as “policy by crime and is characterised by no connection with legitimate warfare between two military establishments...”<sup>16</sup>

Connor Cruise O’ Brien sees terrorism as “unjust violence against the democratic state that permits peaceful forms of opposition”.<sup>17</sup>

Benjamin Netanyahu defines terrorism as “the deliberate and systematic murder, maiming and menacing of the innocent to inspire fear for political ends”.<sup>18</sup>

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<sup>16</sup> J.J Lader-Lederer, “Defining Terrorism: A comment,” in Han, H. H. (ed.), **Terrorism and Violence: Limits and Possibilities of Legal Control**, N.Y.: Oseana Publishers. Inc, 1993, p. 56.

<sup>17</sup> Quoted in **Terrorism, legitimacy, and Power**, Crenshaw M (ed.), Middletown, Connecticut: Wesleyan University Press, 1984, pp.1-4.

<sup>18</sup> Netanyahu, B. **Terrorism: How the West Can Win**, Great Britain: Redwood Burn Limited, 1986, p.6.

Morrison defines terrorism as “events involving relatively highly organised and planned activity on the part of small, but cohesive groups in which the aim of the activity is to damage, or eliminate government property or personnel. These activities includes bomb plants, sabotage of electrical and transportation facilities, assassinations (attempted and successful) and isolated guerrilla activities.”<sup>19</sup>

Neale defines terrorism as “symbolic acts entailing the use or threat of violence and designed to influence political behaviour by producing a psychological reaction in the recipient that is also known as terror. Terrorism is sometimes also known as terror. Terrorism is sometimes known as “politics by violence”...”<sup>20</sup>

Laqueur defines terrorism as “the use of covert violence by a group for political ends is usually directed against government, less frequently against another group, class or party. The ends may vary from the redress of specific grievances to the overthrow of a government and the taking of power, or to the liberation of a country from foreign rule. Terrorists seek to cause political, social, economic disruption and for this purpose frequently participate in planned and incriminate murder.”<sup>21</sup>

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<sup>19</sup> Ibid., p. 126.

<sup>20</sup> Ibid., p. 127.

<sup>21</sup> Ibid., p. 136.



Moss defines terrorism as follows: "Terrorism might be defined as systematic use of intimidation for political purposes. That formula is broad enough to cover all sort of varying situations. Terrorists can be classified according to their beliefs, or their targets, but it is probably more useful to single three tactical variants of terrorism. Repressive terror is used by a government to keep its grip over the population or by the rebel movement as a means of eliminating rivals, coercing popular support, or maintaining conformity inside the organisation (in other words 'traitors' and silencing critics). Defensive terror can be used by private groups like the American vigilantes to keep order or uphold the status quo; by patriots against foreign invader; or by a community defending its traditional rights. Offensive terror ... is used against a regime or a political system."<sup>22</sup>

### **Problems with the Above Definitions of Terrorism**

Scholars of terrorism define acts as terrorist by looking at the motivations for the incidents. But motivations for violence, threats and intimidation are in most cases not stated and are in some cases political and other cases not politically motivated. Most definitions of terrorism and all of the above, define terrorism by looking at the type of actions that are undertaken by groups and individuals as a means of classifying terrorism. Secondly, terrorism is defined by the motivations of the perpetrator. motivations. This is problematic because engaging in certain types of actions does not make one a terrorist. Including, the possible motivations for acts by the perpetrators is flawed, because very often groups and individuals do not state the purpose for which an act was committed, therefore the motive is never clear. Assumption about the perpetrators' aims may be biased or flawed. These definitions describe what terrorists do and why, but not what terrorism is.

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<sup>22</sup> Ibid., p. 126



Terrorism is in essence conflict, between groups and individuals with opposing ideologies and views. These groups or individuals may have different views about the conflict, each other and the environment in which the conflict takes place. Terrorism can further more be defined as unilateral conflict because very often the groups and or the individuals who are targets of violence are not directly involved in the conflict and in some cases are not aware of the conflict. It is this element that gives this conflict its unilateral nature. Those who feel that another group has wronged their group can view terrorism as a form of protest.

### **Preferred Definition of Terrorism**

A more insightful definition is that of J.J Lader- Lederer, who writes that terrorism is not connected to conventional warfare. To expand, conventional warfare is defined by rules of war as defined by Clausewitz. According to Clausewitz war can only be defined as such, when organised violence is waged by the state, for the state and against the state. For Clausewitz war consists of three elements i.e. the people, the army and the state. Governments wage war with the use of armies. Armies are defined as organisations that serve their government and are made up of soldiers. Armies have different customs and soldiers live separately from civilians.<sup>23</sup>

The idea that people should not be involved in war came from Clausewitz classic writings on the art of war. Von Kriege a compatriot of Clausewitz held that war is the business of the state. This brought about the distinction between combatants, which are trained soldiers and non-combatants, civilians. Laws govern the conduct of war and prescribed the criteria for those who can take part in war. Laws also govern the use of weapons, indicating those that can and cannot use weapons and how it should be used. J.L lader-Lederer's definition of terrorism is based on Clausewitz rules of war and the distinctions that this accompanies.

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<sup>23</sup> Van Creveld, M. **The Transformation of War**, New York: Free Press, 1991, pp. 1-59.

Martin van Creveld in his book *The Transformation of War* defines the breaking of the rules of war as Low Intensity Conflict. According to Clausewitz if the state is not involved in war then it cannot be called war. Low Intensity Conflict makes no distinction between government, army and people. It does not involve regular armies on either side but civilians made up of women, children old and young. These “people’s armies” in most cases do not use modern weapons such as aircraft’s and nuclear weapons.<sup>24</sup> Terrorism is an example of Low Intensity Conflict.

Looking at the various authors’ definitions of terrorism, the following may be said. It comprises deliberate actions against groups, institutions and individuals involving relatively organised and planned activity on the part of small but cohesive groups, with the aim of inflicting fear, damage, and death on targets. These targets may be government property and personnel and other citizens. Bombings, kidnappings, hijackings, sabotage and massacres are used as means to achieve the perpetrator aims, with the ultimate objective to overthrow government.

### **Terrorist Actions**

A ‘terrorist action’ is defined as action carried out for political or social purposes, including certain kinds of large-scale mercenary purposes. Terrorist actions are normally criminal actions according to national and international law. It includes successful or unsuccessful attempts on those perceived as innocent or guilty, it includes action against targeted or untargeted victims; the taking of combatant or non-combatant hostages torture of innocent or guilty people. Finally, it usually but not necessarily has either the effect or the intention or both of causing terror and panic.<sup>25</sup>

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<sup>24</sup> Ibid., pp. 1-59.

<sup>25</sup> Gearty, C. **Terrorism**, Hampshire, Dartmouth: Aldershot, 1996, p x vi.



## **The Targets of Terrorism**

The targets of acts labelled as terrorism are significant because these targets may be material and or human targets that tell us about the perpetrators. The targets may be individuals, who have decision-making powers or citizens with no influence over politics. While terrorist actions are also directed against audiences and can be distinguished by the way, in which they view the terrorist message. The audience may react in several ways to the terrorist message. Firstly, the terrorists may gain sympathy and support from certain groups and secondly the audience may not be aware of the message or the audience may react with hostility towards the terrorists.<sup>26</sup> Analysing the targets of terrorism is essential when analysing terrorist actions.

## **The Definition of Terrorism and Urban Terrorism as used by the Western Cape Police**

The South African government does not have any policy regarding terrorism since the repeal of the Suppression of Communism Act (Act No. 44 of 1950) in 1991 by Act. 138 of 1991. The Suppression of Communism Act identified communist organizations, prohibiting communist activity, and communist publications.<sup>27</sup> To date South Africa does not have any such Acts which provides for a definition of terrorism, the detection and prohibition of terrorist activities, as well as organizations defined as terrorist organizations suited to the post apartheid era. In a telephone interview with a senior police official in the Western Cape, the following definition of terrorism was given. A vigilante group should be suspected of involvement.

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<sup>26</sup> Crenshaw, M. **Terrorism, Legitimacy, and Power**, (ed.). pp.4 and 277.

<sup>27</sup> **The Suppression of Communist Act** (Act No. 44 of 1950).



It should be directed against the state or state officials, a latter conversation with the official however revealed that this was not the official government and police definition. Much confusion in police circles exist as to what urban terrorism is and how it is defined, this is evident through my research and conversations with police officials of both the provincial and national police department. The official police definition of terrorism according to this official is found in an internal police document, which is not a public document. The parliament of South Africa does not have an anti-terrorist policy promulgated into law.

### **Summary**

Terrorism may be better defined as conflict between groups and people with ideologies, which manifests itself through bombings, kidnappings and hijackings. Terrorism or urban terrorism as used by the Western Cape police does not conform to the definition of terrorism as employed by this paper. The definition of terrorism used by this paper is as follows: Terrorism is deliberate action against groups and individuals involving relatively organised and planned activity on the part of small but cohesive groups, with the aim of inflicting fear, damage, and death on targets. The targets may be government property and personnel and other citizens. Bombings, kidnapping, hijackings, sabotage and massacres are used as a means to achieve the perpetrators aims, with the ultimate objective to overthrow the government.

## CHAPTER 3: THE WEAK STATE

### Introduction

This chapter discusses the South African State by looking at the work of JS Migdal (1988) in his book titled *Strong Societies and Weak States: State - Society relations and state capabilities in the Third World*. Migdal makes the distinction between the state and society and the roles they play vis-à-vis each other. He holds that certain states can be described as strong states while others are weak states according to their capabilities to affect change in society. This chapter looks at Migdal's classification of states and societies.<sup>28</sup> He suggests that certain indicators can be used to identify state strength and weakness. The South African State is a weak state as most indicators of the weak state can be identified in South Africa. The South African State is a unitary state with federal features. It consists of a national government, provincial legislatures and provincial government, each has its own sphere of competence.<sup>29</sup> Although Migdal does not discuss the state in terms of its institutional features, a discussion of the institutional features is relevant to South Africa. This chapter also looks at the emergence of the weak state from the late 1970's to present. South African society can however not be fully classified as a weak society, although society in the Western Cape is dangerously close to being described as such. Finally, the weak state is discussed with reference to the Department of Justice, Safety and Security and Intelligence. These departments' failures are institutional indicators of the weak state.

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<sup>28</sup> Migdal, J.S. *Strong Societies and Weak State: State Society Relations and State Capabilities in the Third World*, Princeton, N.Y.: Princeton University Press, 1988.

<sup>29</sup> *The Constitution of the Republic of South Africa*, 1996 (Act 108 of 96) Chapter 3.



## Defining the State

The state is generally defined as “the organised aggregate of relative permanent institutions of governance.”<sup>30</sup> The state is said to have the following characteristics.

(1) The state has defined territory, borders within which it has a claim to authority. (2) The state has sovereignty; this is the right of the state power, only limited by its capabilities. (3) The state is composed of a nationality comprising a civil society. (4) The state is a participant in a global society. (5) The state is a set of institutions of rule and has a government, with state agencies that deliver services. (6) The state is a legal system; it has a criminal justice system and other systems of rule. (7) Citizens and public officials using myth, theories and symbols hold the idea of the state.<sup>31</sup>

There are several approaches used to understand and study the state. During the 1980's three main approaches developed. The Organic approach views the state as a critical actor in the public arena, influencing society, and economic processes. This approach sees the state as a unitary actor in governance and assumes that the state fulfils certain functions. The Configural approach sees the state as the provider of a framework for the interaction of groups and other political action, while the Interactive approach holds that the survival strategies of certain groups may clash with that of the state. This approach looks at the interaction between the state and social groups but does not see the state as the actor with an exclusive role.<sup>32</sup> Migdal's approach falls within the interactive approach as he looks at the interaction between state and society.

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<sup>30</sup> Chazan, N. Mortimer R and Rothchild, D. **Politics and Society in Contemporary Africa: (Second Edition)**, Boulders, Colorado: Lynne Rienner Publishers, 1992, p. 34.

<sup>31</sup> Crawford, Y. **The African Colonial State in Comparative Perspective**, New Haven: Yale University Press, 1994, pp. 45-49.



## State building

The state developed due to its capabilities to impose social control. State capacity to control populations to enforce law, extract taxes, and organise citizens for the purpose of war could not be achieved by any other social organisation and for this purpose, the state has to develop multipurpose organisations. The control the state exerts over society through such specialised organisations is called infrastructural power. The state uses its infrastructural power to direct and co-ordinate society.

According to Migdal, high capabilities are required by states to effect social control. The following indicates successful social control: (1) Compliance by citizens to the prescribed rules of the state and the survival strategies that it advocates. The state's prescribed survival strategies bring out conflict between the state and society. Conflict may be about property rights, assets, and other resources. For effective social control the state needs to deliver on its survival strategies. This entails the delivery of resources and services to its citizens. (2) State institutions and those run by the state require participation by citizens. Participation brings about strong state institutions and denotes voluntary participation adding to the legitimacy of the state. (3) Legitimacy is the acceptance by citizens of the rules of the state and its right to direct social control. The acceptance of legitimacy further entails acceptance of state symbols. Through symbols, the state reinforces its survival strategies. Legitimacy indicates citizen approval of the state and its rules. The state gains domestic hegemony when compliance with survival strategies is attained at the expense of those offered by rival organisations. When compliance is not achieved, conflict may occur between the survival strategies offered by the state and those of rival institutions.<sup>33</sup>

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<sup>32</sup> Chazan, Mortimer, Ravenhill and Rothchild, **Politics and Society in Contemporary Africa**, pp. 40 -

## **Strong States**

Strong states are those states with high capabilities and are successful in achieving domestic hegemony i.e. compliance with these criteria. Strong states have unified networks of social control. These are unified rules of conduct that regulates relations between individuals and individuals and the state. A single judicial system serves to enforce the survival strategies of the state.<sup>34</sup>

## **Weak States**

The weak state has smaller capabilities of regulation, extraction, appropriation and penetration. Weak states tend to fail in achieving domestic hegemony against social organisations with their own survival strategies. These organisations are likely to gain a competitive edge over the weak state. The weak state coexists alongside such rival institutions and groups and individuals may come under their control. The state although entitled to sovereignty does not have it and rules of the state are not universally applied.<sup>35</sup>

## **Strong Societies with Pyramidal Structure of Social Control**

The structure of society may be a reason for states' inability to achieve domestic hegemony. There are two types of strong societies those with high levels of social control and those with web-like strands of social control. Strong societies with pyramidal structures have high levels of social control, while strong societies with web-like social structures may also have high levels of social control. Social organisations of strong states may be described as pyramidal structures of social control. Because social organisations in strong states have rules consistent with that of the state social control is achieved in the strong state. Strong states have domestic hegemony over strong societies, because the state occupies the top position in the pyramid of state-society relationship. The state is able to gain the top position in the pyramid because its survival strategies correspond with that of the society.<sup>36</sup>

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<sup>33</sup> Migdal, *Strong Societies and Weak States*, pp. 24-33.

