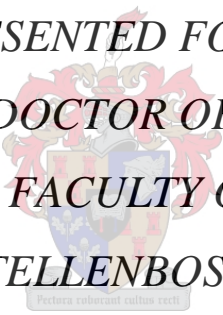


**THE IMPACT OF ORGANISED CRIME ON SOCIAL  
CONTROL BY THE STATE: A STUDY OF MANENBERG  
IN CAPE TOWN, SOUTH AFRICA**

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*DISSERTATION PRESENTED FOR THE DEGREE OF  
DOCTOR OF  
PHILOSOPHY IN THE FACULTY OF ARTS AND SOCIAL  
SCIENCES AT STELLENBOSCH UNIVERSITY*

The crest of Stellenbosch University is centered behind the text. It features a shield with various symbols, topped with a crown and surrounded by a decorative border. Below the shield is a motto scroll with the Latin text "Pectora sublevant oculos recti".

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March 2013

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## ABSTRACT

This study set out to research the influence of a local non-state actor on the role and authority of the state, in the domestic environment. Accordingly, the research problem focused on the impact of a domestic actor on the association between the state and the society. This study only focused on the state at the level of local government and the impact of one specific actor, organised criminal groups, on social control by the state. Thus, state-society relations were discussed in this context. In order to guide this study, the main and two supportive research questions were stated as follows: *What is the impact of organised crime on the social control by the state? What are the power dynamics between local governance, criminal agents and society? Has the state become criminalised at the level of local government, as a result of the activities of organised crime, and if so, to what extent?* The state thus functioned as the dependent variable and organised criminal groups as the independent variable. The theoretical foundation of this study was located in state-society relations, and specific reference was given to the work of Migdal (1988) and his analysis of state social control, pyramidal and weblike societies. Furthermore, a neo-pluralist view of the state was followed. A conceptualisation of the criminalisation of the state was provided, as the criminalisation of the state was regarded as one possible impact of organised crime on the state. In order to analyse the criminalisation of the state, a framework was constructed from four main avenues of empirical observation.

In order to answer the research questions, a case study research design and a predominantly qualitative methodology was selected. As a case, the City of Cape Town was selected and Manenberg, located on the Cape Flats, as the site for the research. A case study research design created the opportunity to describe the context in detail and to connect the micro level of analysis to the macro level; thus, it provided insight on the research topic that enabled the researcher to expand/build theory. The field research process occurred over a period of three months using a triangulation of methods: Key informant interview, small group discussions and observation with three categories of respondents. These three categories included: Community members of Manenberg, organised criminal groups and agents of local government and local governance.

In order to set the stage for the empirical analysis, a contextualisation of the dependent and independent variables were provided. It was stated that there is a lack of a universally agreed

upon definition of organised crime, and as a result, a conceptualisation of organised crime was generated for this study. It was further argued that the majority of literature treats organised criminal groups and organised criminal gangs as two separate concepts, despite the fact that there are more similarities than differences. Thus, for the purpose of this study, a conclusion was reached that the difference is inconsequential. The development of organised crime in South Africa and an examination of the historical development of the gangs on the Cape Flats were described. With regards to the dependent variable, the context was provided for an analysis of local government in South Africa. The demographical and operational features of the municipal area of the City of Cape Town were explained, with specific reference to safety and security elements.

The primary data collected was analysed according to the indicators of social control (compliance, participation and legitimacy), as identified by Migdal (1988). In addition, the framework to analyse the criminalisation of the state at the level of local government was applied on the case study. Based on the analysis, a different system, to what was described by Migdal (1988) in his narrative of a triangle of accommodation was found to be in operation in Manenberg on the Cape Flats. It was confirmed that there is the presence of a weakened state and accordingly, a weblike society, where social control is fragmented between local government and the criminal community. However, in this weblike society a *system of local power dynamics* exists between the criminal community, social community and local agents of governance, where dyadic collaboration occurs between all three the actors. However, despite the collaboration, the criminalisation of the state does not occur, but rather the *statisation of the organised criminal community*, as it provides goods and service to the social community. The main findings can be summarised as: If a state lacks extensive social control and a rival authority has claimed a level of social control, this will not necessarily lead to the further weakening of the state, as a result of a system of power dynamics in place, where collaboration between the social community, the criminal community and local agents of governance occurs. This system is kept in place by: On-going efforts by the state to maintain (or regain) compliance, participation and legitimacy; corrupt agents of the state (specifically in the security sector); a level of operational ease that exists for the criminal community (and the interweaving of the criminal community in the social community) and a relatively strong society that acknowledges the benefits of criminal activities for the social community, but also recognises the authority and control of the state.

## Opsomming

Hierdie studie het ten doel om die uitwerking van 'n plaaslike nie-staatsrolspeler op die rol en gesag van die staat in die plaaslike omgewing te ondersoek. Vervolgens fokus die navorsingsvraag op die impak van 'n plaaslike rolspeler op die verhouding tussen die staat en die samelewing. Die studie fokus op die staat op plaaslike regeringsvlak en op die impak van een spesifieke rolspeler, georganiseerde misdaadgroepe. Staat-samelewing-verhoudinge is dus teen hierdie agtergrond bespreek. Om die studie te rig, is die hoof- en twee ondersteunende navorsingsvrae soos volg gestel: *Wat is die impak van georganiseerde misdaad op die sosiale beheer van die staat? Wat is die magdinamiek tussen die plaaslike regeringsvlak, kriminele agente en die samelewing? Is die staat gekriminaliseer op plaaslike regeringsvlak as gevolg van die resultate van georganiseerde misdaadbedrywighede en, indien wel, in hoe 'n mate?* Die staat vorm dus die afhanklike veranderlike en georganiseerde misdaadgroepe die onafhanklike veranderlike. Die teoretiese begroning vir hierdie studie is gevind in staat-samelewing-verhoudinge en die werk van Migdal (1988), spesifiek sy analise van staat-sosiale beheer en piramide- en webvormige samelewings, word genoem. Verder is 'n neo-pluralistiese beskouing van die staat ingeneem. 'n Konseptualisering van die kriminalisering van die staat word verskaf, aangesien dit voorsien is as een moontlike impak van georganiseerde misdaad op die staat. Ten einde die kriminalisering van die staat te ontlee, is 'n raamwerk opgebou uit vier hoofrigtings van empiriese observasie.

'n Gevallestudie is as navorsingsontwerp gebruik om die navorsingsvrae te beantwoord, met hoofsaaklik 'n kwalitatiewe metodologie. As 'n geval is die Stad Kaapstad gekies, met Manenberg op die Kaapse Vlakte as die terrein vir die navorsing. Die gevallestudie-navorsingsontwerp het die geleentheid geskep om die konteks in detail te beskryf en die mikrovlak-analise met die makrovlak-analise te verbind; derhalwe het dit insig verskaf wat die navorser in staat gestel het om teorie (uit) te bou. Die veldwerkproses het oor 'n tydperk van drie maande deur drie metodes plaasgevind: onderhoud met sleutelinformante, kleingroepbesprekings, en observasies met drie kategorieë respondente. Hierdie drie kategorieë is gemeenskapslede van Manenberg, georganiseerde misdaadgroepe, en agente van plaaslike regering en bestuur.

Ten einde die empiriese navorsing op te stel, is 'n kontekstualisering van die afhanklike en onafhanklike veranderlikes verskaf. Dit is gestel dat daar 'n gebrek is aan 'n universeel-

aanvaarde definisie van georganiseerde misdaad, en as gevolg hiervan is 'n konseptualisering vir hierdie studie gevorm. Daar is verder geargumenteer dat die meerderheid literatuur georganiseerde misdaadgroepe en georganiseerde misdaadbendes as twee aparte konsepte hanteer, ten spyte daarvan dat hierdie groeperinge veel meer ooreenstem as verskil. Vervolgens is die gevolgtrekking gemaak dat die verskil nie betekenisvol is nie. Die ontwikkeling van georganiseerde misdaad in Suid-Afrika en 'n ontleding van die historiese ontwikkeling van bendes op die Kaapse Vlakte is beskryf. Rakende die afhanklike veranderlike, is die konteks verskaf vir 'n analise van plaaslike regering in Suid-Afrika. Die demografiese en operasionele kenmerke van die munisipale area van die Stad Kaapstad is uiteengesit, met spesifieke verwysing na veiligheid- en sekuriteitselemente.

Die primêre ingesamelde data is ontleed aan die hand van die indikatore van sosiale beheer (nakoming, deelname en legitimiteit) soos deur Migdal (1988) gedefinieer. Verder is die raamwerk om die kriminalisering van die staat op plaaslike regeringsvlak te ontleed, op die gevallestudie toegepas. Op grond van die analise is daar bevind dat 'n ander stelsel as wat Migdal (1988) in sy narratief van 'n driehoek van akkommodasie beskryf het, in Manenberg op die Kaapse Vlakte voorkom. Dit is bevestig dat daar 'n verswakte staat voorkom en, vervolgens, 'n webvormige samelewing, waar sosiale beheer gefragmenteer is tussen die plaaslike regering en die kriminele gemeenskap. In hierdie webvormige samelewing bestaan egter 'n *stelsel van plaaslike magsdinamiek* tussen die kriminele gemeenskap, die sosiale gemeenskap en plaaslike regeringsagente, waar diadiese medewerking tussen al drie die akteurs voorkom. Ten spyte van hierdie samewerking, kom die kriminalisering van die staat egter nie voor nie, maar eerder 'n *verstaatliking van die georganiseerde misdaadgemeenskap*, aangesien dit goedere en dienste aan die sosiale gemeenskap verskaf. Die hoofbevindinge kan soos volg saamgevat word: As 'n staat nie uitgebreide sosiale beheer het nie en 'n mededingende gesag het 'n vlak van sosiale beheer opgeëis, sal dit nie noodwendig lei tot die verdere verswakking van die staat nie, as gevolg van 'n stelsel van magsdinamiek wat in plek is waar medewerking tussen die sosiale gemeenskap, die kriminele gemeenskap en plaaslike agente van bestuur voorkom. Hierdie stelsel word in plek gehou deur aaneenlopende pogings deur die staat om nakoming, deelname en legitimiteit te verkry (of terug te kry), korrupte staatsagente (spesifiek in die sekuriteitsektor), 'n vlak van operasionele gemak wat vir die kriminele gemeenskap bestaan (en die vervlegting van kriminele gemeenskap en die sosiale gemeenskap), en 'n relatiewe sterk samelewing wat die voordele van kriminele aktiwiteit vir die sosiale gemeenskap erken, maar so ook die gesag en beheer van die staat.