<sup>34</sup> Ibid., pp. 4 –5.

<sup>35</sup> Ibid., pp.8 - 9.

<sup>36</sup> Ibid., pp. 33-40.



### **Strong Societies with Web like structures of Social Control**

These strong societies have a range of social organisations that have inconsistent rules and incompatible social structure. These societies are web-like. Web-like societies have no single system of control but have a network of strands. Strong societies with web-like structures of social control have rules, which are inconsistent with that of the state. Organisations of strong web-like societies may be in contest with state organisations. Strong states achieve dominance over web like societies by breaking the web like structure of society to assert itself over society. Weak states, which coexist along such strong web-like societies, compete with social organisations headed by strongmen. Strongmen reinforce the breakdown of social control and control part of the state and using rules of their own. According to Migdal, this is the Triangle of Accommodation. The triangle is made up of state officials, the implementers of policy and strongmen. Each has a distinct power base but operates with some restraint. Each participant profits from this relationship at the expense of the state. The strongmen thus have social control, which is what the state tries to limit.<sup>37</sup>

### **Weak Societies**

Weak societies have low levels of social control. The organisations in weak society lack the capability to offer viable survival strategies. Strong states are able to dominate these weak societies, but weak states located within weak societies fail to achieve social control resulting in a lack of control from any source.<sup>38</sup>

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<sup>37</sup> Ibid., pp.39 - 41.

<sup>38</sup> Ibid., 34 – 36.



## Characteristics of Weak States

Characteristics of weak states are high crime rates, civil disobedience, and the existence of private armies and “no go” zones for state personnel as well as the existence of rival organisations that are in competition with the state. Furthermore the weak state experiences tax revolts, has an informal economy running parallel to that under the supervision of the state, cross border crime networks and experience corruption from citizens and officials of the state.<sup>39</sup>

The process of globalisation has resulted in the loss of state authority and the weak state facilitates the work of transnational criminal organisations. The state in Italy in the Nineteenth Century gave rise to the Mafia and the rise of the criminal organisations in Columbia in the 1970's and 1980's. Several factors add to the vulnerability of states to internal and externally organised criminal groups. The collapse of state structures and the reestablishment of these structures contribute to state vulnerability. Changes in state structure may be accompanied by changes in economic policies, which may increase the growth of internal and external criminal activity within the state and across state borders. Transitional states are unable to impose the control over populations that the previous regime did. A reason for this is that a transitional states the lack of legal and institutional frameworks with which to regulate society. This allows criminal organisations to grow and in some cases, allows criminal organisations to enter the legal business and economic sphere. The legal institutions of the transitional state face legitimacy problems, because citizens associate law enforcement institutions with the previous regime. Law enforcement institutions also have internal problems such as a lack of training and corrupt officials. The state's weakness to provide citizens with services is a major problem of which the consequence is the growth of illegal activities. States in transition are highly permeable and in the South African case air, sea and land infrastructure accommodates illegal trade in drugs and other goods.<sup>40</sup>

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<sup>39</sup> Ibid., 74.

<sup>40</sup> Williams, “Transnational Organized Crime and National and International Security: A Global Assessment,” pp. 70 – 81.

## **Analysing South Africa according to the Weak State Criteria**

When the South African State is analysed according to the criteria set out by Migdal South Africa can be classified as such. It contains most of the criteria indicative of the weak state.

### **High Crime Rates**

In terms of violent crime, South Africa's murder rate was reported at 52 per 100 000 people in 1998. The figure for attempted murder stood at 62,7 per 100 000 people, while for robbery with aggravating circumstances the figure stood at 188.3 per 100 000 people. Crime known as social fabric crime which include rape and assault are also high and stand at 104.1 per 100 000 people for rape, 489 per 100 000 people for serious assault and 424.7 per 100 000 people for common assault.<sup>41</sup> The reported crime rates for January to May 1999 in terms of a provincial breakdown sees the Western Cape as the province with the highest rate for violent crimes.<sup>42</sup>

### **Protection Rackets**

Several organised crime groups exist in the Western Cape, the most notable being The Firm and the Hard Livings gangs. These gangs have links to other smaller gangs in the Western Cape as well as links to Chinese triads and Italian Mafia.<sup>43</sup>

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<sup>41</sup> [http://www.sap.org.za/8\\_crimeinfo/bulletin/1999\(1\).htm](http://www.sap.org.za/8_crimeinfo/bulletin/1999(1).htm), 14 August 1999.

<sup>42</sup> [http://www.sap.org.za/8\\_crimeinfo/bulletin/1999\(8\).htm](http://www.sap.org.za/8_crimeinfo/bulletin/1999(8).htm), 14 August 1999.

<sup>43</sup> Schãrf, W. and Vale, C. "The Firm-Organized Crime Comes of Age During the Transition to Democracy," in *Social Dynamics*, vol. 22, no. 2, December, 1996, pp. 6-10.  
See also Smith, A. "Rise of boss of bosses, who runs drug empire with iron fist," *Cape Argus* 17 March 1999.



## **Private Armies**

During the 1980's, political movements to the left and right of the political spectrum had their own-armed wings. In the early 1990's these were disbanded and incorporated into the South African National Defence Force. The establishment of the South African National Defence Force and the incorporation of APLA and Umkhonto we Sizwe into a single defence force lead to the retrenchment of old guard military generals and other officials. These officials used their training in the commercial sphere with many now owning and managing private security firms. The South African private security industry is worth R 8.8bn in 1998 and has steadily increased since 1978. The industry employs 128 000-security officers and has at its disposal 80 000 vehicles and access to other equipment.<sup>44</sup> The private security industry poses the potential danger of becoming private armies for civilians.

## **Tax Revolts**

The state is plagued by non-payment of services with local government unable to provide the necessary services such as refuse collection in certain areas. Tax revolts were used in the 1980's as a method of destroying Black Local Government structures. This method of revolt against government did however not end when the democratic government was elected in 1994. Non-payment of services has rendered several local governments ineffective. In the early 1990's residents in the up-market suburb of Sandton refused to pay for their services, claiming it was discrimination against high-income earners.<sup>45</sup>

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<sup>44</sup> Schönteich, M. **Unshackling the Crime Fighters: Increasing Private Sector involvement in South Africa's Criminal Justice System**, Johannesburg: The South African Institute for Race Relations, 1999, pp. 21 – 25.

<sup>45</sup><http://www.ib.co.za/sanfed/media/260298a.htm>, 9 October 1999.



## **Informal Economies**

Shebeens in the Black townships are an example of the informal economic activity operating parallel to that regulated by the state. Illegal shebeens do not fall under the regulation of government. It is reported that 250 000 unlicensed shebeens are operating in South Africa.<sup>46</sup> In the Cape Peninsula in one year alone shebeens make R 64,5 million.<sup>47</sup> The government loses out on the payment of taxes by the informal liquor traders and other dues usually paid by liquor traders.

Shebeens are also linked to crime and violence. It is reported that many shebeen owners are involved in the drug trade as well as on-going taxi violence between rival taxi associations in the Western Cape. In July 1997 police confiscated cocaine as well as mandrax from a shebeen in Manenberg. The illegal activities of shebeens were highlighted by PAGAD through its marches to shebeens suspected of involvement with the drug trade. On the Cape Flats, gangs often operate shebeens.

## **Corruption by State Officials**

Corruption by state officials is a worldwide phenomenon. In South Africa, the government has instituted the Heath Commission to investigate corruption and maladministration by state officials and private business. It is reported that R 23 million worth of cheques has been stolen from the offices of the Department of Justice. Internal audits are not performed and unauthorised journal entries have been made to journals of the department. Numerous courts countrywide face this problem. It was also found that high-ranking officials claim false travel expenses from the state.<sup>48</sup>

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<sup>46</sup><http://embendi.co.za/werkmansnews.htm>, 9 October 1999.

<sup>47</sup><http://acrchve.10/co/za/Archives/1998/9808/13/btov.html>, 9 October 1999.

<sup>48</sup>Cameron, J. "Stolen cheques, false overtime claims, lost dockets bedevil justice department," *Sunday Argus*, 3/4 July 1999.

The Heath Commission also investigated persons that are suspected of defrauding the road accident fund by making false claims against the road accident fund. Allegations of nepotism against the Independent Electoral Commission (IEC) have also been made. In particular concerns have been raised about the method in which employment contracts were awarded to employment agencies. It is alleged that the sister of the human resource manager of the IEC was awarded employment contracts while other more suitable companies tendered for these positions.<sup>49</sup>

### **Cabinet Reshuffling**

A further possible indicator of the weak state is the reshuffling of the parliamentary cabinet. Reshuffling takes place to prevent strong agencies and the development of power bases within the state, Migdal calls this the Big Shuffle. This reshuffling of cabinet is usually initiated by the head of state, who appoints new people to head certain state agencies. The head of state may appoint agency heads based on their loyalty to him or her so as to undercut the creation and existence of power centres within the state. The reshuffling of cabinet is a strategy employed to counter the further weakening of the state.<sup>50</sup> The general election in June brought about a new government and president. The cabinet was also reshuffled with some ministers retaining their portfolios while others were placed in other portfolios or removed all together. A Department of Intelligence under the leadership of Joe Nhlanhla was also created.

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<sup>49</sup> **The Mail and Guardian**, February 5 – 11, 1999.



These ousted were Pallo Jordan from Environmental Affairs and Tourism and Derek Hanekom from Agricultural and Land Affairs. Cabinet positions that were reshuffled were as follows with the Minister of Justice, Dullar Omar moved to the transport portfolio, Minister of Safety and Security, Sydney Mufumadi was moved from this portfolio. Kader Asmal, was moved from Water Affairs and Forestry to Education, Penuel Maduna from Minerals and Energy to Justice, Vali Moosa from Local Government and Constitutional Affairs to Environmental Affairs and tourism, Geraldine Fraser Moleketi from Welfare to Public Services and Nkosazama Zuma from Health to Foreign Affairs. It is important to ask if Thabo Mbeki's reshuffling of cabinet indicates the existence of power bases within the state and, if so what a kind of power base does it indicate? This question is beyond the scope of this dissertation and will therefore not be answered.

### **The Weakening of the South African State**

South Africa's weak state developed in the 1980's. The state was weakened by the government with its "total onslaught" doctrine and corresponding "total strategy" to counter the liberation organisations "people's war" doctrine and corresponding strategy of "ungovernability". The period was characterised by low intensity conflict, which is the breakdown of the rules of Trinitarian warfare. The state's total onslaught doctrine gave the state military characteristics as the total strategy entailed the use of bureaucratic and military institutions.

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<sup>50</sup> Migdal, **Strong Societies and Weak States: state-society relations and state capabilities in the third world**, 1996, pp. 214 – 222 & 226 – 229.



The 1980's were a period of great conflict. Conflict occurred between and within different groups. There was conflict between the state and the liberation organisation, between and within liberation organisation and between liberation organisations and society as well as and conflict within society. The conflict was essentially about hegemony. Each party in conflict used different segments of society, each of which had its own support structures and organisations. A multitude of organisations emerged in the contest for hegemony; some of the organisations wanted power others wanted some amount of power.<sup>51</sup>

The state structure was reorganised, centralising power in the hands of the executive and downgrading parliament and cabinet in an attempt to implement the Total Strategy. State decision-making was increasingly militarised.<sup>52</sup> Bureaucratic and technological infrastructure was created to avert the perceived communist threat from inside and outside South Africa.<sup>53</sup>

The *de facto* merger of the three organs of the state president, the security bureaucracy, as well as the technological and financial bureaucracy weakened the state considerably.<sup>54</sup>

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<sup>51</sup> Du Toit, P. **State Building and Democracy in Southern Africa: A comparative study of Botswana, South Africa and Zimbabwe**, Pretoria: HSRC Press, 1995, pp. 348-378.

<sup>52</sup> Murray M, **South Africa: Time of Agony, Time of Destiny: Popular Upsurge of Popular Protest**, Norfolk: The Tredford Press, 1995, p.35.

<sup>53</sup> Bekker, S. "Engaging the State: dealing with civil service culture," **Indicator South Africa**, vol. 7, no.1, Summer, 1989, pp. 23 – 26.

<sup>54</sup> Ibid

Special riot control functions were assigned to the police and in the 1980's these functions were expanded under the National Security Management System, leading to the police and military character of the state. Public disorder was so widely defined that it included any social and political action the state viewed as illegitimate. The police therefore became increasingly involved in the policing of social and political activities.<sup>55</sup>

The liberation organisation ANC/SACP and later the UDF through its "people's war doctrine" formed its strategy of "ungovernability". The UDF formed in 1983 was particularly active in the Western Cape. The UDF consisted of more than 500 civic, youth, women's, and religious organisations. According to Mckinkley the UDF and the ANC did not have much control over its strategy of "ungovernability" and this resulted in the spontaneous expression resistance took.<sup>56</sup>

The UDF focused their campaign on rent and service boycotts in black townships. The rent and service boycott aims were to make Black Local governments ungovernable. Alternative structures and organisations were created to deal with the failure of the Black Local Governments, these included street committees and other organisations.

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<sup>55</sup> Guelke A, "South Africa," in Brewer J.D, Guelke A, Hume I, Moxon-Brown and Wilson R, **Police, Public Order and the State**, London: Macmillan Press, 1988, p.178.

<sup>56</sup> Mckinley, D.T. **The ANC and the Liberation Struggle: A Critical Political Biography**, London and Chicago: Pluto Press, 1997, p. 34.



The conflict between the government and liberation movements provided cover for community conflict, with the proliferation of more gangs on the Cape Flats. In 1980, 280 groups identified themselves as gangs and spanned 30 areas in Cape Town.<sup>57</sup> The low intensity conflict between the government and the anti apartheid activists provided cover for the proliferation of gangs on the Cape Flats. While organisations and the government were engaged in their low intensity conflict the relationship between the state and communities on the Cape Flats had deteriorated, with gangs entrenched in society. A certain amount of co-operation between gangs and police existed however, with gangs providing information to police on smaller gangs leaving bigger and well-organised gangs untouched.<sup>58</sup>

During the transformation period from 1990 to 1994 the state's structure stayed the same, while certain apartheid policies were repealed. The state continued its use of police and military to curtail violence and in 1991 a special investigative unit was established. The Special Investigative Unit according to the Truth and Reconciliation Commission Report was responsible for many human rights abuses.<sup>59</sup>

The state was weakened from within from and outside the state. State officials who engaged in corruption and dirty tricks weakened the state. The dirty tricks included the killing of political opponents and others that opposed the state. The state was also weakened by its unresponsiveness to the needs of citizens.<sup>60</sup>

It did not provide the necessary services to its citizens and rival organisations offering these emerged and were strengthened consequently. Gangs instead of the state provided services to the community resulting in the loss of state authority. The state was also not present in most communities through the provision of services such as policing with the result that citizens therefore created their own organisations.

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<sup>57</sup> Pinnock, **The Brotherhoods: Street Gangs and State Control in Cape Town**, pp.2-17.

<sup>58</sup> Ibid., pp. 104-107.

<sup>59</sup> **Truth and Reconciliation Commission of South Africa Report**, Vol.2, Cape Town: Juta 1998, Chapter 1. pp. 1- 17.

<sup>60</sup> Du Toit, **State-Building and democracy in Southern Africa**, pp.343-396.



From the outside, the state was weakened through organised civil disobedience. These included the failure to observe apartheid laws and regulations. Private armies of the different political groupings also served to weaken the state.<sup>61</sup>

Instead of following the state's prescribed justice system citizens formed their own "people's courts" to deal with crime and other related issues faced by the community.<sup>62</sup> This is not surprising as law played an important part in the Apartheid State. Racial discrimination was instituted through the legal system. Legality was used as a substitute for legitimacy by the state. The National Party government ruled through legality and created the impression of a free and accessible legal system. This is the backdrop to the present weakness and problems experienced with justice and policing in South Africa.

The 1993 constitution provided for the maintenance of the civil service as well as the institutional arrangements of the state. This provided continuity to the state institutions and eased the transition to the new government. But this also contributed to the current state weakness in which the new government inherited problems of the old civil service. In particular, the transitional arrangements for public administration prescribed that those employed before the commencement of the 1993 constitution shall continue to be employed by the state.

Transitional arrangements for the judiciary prescribed that those employed before implementation of the 1993 constitution retain their positions. Similarly, courts established prior to 1993 retained their authority. These procedural arrangements have contributed to the present weaknesses found in the Departments of Safety and Security and Justice. These departments are examples of state agencies characteristic of the weak state.<sup>63</sup>

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<sup>61</sup> Ibid., pp.343-396.

<sup>62</sup> Nina, D. "Popular Justice or Vigilantism: PAGAD, the State and the Community," *Crime and Conflict*, no.7, Spring 1996, p. 3.

<sup>63</sup> **The Interim Constitution of the Republic of South Africa 1993.**

## **The Departments of Justice, of Safety and Security and of Intelligence**

### **Background**

The South African constitution is the supreme law of South Africa according to the constitution of South Africa, Act (108 of 1996), and judicial authority is vested in the court system. The National government is responsible for the administration of justice and the Department of Justice is responsible for the court system, together with judges, magistrates, and Attorney Generals. The Department of Justice has in the last four years produced groundbreaking legislation, but it has however failed in its implementation of such acts as the Prevention of Organised Crime Bill, which allows for the seizure of assets obtained through criminal means.<sup>64</sup> In 1996, the Department of Safety and Security adopted the National Crime Prevention Strategy (NCPS), which is an interdepartmental strategy to address crime and factors related to crime. This strategy has produced dismal results. Notable failures in both these departments are in the lack of prosecution for cases involving, PAGAD, gangsters, bombings, drive-by shootings and the murders of police officers in the Western Cape. Only 10 cases involving the above were under prosecution in May 1999, while the status of 75 other cases were still to be assessed by the regional head of the Department of Justice.<sup>65</sup>

Lack of proper communication between the intelligence agencies, police and justice officials have been cited for lack of progress in these cases. Allegations have however surfaced claiming police involvement in violent attacks in the Western Cape. The Independent Complaints Directorate, established in 1997 is at present investigating police involvement in these attacks.



The Departments of Justice and of Safety and Security rely heavily on information obtained from the Department of National Intelligence and its intelligence agencies. The intelligence structures have however been at the centre of much of the confusion surround the spite of bombings in the latter part of 1999 with several unsubstantiated allegations made that intelligence agents themselves are involved in bombings in the Western Cape and other criminal activities.

National Intelligence Agencies including the National Intelligence Agency and the South African Secret Service were created under the Intelligence Services Act, 1994 (No. 38 of 1994). The National Intelligence Agency (NIA) is responsible for domestic intelligence matters, while the Secret Service is responsible for International Intelligence issues. The Intelligence Services Act regulates the creation, organisation, and control of the National Intelligence Agency and the South African Secret Service (SASS) and other such matters.<sup>66</sup> The Act does not however provide indemnity against prosecution and or conviction for any offence committed by its members. It gives the Director General the task of overseeing data collection and overseeing the responsible use of information to prevent the Agency and or members from using information to further partisan interests. The National Strategic Intelligence Act, 1994 (No. 39 of 1994) defines the functions of members of the National Intelligence Structures, establishes a National Intelligence Co-ordinating Committee and defines the committee's functions. In addition the Act provides for the appointment of a Co-ordinator for Intelligence as chairperson of National Intelligence Co-ordinating Committee and defines his or her functions.<sup>67</sup>

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<sup>64</sup> **The Prevention of Organised Crime Bill (B 118-98).**

<sup>65</sup> Rippenaar, L. "Terrorism cases move to top of roll," *Cape Argus*, 7 May 1999.

<sup>66</sup> **The Intelligence Serves Act, 1994 (No. 38 of 1994).**

<sup>67</sup> **The National Strategic Intelligence Act, 1994 (No. 39 of 1994).**

The Act indicates the following intelligence structures. The National Intelligence Co-ordinating Committee (NICOC), the National Intelligence of the National Defence Force, The National Investigation Services of the South African Police Services, the National Intelligence Agency (NIA) and the Secret Service. The different intelligence structures each have their own functions to fulfil within their specified spheres of operation. All intelligence structures report and provide intelligence to NICOC. The National Intelligence Co-ordinating Committee comprises of the Co-ordinator for Intelligence, the Director-General of the Agency and the heads of the Intelligence division of the National Defence Force; National Investigation Service of the South African Police Service, the Director-General of the Service and other members as established by NICOC.

NICOC is tasked with co-ordinating the intelligence supplied by the members of the National Intelligence Structures, interprets national strategic intelligence for use by the State and the Cabinet advises cabinet on intelligence matters and formulates intelligence policy. Although legislation provides adequate regulation of intelligence structures, uncoordinated and ineffective intelligence gathering had occurred in respect of PAGAD.

### **National and Provincial Governments**

Since the formation of PAGAD in 1996, both the provincial and national government have failed to take a clear and decisive stand concerning the organisation and contradictory methods of policing have been used to deal with the group. Political ineptitude may account for this. Although police have long suspected the involvement of PAGAD in violence and crime, hardly any arrests and prosecutions were instituted. An imperative question to ask is whether the reshuffling of cabinet ministers especially of the departments of Justice and Safety and Security has contributed to the arrests and prosecutions of PAGAD members. And whether the newly created Department of Intelligence has contributed to the confusion and renewed violence in the latter part of 1999.



## **The Departments of Safety and Security and of Justice:**

### **Low Rates of Arrest and Conviction**

The police caught only 23 percent of offenders in 1997 and the criminal justice system only sentences between 5-8 percent offenders. Between 1991 and 1996 the total number of prosecutions and convictions fell by 40 percent. The conviction rate for serious crimes such as murder stood at 31 percent in 1997, 18 percent for car jacking, and 16 percent for rape. Between January and June 1997 prosecutors took on 180 000 cases, only 153 700 were finalised. Although the number of reported crimes increased from 2 385 195 in 1994 to 2 733 363 in 1997 the number of convictions declined.<sup>68</sup>

### **Lack of Transformation**

The lack of transformation of the police services is another failure of the Department of Safety and Security. There is a lack of transformation in terms of race and gender representation in the police service structure itself as well as geographic representation of the police services. The intake for white police officers has increased from 70 to 74 percent in 1997. Two hundred and thrifty three of the 300 directors are white and 225 are male. Of the 956 senior superintendents, 712 are white and 80 are female. There are 2656 superintendents of which 2041 are white and 309 are female. All five divisional commissioners are white males, while 7 provincial commissioners are white and 48 of the 67 assistant commissioners are white.<sup>69</sup> Allegations of racism abound in the police service, with black officers claiming that they are passed over for promotion. The failure to deracialise policing in the Western Cape are major failures of the national policing service as they should be steering the transformation process. There are on average one police officer for every 346 civilians according to the Minister for Safety and Security in May 1998. In the Western Cape, there is one police officer for every 328 civilians.<sup>70</sup> The geographic location of police stations and the distribution of resources are however in favour of white communities in the Western Cape.

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<sup>68</sup> Schönsteich, *Unshackling the Crime Fighters: Increasing Private Sector involvement in South Africa*, p. 16 & 3.

<sup>69</sup> *Human Rights Commission Report*, July 1998, p.41.

<sup>70</sup> *Human Rights Commission Report*, May 1998, p.30-34.

### **Lack of Training and Skills**

South Africa's inadequate police services are the reason for the low rate of convictions.<sup>71</sup> One third of the people in the police force have a standard eight or lower qualification, while only 8.68 have a post matric qualification.<sup>72</sup> The lack of adequate training is evident in the number of avoidable shootings the police are involved in. In Gauteng 110 people, of who most are black were shot dead by police in 1997. Only 37 of those shot proved to be a threat to the police.<sup>73</sup> The apartheid police mentality still prevails in the police services and skills in crime prevention are needed.

### **Labour Action**

Between August 1996 and 1997, employees of the Department of Justice embarked on 21 strikes, 62 work stoppages in the South African Police Services in 1996 and 1997. Absenteeism in the Cape Peninsula crime prevention unit was highest between January and July 1998.

### **Corruption**

The Heath Commission, which investigates maladministration and fraud in public institutions stated in its first report that it has investigated irregularities in the payment of an Umtata attorney by the Justice Department. The attorney was paid more than R13 million for services rendered on instruction by the state attorney. In another incident warrant vouchers were stolen from the Ekangola magistrates office in Mpumalanga in 1997. The stolen vouchers resulted in the loss of R 43 million. The Heath Commission has itself run into problems with the Department of Justice. The Department of Justice is slow in the issuing of proclamations to institute investigations into alleged malpractice.

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<sup>71</sup> Schönteich, *Unshackling the Crime Fighters: increasing private sector involvement in South Africa's criminal justice system*, p.3.

<sup>72</sup> *Human Rights Commission Report*, June 1998, p.36.

<sup>73</sup> *Human Rights Commission Report*, July 1998, p.41.



The work of the commission can therefore not be carried out in full.<sup>74</sup> Apart from corruption, 1500 police officers have been convicted of criminal offences in 17 months to November 1998. From January 1998 to June 1998, more than 50 police officers were convicted of murder, 20 of neglect of firearms, 82 for reckless driving, and 16 for corruption.<sup>75</sup> Several police dockets have gone missing at the Mitchells Plain police station on the Cape Flats, while seven cases against gang leader Rashied Stagie have not lead to prosecutions.<sup>76</sup>

### **The Department of Intelligence and Intelligence Agencies and Services**

By law, the director of public prosecutions of the province concerned must give permission for an undercover operation to commence. However, this does not seem the case in practice with the NIA agents uncertain about the activities their informants are involved in. "The intelligence agencies in South Africa are not communicating with each other. The one does not know what the other is doing." Etienne Hennop researcher at the Institute of Security Studies told the Mail and Guardian newspaper.<sup>77</sup> An intelligence informer Martin Manuel also known as Mansoor is implicated in several attacks in the Western Cape. Manuel is a former SADF explosives expert and was involved with PAGAD for two years before his arrest in April 1999. Ayob Mungalee arrested in February 1999 was also an NIA informer and was arrested with four other PAGAD members in the Klein Karoo concerning illegal weapons and detonators.<sup>78</sup> Mungalee claims that two Western Cape police officials transported explosives and ammunition to the Cape and that police supply gangs with police issued guns and ammunition.<sup>79</sup> The St. Elmo's bomb blast in November 1999 is the most baffling of incidents involving the NIA and police intelligence agents and informers.