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## LIST OF ACRONYMS

ANC	African National Congress
CAQDAS	Computer-Aided Qualitative Data Analysis Software
CBD	Central Business District
COC	Civilian Oversight Committee
CORE	Community Outreach Forum
CPF	Community Policing Forum
DA	Democratic Alliance
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
ICE	United States Department of Homeland Security's Immigration and Customs Enforcement
ISS	Institute for Security Studies
LGTA	Local Government Transition Act
NCOP	National Council of Provinces
NP	National Party
OC	Organised Crime
PAGAD	People Against Gangsterism and Drugs
POCA	South African Protection of Organised Crime Act
SADC	Southern African Development Community
SALGA	South African Local Government Association
SAP	South African Police Force
SAPS	South African Police Service
SMME	Small, Medium and Micro Enterprises
SPSS	Statistical Package or the Social Sciences
TOC	Transnational Organised Crime
UN	United Nations
UNITA	National Union for the Total Independence of Angola
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organised Crime
US	United States
USSR	Union of Soviet Socialist Republics
VPUU	Violence Protection through Urban Upgrading

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## CHAPTER ONE: INTRODUCTION TO THE STUDY

### 1.1 Introduction and Background to the Study

As social scientists we are concerned with the science of society, which includes two main elements: The structure of the society we live in and human behaviour. More specifically, in political science, we study states, governments and the practice of politics, including political systems and political behaviour. In essence, what we are trying to achieve is to give a detailed account of how the world of politics works. In order to provide an interpretation and description of the political space around us, we often ground our investigation in the concept of the state. There are countless conceptualisations of the state, as will be explored in this study. However, these definitions came forth from the traditional Weberian notion of the state, where the system of the state refers to a sovereign entity, with the monopoly of force and a recognised territory. Accordingly, the state is regarded as the building block of a legitimate world order and the most essential institution in the global political sphere. In addition, and of particular importance to this study, the state has also been regarded as the most important actor in the local sphere. However, as with any organisation, the structure of the state has changed and been modified through time. Some of these changes and modifications came as a result of external forces or internal pressure to adapt, and have always been present; however, there have been penetrating influences on the organisation which is the state. As summarised by Van Creveld (1999: vii):

“...The state, which since the middle of the seventeenth century has been the most important and most characteristic of all modern institutions, is in decline. From Western Europe to Africa, either voluntarily or involuntarily, many existing states are either combining into larger communities or falling apart. Regardless of whether they fall apart or combine, already now many of their functions are being taken over by a variety of organisations which, whatever the precise nature, are not states...”.

Van Creveld made this observation a number of years ago (1999) in his seminal work: *The Rise and Decline of the State*. Although the position of the state could not have been better described at that time, there have since been several developments when discussing the authority of the state. For example, there is a growing discourse that the impact of the Global Financial Crisis (also known as the 2008 Financial Crisis) and the European Sovereign Debt

Crisis have acted as a catalyst for the re-emergence of the interventionist state. This comes after interventionist efforts of several states, such as the United States and United Kingdom to stabilise their economies and specifically the banking sector, with rescue or bail-out packages. However, regardless of whether the state is in decline or growing in importance, the hypothesis prevails that there are other important actors on both a global and a domestic level, which are challenging the authority of the state. Thus, there has been a move from the decline of the state's importance to a discourse of renewed interventionism; nevertheless, the authority and role of the state continue to be challenged. This study sets out to investigate exactly that: The influence of one specific actor on the state. Furthermore, this influence will not be researched on a global scale and provide a commentary on the role and the authority of the state on a global level, but rather at the state in the domestic environment. Thus, there will be an explicit focus on state-society relations. This study will rely on the Weberian concept of the state and the generalisations that come with that conceptualisation, amongst others: The separation between the state and society, and that the state is a self-contained organisation with claims to sovereignty. Within this framework, an analysis will be conducted of the influence of one organisation on the state and only state-society relations will be analysed in depth. To be more specific, the organisation that will be studied to assess how it influences the state is organised criminal groups.

As with the state, organised crime is a widely studied subject. In general, the term is used to describe a set of relations between illegal organisations or to indicate the function of a group of illegal activities, performed by a set of specific agents (Fiorentini and Peltzman (eds), 1995:3). In addition, the structure of organised crime is a: "...concentration of illegal power in society that can significantly influence political, economic and social life..." (Williams, 2002:165). When studying organised crime, it is important to start with the conceptual difference between organised crime and un-organised crime. Williams (2002:164) comments that definitions of organised crime focus on characteristics such as an: "...enduring association for criminal purposes, a minimum number of people, some kind of organisational structure or hierarchy, and the use of corruption and violence...". In addition, Williams places emphasis on the transnational element of organised crime, which can also be regarded as an important distinguishing factor between organised crime and un-organised crime. Transnational organised crime involves criminal activities that cross national borders (Williams, 2002:164). Thus, where crime will refer to an act or action that is criminalised by a specific legal system or society, there is no collective structure or the continuation of

criminal acts, as in the case of organised crime. Organised crime is synonymous with attributes such as structure, hierarchy, a group of individuals, violence, force and intimidation and of course illegal activities. Thus, the basis of the phenomenon is located in crime or illegal activities and as such, the majority of research on organised crime has been done in the discipline of criminology, complimented by sociology and economy. As such, research studies that merge organised crime with the discipline of political science are limited. The studies that have been done on organised crime in political science, including those in an international relations context, focus on organised crime and the challenges to democracy and the criminal economy of organised crime. With regards to the criminal economy of organised crime examples include: *The Dark Side of Globalisation* (Heine and Thakur, 2011), *Gentlemen or Villains, Thugs or Heroes? The Social Economy of Organised Crime in South Africa* (Irish-Qhobosheane (ed), 2007), *The Globalisation of Organised Crime, the Courtesan State, and the Corruption of Civil Society* (Mittelman and Johnston, 1999), *The Illicit Global Economy and State Power* (Friman and Andreas, 1999) and on the topic of organised crime and democracy (but with the criminal economy as a sub-topic) studies such as: *Africa's Pablos and Political Entrepreneurs: War, the State and Criminal Networks in West and Southern Africa* (Wannenbourg, 2006), *Organised Crime and the Challenge to Democracy* (Allum and Siebert (eds), 2003), *Transnational Organised Crime and National and International Security: A Global Assessment* (Williams, 1997) have been done.

Although the concept of the state and the impact of organised crime on the entity of the state are explored in a small number of cases, for example in the work of Shelly (1995 and 1999) *Transnational Organised Crime: An Imminent Threat to the Nation-State?*, *Transnational Organised Crime: The New Authoritarianism*, Williams (2002) *Transnational Organised Crime and the State* and Williams and Brooks (1999) *Captured, Criminal and Contested States: Organised Crime and Africa in the 21<sup>st</sup> Century*, these studies do not specifically research state-society relations or organised crime as a domestic actor, but rather the transnational element of organised crime. As a result, this study seeks to increase research done on organised criminal groups within the context of political science, by referring to theories related to state-building, state decay (including state weakness, state failure and state collapse) and most importantly state-society relations. Accordingly, this study will centre on the impact of organised crime on the state. There will be a specific focus on state-capabilities related to governance and social control and the dynamics between state governance, societies and the criminal impact, criminal control and criminal authority. It is anticipated

that such an analysis will provide a more complex conceptualisation of state-society relations. This study will assess shifts in state-society relations based on the presence of a domestic non-state actor: Organised criminal groups.

Furthermore, and as will be explained in this first chapter, this study proposes that the impact of organised crime on the social capabilities of the state, with reference to governance, needs to be researched by taking an in-depth look at one specific case study in order to assess the interaction between the relevant actors. Thus, this study will take the form of a single case study focussing on the City of Cape Town and the gangs on the Cape Flats, South Africa. As will be explained in later chapters of this dissertation, the Cape Flats is situated between the Cape Peninsula and the next range of mountains to the east, covering a distance of more than 30 kilometres. Coloured communities relocated forcibly as a result of the Groups Areas Act from many parts of Cape Town during the 1960s and 1970s led to the creation of this area (Gastrow, 1998:15).<sup>1</sup> In many cases families were torn apart and the majority of the people moved and had to leave their jobs, thereby creating large-scale unemployment and poverty. As a result, the fabric of extended families and working class culture that existed before the forced removals was gradually destroyed (Pinnock, 1984:64). As a result of the breakdown of the core social institutions of civil order (for example families, the workplace and interest groups), loosely structured gangs were formed to occupy this empty social space and these groups expanded rapidly.

What also contributed to the growth and expansion of the gangs on the Cape Flats was the transitional period in South Africa and the country's many challenges to its democracy. Aspects such as more relaxed border controls gave organised crime and also the gangs on the Cape Flats the ability to consolidate and significantly expand their operations. At the time of writing, there was no clear indication of how many organised criminal groups were functioning on the Cape Flats or how many members each group had. Statistics of the magnitude of these groups are however, not necessary to realise that the gangs on the Cape Flats have an enormous impact on the society and the state.

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<sup>1</sup> The formation of the Cape Flats will be discussed in more detail in chapter four.

## 1.2 Problem Statement and Focus of the Study

As previously mentioned, the state has for long been the most important construct in the local arena. This organisation, with supreme power over its territory and citizens, was the main provider of structure to society and also, amongst other things, safety and security. After all, an initial definition of the state stipulates that the state exists as a sovereign, autonomous political unit, as it has a monopoly on the legitimate use of violence.<sup>2</sup> Despite the organisational importance of the state, its traditional functional capabilities have been continuously and increasingly challenged by both external and internal elements. These elements have ranged from the new configurations in the global realm to domestic non-state actors, which are of particular importance to this study. This had and still has the impact that the traditional authority and role of the state have been challenged. In some cases the impact has led to a change in the way in which the authority of the state has been conceptualised<sup>3</sup>, but it can also be argued that in other cases, the supremacy and capabilities of the state have been reduced.<sup>4</sup> Therefore, a central question coming forth from these propositions is to research: What is the influence of other actors on the construct of the state? Furthermore, what is the influence of a local non-state actor on the role and authority of the state, in the domestic environment? Has there been a shift, or a change in the power dynamics between the state and the society? Are there new rules that facilitate the association between the state and the society? Are there new actors emerging and if so, can all of these actors be accommodated in the domestic environment and how stable are these new associations? This study will acknowledge the presence and impact of global forces and various domestic elements on the traditional conceptualisation of the state, but it will predominantly be concerned with the examination of the impact that one specific domestic non-state actor has on the state. This actor is organised criminal groups. In addition to this, the study will not look at the impact of this domestic non-state actor on all the elements of the state. The focus will only be on the social capabilities of the state. The decision to focus on the social capabilities of the state, and accordingly state-society relations, was taken for a number of reasons. First, in order to retain and increase the general capabilities of the state, state social control or the successful mobilisation of the society by the state is needed. In this context, social control can be defined as: "...the successful subordination of people's own inclinations

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<sup>2</sup> See Weber (1978).

<sup>3</sup> For example: Inter-governmental organisations such as the World Bank and the International Monetary Fund.