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<sup>74</sup> <http://www.polity.org.za/govdocs/commission/1998/heath.html> 1999, 14 August 1999.

<sup>75</sup> See **Human Rights Report**, November 1998, p.33.

<sup>76</sup> <http://www.polity.org.za/govdocs/misc/ncp.html>, 4 August 1999.

<sup>77</sup> [http://www.mg.co.za/mg/news/99aug2/24\\_aug-guns-pagad.html](http://www.mg.co.za/mg/news/99aug2/24_aug-guns-pagad.html), 28 March 2000.

<sup>78</sup> <http://www.mg.co.za/mg/news/99aug1/15aug-pagad.html>, 9 October 1999.

<sup>79</sup> [http://www.mg.co.za/mg/news/99aug2/24\\_aug-guns-pagad.html](http://www.mg.co.za/mg/news/99aug2/24_aug-guns-pagad.html), 28 March 2000.

## **The Conflict between the Western Cape Provincial and National Government**

Chapter three of the Constitution provides a framework for co-operative governance between the different spheres of government. Each sphere is said to be distinctive, interdependent, and interrelated and must fulfil their functions within the constitutional framework. Chapter Six of the constitution sets out the functions of provincial government, Schedule 4 and 5 set out the concurrent functions of the national and provincial governments and the exclusive functions of the provincial government. Schedule 4 acknowledges that policing is a concurrent function of both the national and the provincial governments of national governments.<sup>80</sup> In the area of policing that both spheres of government have failed.

The ANC sees the skewed distribution of resources between White and African and coloured areas, as factors contributing to violence in the Western Cape. Police stations, vehicles, and personnel are not distributed evenly in the province. The provincial minister of Community Safety views violence and crime as a product of the justice system and calls for the return of the death penalty and greater powers to the provinces in terms of policing.<sup>81</sup> National governments failure to intervene sooner may compromise the consolidation of democracy in South Africa.

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<sup>80</sup> **The Constitution of the Republic of South Africa, 1996 (Act 108 of 96) Chapter 6, Schedule 5 and 6.**

<sup>81</sup> **Sunday Argus**, 8/9 August 1998.



## Summary

The provincial government instituted several policing programs such as Operation Saladin and Operation Recoil but these did not decrease crime and conflict in the Western Cape. Political ineptitude forms part of the reasons for the provincial government's inability to solve crime and conflict on the Cape Flats. The provincial government should have taken the problem more seriously, while the national government should have intervened sooner and only launched Operation Good Hope in early 1999 and created The Scorpions a special investigation team earlier this year. Violence and crime in the Western Cape has unfavourable consequences to tourism, which contributes 4.6 percent to the country's Gross Domestic Product (GDP).<sup>82</sup> This should have promoted national government to action sooner as a threat to South Africa's foreign income, may be seen as a threat to national security. The national government's late intervention can be attributed to the lack of an official definition and stance on terrorism. Both the African National Congress and the National Party used the crime and conflict situation in the Western Cape to score political points with voters, in particular Coloured voters in the province.

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<sup>82</sup> South Africa Yearbook 1998 p.147.

## CHAPTER 4: THE THREE FACES OF PAGAD

### Introduction

“The formation of the group People Against Gangsters and Drugs (PAGAD) in 1996 has lead to increases in the levels of violence in the Western Cape” according to a senior police official.<sup>83</sup> A new type of violence commonly referred to as “terrorism” and “urban terrorism” emerged in the Western Cape. Police have long suspected that PAGAD is behind the bombings and murders of gangsters and police officers in the Western Cape but was unable to gather proof of this. In December 1998, a PAGAD member was arrested for the murder of gang leader Ismail April and more recently, police arrested two members of PAGAD in connection with the murder policeman Bennie Lategan and Rasied Staggie.<sup>84</sup> There are persistent allegations that PAGAD<sup>85</sup> were directly involved in violence and conflict referred to as “terrorism” and “urban terrorism”. It is therefore imperative to analyse the organisation and establish an organisational structure and pattern of behaviour.

Some analysts describe the group as a vigilante organisation, pushed to take the law into their own hands by a weak state unable to deal with crime. Some view PAGAD as distinctly political and a threat to the state. While others describe the organisation as a terrorist organisation with the United States Government including PAGAD as a group to watch out for in it’s report on terrorism. Others view PAGAD as an organised crime group.<sup>86</sup> Those who have attempted to understand and analyse the group have offered narrow descriptions with very little analysis of the group. This chapter offers an integrated view of the group through description and analysis.

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<sup>83</sup> Interview with senior police official on 2 September 1999.

<sup>84</sup> Staff Reporter, “PAGAD member arrested over Lategan killing,” *Cape Argus*, 28 June 1999. Also see “PAGAD links to bombs as Imam face court,” *Cape Argus*, 28 June 1999.

<sup>85</sup> PAGAD refers to all three structures or organizations collectively.

<sup>86</sup> Shaw, M. “Buying Time? Vigilante action, crime control and state responses,” in *Crime and Conflict*, no. 7, Spring, 1996, pp. 5 – 8.

See also Nina, “Popular Justice or Vigilantism? Pagad the State and the Community” pp. 1-4.



There is considerably difficulty in describing and classifying PAGAD. Its members have engaged in a wide range of actions and activities, which can at best be described as contradictory.<sup>87</sup> This is glossed over by most people who discuss the group. To understand PAGAD it is imperative to acknowledge these contradictions and to analyse them. The analysis of PAGAD's contradictions reveals three distinct structures, which can be described as organisations, which make up PAGAD. One conforms to a vigilante group, while the others are similar to organised crime groups and an Islamic fundamentalist organisation. These organisations were classified by assessing the actions that the group's leaders and members engage in against the definitions of vigilantism, organised crime and Islamic Fundamentalism that follows below.

### **Vigilantism and Vigilante Movements**

Vigilantism according to Richard Maxwell Brown refers to "organised, extralegal movement, the members of which take the law into their own hands."<sup>88</sup> Within the Brazilian context different types of actions are considered to be vigilante. One such action is lynching, in which citizen's act against other citizens who have presumably committed crimes. Other actions are the murder of presumed criminals by off duty police and military officers for pay. These off duty police and military officers are called "justice makers". Finally, there are death squads, which are organisations that kill people, often with state involvement.

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See also <http://www.state.gov/www/global/terrorism/1998Report/aapb.html>, 31 August 1999.

<sup>87</sup> PAGAD has staged protest against drugs and gangsterism, South Africa's bid for the Olympic Games in 2004, the Oudekraal development in Camps Bay and a state visit by British Prime Minister, Tony Blair.

<sup>88</sup> Huggins, M. K. (ed.) **Vigilantism and the State in Modern Latin America. Essays on Extra Legal Violence**, New York: Prager, 1991, pp.7-9.

According to Johnson quoted in (Nina 1996) six elements need to exist in order to classify actions as vigilante. (1) Actions should be planned pre meditated and organised. (2) Private citizens should act voluntarily in their conduct. (3) The actions of citizens should be autonomous from government agencies. (4) Vigilantes should reject crime. (5) A claim of personal and collective security should be made.<sup>89</sup> (6) Threaten to use force, or use force. This definition is used to classify vigilante actions and groups.

### **Organised Crime and Organised Crime Groups**

While the South African Police define organised crime as the “systemic commissioning of crimes motivated by a craving for profit and power.”<sup>90</sup> To be defined as a criminal organisation within the above definition the first four of the following criteria must apply:

- A criminal group has to involve the collaboration of more than two people.
- The group should be suspected of involvement in serious criminal offences.
- The group should be involved in such criminal offences for a prolonged or indefinite period.
- The group should be motivated by the pursuit of profit and / or power.

According to the South African, police the above are the important indicators used as defining criteria in the definition of a criminal organisation. Two others of the following also need to apply before a group can be called a criminal organisation.

- The organised crime group should simulate and or employ commercial and business structures.
- Group members should each have their own tasks to perform.
- The group should have some form of discipline imposed on members of the group.

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<sup>89</sup> Nina “Popular Justice or Vigilantism? PAGAD, the State and the Community,” pp. 1-4.

<sup>90</sup> **Policing Priorities and Objectives for 1999 and 2000 of the Department of Safety and Security.**



- The group should among other activities, engage in money laundering.
- The group should use violence and other actions as means of intimidation.
- The group should attempt to influence politics, the media, public administration, judicial authorities or the economy.
- The group should abuse provincial, national and international borders through the executions of their activities.<sup>91</sup>

Organised crime groups however have different objectives and these objectives are attained through a number of methods, which have different manifestations. If the objective is political, the aim is either the overthrow of the political order or illegal use of political processes. If the objective is economic, the aim will be met through common crime, through illegal business and through legal business.<sup>92</sup>

There seems to be no difference between vigilantism and organised crime and vigilante groups and criminal organisations. Both groups are organised, engage in actions contrary to the law, and use violence to intimidate people, attempt to influence politics, public administration, and the judicial authorities. The only difference between organised crime and vigilante organisations is in relation to the motivation of profit. Organised crime groups seek profit while it is said that vigilante organisations do not.

### **Islamic Fundamentalism**

The term Islamic Fundamentalism is increasingly used by governments, the media and popular fictional work to describe actions by Islamic groups seeking the reintroduction and extension of Islamic law, often depicted as violent and forceful.

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<sup>91</sup> **Policing Priorities and Objectives for 1999 and 2 000 of the Department of Safety and Security.**

<sup>92</sup> Malts, M.D. "On defining organised crime: The development of a definition and typology," in **Organized Crime**, (ed.), Nikos Passas, Aldershot: Dartmouth Publishing Company, 1995, pp.15 – 23.



The academic approach to Islamic Fundamentalism from the work of Johannes J.G Jansen in his book *The Dual Nature of Islamic Fundamentalism* described it as both political and religious.<sup>93</sup> He states that Islamic Fundamentalism fuses politics, religion and violence. Violence is an important element in fundamentalism, as politics cannot exist without violence. The dual nature of fundamentalism is reflected in its demands for an Islamic state, which is political, and its demand for an Islamic society, which is religious. Jansen identifies certain characteristics of Islamic fundamentalism that can be used to identify them. (1) Fundamentalists believe that power cannot be shared and do not distinguish between short term and long-term goals. (2) Fundamentalists rarely, if ever, have any theological training but may have specialised training in other areas. (3) Islamic fundamentalists want to oversee the application of Islamic law, which conforms, to the Shara. Islamic fundamentalists disregard the Muslim clergy's role in the oversight of Islamic Law. (4) Islamic fundamentalist requires a state because the use of violence by a state is legalised. (5) Fundamentalists believe they have the right to take life.

## Violence

The above concepts discussed have in common, the use of violence as a method to achieve aims. Defining violence is controversial because violence is socially constructed and the values of society determine what constitutes violence. Hoffman and Mckendrick (1990) define violence as "the use of force to harm, injure and abuse others".<sup>94</sup> This definition does not state the methods and implements used to execute violence. Violence can be further subdivided into wilful acts of violence, which consists of legitimate or just violence and illegitimate or unjust violence. The legal system and societal context within which the state agents conduct violence gives them the legitimacy to conduct violence. Illegitimate violence is so regarded by society and the state and is known as violent crime such as robbery and assault.<sup>95</sup>

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<sup>93</sup> Jansen, J.G. **The Dual Nature of Islamic Fundamentalism**, London: Hurst, 1997, pp. 70-80.

<sup>94</sup> Mcendrick B and Hoffman W, **People and Violence in South Africa**, Oxford: Oxford University Press, 1990, pp.2-37.

<sup>95</sup> Degenaar, J. "The Concept of Violence," Chabani, M. and du Tiot, A. (eds.), **Political Violence and The Struggle in South Africa**, Halfway House: Southern Book Publishers, 1990, pp.71-80.



## **PAGAD's Mission and Objectives**

PAGAD states in its mission statement that it is not aligned or affiliated to any political movement. It's stated objectives are "to propagate the eradication of drugs and gangsterism from society; to co-operate with and to co-ordinate the activities of people and people's organisations, having similar aims and objectives; to make every effort to invite/ motivate/ activate and to include those people and people's organisations that are not yet part of PAGAD to join the campaign; to raise funds to realise the foregoing aims". PAGAD further states that it is "a caring people's movement, proceeding from a foundation of truth, unity and fearlessness, with the ultimate aim of eradicating the evil scourge of gangsterism and drugs in society. We propagate this eradication on the basis of and in accordance with, the Divine Will of the Creator."<sup>96</sup>

## **PAGAD'S Organisational Structure**

My analysis of PAGAD reveals that PAGAD is a complex organisation and that no one theory captures the essence of the organisation. PAGAD has an elaborate organisational structure consisting of a Working Team and various structures dealing with specific issues, such as security, drug awareness, etc. The Working Team co-ordinates the activities of all the structures. PAGAD has regional branches in the Boland, Gauteng, Gauteng, Kwazulu Natal, The Southern Cape and the Western Cape. The official positions that are held by members are the National Chief Co-ordinator, Assistant National Chief Co-ordinator, National Chief of Security, Assistant National Chief of Security, National Secretary, Assistant National Secretary, National Treasurer, Assistant National Treasurer and each regional structure has Co-ordinators with working teams and substructures.<sup>97</sup>

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<sup>96</sup> <http://www.pagad.co.za/netvision.htm>, 6 May 1999.

<sup>97</sup> <http://www.pagad.co.za/structure.htm>, 6 May 1999.

### **PAGAD: Demographic Profile of Members and Supporters**

The group's leadership and supporters are predominantly Muslim. An Idasa survey conducted between 1996 and 1997 show the following demographic data on the group.<sup>98</sup> PAGAD support base consists mostly of men, who are younger and Muslim. Very few participants in the survey actually took part in collective action against crime, but significant support for such activities were found. A large proportion of the respondents said they would consider taking or would take part in collective action such as signing petitions, attending rallies, boycott business with dealings with criminals, march to police stations demanding the arrest of known criminals and march on the houses of known criminals. The survey found an increase in support for the use of force and violence in the 1997 survey.