<sup>4</sup> For example: The influence of transnational organised criminal groups on the state of Guinea Bissau has severely reduced the supremacy and capabilities of the state.

of social behaviour or behaviour sought by other social organisations in favour of behaviour prescribed by state rules...” (Migdal, 1988:22). Thus, a state will have social control if people behave socially as the state prescribes, rather than according to what they desire for themselves, or what other organisations may prescribe.

As will be expanded on in the literature overview of this chapter, the social capabilities of the state will be measured by using three indicators of state social control, as identified by Migdal (1988): Compliance, participation and legitimacy. Accordingly, this study seeks to investigate the relationship between organised criminal groups and the social capabilities of the state. More specifically, this study will investigate the impact of organised crime on local governance through a single case study, using specific organised criminal groups in a specific location in South Africa. The features of the relationship between local governance, the society, and organised crime will be researched in order to determine the impact of organised crime on the state; or a shift in state-society relations. As will be explained, this study will focus on one case study, namely the relationship between organised criminal groups and local governance on the Cape Flats, located in the Western Cape, South Africa. The specific site that will be investigated is Manenberg, a suburb located on the Cape Flats.

### 1.2.1 Contribution of the Study

This study will contribute to the existing literature in three ways. First, as noted earlier, research done on the specific influence of organised crime on state-society relations in the discipline of political science is limited. Therefore, this will be the main theme and contribution of this study. As will be explained, this study will follow a case study research design and as is recognised with case study research, a detailed account will be provided of one selected case; not in order to generalise, but in order to contribute to the existing theory on state-society relations.

Second, the presence of organised criminal gangs can be confirmed in many cities in Africa, for example the Mungiki in Nairobi, Kenya, and the Area Boys in Lagos, Nigeria; however, despite their presence, limited research has been done on the impact of such groups on the state and the society. Traditionally, such research has focused on Latin America and has usually taken the form of case studies, such as: Rio de Janeiro, Brazil; San Salvador, El

Salvador and Mexico City, Mexico.<sup>5</sup> In most cases, these studies concentrate on the groups themselves, the structure and operations in a geographical location. As a result, there is insufficient research on these organisations and their influence on state-society relations in Africa. This study will contribute to research on organised criminal groups in the African context and encourage further research on the topic. It is anticipated that this study will provide insight on the relationship between illegal non-state actors and the state, in a state-society framework, within the African milieu.

The third contribution of the study is that the emphasis will be on the authority of the state with regard to state-society relations and the influence of local non-state actors (organised criminal groups) on the authority of the state. In addition, the state will be conceptualised at the level of local government, thus it will only be looked at on the domestic level. As has been stated earlier, research on the authority of the state usually has a focus on the state as an actor in the *global* world order. This study will provide a unique contribution of the state as a domestic authority and how the authority and rule of the state is challenged *locally*. Also, this analysis will be done within the framework of one case study, located in South Africa. Although research has been done on the gangs on the Cape Flats, most noticeably Standing (2006) and Legget (2004), this study will provide an updated insight into the relationship between the organised criminal groups, the state at the level of local government and the local society in Manenberg on the Cape Flats.

### 1.2.2 Research Questions

In order to analyse the impact of one domestic non-state actor, in this case organised criminal groups, on the social control by the state, a series of research questions have been identified to guide this study. The main research question that forms the focal point of this study is formulated as: *What is the impact of organised crime on the social control by the state?* This research question anticipates facilitating the examination of the rise of other non-state actors, on a domestic level and how that challenges the authority and role of the state, locally. Furthermore, the analysis will only be applied onto one aspect of the state, the social control,

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<sup>5</sup> See for example the following studies: Richani (2011) *State Capacity in Post Conflict Settings: Explaining Criminal Violence in El Salvador and Guatemala*, Magaloni et al (2011) *Living in Fear: Mapping the Social Embeddedness of Drug Gangs and Violence in Mexico*, Manwaring (2007) *A contemporary challenge to state sovereignty: gangs and other illicit transnational criminal organisations in Central America, El Salvador, Mexico, Jamaica, and Brazil*, Wolf (2010) *Maras transnacionales: Origins and Transformations of Central American Street Gangs*.

and only on the impact of one actor, organised criminal groups. The purpose of this research question is deemed as explanatory, as it will provide causes and reasons with regard to the impact of organised crime on the social control by the state, and by doing this, contribute to theories of the state and specifically state-society relations.

In order to facilitate the answering of the main research question, two sub-questions have been developed. The first sub-question deals with the connections and associations between the state and the organised criminal groups, but also the community, since this study is only concerned with state social control. Accordingly, the first supportive research question has been formulated as: *What are the power dynamics between local governance, criminal agents and society?* It is anticipated that with answering this research question, a detailed account will be provided of how the three different actors (the state, society and organised criminal groups) function within one setting. Thus, the purpose of this research question is descriptive, as it will provide an informative analysis of the power dynamics between the three main agents of the study. The purpose of the research question will further be exploratory, as it will investigate these relationships.

One of the possible impacts of domestic non-state actors on the state is the criminalisation of the state. However, this is a hypothesis that needs to be tested on the specific case study selected. Accordingly, the second sub-research question is: *Has the state become criminalised at the level of local government, as a result of the activities of organised crime, and if so, to what extent?* This research question is exploratory and explanatory as it will examine what the level of criminalisation of the state is, as a result of the impact of organised criminal groups, and also clarify the extent of criminalisation. In order to answer this research question, a framework for the analysis of the criminalisation of the state, as a result of the activities of organised criminal groups, will have to be created.

### **1.3 Theoretical Points of Departure and Literature Overview**

The literature that will form part of this study can be divided into two categories, according to the dependent and independent variable. With regards to the dependent variable, the state, literature on the construction of an appropriate conceptualisation for the purpose of this study, will be used. This will include work done on the position of the nation-state in the global world order, such as Strange (1996), Friman and Andreas (1999) and Shelly (1995 and 1999). More general works from most noticeably Van Creveld (1999), Weber (1978), Zartman ed.



(1995), Herbst (2000) and Rotberg (2003) will provide invaluable insight into the development of the concept of the state.

The concept of state decay will receive significant attention, in order to clarify state weakness, state failure and state collapse. Again, the work by Rotberg (2003 and 2004) will guide the analysis, complemented by predominantly Mentan (2004), Reno (1998 and 2000), Clapham (1996), Zartman (1995), Jackson and Rosberg (1986) and Dunn and Shaw (2001).

As mentioned earlier, the focal point of this study is state-society relations. The primary theoretical foundation will come from Joel S. Migdal. For the purposes of this study the conceptualisation of theories is sets of logically related linguistic symbols that represent what we think happen in the world. Formally a theory is a systematically related set of statements including some law-like generalisations that is empirically testable. Theories are testable with reference to real world observations and they are used to explain complex realities. It should also be possible to apply a theory to a variety of real world circumstances (Manheim and Rich, 1991:17 – 19, Rudner, 1966 and Meehan, 1988:80 - 81). The theories that will be empirically tested in this study emanate from Migdal's work *Strong Societies and Weak States: State-society Relations and State Capabilities in the Third World* (1988). With specific reference to state-society relations, two relationships need to be identified: First, the direct impact of states on society; and second: Societies also affect states. This is noted by Migdal (1988) and with specific reference to the last mentioned relationship; he postulates that the structure of societies can affect the capabilities of the state. Furthermore, a set of theories on weak and strong states and weak and strong societies are provided. It is argued that for a state to survive and be able to gain strength it has to have the ability to mobilise the society and the capability to penetrate society, regulate social relationships, extract resources, and use resources appropriately. Strong states are those with high capabilities to complete these tasks, while weak states find it difficult (Migdal, 1988:22). Thus, the endurance of a state is based on the relationship with the society. It is important to note that the proposed study will use Migdal's (1998) above mentioned proposition that strong states have high capabilities to mobilise society, penetrate society and regulate social relationships (amongst other things), while weak states find it hard, as a theoretical grounding. However, the aim of this study is not to explore why states weaken, but rather to assess the influence of another organisation (as an indicator of strong societies) on the state.

The discussion of the state in this study will further be conducted in the context of the criminalisation of the state. There will accordingly be an analysis of the principal contributing factors to the criminalisation of the state and a framework will be established for the measurement of the level of criminalisation of the state. This will be done in terms of four main avenues of empirical observation. These are: the indicators of criminalisation of politics (Bayart *et al.*, 1999), the states' orientation towards organised crime (Williams, 1997), organised criminal groups and the role of the state (Williams, 1997) and capacity gaps and functional holes in weak states (Williams, 2002).

With regards to the independent variable, a general conceptualisation of organised crime will be constructed by focussing on literature from Abadinsky (2000), Allum and Kostakos (2010), Finckenauer (2005) and the comprehensive database of definitions of organised crime created by Klaus von Lampe (2012). Documents from the United Nations Office on Drugs and Crime (2004, 2010 and 2012) will assist in providing a general overview of organised criminal activities around the world.

Secondary data of organised crime on the Cape Flats will focus on studies done by the Institute for Security Studies (ISS). The work of Peter Gastrow (1998, 2001, 2003) and Mark Shaw (1996, 1998, 2002) will be valuable in understanding the development of organised crime in post-apartheid South Africa, with specific emphasis on the Cape Flats. However, a major contribution to the field comes from André Standing's work on the social contradictions of organised crime on the Cape Flats (2003) and his 2006 publication *Organised Crime: A study from the Cape Flats*. Supplementary works that explain in detail the organised crime world of the Cape Flats include two publications by Pinnock (1984, 1997) *The Brotherhoods: Street Gangs and State Control in Cape Town* and *Gangs, Rituals and Rites of Passage*.

#### **1.4 Research Design and Research Methods**

The research design that has been selected for this study is a single case study as there will be an intensive investigation of one specific case. The single case study can be described as an intensive investigation of one unit, where there will be a detailed description of the context of that case. A few notes on why the single case study has been selected as the research design for this study: This design enables the researcher to make observations on a micro level and take it back to the macro level, so as to construct theory. Case study research design is not

supportive of the generalisation of its findings, but rather of the production of theory as confirmed by Yin (1984:42 - 43) when he states that a rationale of a single case study is that the case represents a critical opportunity in testing a well formulated theory. To be more specific, case studies: "...are generalizable to theoretical propositions and not to populations or universes..." (Yin, 1984:21).

As a specific case study, the City of Cape Town has been selected. This has been done for a number of reasons. First, there is a large presence of organised criminal groups in the city and more specifically on the Cape Flats. As explained earlier in this chapter, the social environment of the Cape Flats was conducive to the formation and expansion of gangs and organised criminal groups. The specific site on the Cape Flats selected to do fieldwork, is the suburb of Manenberg.

The research methodology of this study will be primarily qualitative in nature. A qualitative methodology usually provides rich, detailed data. This is hoped for through the process of research. Furthermore, the qualitative method is more flexible, less structured and open to unanticipated data. The method examines ideas, motives, themes, words and observations of a small number of cases in detail, and hypotheses are generated during the research process. This stands opposed to quantitative research, which is more systematic and linear and where hypotheses are tested. Indeed, Standing (2006:xi) notes that quantitative surveys are not entirely successful when researching gangs on the Cape Flats as: "...people living and working on the Cape Flats are not willing to divulge sensitive and potentially dangerous information to strangers with clipboards...". As such, this study will utilise a qualitative research design.

Both secondary and primary qualitative data will be used. Secondary data analysis will predominantly take place in the earlier phases of the study and will focus on existing data relevant to the research topic, sourcing information from academic books and journals and the relevant local newspapers. Secondary quantitative and qualitative data will be used predominantly in the contextualisation chapters (four and five) of this study. Primary data will be gathered by conducting field-research in Manenberg. Furthermore, three qualitative research methods will be used, namely focus groups, key informant interviews and direct observation. Focus groups will be conducted in order to explore the attitudes and experiences of the participants regarding the interaction between organised criminal groups and local

government. The explicit purpose of the key informant interviews is to obtain information on the respondents' insight, involvement and perspective of organised criminal groups and the role and purpose of local government agents. It is anticipated that while spending time in the field, direct observation will occur. However, the researcher will remain an outside observer. Thus, observation will not take the form of participant observation. During participant observation the researcher forms part of the group that is studied, but also fulfils the role of the researcher (Babbie and Mouton, 2001:293). This will not be done in this study. Rather, elements that will be observed include the physical surroundings of the area in which the fieldwork will be conducted, the social significance of the specific site of fieldwork, social and economic development in the area, structures of houses, general infrastructure, body-language of respondents and verbal characteristics of respondents.

For the focus groups, the method of quota sampling will be used as predetermined categories for the inclusion and participation of individuals in the focus groups have been established. Quota sampling is a: "...nonrandom sample in which the researcher first identifies general categories into which cases or people will be selected, and then he or she selects cases to reach a predetermined number of cases in each category..." (Neuman, 2006:221). It is proposed that a minimum of four focus groups will be conducted. Focus groups have successfully been used in past research on gangs on the Cape Flats. In his 2004 study, *Terugskiet (returning fire): Growing up on the street corners of Manenberg, South Africa*, Ted Legget made use of focus groups (amongst other research techniques) consisting of gang members and community members of the Cape Flats, to research gangs and youth violence in the area.

It is envisaged that two focus groups will be held with community members in Manenberg. Participants will be sourced from members of the Manenberg People's Centre. The Manenberg People's Centre describes its activities as being committed to the up-liftment of the Manenberg community, through the provision of social and economic development (Manenberg People's Centre, 2010). A further two focus groups will be held with rehabilitated members of gangs on the Cape Flats. Participants for this category of respondents will be sourced from community based organisations that deal with the rehabilitation of gang members, such as Proudly Manenberg and Silvertree Development Centre. Proudly Manenberg is described as a non-profit community based organisation, formed in September 2005 in response to the challenges Manenberg was and is still facing

and with the purpose to combat the pervasive stigma attached to the community (Proudly Manenberg, 2010). The Silvertree Development Centre is part of Selfhelp Manenberg. It is an independent non-profit organisation with several community support programmes and development initiatives (Selfhelp Manenberg, 2010).

Key informant interviews (semi-structured) will be held with members of local government and actors of the state that functions on a local level, and members of community based organisations selected on the basis of their strategic positions in local government and the community. Five individuals have been identified that will be approached as key informant interviews. The first group of key informant interviews will come from members of local government and two ward councillors from the Manenberg constituency. In addition, one individual from the Western Cape Department of Community Safety, and the Director of the City of Cape Town Safety and Security will be interviewed. The final key informant interview will be conducted with the chairperson of a community based organisation, Proudly Manenberg. Although these individuals have been identified as key informants for this study, the recognition and interviewing of other participants through the process of snowball sampling is anticipated and hoped for. Chapter two will explain the research process in more detail and expand on elements mentioned here, such as the case study method and the qualitative research method.

#### 1.4.1 Variables, Units of Analysis and Level of Analysis

In research, variables are the elements that assist with the identification of what needs to be observed in order to test theory. The dependent variable is the effect or result variable and the independent variable is the cause variable. To be clearer, the independent variable will act on the dependent variable, facilitating variations: Variations in the dependent variable are a function of the changes in the independent variable. Accordingly, the dependent variable of this study is the state, as it is the main object under observation. The cause or independent variable of this study is organised criminal groups, as it will have an influence on the dependent variable. The designation of the variables derives from the research question.

With regard to the unit of analysis, or the units or components which are examined, this study works around three units of analysis. These three units are: Actors of local governance, the community and organised criminal groups. More specifically, it is actors of local governance functioning in the geographical jurisdiction of the City of Cape Town, the gangs on the Cape

Flats and the community of Manenberg. Each of these three units of analysis will be analysed on a local level, and accordingly the level of analysis for this study is the local level. Initially however, theories around the state will be discussed on the macro level in chapter two and organised crime will be contextualised on the macro, meso and local level in chapter three. When the case study is analysed, and the data collected and examined, which will only be done on the local level; as a result, the deductions of this study, hypotheses generated and recommendations made, will only be done on the local level, and not the South Africa state in general.

#### 1.4.2 Limitations and Delimitations

This study is confronted with a number of limitations. It is acknowledged that when researching gangs, some information will be withheld as a result of the creed or ethical code of the gang and in fear of self-incrimination. Furthermore, despite all the research done on organised criminal groups and gangs, it is believed that some information will never be known, unless you are part of the group. Researchers sometimes have to rely on second-hand information and rumours to start the research process. With specific reference to the case study that will be analysed in this study, the Cape Flats can at times be very dangerous, especially when talking to gang members and members of the community on issues relating to crime, corruption and the criminal underworld. The Cape Flats is also divided into territorial districts for each gang and entry without knowledge of the boundaries or a guide, can be a serious mistake. Furthermore, the criminal nature of the topic may result in the questioning of the validity and reliability of the information provided by informants.

In this context, the validity of the research refers to an accurate measurement of the proposed concepts that are studied. In a study there need to be high levels of reliability as this will minimise the errors and biases. Reliability refers to that: "...if a later investigator followed exactly the same procedures as described by an earlier investigator and conducted the same case study all over again, the latter investigator should arrive at the same findings and conclusions..." (Yin, 1984:40). As a result of these limitations, this study has been designed to obtain information from different populations of interviewees using different qualitative research techniques, but on the same subject. However, as mentioned, all informants will be selected for their inclusion based on preselected categories (quota sampling). It is believed that this process of triangulation of techniques will be able to produce recurring themes, which can later be analysed. Indeed, as stated by Babbie and Mouton (2001:175):

“...triangulation is generally considered to be one of the best ways to enhance validity and reliability in qualitative research...”. This is confirmed by Pollack (2003:472): “...a mixture of focus group discussions and one-on-one interviews is most appropriate in cross-cultural or cross-racial research and in correctional institutions, where issues of power and disclosure are amplified...”. In this study, triangulation of methods means that primary data will be obtained by using three qualitative research techniques: Key informant interviews, focus groups and direct observation. In addition, multiple sources of data are also an important element of case studies as they will provide a thicker, richer description and will contribute to replication and convergence (Babbie and Mouton, 2001:282; Gillham, 2000:13).

To be more specific, this study has been designed to obtain information from three different groups of respondents (members of the community, members of local government and actors of the state functioning on a local level, and individuals with links to organised crime). This design is deliberate, as it is anticipated that some respondents may, for example, not want to discuss specific topics, or that different answers may be provided to the same question. If this occurs, it will in itself be a valuable research finding that will indicate the different opinions of the groups on the research topic. In order to obtain access to gang members and establish a mutual relationship of trust, a significant amount of time will have to be spent in the field. Access to members of organised criminal groups is usually obtained through a series of gatekeepers or informants and it is hoped that the opportunity for the establishment of such relationships can be created. A gatekeeper can either have formal or informal authority to give the researcher access to a specific research site. In the majority of the cases, access has to be negotiated. Gatekeepers can also set specific rules or just guidelines under which the data can be collected (Neuman, 2006: 387; Burnham et al, 2008:292; Bailey, 1996:50).

This study will be conducted within the following delimitation: The geographical location is limited to the City of Cape Town and the Cape Flats. More specifically, the geographical limitation with regards to the field work process will be restricted to Manenberg. The state will only be researched on a local level, to determine the impact of organised crime on the social control by the state. Agents of the state operating on a local level will be included, thus it will not only be agents of the state directly linked to local government. Although religion may be a variable to observe when conducting research on the Cape Flats, it was not selected as a variable for this study.

The primary data for this study will be gathered by conducting field research in Manenberg. Manenberg has long been regarded as one of the areas of the Cape Flats notorious for gang activity. It was the operational centre of the Staggie brothers, Rashied and Rashaad - the latter was gunned down and torched by a vigilante group People Against Gangsterism and Drugs (PAGAD) in 1996. However, this is not the main reason why Manenberg was selected as the primary site to conduct this investigation. Despite the omniscient presence of gangs in Manenberg, the community<sup>6</sup> has experienced a period of relative calm with regards to gang wars at the time of writing. In other areas of the Cape Flats, gang-related violence was still observed.

Two aspects were of crucial importance during data collection: safety and ethical considerations. First, it is important to note that Manenberg should not be made out as a lawless and dangerous neighbourhood, not to be entered without armed protection; just as any suburb it is home to thousands of people. However, for an outsider with a recorder, clipbook, limited knowledge of the area and asking questions about gangs and local government, it can be an unsafe place. Therefore, the reliance on local guides and informants is essential. Second, the topic of organised criminal groups and their interaction (or lack thereof) with local government and the community is a very sensitive topic. Extra measures will be taken in order to protect the identity of and information provided by respondents and to make sure that the research accords with ethical guidelines. This will be further explained in chapter two.

### **1.5 Outline of the remainder of the Study**

- CHAPTER TWO: *The Research Process*

Chapter two will further explain the research design that guides this study. The following elements will be discussed in detail: The case study research design, the levels of analysis, the purpose of this study, the qualitative research methodology, the field research process and research techniques, research ethics and last, basic safety while doing fieldwork.

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<sup>6</sup> In this study the concept of community refers to the community of the Cape Flats and more specifically, Manenberg. As will be explained later, rehabilitated members of gangs are rather regarded to be part of the criminal society, than the general community.



- CHAPTER THREE: *Conceptual Framework*

This chapter will provide the theoretical foundation of this study. A conceptual framework for the state will be established, as it will be used in this study. Two other conceptual clarifications will also be provided as these concepts are central to this study: state-building and nation-building and state decay (state weakness, state failure and state collapse). There will be a focus on state-society relations, as it is the central theme of this study. The chapter will also look at the criminalisation of the state and a framework in order to analyse the criminalisation of the state (at local government level) will be constructed.