The following core values distinguish those who would support intimidation and those who would not. Fundamentalist values – those who believed in extreme punishment and religious wars. Perception of safety – those who felt unsafe in the neighbourhoods. Legal values - those who were less supportive of the rule of law. Perception of ill treatment by police and courts – those who felt that the police and courts treat people like themselves unequally. Performance rating of the police and courts - those who disapprove of law enforcement agencies performance.

### **PAGAD and Public Opinion**

In terms of PAGAD's support base, respondents in the survey sample were asked who they thought PAGAD represented. Twenty nine percent of the Christian respondents stated that PAGAD represents Muslims. Twelve percent of the Muslim respondents stated that PAGAD represents Muslims.

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<sup>98</sup> "Crime and Community Action: PAGAD and the Cape Flats, 1996-1997," **Public Service Reports**, IDASA no.4 June, 1998.



Only two percent of the Muslim respondents and 5 percent of the Christian respondents stated that PAGAD represented people against gangsters and drugs.<sup>99</sup> The question that needs to be asked is if according to public opinion, PAGAD represents mostly Muslims and less likely people against gangsterism and drugs, in which way does PAGAD represent Muslims? This question will be answered in this section.

### **Literature Review of PAGAD**

Daniel Nina sees PAGAD as a vigilante group by distinguishing it from popular justice groups. Popular justice is the parallel justice system operated by the community and has similar principles like that of the legal justice system operated by the state. Vigilantism however is not governed by such codes and is more reactive and defensive. The characteristics of popular justice such as people's courts, street and disciplinary committees and was a feature of African Urban Areas of the 1980's. These characteristics are absent from PAGAD and suggest to Nina that PAGAD is a vigilante organisation. PAGAD however has a more sophisticated structure and has a military like structure. The group sees a bipolar conflict between drug dealers and the community. Most importantly, PAGAD has taken a particular position on the issue of drugs and gangsterism by waging a war on drugs and gangsterism. Integral to the war on drugs is the notion of the community. PAGAD has also reinvented the notion of the 'community' formed by the anti-apartheid struggle for their own purposes. This notion of the 'community' is to some extent encouraged by the state because the present governments' rise to power was based on organisation of people's power in the 1980's.<sup>100</sup> One problem with Nina's interpretation of PAGAD is however, the failure to attach significance to PAGAD's Islamic characteristics and its notion of a holy war against drugs.

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<sup>99</sup> Ibid.,

<sup>100</sup> Nina, "Popular Justice or Vigilantism? PAGAD, the State and the Community", pp. 1-4.



Abulakader I Tayob view PAGAD as a group that displays characteristics of Islamic fundamentalism. These characteristics are reflected in the groups', marches, wearing of Palestinian scarves and slogans that are used. These are also characteristic of international Islamic movements. These characteristics form part of the South African Islamic discourse, which started in the 1950's. This discourse was inspired by events in Egypt, Pakistan, and the South African political context. In the Western Cape, this discourse was reflected in the Non European Unity Movement. Two views of Islam were developed from this discourse. The collaborationist approach as held by the Muslim Youth Movement and an anti-collaborationist, international view held by Qibla. According To Abdulkader I, Tayob PAGAD's Islamic discourse is taken from both these views. These are reflected by PAGAD's slogans, quotations from the Qur'aan, meeting structure and wearing of Palestinian scarves.<sup>101</sup>

### **PAGAD's Links to Other Organisations**

In 1996, the National Intelligence Agency in a report to the Cabinet Committee on Intelligence claimed that PAGAD is the culmination of different groups co-ordinated by Islamic militants, and supported by the broader society. The report claims that evidence of armed training by its members, possibly by Iran has taken place.<sup>102</sup> The report further claims that the Lebanese Islamic group, HAMAS is in the process of establishing a local base. Recruitment is believed to take place through front organisations with PAGAD as a front organisation for HAMAS recruitment.<sup>103</sup>

It is believed that PAGAD has links to the Muslim organisation Qibla. Qibla was formed under the leadership of Archmat Cassiem in 1987 in response to Apartheid. Qibla holds an international view, which believes that Islam and democracy are incompatible. Qibla has given life to the Islamic Unity Convention formed in 1994, consisting of approximately 200 Muslim Organisations.

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<sup>101</sup> Tayob, A. I. "Jihad against Drugs in Cape Town: A Discourse-Centered Analysis in **Social Dynamics** vol. 22, 1996, pp.23-29.

<sup>102</sup> Qwelane, J. "Crimebusters or Vigilantes," in **Tribute** April 1997.

<sup>103</sup> Ibid



It is believed members of Qibla hold leadership positions in PAGAD. This relationship between PAGAD and Qibla has influenced PAGAD's Islamic discourse. According To Abdulakader, I. Toyab this discourse is reflected in PAGAD's marches, the wearing of Palestinian scarves, the slogan and meeting structure.<sup>104</sup> Farid Esack claims that there are fundamentalist forces within PAGAD. These fundamentalist forces come from PAGAD's relationship with Qibla. Esack claims that Qibla's more militant members have formed PAGAD and that PAGAD is guided by the ideological guidance of Achmat Cassiem.<sup>105</sup>

PAGAD is believed to have links to the groups Muslims Against Global Oppression (MAGO) and Muslims Against Illegitimate Leaders (MAIL). MAGO has staged several protest marches against the US and Britain in 1999 and against the visit of Tony Blair in January 1999. PAGAD members were present at this march and one of its members died. Yusuf Jacobs, a PAGAD member died after being hit in the temple by a rubber bullet.<sup>106</sup>

MAIL is a recent creation and was formed at the end of 1998. It is believed that MAGO and MAIL are front organisations of PAGAD and do not really exist. These organisations take on ant-imperialist and anti- Zionist activities of PAGAD and are more students orientated.

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<sup>104</sup> Toyab, "Jihad Against Drugs in Cape Town: A discourse Centered Analysis," pp. 23-29.

<sup>105</sup> Farid, A. "PAGAD and Islamic Radicalism: Taking on the State", in *Indicator South Africa* Vol.13 Issue 4. Spring 1996, pp.7-11.

<sup>106</sup> Erfert, C. "PAGAD warns of anarchy if protestor dies," *Cape Argus*, 11 January 1999.

<sup>106</sup> Aranes, J., Schronen, J. and Smith, A. "Blair protester dies," *Cape Argus*, 12 January 1999.

<sup>106</sup> Smith, A. and Tromp, B. "PAGAD fires parting shots for it's medic," *Cape Argus*, 13 January 1999.

See Aranes, J., Schronen, J. and Smith, A. "Blair protester dies," *Cape Argus*, 12 January 1999.

See also Smith, A. and Tromp, B. "PAGAD fires parting shots for it's medic," *Cape Argus*, 13 January 1999.

## **Analysis of PAGAD**

In order to describe, classify, and categorise PAGAD, the group's actions serve as the only indicator by which it can be assessed according to the definitions discussed earlier. For this purpose actions and activities that support the view that PAGAD is an Islamic Fundamentalist group, that it is an organised crime group and that it is a vigilante group will be reviewed. It should be noted that each view refutes the other and that support for one view may indeed be evidence against another view. The evidence for all three views can however not be ignored and I therefore hold that PAGAD can be described as all three. Mark Shaw notes that vigilante groups may attract criminal elements that use the organisation to secure their own objectives of destroying the opposition, while gaining turf. Shaw also notes that vigilante groups may splinter into different factions; some will be violent while others are less violent.<sup>107</sup>

### **Support for view that PAGAD is an Islamic Fundamentalist Group**

According to the characteristics of Islamic Fundamentalism, the fundamentalists pursue both political and religious objectives. The religious objectives are the spread of Islamic views on society while the political objectives is to take control of the state. Fundamentalists rarely if ever have theological training to pursue religious courses but have specialised training in other areas. Fundamentalists also disregard the role of Muslim clergy in the overseeing of Islamic law and finally they hold the belief that, they have the right to take life through religious justification.

PAGAD conforms to these characteristics. The group has a Muslim support base and its leaders are Muslim. In its mission statement a clear religious tone is taken by the organisation which states that it propagates the eradication of gangsterism and drugs in accordance with the Divine Will of the Creator. Other features conforming to a fundamentalist discourse are the wearing of Palestinian scarves, use of Islamic slogans and readings of the Qur'aan that the group quotes at its meetings and marches.

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<sup>107</sup> Shaw, M. "Buying Time "Crime and Conflict , No.7, Spring 1997, pp. 5-6.



Abdulkader I. Toyab sees the fundamentalist discourse reflected in these actions. Yet, another important feature is that PAGAD has held its meetings in Mosques, thereby excluding non-Muslims from getting involved in the organisation. Further, representatives of the group have made several ant-Zionist statements and have together with Muslims Against Global Oppression staged protest marches.<sup>108</sup> PAGAD has not publicly stated that it wants South Africa to be an Islamic state but the National Intelligence Agency claims that the group has links (if not stronger ties) to Qibla and other organisations that propagate these ideas.

In so far as training in theology is concerned Imam Barendse arrested in connection with pipe bombs found in his possession, is the only theologian publicly linked to the group and acts it is linked to. When the group was formed in 1996 many theologians as well as the Muslim Judicial Council publicly supported the group and PAGAD was even launched from the Gateville Mosque.<sup>109</sup> PAGAD's G Force, the groups' security structure is an element of the organisation in which members are believed to have specialised training in security matters.

As stated previously when the group was formed in 1996 Muslim clergy and the Muslim Judicial Council supported the group. By July 1999 Muslim theologians and others have criticised the group. PAGAD's leadership retaliated by verbally attacking clergy and those who criticise them.<sup>110</sup>

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<sup>108</sup> Erfert, C. "PAGAD warns of anarchy if protester dies," **Cape Argus**, 11 January 1999.

<sup>109</sup> Toyab, "Jihad Against Drugs in Cape Town: a discourse centered approach," pp.23-29.

<sup>110</sup> Ismail, A. "Two respected scholars leave after threats: Radicals turn on Muslim leaders," **Cape Times**, 13 September 1988.

### **Support for the view that PAGAD is an Organised Crime Group**

Keeping in mind the definition of an organised crime group, PAGAD conforms to this definition in the following ways. It is a collaboration of more than two people. Police suspect that PAGAD is involved in serious criminal offences, such as the bombing of police stations and the murder of police officer and gangsters.

In June, police arrested PAGAD members for the murder of police officer Bennie Lategan. PAGAD's illegal activities are believed to have started in 1996. The group is therefore suspected of involvement in such activity for a prolonged period. It is claimed that the group motivated by a pursuit of power. It also employs commercial and business-like structures.<sup>111</sup> PAGAD however has less of a business or commercial structure but more of a state structure with a security wing. It uses violence and other means as a means of intimidation and attempts to influence politics, the media, and the judicial and public administration.

It is reported that PAGAD may be linked to gangs. Members of PAGAD's G force security structure were arrested in connection with the murder of gangsters and police officers.<sup>112</sup> Furthermore, stolen property has also been found in the possession of PAGAD members, which points to a criminal element within the organisation.<sup>113</sup>

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<sup>111</sup> See discussion on PAGAD's organizational structure.

<sup>112</sup> <http://www2.inc.co.za/Archives/1998/9805/22/pagad1205.html>, 23 June 1999.

<sup>113</sup> Schronen, J. "Cops hold Imam in bomb raid," *Cape Argus*, 5 October 1998.



### **Support for the view that PAGAD is a Vigilante Organisation**

To classify actions as vigilante, certain criteria should be present. There should be planning, pre-meditation, and organisation to acts committed. Private citizens should act voluntarily. Citizens should be independent from other organisations. Crime and social deviance should be rejected and citizens should claim that their personal and collective security is being threatened. PAGAD conforms to the definition as in the following way. Its activities such as marches, meetings, and rallies are planned. The evidence suggests that PAGAD members act voluntarily and that it is an autonomous organisation. It rejects gangsterism and drug use. Other evidence that is in support of this view that PAGAD is concerned with the eradication of drugs is the drug counselling centre opened and founded by the group early 1999.<sup>114</sup>

There is sufficient support for all these interpretations and it is for this reason that PAGAD can be viewed as an Islamic fundamentalist group, an organised crime group and a vigilante organisation. This interpretation holds that the different leaders of PAGAD past and present had and have different aims, strategies and engage in different activities to achieve their aims. Each leader has it's own support base and this is one of the reasons that PAGAD supporters engage in contradictory activities. This suggests that, as the groups' actions changed so did its support base. The three distinct organisations thus emerged. The organising principle for PAGAD however remains religion.

Farid Esack claims that PAGAD has incoherent leadership limited to two or three people with different ideas of what PAGAD is and what their objectives are while some call for an Islamic Revolution another claim they are a community organisation who wants to rid the community of drugs.<sup>115</sup> Esack claims that this contradiction exists because Cassiem is exercising his influence from a safe distance. Esack claims that PAGAD members can simultaneously belong to the various streams of ideology, which make up PAGAD.

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<sup>114</sup> **Cape Argus**, 15 May 1999.

<sup>115</sup> Esack, F. "PAGAD and Islamic Radicalism: Taking on the State," in **Indicator South Africa** vol. 13 no.4 , Spring, 1996, pp. 7 –11.



The confusion that exists with regards to PAGAD's objectives may also be due to the many people holding leadership positions and the multitude of titles that PAGAD uses for its leaders.

The organisation uses the titles of Chief Commander, Chief Co-ordinator. Aslam Toefy, a founder member of PAGAD was called the Chief Commander, while Abdus Salaam Ebrahim the present leader called the Chief Co-ordinator. It is not clear if these titles refer to the same position or whether they are separate positions within the organisation. At the same time, its executive members make public statements and it is difficult to establish if they are the official representatives of the organisation. All of these make it difficult to identify the organisations leaders from members and the group, as a whole can therefore not be held accountable for what is said and done.