- CHAPTER FOUR: *Conceptualisation and Contextualisation of Organised Crime. International and Local Developments and Trends*

This chapter will provide a conceptualisation and contextualisation of the independent variable of this study: Organised crime. In the first part of the chapter, organised crime will be conceptualised to create a clear foundation of how the concept will be used in this study. The chapter will also discuss transnational organised crime trends. In addition, there will be an explanation of organised crime in South Africa, starting with a description of the historical development of organised crime in South Africa, the expansion and the current situation. Since the selected case study for this study is Cape Town, and more specifically Manenberg, the chapter will end with an examination of the historical developments of the gangs on the Cape Flats and the current situation.

- CHAPTER FIVE: *Contextualisation: Local Government in South Africa and in the City of Cape Town.*

The main aim of this chapter is to provide a contextualisation of the dependent variable, the state. As the level of analysis of this study is the state at the local level, the contextualisation will first focus on a general conceptualisation of local government in South Africa and then move on to the City of Cape Town, which is the focal point of this chapter. To conclude the chapter, there will also be a focus on one specific aspect of local government, namely the security services.

- CHAPTER SIX: *Organised Crime and Local Governance Manenberg*

Chapter six will analyse the empirical data that will be collected for this study and

accordingly present the findings. The analysis of the data will be structured according to the three indicators of social control: Compliance, participation and legitimacy. The chapter will further provide insight into the power dynamics between the three main agents of this study, the state, the community and organised criminal groups, and also measure the level of criminalisation of the state, as a result of the activities of organised criminal groups.

- CHAPTER SEVEN: *Concluding remarks*

Chapter seven will conclude this study, containing the evaluation of the research conducted. In addition, the chapter will summarise the research process and provide commentary on future research.

## **1.6 Conclusion**

The aim of this chapter was to provide a detailed introduction to this study and to provide an brief overview of the research process. The following aspects were discussed: Problem statement and focus of this study (including the research questions and rationale), the theoretical points of departure and literature overview, the research design and research methods (including the variables, units of analysis and level of analysis), the limitations and delimitations of the research and an outline of the remainder of this study. The chapter accordingly provided a framework of how this study will be organised and executed.

The following chapter sets out to explain in detail the research process that guided this study. The aspects that will be discussed include the case study research design, the levels of analysis, the purpose of this study, the qualitative research methodology, the field research process and research techniques, research ethics and basic safety while doing fieldwork.

## CHAPTER TWO: THE RESEARCH PROCESS

### 2.1 Introduction

Research can be regarded as the production of knowledge and the research process is the roadmap or guide used in order to produce knowledge about a specific topic under consideration. To provide a foundation for the research process, there is a reliance on theory. Accordingly, the theory in this study was used as an explanatory tool to guide the research process. This study contains elements of both the deductive direction of theorising but also elements of inductive generalisation. As noted by Neuman (2006:59): "...in practice, most researchers are flexible and use both approaches at various points in the study...". Deductive theorising can be explained as an approach where theory is developed or confirmed and where the researcher begins with abstract concepts and moves towards more empirical evidence (Neuman, 2006:59). This study can be described as deductive, seen as it started with general theory (based on the state as the principal unit of analysis and centred on state-society relations) and then progressed to extract specific theoretical elements that formed the foundation for the empirical analysis in the study. Accordingly, new insights on the initial theoretical attributes were developed. The study described and analysed the general broader theory, and narrowed it down to be applicable to this specific research problem.

The inductive direction of theorising is described as: "...an approach to developing or confirming a theory that begins with concrete empirical evidence and works towards more abstract concepts and theoretical relationships..." (Neuman, 2006:60). This study contains elements of inductive reasoning, as observations (data collected during the field work process) are made about real life, the process of empirical generalisation is present, tentative hypotheses are developed and tested (against the theoretical foundation) and in conclusion, new theory can be constructed. As will be explained in section 2.2.1 of this chapter, the research design utilised here is a case study. As noted by Gillham (2000:12), case study research is inductive, as grounded theory is developed, meaning theory that is grounded in the data or evidence assembled during the course of the study. However, as mentioned, both directions of theorising occurred in various stages of the research process, as will be elaborated upon in this chapter. The main aim of this study was to elaborate on and contribute to the existing theoretical framework of the state and more specifically, state-society relations.

The following chapter will explain in detail the research process that guided this study. The specific research design and research methodology was selected in order to analyse the features of the relationship between local governance, societies and organised criminal groups. The following elements will be discussed: The case study research design, the levels of analysis, the purpose of the study, the qualitative research methodology, the field research process and research techniques, research ethics and lastly, basic safety while doing fieldwork.

## **2.2 The Research Design**

The research design and methodology selected for this study was based on two central elements. The first element was the sensitivity of the research topic. Doing research on organised crime brings with it the inevitable consequence of criminal activities being exposed. Thus, it is not only regarded as a sensitive and delicate topic for the researcher that will be confronted with information regarding illicit acts, but also for the respondents, some of whom are, or may be, members of organised criminal groups, who have to acknowledge participation in such acts. In addition, members of the community could also be witnesses to such actions. Information about the criminal underworld and illicit economy sometimes also discloses acts of violence, such as clashes between gangs for territory or turf, instructed killings of rival gang members, brutality in prisons and common criminal activities such as the selling of drugs. Given that this study involved three categories of respondents, as will be explained in detail below, the sensitivity of the topic under consideration was not limited to criminal groups. The other category of respondents were local agents of governance and here the sensitivity was located in exposing the relationship between local government and organised criminal groups. It is not only the aspect of corrupt links with organised crime that can be exposed, but also a possibility of the existence of mutually dependent relationships and an acceptance of the presence of the illicit economy, that requires a level of caution when conducting research. The last category of respondents was members of the community. Factors related to the sensitivity of the research included poverty, the breakdown of family structures and the level of violence experienced when living in an area infested with criminal activities.

The second element that was considered during the drawing up of this study was safety. Again, the focus here was not only on the researcher and those involved in the collecting of the data (research assistant) but also of the respondents. During the design of the study it was

decided that the bulk of the field work will be conducted at the selected site, namely Manenberg on the Cape Flats, South Africa. This proposed a substantial safety risk for the researcher and research assistant.<sup>7</sup> In addition and as previously mentioned, it was anticipated that some of the information that will be gathered will be of such a nature that it could incriminate respondents. Consequently, practical measures to ensure physical safety, the anonymity of respondents and general ethical considerations were regarded as a priority. As a result, the research design was developed to accommodate the elements of sensitivity and safety. The description that follows will justify and explain the selected research method, the research techniques, the data analysis process and the research ethics relevant to this study based on the sensitivity of the topic and the safety of all parties involved in the research project. All of these aspects were deliberately and systematically selected so as to assist with the research of the specific impact of organised crime on the state, the power dynamics between the three primary agents of the study and the level of criminalisation (if any) of the state, at the level of local government.

### 2.2.1 The Research Design: A Case Study

The research design of a study is regarded as the research plan or framework for that project. In addition, it is also a demonstration of what the end product will look like. Different research questions require different research designs, for example a comparative design, experimental design, or a case study design. The research design used for this study was a single case study as there was an intensive investigation of one specific case. Yin (1984:29) notes that there are five components of a research design that are particularly important. These five components are: The research questions of the study, the propositions of the study (if used), the unit (s) of analysis, how the data will be linked to the propositions (the process after data collection) and what the criteria will be for interpreting the findings of the study (the last two steps involve the analysis of the data). These components need to be present for a case study research design.

Babbie and Mouton (2001:281) describe case studies to involve the examination of several variables, as part of an intensive investigation of one unit. "...The interaction of the unit of study with its context is a significant part of the investigation. Thickly described case studies take multiple perspectives into account and attempt to understand the influences of multilevel

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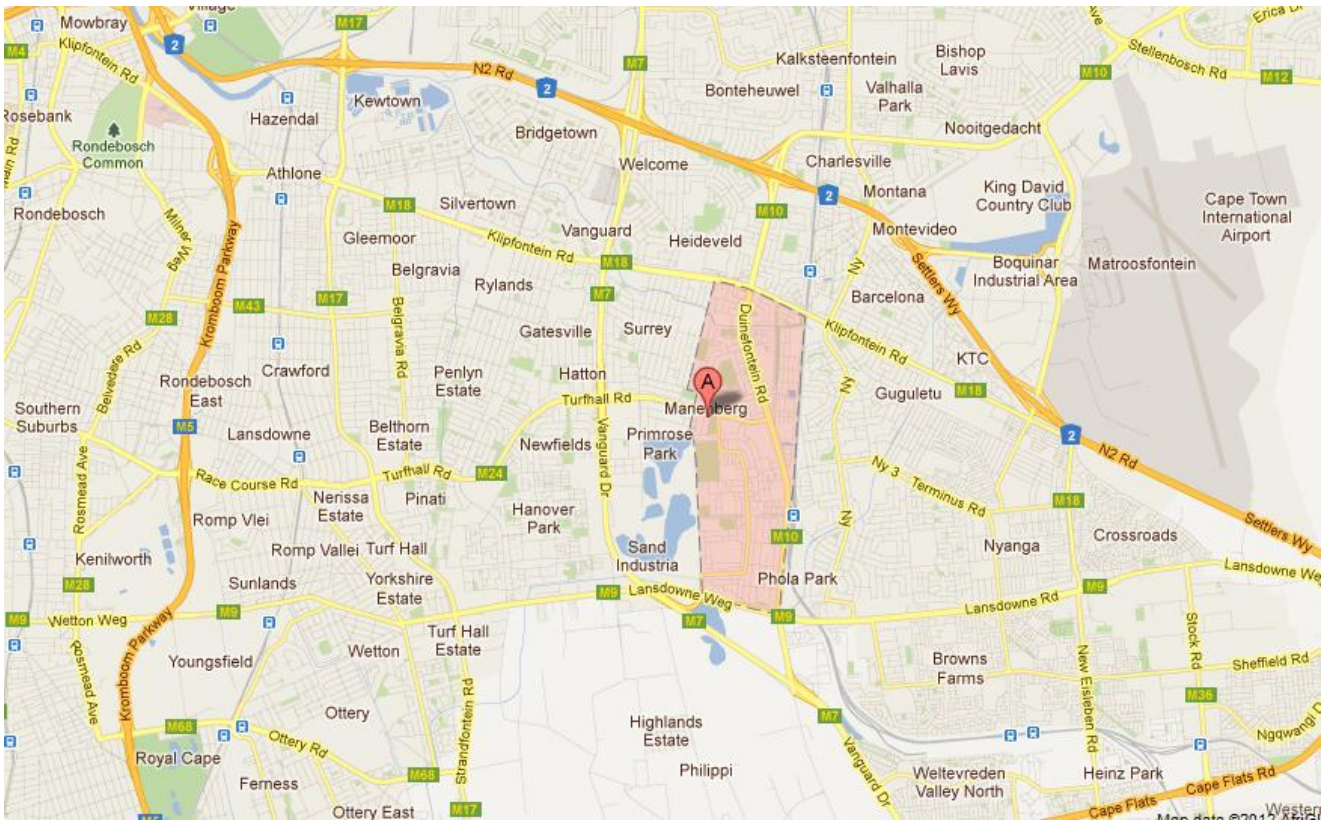
<sup>7</sup> For more information on safety risks associated with doing research in Manenberg for this study, refer to section 2.3.3.

social systems on subjects' perspectives and behaviours..." (Babbie and Mouton, 2001:281). For the purpose of this study, a case study research design was selected as it created the opportunity to describe the context in detail, in order to interpret the specific case. One case was selected in order to illustrate and analytically study the topic under discussion; the relationship between the state and a specific sector of society. As case study research design was used: "...to demonstrate a causal argument about how general social forces shape and produce results in particular settings..." (Walton, 1992:122), it was deemed relevant and applicable for this study, where social forces observed in the context of the state have an impact on a specific community (setting). When using a case study research design, it enables the researcher to connect the micro level of analysis to the macro level; thus, it provides insight that will enable the researcher to expand/build theory. As a result, the case study was not selected as a design for this study with the aim of making generalisations, but rather to produce theory. Yin (1984:42 - 43) confirms this by stating that one possible rationale of a single case study is that the case represents a critical opportunity in testing a well formulated theory. Yin (1984) further explains that testing the theory entails determining if the propositions of the theory are correct, or if there are alternative explanations that are more relevant to explain the social phenomenon. The single case will be applied to confirm, challenge or extend the theory.

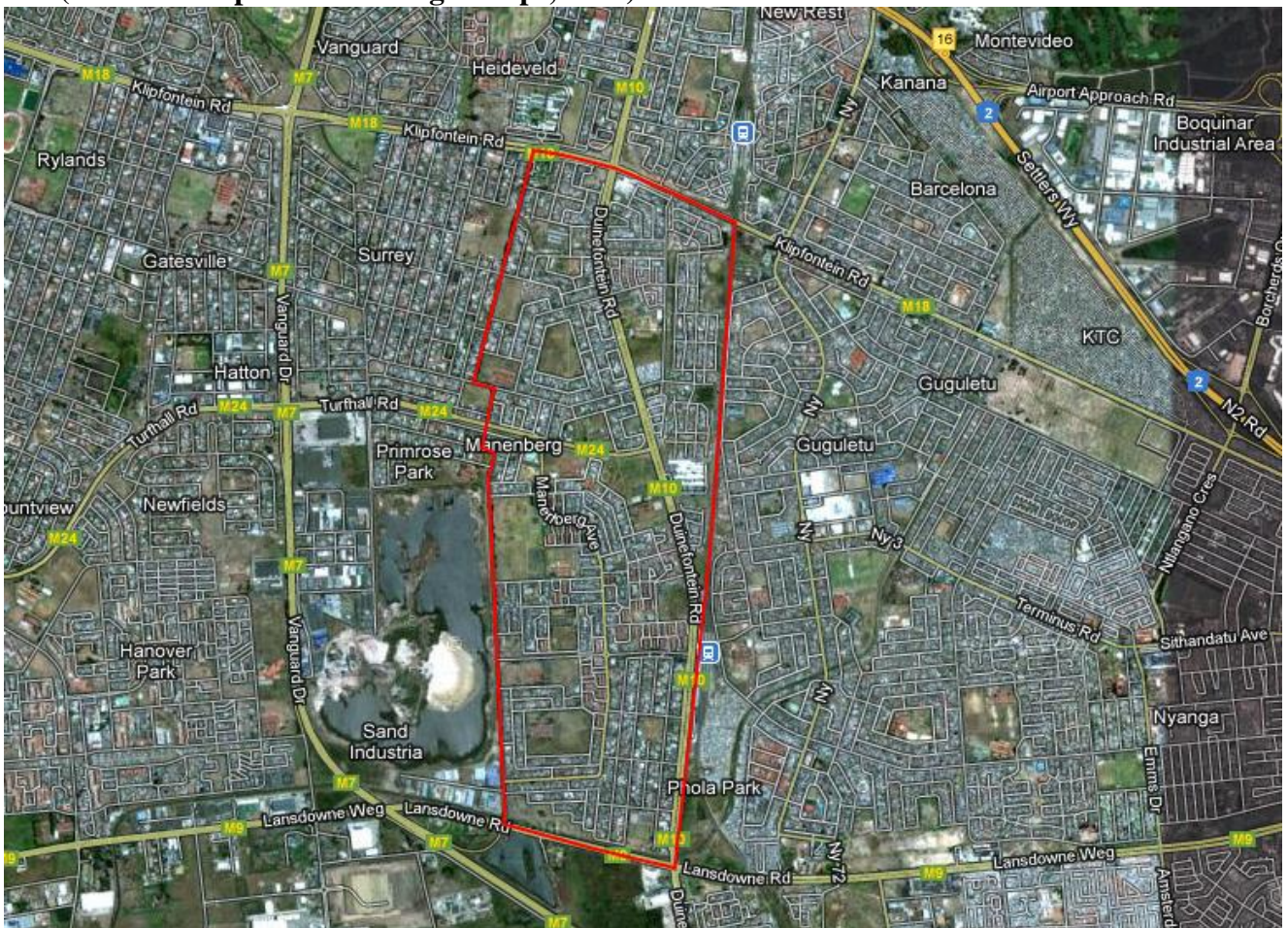
Despite the fact that the case study design was deemed as most appropriate for this study, the design is criticised for certain weaknesses. As noted by Yin (1984:21) there can be a lack of rigour as a result of biased views by the researcher. Biased views can influence the findings and conclusions of the study. Another weakness of case study research is the problem of generalisation, in that one case is not enough to produce a valid generalisation. These limitations are addressed in this study in the following way: First, as will be explained in section 2.3.2, several research methods were utilised while collecting the data. It was anticipated that the triangulation of research methods will decrease researcher bias. The data also went through a rigorous coding process and was analysed in three phases, as will be explained in section 6.2 of chapter six. Second, as mentioned earlier in this section, a case study research design was selected for this study, not in order to make generalisations, but rather to confirm, challenge or extend the theoretical foundation that the study was based on. To be more specific, case studies: "...are generalizable to theoretical propositions and not to populations or universes..." (Yin, 1984:21). This principle was what guided this study.

The case selected for this study is based in South Africa. The specific case chosen in South Africa is the city of Cape Town. Thus, the impact of organised crime on the social control by the state was analysed through observation of the interaction between local governance in the City of Cape Town, South Africa.

The City of Cape Town was selected as the case study for a number of reasons. First, there is a large presence of organised criminal groups, the primary non-state actor in this study, in the city. More specifically, there are significant and continuous gang activities in the area known as the Cape Flats, which is a suburb of Cape Town. As explained in the first chapter, the conditions on the Cape Flats encouraged the formation and activities of loosely structured gangs. Still today, the members of these groups come from the community and have close relationships with the community. More specifically, Manenberg is one of the neighbourhoods on the Cape Flats. The boundaries of the neighbourhood can be traced by following Duinefontein Road which mostly runs parallel to the main railway line that separates Manenberg from Gugulethu. The boundaries extend to Lansdowne Road to the south and Klipfontein Road to the north (See map 2.1 and 2.2). Manenberg is a predominantly Coloured suburb of Cape Town, located in the centre of the Cape Flats. According to the City of Cape Town (using 2001 Census data supplied by Statistics South Africa) the population of Manenberg exceeds 50,000 residents. Almost 35% of the population was unemployed at the time of the Census and more than 58% had an income of between 0 – R1,600 per month and more than 37% an income between R1,601 and R6,400 (City of Cape Town, 2002).



**Map 2.1: The location of Manenberg on the Cape Flats  
(Source: Adapted from Google Maps, 2012).**



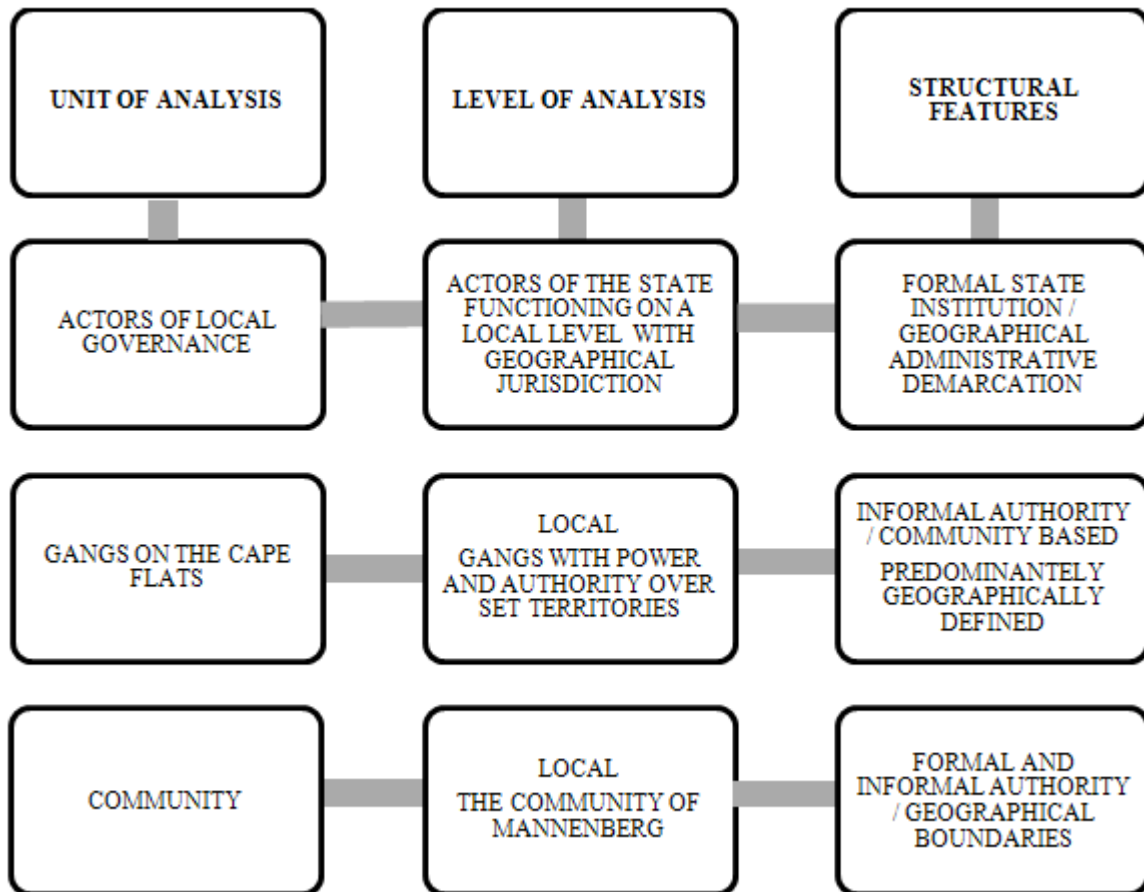
**Map 2.2: Google Earth Satellite Image of Manenberg on the Cape Flats  
(Source: Adapted from Google Maps, 2012)**