### **The Many Voices of PAGAD**

PAGAD has various spokespersons who all bring their own influence on the organization and who possibly represent the different organizations within PAGAD. Cassiem Parker commented on the arrests of three of its members concerning the Planet Hollywood bombing in August 1998. Abeeda Roberts commented on the arrest of six of its members in connection with pipe bombs found in their possession in September 1998 and Goolam Alie commented on the murder of captain Lategan in January 1999.

### **Leadership Changes within PAGAD**

Under the leadership of Aslam Toefy PAGAD tried to broaden its support base while under the leadership of Abdus Salaam Ebrahim the support base is narrowed to Muslims. Under the Toefy leadership, PAGAD and the police had a more accommodating relationship and police and PAGAD held various talks and meetings for a better working relationship. Under the leadership of Abdus Salaam Ebrahim, PAGAD and the police have been in conflict, with PAGAD becoming increasingly critical of police. The group's relationship with the media has always been stormy but has soured since the leadership of Abdus Salaam Ebrahim.



## **Other Comments**

PAGAD's complicated organisational structure may be an attempt to confuse the police. The National Co-ordinator, who holds the highest position in the organisation, may indeed not be heading PAGAD. PAGAD also does not have one agenda but many depending on which leader is dominant. Further PAGAD appeals to many different people due to the wide range of actions the organisation engages in. The different organisations as the earlier analysis reveal appeal to gangs, fundamentalists, and anti drug activists alike. The claim that PAGAD has links to the international Islamic groups HAMAS, is most unlikely but not impossible and some training of PAGAD members by Iran may have taken place.

## **PAGAD and National Security and Government Security**

In light of the above discussion PAGAD may be viewed as a threat to national security and a threat to the government. If PAGAD is an organised crime or vigilante group, it is chiefly a threat to the government because the major indication of government strength and efficiency is indicated by how well it deals with crime. If PAGAD is an Islamic fundamentalist organisation, whose aim it is to establish an Islamic state, then PAGAD is a threat to national security. The establishment of an Islamic state is a threat to South Africa's territorial integrity and state institutions.

## **Summary**

The term is used to describe activities of vigilante groups, Islamic fundamentalists, and organised crime groups. Vigilantism and organised crime are similar as both break the law, are organised, and use violence to achieve their aims. The major difference is however; those organised crime groups seek financial gain. Islamic fundamentalism is a term used to describe groups that pursue both religious and political aims. In most cases members have no theological training but have other specialised training with which they try to pursue their religious and political aims. Further fundamentalists want to oversee the application of Islamic law, while disregarding the role of the Islamic clergy.

Finally it is use to describe groups and individuals who believe that they have the right to take life. All these terms have in common the use of violence to achieve their aims. These definitions when applied to PAGAD reveal the following. Since it's existence a new type of violence has emerged in the Western Cape, commonly referred to as "terrorism" and "urban terrorism". PAGAD may be described and classified as a fundamentalist organisation, an organised crime group, and a vigilante organisation. The evidence for this interpretation comes from the contradictory activities members of PAGAD engage in.



## **CHAPTER 5: CHRONOLOGY OF EVENTS**

### **Introduction**

The chronology was compiled by looking at various incidents of murder; bomb attacks protest marches and other incidents that have taken place in the Western Cape between August 1998 and December 1999. The chronology relied on press coverage of events and information obtained from press sources. The media's coverage of violent events is however, prejudiced and very often flawed and should be read and used critically. Internationally, the media's coverage of terrorism is selective and politically shaped with the use of unreliable statistical information and blatant political uses of such statistics. News coverage of terrorist events is usually devoid of historical facts and social contexts of these events. This is suggested by the research undertaken by David L. Paletz, Peter A. Fozzard and Jon Z. Ayanian analysing the New York Times coverage of the Irish Republican Army, the Red Brigade, the Fuerzas Armadas de Liberación Nacional of Venezuela from July 1 1977 to June 30 1979. It was found that 70 percent of the stories covered in the New York Times did not mention the cause or objectives of the terrorists. Seventy-five percent did not mention the organisation thought to be responsible or its members. Those articles in which the organisations' name or that of its members did so in the context of statements issued by authorities. Events are often dramatised with reports focusing on a specific event, selecting details of this event and arranging it in a story form as a drama to the audience.<sup>116</sup>

In South African media has set the precedent for how bombings and shootings are addressed by authorities and how the public views these events. The media coined the term urban terrorism subsequently used by politicians and the police to refer to violent acts discussed by the paper.

## **Chronology of Events**

### **6 August 1998**

A pipe bomb explodes outside the police headquarters of the PAGAD and Gang Violence, Special Investigating Unit in Belville. One person is killed and others are injured. At the same time a PAGAD member is in court for a bail hearing. He was arrested for being in possession of explosives on 30 July, when the bakkie he and others where driving exploded. Two occupants of the bakkie died in this incident.<sup>117</sup>

### **7 August 1998**

The United States embassies in Kenya and Tanzania are bombed. At least 132 people die and 4 200 others are injured. The US claims that exiled Saudi, Osama bin Laden is responsible for the attacks. Bin Laden earlier threatened that a Holy War would take place against US soldiers and civilians.<sup>118</sup>

### **8 August 1998**

Five people die execution style in Belhar, in what is believed to be a gang related incident. According to police the killers where professional.<sup>119</sup>

### **18 August 1998**

A PAGAD member is arrested for the bomb blast outside the police-investigation unit in Belville on 6 August.<sup>120</sup>

### **21 August 1998**

The US launches missile attacks on “terrorist” bases in Sudan and Afghanistan. In Sudan a pharmaceutical plant, the US claims manufactured nerve gas is targeted and in Afghanistan, apparent terrorist training camps are bombed. In Afghanistan 15 people are believed to have died in the attack.<sup>121</sup>

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<sup>116</sup> Alexander, Y and Picard, R. (ed.) *In the Cameras Eye: News Coverage of Terrorist Events*, Washington: Brassey's, 1991, pp. 6-32.

<sup>117</sup> Staff Reporter, “Women dies as bombers target police,” *Cape Times*, 7 August 1998.

<sup>118</sup> Foreign Correspondent, “We’ll find the terrorists who did it, says Clinton,” *Sunday Times*, 8/9 August 1998.

<sup>119</sup> Waring, T.W. and Daniels, L. “5 die in execution,” *Sunday Argus*, 8/9 August 1998.

<sup>120</sup> Staff Reporter, “Belville blast suspects’ a G Force member,” *Cape Time*, 18 August 1998.

<sup>121</sup> Staff Reporter, “US brasses for revenge attacks,” *Cape Argus*, 21 August 1998.



## **25 August 1998**

The American owned Planet Hollywood restaurant at the Victoria and Alfred Waterfront in Cape Town is bombed. Two people die and 26 others are injured. A Cape Town radio station received a telephone call shortly after the blast from a Muslim group called Muslims Against Global Oppression (MAGO) claiming responsibility for the blast. The group later denied responsibility for the blast.<sup>122</sup>

## **26 August 1998**

Three members of PAGAD are arrested in connection with the bomb blast at the planet Hollywood restaurant on 25 August 1998 but are later freed. PAGAD criticises the police for the arrests and later the that same evening approximately 100 members of PAGAD hold a protest at the home of Justice Minister, Dullah Omar, to protest against the arrests of it's members.<sup>123</sup>

## **29 August 1998**

The group Muslims Against Global Oppression (MAGO) holds a protest march to the US embassy. Approximately 1 000 supporters called for the closure of the US embassy in Cape Town, an investigation into the US claims of nerve gas manufacturing in the Sudan factory and legal actions against the US air strikes against Sudan and Afghanistan.<sup>124</sup>

## **7 September 1998**

PAGAD holds a march in Paarl and clashes with the community. PAGAD vows to continue with marches and to deploy its G force to patrol areas.<sup>125</sup>

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<sup>122</sup> Weiss, A. "You evil cowards," **Cape Times**, 26 August 1998.

<sup>123</sup> Staff Reporter, "PAGAD targets Omar after blast arrests," **Cape Argus**, 28 August 1998.

<sup>124</sup> Staff Reporter, "Muslims march on US embassy," **Sunday Argus**, 29/30 August 1998.

<sup>125</sup> Joseph Aranes and Johan Schronen, "PAGAD vows to march on after clash," **Cape Argus**, 7 September 1998.

### **13 September 1998**

Several Muslim clergy and academics leave South Africa after threats and pipe bomb attacks on their homes.<sup>126</sup>

### **4 October 1998**

Six members of PAGAD are arrested when police raid their homes. Imam Barendse is arrested when two unexploded pipe bombs and a stolen car are found at the Imam's home.<sup>127</sup>

### **14 October 1998**

Jeremy Sniper of the Sexy Boys gang is killed.

### **4 November 1998**

Gangster Bobby Mongrel is shot at his home in Grassy Park.

### **11 November 1998**

Gangster, Neville Herold alias Jacky Lonte is shot at his home in Athlone. In May PAGAD members marched to his home.<sup>128</sup>

### **25 November 1998**

PAGAD member, Faizel Samsodien appear in court in connection with the murder of Neville Herold.<sup>129</sup>

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<sup>126</sup> Ayesha Ismail, "Two respected shoals leave after threats: Radicals turn on Muslim leaders," **Cape Times**, 13 September 1998.

<sup>127</sup> Schronen, J. "Cops hold Imam in bomb raid," **Cape Argus**, 5 October 1998.

<sup>128</sup> <http://www2.inc.co.za/Archives/1998/9805/25/pagad1205.html>, 23 June 1999.

<sup>129</sup> <http://www2.inc.co.za/Archives/1998/9811/30lonte2411.html>, 23 June 1999.



### **12 December 1998**

Achmat Thomas, member of the gang the Cisco Yuppies is gunned down in Althone.<sup>130</sup>

### **15 December 1998**

Police confiscate the gun of PAGAD 's National Co-ordinator, Abdus Salaam Ebrahim at the bail hearing of PAGAD member Ebrahim Jeneker. Mr. Jeneker was arrested in connection with a robbery of a minibus in Manenberg; the same day gang leader Ismail was shot dead. Mr. Jeneker was also charged with the murder of gangster Moegamat Kadali, four charges of attempted murder and stealing a firearm.<sup>131</sup>

### **17 December 1998**

The US leads air Strikes against Iraq's nuclear and biological weapons plants. According to the US Iraq's nuclear weapons is a threat to its neighbours. Five people are killed and 30 others are injured in Baghdad.<sup>132</sup>

### **18 December 1999**

A pipe bomb explodes outside the Wynberg synagogue no one was injured.<sup>133</sup>

### **1 January 1999**

A car bomb explodes at the Victoria and Alfred Waterfront in Cape Town. The bomb was planted in a white Toyota Corolla reported stolen in Goodwood. Police investigating the blast claims that it may have something to do with the movie, the Siege that is said to be anti-Muslim.<sup>134</sup>

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<sup>130</sup> Damon, J. "Kahn killing brings gangster killings to 12," **Cape Argus**, 6 April 1999.

<sup>131</sup> Smith, A. "Anger erupts as PAGAD leaders gun is seized," **Cape Argus**, 15 December 1998.

<sup>132</sup> Foreign Correspondent, "Bill's blitz delays fate", **Cape Argus**, 17 December 1998.

<sup>133</sup> <http://www.mg.co.za/mg/news/99dec1/10dec-bomb2.html>, 28 March 2000.

<sup>134</sup> Schronen, J., Cameron, J. and William Steenkamp, "Bomb probe disaster", **Sunday Argus**, 2/3 January 1999.

### **3 January 1999**

Armed masked men rob the Claremont police station of R5 assault rifles, shotguns, pistols, radios, bulletproof vests and R3 600 in bail money.<sup>135</sup>

Edmund Herold, brother of Neville Herold is killed in a drive-by shooting.

### **7 January 1999**

The group Muslims Against Global Oppression (MAGO) holds illegal demonstrations outside the US embassy. Three demonstrators are arrested for being in possession of guns. The protest was held against British and US air strikes against Iraq, three weeks earlier.

Muslims Against Global Oppression hold demonstrations against the visit of British Prime Minister Tony Blair's visit to South Africa. According to the police three people were arrested for being in possession of firearms.

The Athlone branch of Kentucky Fried Chicken outlet was petrol bombed. The damage is estimated at R 50 000.<sup>136</sup>

### **8 January 1999**

Five people are injured when police shoot rubber bullets at protesters at the Castle of Good Hope. The protest is held against the British Prime Minister, Tony Blair's visit to South Africa. According to police, handguns were handed out to protestors from two cars. PAGAD claims that the police used excessive force against protesters. Yusuf Jacobs, a PAGAD member was hit in temple by a rubber bullet.

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<sup>135</sup> Staff Reporter, "Security firms to rescue as city cops hit panic button," **Cape Argus**, 28 June 1999.

<sup>136</sup> Aranes, J. "KFC petrol bombed," **Cape Argus**, 8 January 1999.



### **10 January 1999**

Members of the groups PAGAD and MAGO hold a protest march at the Victoria and Alfred Waterfront to protest against police brutality. PAGAD's Chief of Security threatens that the country will be made ungovernable if Yusuf Jacobs is to die.<sup>137</sup>

### **12 January 1999**

Yusuf Jacobs dies, after being hit by rubber bullet, when police opened fire on protesters on Friday. The South African Defence Force and police go on standby in case of unrest after medic Yusuf Jacobs dies.<sup>138</sup> Yusuf Jacobs is buried from the home of PAGAD National Co-ordinator, Abdus Salaam Ebrahim. Mr. Ebrahim demands that the person responsible for the death of Mr. Yusuf be dealt with.<sup>139</sup>

### **13 January 1999**

The South African Police announce a new operation, Operation Good Hope to replace the PAGAD investigating unit. Ganief Daniels is the head of the operation that has a running cost of R 4 million per month. Operation Good Hope will deploy more resources to the Western Cape.<sup>140</sup>

### **14 January 1999**

Policeman Bennie Lategan is shot while driving home from work. Captain Lategan was part of the PAGAD investigating team. Police raid the homes of PAGAD members Ebrahim Jeneker and National Co-ordinator Abdus Salaam Ebrahim, after Lategan's death.<sup>141</sup>

### **25 January 1999**

Moemeeb Abrahams of the gang the Hard Livings is killed in Manenberg.