As previously mentioned, the objective of this study was not to generalise the findings of the study on all areas with similar characteristics. Also, the purpose was not to generalise the findings of the relationship between the state and the society and the impact of a non-state actor on *all* communities, or areas of the City of Cape Town, but rather only the site where the fieldwork occurred. Furthermore, the purpose was to be in the position to comment on the theories of state-society relationships, state strength and weakness and the criminalisation of the state. Based on the main theoretical position that this study was grounded in, Migdal's 1988 work on state-society relations, a case had to be selected that represents all of the actors relevant to the theory. Indeed, the South African state in general, but also the level of local government has specific limitations or a lack of state capabilities. Thus, the state exhibits restrictions with regard to its social control. In conjunction with restricted social control there is also the presence of a non-state actor in the form of organised criminal groups, more specifically the gangs on the Cape Flats. The gangs originate from the local community and accordingly the focus was kept on state-society relations. The case of the City of Cape Town was deemed an adequate case of state-society relations that will help facilitate the answering of the main research question and the two supportive research questions-

### 2.2.2 Levels of Analysis of this Study

The unit of analysis can be described as the units or components which are examined in order to create summary descriptions of all such units and to explain differences among them. In addition, units of analysis are fundamental elements during concept development and they assist to empirically measure and observe concepts. In this study there were three units of analysis: Actors of local governance functioning in the geographical jurisdiction of the City of Cape Town, the gangs on the Cape Flats and the community of Manenberg. To be more specific, each of these units was analysed on one level, namely the local level. Accordingly, local governance in the City of Cape Town was analysed as an administrative unit with a specific geographical jurisdiction. The gangs on the Cape Flats were analysed as an informal authority that is community based, that exercises control and has influence over a specific territory. These territories are usually geographically defined; however, the actions of the gangs can take place outside of the territory under control. Last, the community of Mannenberg was analysed as a geographical administrative region, including various community structures, both formal and informal (See figure 2.1).



**Figure 2.1: Units and Level of Analysis**

**(Source: Produced by the author for this study).**

### 2.2.3 Purpose of this Study

The purpose of this study contains elements of descriptive, explanatory and exploratory research. The research is descriptive as it provides a representation or depiction of the specific case under consideration. The key elements of descriptive research are to describe a present situation and focus on *how* and *who* questions. Descriptive studies: “...present a picture of types of people or social activities...” (Neuman, 2006:35). This study described the social setting of the Cape Flats and local government in the City of Cape Town in South Africa (contextualisation), while also explaining the relationships between the three central agents analysed in this study: Agents of the government functioning on a local level, organised criminal groups and members of the community of the Cape Flats.

When conducting exploratory research the goal is to become familiar with a little explored research topic. The primary purpose is to: “...formulate more precise questions that future

research can answer...” and the focus is on the *what* question (Neuman, 2006:33). This study is exploratory as it researches not only what the impact of organised crime on the state is, what the power dynamics between local governance, criminal agents and society is, but also what the level of criminalisation of the state is, as a result of the impact of organised criminal groups.

Explanatory research answers the *why* question and builds on exploratory and descriptive research. It provides causes and reasons for why something occurs. This is done in order to build, elaborate, extend or test theory (Neuman, 2006:35). This study is explanatory as it hopes to contribute to the theoretical foundations of state-society relations. The *contribution* of this study is located in the application of Migdal’s (1988) theory on state-society relations (with specific reference to strong societies and weak states) on the selected case of the City of Cape Town. As will be explained in chapter three of this study, it forms the main theoretical framework for analysis. This framework is applied to the case study in order to confirm or complement the original assumptions of the theory.

### **2.3 The Research Methodology**

It is a common mistake among researchers, to confuse the concepts of research design and research methodology, or use it interchangeably, as noted by Babbie and Mouton (2001:74). The research methodology of a study refers to how the research will be conducted; thus, the research process. The research methodology will focus on the steps in the research process and the procedures used to obtain the most unbiased (valid and reliable) answers to the research questions.

The research methodology of this study can be described as qualitative. A qualitative methodology was selected as it is more flexible and less structured. Gillham (2000:11) lists a number of advantages of qualitative research, which include carrying out research where other methods are not practical or ethically justifiable. Another advantage of qualitative research is that it is used: “...to explore complexities that are beyond the scope of more ‘controlled’ approaches...” (Gillham, 2000:11).<sup>8</sup> As this research topic is concerned with aspects such as the illicit economy, criminal activities and other sensitive matters, it was

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<sup>8</sup> It is important to note that although the methodology of this study is qualitative, all evidence and data collected about the specific case under consideration was used. Quantitative data was thus used, but the qualitative method was primary.

important to select a research methodology that was open to unanticipated data. In qualitative research, ideas, motives, themes, words, observations and transcripts are examined and the context is essential to understand the research topic. This study is a detailed investigation of one specific case and hypotheses were generated through the research process. Barbour (2007:xiii) agrees that hypotheses are usually not formulated at the beginning of qualitative research, but rather developed and refined in the process of research.

Thus, for this study, the research methodology was primarily qualitative in nature and both secondary and primary qualitative data was utilised. The qualitative research methodology was selected based on: first, the sensitive nature of the topic and second, due to the case study research design. To confirm, Standing (2006:xi) notes that quantitative surveys are not entirely successful when researching gangs on the Cape Flats as: "...people living and working on the Cape Flats are not willing to divulge sensitive and potentially dangerous information to strangers with clipboards...".

### 2.3.1 Secondary Data Analysis

Secondary data analysis predominantly took place in the earlier phases of the study, but also during and after the fieldwork was conducted. Secondary data was mainly used in chapter three (theoretical foundation, conceptual clarification and framework for analysis), chapter four (contextualisation of organised crime in South Africa) and chapter five (contextualisation of local government in South Africa and the City Of Cape Town). The secondary data focused on existing data, relevant to the research topic, and information was sourced from academic books and journals. In addition, a source of secondary data that was regarded as essential to the research topic was community newspapers.<sup>9</sup> These texts were used before entering the field, in order to identify key informants on the topic. Newspapers were also monitored during the fieldwork process to stay in touch with the situation on the ground, and after exiting the field, to stay up-to-date and informed on the developments in the community. The documentation used in this study also included primary documents and reports from the City of Cape Town and official government documents. Documentation was predominantly used for two reasons. The first was to provide background information and context before entering the field; and second, it was a source of information after exiting the field in order to stay up to date with local developments.

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<sup>9</sup> The two main community newspapers that were consulted were *Die Son* and *The Daily Voice*.

The time dimension of this study can be described as cross-sectional research, given that a single timeframe was used. Thus, observations were made at one specific point in time. A disadvantage of cross-sectional research is that it does not capture change or social processes in the phenomenon observed (Neuman, 2006:37). However, as this study investigates a single case and the context and attributes of that case, not in order to generalise or track development, but rather to relate it back to the theoretical foundations of the study, this time dimension was deemed adequate.

### 2.3.2 The Field Research Process and Research Techniques

Primary data was gathered predominantly by conducting field-research in Manenberg, a suburb of Cape Town, located in the centre of the Cape Flats. A number of interviews were also conducted in the City of Cape Town. Several qualitative research techniques were used in this study, namely dyads, triads, mini-focus group discussions (referred to in the rest of the study as small group discussions), key informant interviews and direct observation. Face to face interviews were deliberately combined with the small group discussions, in order to overcome possible problems with authority and race. As mentioned in chapter one, triangulation of methods were implemented to eradicate bias. The majority of the interviews were conducted in English to ease the transcribing process.

#### 2.3.2.1 *Small Group Discussions*

The main purpose of the small group discussions was to explore the attitudes and experiences of the participants regarding the interaction between organised criminal groups, the society and local government. During the data gathering process it emerged that these smaller group discussions are more suitable than for example larger groups of eight to ten people, for the sensitive themes that were discussed. The majority of respondents from the community preferred to be accompanied by a friend and felt more comfortable sharing their stories and experiences in the company of friends and relatives in a small group, rather than with strangers. Barbour (2007:60) agrees that for specific topics, smaller groups are preferable. This relates back to the research topic and the sensitivity of the topic. In total, five small group discussions were conducted: three small group discussions were held with members of

the community and two with rehabilitated members of gangs on the Cape Flats. The total number of respondents who participated in the small group discussions was 14.<sup>10</sup>

Focus groups have been used successfully in past research on gangs on the Cape Flats. In his 2004 study, *Terugskiet (returning fire): Growing up on the street corners of Manenberg, South Africa*, Ted Legget made use of focus groups (amongst other research techniques) consisting of gang members and community members of the Cape Flats, to research gangs and youth violence in the area. As noted by Barbour (2007:18) focus groups have been used in the past to research sensitive topics, for example sexual behaviour, mental health and terminal illness, or where respondents originated from vulnerable groups.<sup>11</sup> Focus groups have also been used to access marginalised groups or unapproachable populations, including minority ethnic groups and members of criminal gangs.<sup>12</sup>

For the small group discussions, the method of quota sampling (a method of nonprobability sampling) was used, as predetermined categories for the inclusion and participation of individuals in the focus groups (and key informant interviews) were established. Quota sampling is a: "...nonrandom sample in which the researcher first identifies general categories into which cases or people will be selected, and then he or she selects cases to reach a predetermined number of cases in each category..." (Neuman, 2006:221). The categories of respondents were homogenous, as they shared common bases. The three predetermined categories were: members of the community (either male or female living in Manenberg), rehabilitated members of organised criminal groups (either male or female, also residing in Manenberg) and local agents of governances (either part of the City of Cape Town, or functioning on a local level). All the respondents were older than 18 years. After these predetermined categories were selected, the sampling method was haphazard, as anyone that fitted in these categories had a chance of being selected. As explained by Burnham et al (2008:107) the researcher is free to select as a respondent, anyone who fits the criteria of the predetermined categories. In addition, this method was also selected given that during the course of the fieldwork, if a person was approached to be a respondent but declined, replacements were allowed.

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<sup>10</sup> The *n* of the small group discussions was deemed adequate as the level of saturation was reached during the discussions (themes were echoed and repeated by the respondents).

<sup>11</sup> See also Lee (1993:101 – 102) on the notion that sensitive topics are not suited for survey research.

<sup>12</sup> For example, see the study of Valdez and Kaplan (1999) on Mexican-American gang members in the United States.