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<sup>137</sup> Erfert, C. "PAGAD warns of anarchy if protestor dies," **Cape Argus**, 11 January 1999.

<sup>138</sup> Aranes, J., Schronen, J. and Smith, A. "Blair protester dies," **Cape Argus**, 12 January 1999.

<sup>139</sup> Smith, A. and Tromp, B. "PAGAD fires parting shots for it's medic," **Cape Argus**, 13 January 1999.

<sup>140</sup> Aranes, J. "PAGAD cops get the boot," **Cape Argus**, 13 January 1999.

<sup>141</sup> Aranes, J and Schronen, J. "PAGAD raids follow killing", **Cape Argus**, 15 January 1999.

Operation Good Hope is launched.<sup>142</sup>

### **28 January 1999**

A bomb explodes outside the Caledon Square police station in Cape Town at lunchtime. Eleven people are injured by the blast. Police raid the home of Imam Barendse, who was arrested in 1998 when two pipe bombs were found in his possession.<sup>143</sup>

The police claim that PAGAD is planning to attack police officers that worked with murdered captain Lategan, after several police officers receive death threats.<sup>144</sup>

### **30 January 1999**

A bomb explodes at the Woodstock police station. The bomb was thrown underneath a parked car in Victoria Street. One person was injured by the blast.<sup>145</sup>

### **1 February 1999**

Police arrest 6 members of PAGAD's G force security structure. The vehicle was stopped and a video of seven police stations in the Cape Town area was seized from the occupants in the bakkie. Police also found one legal firearm and four balaclavas. While in custody, police forcibly took hair, saliva and blood samples from PAGAD members arrested. PAGAD attorneys argued this as unconstitutional and Justice Dennis Davis ruled that all samples taken must be destroyed.<sup>146</sup>

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<sup>142</sup> <http://www2.inc.co.za/Archives/1999/9905/14/lead12html>, 23 June 1999.

<sup>143</sup> **Cape Argus**, 29 January 1999.

<sup>144</sup> <http://www2.inc.co.za/Archives/1999/9901/28/donpag.html>, 23 June 1999.

<sup>145</sup> Graig, J and Steenkamp, J. "Police bombed again," **Sunday Argus**, 30 /31 January 1999.

<sup>146</sup> <http://www.suntimes.co.za/suntimesarchive/1999/05/02/news/cape/nct03.htm>, 21 June 1999.



### **3 February 1999**

Police arrest six PAGAD members in Outshoorn and found firearms in the vehicle they were traveling in. It is latter revealed that Ayob Mungalee, PAGAD's Gauteng coordinator was an informer for the National Intelligence Agency.<sup>147</sup> Mungalee also claimed that the National Intelligence Agency (NIA) had asked him to transport explosives to Cape Town, while the NIA denies Mungalee's allegations.<sup>148</sup>

### **19 February 1999**

Schalk Visagie, a member of the PAGAD and Gang Investigating Unit is shot and seriously wounded while driving on the M5.<sup>149</sup> Gunmen opened fire from a white VW Caravelle found hours latter set alight in Maitland. Visagie was unarmed and managed to climb out of his car and seek cover behind the boot of his car.<sup>150</sup>

### **7 April 1999**

Businessman Adam Vinoos is killed in a drive-by shooting in his Gatesville fast food restaurant, while his cousin is shot in the back and fatally wounded. Vinoos and his son Faizel were earlier summoned by PAGAD to appear in front of the community to answer allegations of drug selling.<sup>151</sup>

### **10 April 1999**

Three women are shot dead in a hair salon in Grassy Park. Police believe the to be incident is gang related.

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<sup>147</sup> <http://www2.inc.co.za/Archives/1999/9905/14/lead12.html>, 23 June 1999.

<http://www.mg.co.za/news/99/feb-pagad.html>, 28 March 2000.

<sup>148</sup> <http://archive.iol.co.za/Archives/1999/9903/1/pagadwrap.html>, 27 March 2000.

<sup>149</sup> <http://www2.inc.co.za/Archives/1999/9905/14/lead12.htm>, 23 June 1999.

<sup>150</sup> <http://archive.iol.co.za/Archives/1999/9902/26/hit.html>, 27 March 2000.

<sup>151</sup> <http://.suntimes.co.za/suntimesarchive/1999/06/13/news/cappe/nct03.htm>, 21 June 1999.

### **19 April 1999**

Police find four vehicles believed to have been used in violent attacks at a house in Brooklyn, Cape Town. One of the vehicles, a VW Jetta is identified as the vehicle used in the shooting of Adam Vinoos and Rafliet Parklet, Glen Khan and PAGAD investigator Garry Chamberlain.<sup>152</sup> Two PAGAD members were arrested in connection with these vehicles in Kleinvlei and latter appeared in court.<sup>153</sup>

### **4 May 1999**

The Michells Plain home of drug dealer Mogamat Madat was bombed. According to witnesses a group of men drove past the house and throw a pipe bomb at the house. No one was injured in the blast.<sup>154</sup>

### **9 May 1999**

A bomb explodes outside the police station in Athlone. Hours earlier a member of the public informed police that the bomb would explode. The bomb was placed under a car parked outside the police station.<sup>155</sup>

### **30 June 1999**

The Argus reports that magistrate Robert Henney refused bail to Moegsien Barendse and Riedwaan Hendricks.

Farouk Jaffer, founder member of PAGAD is killed prior to testifying in a number of court cases involving PAGAD national co-ordinator, Abdus Salaam Ebrahiem. Jaffer was an informer for the police intelligence services since 1996.

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<sup>152</sup> <http://iol.co.za/Archives/1999/9904/20/brktr.html>, 27 March 2000.

<sup>153</sup> <http://iol.co.za/Archives/1999/9904/19/arrest15.html>, 27 March 2000.

<sup>154</sup> <http://archive.iol.co.za/Archive/1999/9905/11/wcape0505.html>, 22 March 2000.

<sup>155</sup> <http://archive.iol.co.za/Archives/1999/9905/14/lead12.html>, 22 March 2000.



### **30 June – 13 July 1999**

Police arrest six PAGAD members for a range of incidents including the shooting of three women in the Grassy Park hair salon in April and the murder of Bennie Lategan in January.<sup>156</sup>

### **6 November 1999**

A gay bar, the Blah Bar is bombed and nine people are injured. Police arrest Deon Mostert for the blast. Mostert latter claims that he is a police informant and claim that police are behind the spite of bombings in the Western Cape.<sup>157</sup>

### **28 November 1999**

A bomb explosion hits St. Elmo's pizzeria in Camps Bay. Forty-eight people are injured in the blast.<sup>158</sup>

### **24 December 1999**

An explosion outside a restaurant injures seven police officers; one officer was seriously injured. The bomb was planted in a bin outside Mano's restaurant and exploded at 10h30.<sup>159</sup>

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<sup>156</sup> <http://www.mg.co.za/mg/news/99jul-pagad.html>, 28 March 2000.

<sup>157</sup> <http://www.mg.co.za/mg/news/99dec1/10dec-bomb2.html>, 28 March 2000.

<sup>158</sup> <http://www.mg.co.za/mg/news/99dec1/10dec-bomb2.html>, 28 March 2000.

<sup>159</sup> <http://www.mg.co.za/mgza/archives/99dec/27dec-news.html>, 28 March 2000.

## **CHAPTER 6: ANALYSIS Of EVENTS**

### **Introduction**

This chapter analyses the frequency, distribution, and patterns of violent acts from August 1998 to December 1999. It assesses three acts described as “terrorism” or “urban terrorism” according to the definition discussed in Chapter 2. In the seventeen months, from August 1998 to December 1999 the frequency in which violent acts occurred were not the same for each month, specific patterns in which violent acts occur can be observed. This chapter holds that these violent acts are a form of communication.

The three acts to be given appropriate labels are:

- (1) The Planet Hollywood bombing restaurant in August 1998.
- (2) The murder of police officer Bennie Lategan in January 1999.
- (3) The murder of gang leader Neville Herold in November 1999.

### **How Acts Were Chosen**

- (1) Diversity of targets
- (2) Diversity of settings
- (3) Method used

The Planet Hollywood bombing signifies a trend in violence in the Western Cape in which the targets are businesses owned by private individuals. The Planet Hollywood restaurant is an American owned company. The restaurant is situated at the Victoria and Alfred Waterfront, a major tourist attraction in Cape Town. The Planet Hollywood bombing is an indication that the violence has spread from the Cape Flats to the city and business areas. A pipe bomb was used in this incident.



Gang leader Neville Herold was shot by unknown men outside his home in November 1998. Herold's death was one of many murders on gangsters in the Cape Flats since October 1998. In most of the murders, gangsters were shot with military type ammunition. Police officer Bennie Lategan was an investigator employed at the PAGAD and Gang Investigation Unit, set up by the South African Police. Lategan's death is one of many attacks on the police.

### **The Planet Hollywood Bomb Blast**

The question to ask is what label should be attached to the Planet Hollywood bomb blast. The US, State Department report on terrorism, titled **Patterns of Global Terrorism** viewed 273 acts as terrorist in 1998 and classified the Planet Hollywood bombing as a terrorist act. In order to answer the question, I refer to the definitions of terrorism discussed in Chapter 2 and evaluate this act according to these definitions.

The Planet Hollywood bombing does not conform to the definition of terrorism as used by the paper. The bomb was wrapped in a shirt and placed in between counters and a timing device set off the explosion. This indicates that the bombing was a highly organized and planned activity. No threat and or subsequent claim of responsibility has been made, although shortly after the blast a person claiming to represent the group Muslims Against Global Oppression said the group was responsible for the blast, the group latter denied responsibility for the blast. The important objective, absent from this incident is the motive to in the overthrow of government as should be the case if the definition as used by the paper is applied.

### **The Killing of Neville Herold**

The killing of gangster Neville Herold also does not conform to the definition of terrorism as used by this paper. But when the definition of Moss is applied this act may be viewed as an act of defensive terror if certain assumptions are made about the act and its perpetrators.

It can be assumed that considerable planning, pre-mediation and organisation was involved in this act. Herold was at home when two gunmen opened fire on him. This suggests that the killers did some research into Herold's routine, when he would be home etc. The assumption can also be made that private citizens acting without co-operation from other sources undertook this act. The assumption is also made that the killing of a gangster means that crime and deviance was rejected. This act can however just as easily be labelled as an action of an organised crime group.

### **The Killing of Policeman Bennie Lategan**

Captain Lategan was shot while driving home from work. The incident occurred on the R 300, at approximately seven o' clock in the evening. This act conforms to the definition of a terrorist act. The way in which this act was executed conforms to the definition of terrorism. Captain Lategan was employed by the state. As the act was committed in public and on a busy road while Lategan was on his way home, suggests that the act was planned and carefully organised. The perpetrators possibly followed Lategan and knew his routine. The most important element in this act is that Lategan was a police officer employed by the state and an attack on an officer of the state is usually seen as an attack on the state or government.

### **Frequencies and Distribution of Violent Acts**

It should be noted that no person and or group has claimed responsibility for any of the violent acts that occurred between August 1998 and January 1999. In some instances it is not clear whom the intended targets were. These acts however hold symbolic significance for the perpetrator.

In August 1998 three violent events occurred. Two significant pipe bomb attacks occurred in this month. The targets in each case were however different. In the first incident the police headquarters of the PAGAD and Gang Violence Special Investigating Unit was the target and in the other the American owned Planet Hollywood restaurant was the target.



September was however a quieter month, with no significant acts of violence. October saw one significant violent act, the killing of gangster Jeremy Sniper of the gang, The Sexy Boys. November saw the continuation of the killings of gangsters, with the killing of three gangsters in drive-by attacks. December was a quieter month with only one significant act of violence, that being the murder of gangster Achmat Thomas. January is the month with the highest number of violent acts. Violent acts during this month had various targets. On New Years' day a car bomb exploded at the Victoria and Alfred Waterfront, therefore not therefore clear who or what the target is of this act. This is however an act of great symbolic significance. Two demonstrations turned violent and one person died and several others were injured during these demonstrations. The police were the target of four incidents in this month. Two of the bomb attacks occurred outside police stations, one of these the murder of a police officer and the other a robbery at a police station. In February 1999, one violent attack occurred on police officer Schalk Visagie. While in April 1999, two violent incidents occurred, targets were the business owners. In May 1999 two incidents occurred, while in June 1999 Fourouk Jaffer, PAGAD founder member was shot. After a period of relative peace, two attacks occurred in November 1999 while one attack occurred in December 1999.

### **The Targets of Violent Acts**

From the discussion of the months in review, several observations can be made. There are multiple targets of violence in the Western Cape. These various targets may suggest that much conflict exists. In seven violent acts from August 1998 to January 1999, gangsters were the targets. The police were the targets of seven acts of violence. In one incident the target was unknown and in three violent incidents the targets were American linked businesses. Five protest marches were held during this period. Two of the protest marches were held one against the United States and another against Britain's involvement in international affairs of the Middle East. One of the protest marches was about gangsterism and two others were against state officials. Of the five protest marches two turned violent. In two attacks in April 1999, business owners were the targets of attacks. In one incident in November 1999, a gay bar was the target.



## **The Diverse Methods of Violence**

Pipe bombs were used as the means of attack in eight violent attacks. In fourteen acts of violence the targets were shot or shot guns were used in the attack. Five of these acts were drive-by shootings, while others occurred at the individuals' home. Attacks on police stations rarely occur directly. In most cases, bombs are left outside the police stations in cars or trashcans. In attacks in the latter part of 1999 sophisticated detonators were used. These detonators were modified cellular telephones. The Christmas Eve bombing of Mano's restaurant police officers were the targets of this attack. Perpetrators lured police to the empty restaurant minutes before the bomb exploded. What is observed is that different forms or methods of execution of violence are used for different targets. When the targets are gangsters, the method of violence is either drive-by shootings or bomb attacks. When the targets are business owners, the method of attack is also drive-by shootings but when the targets are business bomb attacks are the methods of attack.

## **The Pattern of Violence**

Reviewing the seventeen months a pattern of violence emerges, which suggests that the majority of these violent acts are planned and carefully executed. The only spontaneous or uncalculated outbursts of violence occur at demonstrations. From August 1998 to January 1999, 'big acts' are followed by 'small acts'. A big act is the bomb explosion at the Planet Hollywood restaurant and 'small acts' are the murders of gangsters. 'Big acts' are for the public audience, while it seems that 'small acts' are for a smaller audience perhaps those related to the gangsters. 'Big acts' are perpetrated in public, meaning places where the public frequent, while 'small acts' are perpetrated usually but not exclusively at the targets' home.

When the targets are the police, a more interesting pattern emerges. Attacks on individual police officers are preceded by an attack on a police station as in the case of Bennie Lategan and Schalk Visagie. From 1996 to early 1998, business owners were the targets of frequent violent attacks this was however not the case from late 1998 to early 1999.



In April 1999 two business owners were however attacked, no specific pattern can be identified from this. Both the business owners were allegedly connected to gangs and the drug trade before their deaths. No identifiable pattern is observed for the attacks that occurred in the latter part of 1999, yet three violent attacks occurred in a period of seven weeks.

Another pattern that emerges from 1998 to 1999 is that bombings follow the arrest or trial of PAGAD members. In August 1998, a PAGAD member was on trial for possession of explosives, later that same week a bomb exploded outside the police headquarters in Belville. In February 1999, PAGAD members were arrested for possession of firearms and ammunition, later that same month Schalk Vissagie was shot and wounded. In April and May 1999 police arrested several PAGAD members for the murders of business owners earlier in the year, the police station in Athlone was bombed soon after. The relative peace between May 1999 and November 1999 may be attributed to the arrest of several of PAGAD's core members in May and during the course of the year.

### **Communication to Audiences**

The form in which violence takes place, the method of execution, the environment and context in which violent attacks take place have communicative value and should be analysed. Each form of violence that has taken place in the Western Cape appears to communicate with different audiences. Protest marches, bombings and drive-by shootings are the major forms in which violence has taken place. It is clear from the diverse methods used that some methods of attack are meant to scare, wound, damage property or kill the targets. This also indicates that the attacks are carefully planned and executed to meet the objectives of the perpetrators. Bomb attacks on police stations are usually indirect and tend to be less focussed on inflicting injury than and more focussed on highlighting the powerlessness of police to bring the perpetrators to book. The bomb blast at the Athlone police station and Woodstock police station are examples.

Bomb attacks on gangsters have killed few people and it does appear that the aim is to kill but rather to scare them. Bomb attacks on police and bomb attacks on business, specifically American linked business appear to be executed with the intention of scaring, wounding and killing the targets. Nevertheless, it does appear, as though the prime objective is to kill.

### **Protest Marches**

Protest marches communicate several messages to various audiences. Political actors domestically and internationally, supporters of PAGAD as well as police and justice officials. Marches aimed at international actors, such the march against the visit of British Prime Minister Tony Blair send the message that South Africans Muslims sympathise with the plight of Muslims around the world. This indicates that Muslims are a homogeneous group that will support each other. The message to local politicians seems to be more or less the same. It also suggests that South African politicians may not be in control of the Western Cape, more especially since the march was illegal. The march also seems to communicate to PAGAD supporters that it is able to operate above the law and without reproach and that it is a strong organisation ready to take up arms against those who threatened them. PAGAD may have gained support among those in favour of an Islamic state. PAGAD marches against gangsterism and drugs have a clear message i.e. to stop drug dealing and other activities. The motive behind this message is however more important than the message itself. The motives may be to stop drug sales for the sake of a less drug dependent community or to warn rival drug dealers and gangsters not to undercut their trade and turf.

### **Bomb Attacks**

Bomb attacks also communicate several messages to various audiences. If the bomb attack is aimed at gangsters and drug dealers, the message is however more 'personal' and is aimed at smaller audience i.e. the individual themselves, their family and the fellow drug dealers and gangsters.



When the target of the bomb attack is a public restaurant or police station the audience the bomber is reaching is larger and includes the public, politicians, police and justice officials as well as the supporters of the group and or person responsible. The Planet Hollywood bombing is a case in point. The clear message communicated is the power of the bomber to strike at anytime and against anyone. When a police station is attacked it tends to be more symbolic and highlights the vulnerability and inability of the police to deal with crime and the message is that the bomber is more powerful, more organised and in control of the situation.

### **Drive by Shootings**

Drive by shootings during the period under study has had a variety of targets. The targets include gangsters, business owners, and police officers. As in the case on bomb attacks on gangsters, drive by attracts, tend to communicate with a smaller audience, the gangster himself, his family and the other members of his gang. Attacks on business owners may also be directed against a smaller audience. When the targets are police officers messages are sent to broader audiences. These audiences are the police themselves, politicians, and the public.

### **The NIA and Police Involvement in Violence in the Western Cape**

The alleged involvement of the NIA agents and police officers in violence in the Western Cape has complicated the analysis of events. The police watchdog, The independent Complaints Directorate is investigating police involvement in violence and as yet no evidence with absolute certainty link NIA agents and the police to violence in the Western Cape.

## **Summary**

The frequency with which violence acts occurred over the fifteen-month period from August 1998 to January 1999 where different for each month. The targets as well as the method used in acts where also different. In January 1999 the highest incidents of violent acts occurred. The targets of violence were evenly distributed over the six months, but gangsters where targeted mostly in November 1998 and the police in January. The violent acts also took on a pattern emerging in January 1999 in which 'big acts' preceded 'small acts'. It was found that neither the Planet Hollywood bombing or the killing of Neville Herold is a terrorist act according to the definition used by this paper. The killing of captain Lategan is however a terrorist act.



## CHAPTER 7: CONCLUDING REMARKS

South Africa has experienced high levels of violence since the early 1990's and a particular type of violence called terrorism or urban terrorism by the media, politicians and the police have emerged in the Western Cape. Acts that are so described are the bombing of business, police stations and the homes of gangsters; drive-by shootings in which the targets are police officers, gangsters and those related to gangsters. A number of issues have contributed to this type of violence flourishing in the Western Cape. Among these reasons are the weakening of the state due to Apartheid policies and the subsequent political transformation in the late 1980's and early 1990's which has left both the state and society vulnerable to individuals and groups interested in acquiring power. This has crippled the consolidation of democracy and is a threat to the safety and security of citizens.

This research has indicated that the police themselves do not have a coherent definition of terrorism or urban terrorism. A senior police official however states that not all these incidents are declared by police to be acts of urban terror. When asked which criteria the police use to define urban terror the following was mentioned. (1) A vigilante group should be suspected of involvement in the act. (2) Gangsters, police and others should be the targets. It was stated that in certain instances the target is not clearly identified this is usually when a house is the target. When asked why acts labelled as terrorist or urban terrorist do not appear on official crime statistics, the officer stated that this type of violence is particular to the Western Cape and therefore not a national issue. When asked why this criterion is not made public the officer said that this criterion was only used internally by the police to label an act.<sup>160</sup> The failure to make public these criteria has lead to many acts wrongly labelled as acts of urban terror. Apart from this the definition of terrorism and urban terrorism used by the Western Cape police does not conform to the definition of terrorism as used by the paper. The paper set out to evaluate these labels and where necessary to find credible labels for such acts.

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<sup>160</sup> Telephone interview with senior police official, 2 September 1999.



The definition of terrorism used by this paper is as follows. Terrorism is deliberate action against groups and individuals involving relatively organised and planned activity on the part of small but cohesive groups, with the aim of inflicting fear, damage, and death on targets. The targets may be government property and personnel and other citizens. Bombings, kidnapping, hijackings, sabotage and massacres are used as a means to achieve the perpetrators aims, with the ultimate objective to overthrow the government.

The paper then looked at possible reasons for the increases in violence, conflict, and crime to be found throughout the country and in the Western Cape and found the following. High crime rates, protection rackets, private armies, and tax revolts, informal economies, and corruption indicate the weak state. The Departments of Justice and Safety and Security face several problems which preventing the implementation of their duties and added to this is the uncoordinated intelligence operations. The most noticeable failures of the Departments of Safety and Security and Justice are the lack of arrest and conviction for those involved in PAGAD and gang related incidents in the Western Cape. Other problems are the lack of transformation in the two departments, absenteeism, and corruption. Contributing to the low number of arrests and conviction is the conflict between the national government and the Western Cape provincial legislature and the lack of an official definition of terrorism by the government. While the alleged involvement of NIA agents in violence in the Western Cape is an obstacle the Department of Intelligence must overcome.

Police identifies the group PAGAD as the key actor involved in violence and conflict in the Western Cape. This group emerged in 1996 as an anti-drug group but soon after its inception, its members engaged in activities other than their originally stated objectives. This paper analyzed and classified the group according to the actions that it has engaged in and found that PAGAD can be labeled as a vigilante organization, an organized crime group and an Islamic fundamentalist organization. This interpretation holds that the various leaders of PAGAD past and present have their own support base, strategy and objectives to achieve their aims. This is one of the reasons that PAGAD members engage in contradictory activities.



The paper then set out to establish a chronology of violent events in the Western Cape between August 1998 and December 1999 and found that January 1999 had the highest incidents of violence. Violence in January 1999 was also directed at multiple targets, which included police stations, a police officer, gangsters, and an unclear target. The paper then set out to find appropriate labels for the Planet Hollywood bombing, the murder of gangster Neville Herold and police officer Bennie Lategan. It was found that the killing of Bennie Lategan is a terrorist act, while the killing of gangster Neville Herold and the Planet Hollywood bombing are not terrorist acts. It appears that the police have sought to name the actions of vigilante groups, gangs and Islamic fundamentalists by the term urban terrorism.

Martin van Creveld predicts that future wars to be civil wars, with groups not governments fighting for power. The state will die out, as it can not fight organizations that are similar to it self. The state will gradually loose its monopoly over force and will be replaced by private mercenaries, warlords, and commercial organizations. Groups that we refer to as terrorists, guerilla bandits and robbers will wage the future war. The leaders of such small groups are charismatic and do not make distinctions between themselves and the organizations that they lead. These leaders will wage the future war. The distinction between soldiers and civilians are already breaking down and those who where in the past not marked as legitimate targets are now the targets. Religious institutions were in the past not the target of violence now they are. These targets represent symbolic significance and not institutional significance. Low intensity conflict does not distinguish between private and public property and the distinction between crime and war will break down.<sup>161</sup>

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<sup>161</sup> Van Creveld, **The transformation of War**, pp. 224 – 227.

This is an apt description the situation emerging in the Western Cape and the possible future situation if the state does not act immediately. The state needs to reassert itself over society and claim back its authority and sovereignty, but for the weak state this is a difficult task. The assertion of state power is a policy issue and governments must make 'good' policy choices if it is to survive the twenty-first Century.

The first such policy decision the South African government needs to make is to adopt a definition of terrorism. This definition must be as far as possible, non-biased and descriptive without being too vague to be misused. This is the start to the development to an anti-terrorist policy which should be drafted to include provisions for identification of terrorist groups, provisions for arrest and detention of suspected terrorists by security forces and the police and minimum and maximum sentences for those found guilty of terrorism.

The second policy decision the government needs to make concerns vigilante groups. Should the state encourage the participation of civilians in the arrest and sentencing of criminals outside the legal system it stands to lose more authority and the loss of control over society. Total anarchy will result from such an approach. The only other alternative is to strengthen the police and justice system. This will require the revision of old legislation and the drafting of new legislation that is enforceable. Paramount to this is the need to make the police and justice system more representative in terms of race and gender, training of police, judges, and magistrates and the strengthening of the institutional structures of the judiciary.

Thirdly, the government needs to address the causes of violence, conflict, and crime. This is a long-term task, which requires economic growth, the creation of employment and the empowerment of the people through participation in decision making at all levels of government and in the communities. The government is aware of these needs and has embarked on projects and programs to meet these objectives. Ironically, crime, violence, and conflict undermine these attempts and are threatening to end the progress already made to address these needs.



Fourthly, the government needs to reestablish itself in society and the government needs to reinvent itself. State agencies need to be present in communities in the form of effective local government and service delivery agencies. This is especially needed with regards to the provision of services related to policing and the justice system. These would include manned police stations with the necessary resources to perform tasks and the establishment of magistrates courts in areas they were previously not found. This is not to say that this will be an easy task but the government has no alternative.

The present government is prevented from effectively acting against violence, conflict, and crime by its own past and past actions of the Nationalist Government. It is necessary to acknowledge that the problems that the government faces concerning especially policing and justice are entrenched in past events and the previous government. The government's past is itself however preventing necessary action. Its failure to effectively deal with PAGAD has brought this problem to the forefront.

The ANC used similar tactics to that used by PAGAD, based on community action to render the Apartheid State ungovernable. The government's rise to power was based on 'peoples power', which broke the rule of law to gain leverage over the apartheid government.

These policy measures will contribute in preventing violence, conflict, and crime from blocking South Africa's path to building a stable democracy.

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## **INTERVIEW**

**Telephone interview with senior police official, 2 September 1999**