### 2.3.2.2 *Key Informant Interviews*

As the second research technique, the purpose of the key informant interviews was to obtain information on the respondents' insight, involvement and perspective on gangs on the Cape Flats and the role and purpose of local government agents. Thus, key informant interviews were conducted in order to get access to detailed data through the process of in-depth communication. Similar to the rationale behind conducting small group discussions, face to face interviews were used due to the sensitivity of the topic. Gillham (2000:62) agrees that face to face interviews are preferred where trust is needed between the interviewer and the interviewee. Respondents are more likely to disclose information in a face to face interview than in a questionnaire.

Key informant interviews were conducted with 15 individuals.<sup>13</sup> The first group of key informant interviews came from members of local government or government agents, not necessarily working in local government, but functioning on a local level. The second group came from members of the community or community based organisations and the last from rehabilitated members of gangs. All the participants were older than 18 years. Participants from the community of Manenberg had to stay in the area permanently, participants from local government either had to work for the City of Cape Town or for the government in general, but functioning on a local level, and participants from the rehabilitated gangster group had to be part of a gang in the past, but no longer an active gang member. It was acknowledged that gangsters could also be regarded as members of the community, as they also stay in the area permanently; however, as a result of their affiliation with organised crime, they were regarded as part of the criminal society and not the general community. During the key informant interviews another sampling method was used, namely snowball sampling. Initial contacts were used to recommend other respondents. As noted by Burnham et al (2008:108) snowball sampling: "...is a valuable strategy for generating a sample of people or groups which otherwise would be impossible to access...". As gatekeepers were used in the study to get access to rehabilitated members of organised criminal groups the method of snowball sampling was essential to obtain additional respondents. The process started with one respondent (the gatekeeper) and the sample expanded as a result of links or interrelationships with the initial case. Snowball sampling is acknowledged as an effective sampling technique when studying members of a vulnerable or stigmatised group. One of the

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<sup>13</sup> The *n* of the face to face interviews was deemed adequate as the level of saturation was reached during the discussions (themes were echoed and repeated by the respondents).

reasons for the effectiveness of this sampling method in such cases is that: "...the intermediaries who form the links of the referral chain are known to the potential respondents and trusted by them..." (Lee, 1993:67). This element of snowball sampling also contributed to the safety and confidentiality of this study. However, the method of snowball sampling has limitations in that it can be regarded as a biased sampling process. This is a result of the non-randomness of the method and respondents are selected based on their connections with each other. This may lead to a "...skewing of sample characteristics..." (Baxter and Eyles, 1997:513). This limitation was first addressed by pre-selecting categories of key informants and second, by trying to interview a similar number of respondents for each category.

### 2.3.2.3 *Direct Observation*

Direct observation<sup>14</sup> was an important data collection method used in this study. Direct observation was conducted in order to get an insiders' understanding of the topic under consideration. In addition, it was also an important method to support the interviews conducted. Observation, either direct or participant, is widely regarded to be an essential additional data collection method to interviews: "...even studies that rely mainly on interviewing as a data collection technique employ observational methods to note body language and other gestural cues that lend meaning to the words of the person being interviewed..." (Angrosino, 2008: 161). Accordingly, during the field research particular attention was drawn to a number of elements that were observed. These were the physical surroundings of the area in which the fieldwork was conducted. Physical surroundings were also important when interviewing individuals, serving as an indicator of social status. The leader of a particular organised criminal group, for example, was the only one who had a double-story house in the area. This also related to objects in place in a specific setting and the social significance of the specific site of fieldwork. Examples observed, include social and economic development in the area, structures of houses, quality of road infrastructure, schools and public spaces and the capacity of the local police station.<sup>15</sup>

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<sup>14</sup> Direct observation can also be referred to as "...simple observation..." The researcher remains an outside observer. This is opposed to participant observation, where the researcher forms part of the group that is studied, but also fulfils the role of the researcher (Babbie and Mouton, 2001:293). In addition, Gillham (2000:21) refers to "...detached observation..." or the "...fly on the wall approach..."

<sup>15</sup> Bailey (1996:66 – 67) draws attention to the following elements to be observed with regard to physical surroundings: lighting, colour, smell, sounds, objects and weather and temperature.



With specific reference to the respondents interviewed, elements such as race, age, gender and clothing were observed.<sup>16</sup> A very important aspect under consideration during this study was body markings or tattoos of the members of organised criminal groups. These markings not only indicated respondents' affiliation to a specific gang, but also the persons' rank in the gang. The respondents' body language was also an important observation. This was particularly important during the group discussions with former members of organised criminal groups. Aspects such as aggression, reaction towards members of other gangs, attitudes towards the police etc. formed part of essential observations. The majority of the respondents and people observed in Manenberg were able to speak English; however, the majority language spoken is Afrikaans. To be more specific, a dialect of Afrikaans is the dominant form of verbal communication. It was therefore important to become familiar with specific words and phrases used. In the cases where respondents were not able to conduct an interview in English, the interview was conducted in Afrikaans and translated before analysis. The advantages of direct observation included that it was the most direct way of engaging with respondents in their regular setting, and in the initial phases of this study it provided insight into the topic to be researched. Respondents were more at ease to share information; including life-stories and pictures.<sup>17</sup>

## **2.4 Research Ethics**

When collecting primary data, the following questions are crucial to consider before embarking on the research process, as it will provide insight into the ethical risks of the proposed study. Can deception or misrepresentation while dealing with the research subjects be avoided? Will the identities of the research interests of all parties involved in the study be protected? Can the confidentiality of the information provided during the research process be guaranteed? These ethical elements were all considered during the fieldwork process.

While collecting the primary data, a moral dilemma of not to get caught in or become part of criminal activity, was present. This dilemma also relates to what information (if related to criminal activities) should be declared to the authorities. The following basic guidelines were followed in this study in order to overcome this. First, personal boundaries were set before entering the field. These included elements such as: There will be no involvement in criminal

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<sup>16</sup> Bailey (1996:67 – 69) draws attention to the following elements to be observed with regard to the observation of members: body language, verbal behaviours and characteristics of the speech and the speakers.

<sup>17</sup> For more information on the advantages and disadvantages of observation, see Gillham, 2000:45.

activities and all information (such as locations and the witness of criminal actions) will be treated as confidential. It was decided that the only incident that will be reported to authorities if witnessed, was child abuse. Second, it was acknowledged that any attempt to mislead the respondents would undermine the purpose of the study. Accordingly, respondents were fully informed about the objectives of this study and what the data will be used for. It was essential to establish and maintain trust between the researcher and the researched for the duration of the study; honesty and openness as the objective of the study, contributed to create a trustworthy relationship. The research subjects were also guaranteed that they will remain anonymous.<sup>18</sup> Second, it was realised that if ethical rules were not followed, it may bring disorder to the field and damage to the discipline, when studying similar research topics, involving organised criminal groups and their interaction with local government and the community. It could also have involved personal trauma for all people involved in this study. No money was paid to any of the respondents who participated in the interviews; however, if money was used by the respondents for transport in order to be present at the interview, it was refunded.

A great emphasis was placed on the ethical considerations during the design of the study, the data collection phase and also the data analysis. As a starting point, to ensure a high standard of research ethics the study obtained ethical clearance from the Research Ethics Committee from Stellenbosch University. As explained by Babbie and Mouton (2001:528): "...the main responsibility of such a committee is to insure that the risks faced by human participants in research are minimal...". In order to obtain ethical clearance from the committee, specific attention was given to a number of aspects. These were: first, to get informed consent from each respondent to participate in the study. For a respondent to give informed consent, the purpose of the study, the procedures, potential risks and discomforts, potential benefits to the research subject/and or society, payment for participation, confidentiality, participation and withdrawal, identification of investigators and rights of the research subjects had to be explained.<sup>19</sup>

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<sup>18</sup> Lee (1993:97 - 98) confirms that *confessions* or sharing information that are intimate or personally discrediting are easier when privacy and anonymity are guaranteed. Privacy, anonymity and confidentiality (amongst other aspects) create trust between the interviewer and the interviewee.

<sup>19</sup> These elements are also mentioned by Bailey (1996:10 - 11). Although field researchers do not always agree on one set of ethical standards, informed consent is essential, based on the purpose of the study, procedures, risks and benefits, voluntary nature of their participation, right to stop the research, and confidentiality and anonymity. The research can only proceed if respondents understand and agree to these elements of the study.

As this research was deemed to fall in a high risk category, extra measures were taken to ensure the safety of all involved in the study, including the investigators and participants. The research assistant was requested to sign a confidentiality contract that stipulated that all information obtained while working on the project, in the capacity of research assistant, will be handled as strictly confidential and that no information obtained during and related to the study will be shared with a third party. During the majority of the small group discussions a therapist was present in case one of the respondents needed to be debriefed after a session. The therapist also signed a letter of confidentiality.

The following documentation was submitted to the ethics committee of Stellenbosch University in order to obtain ethical clearance: A consent form that respondents had to sign when they participated in the research, the interview schedule, the research proposal and the Ethics Committee application form. The last mentioned document stipulated, amongst other things, that all data will either be stored electronically, on a password protected laptop or in a lockable cabinet in the Department of Political Science, Stellenbosch University.<sup>20</sup>

## **2.5 Basic Safety during Fieldwork**

While collecting the primary data, basic safety features were exercised, in order to ensure the safety of all parties involved. Before entering the field, physical risks (for example physical harm and criminal activities) were assessed and analysed. As mentioned before, access to the field was obtained by using gatekeepers. Another important element was to obtain a research assistant that was familiar with the local language/dialect and the location.

The data was recorded by using a dictaphone. Several of the small group discussions were also video-recorded. However, the video data was not used in the analysis, only the audio data. During the interviews, extensive notes were also made. With regard to the method of recording data, it was essential to obtain permission of the interviewees to be recorded (video or voice) before the interviews started. Hiding the recorder or telling the respondents that, for example, only notes will be used, would have significantly impacted on the ethics of this study, as confirmed by Bailey (1996:76) when she states that recording interviews without explicit permission is unethical.

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<sup>20</sup> See also Lee (1993:179 – 180) on protecting the confidentiality of data by storing it in a computer programme. It is believed that the securing of the confidentiality of the data collected in this study was increased by using a computer programme.

While doing fieldwork, the location of the key informant interviews and the small group discussions were carefully selected. As the site of the fieldwork was divided between the territories of different gangs, interviews and small group discussions were conducted in areas that were neutral territory. These locations included the local hospital in Manenberg, the police station, a primary school and three community centres.<sup>21</sup> The site was never entered without the presence of a research assistant that was familiar with the area, or the primary gatekeeper.

## **2.6 Conclusion**

This chapter explained the research process of this study. The aim of the chapter was to provide a description of the research process, which drew attention to the nature of the research (the sensitivity of the topic) and how this impacted on the research design and methodology. A case study research design was selected, given that the aim of this study is not to make generalisations. The intensive study of one case is usually not associated with producing findings that could be applied beyond the boundaries of the context in which the research was conducted. Rather, the aim is to contribute to the theoretical foundations and construct new theory, through the analysis of a specific case. The research process as explained in this chapter was selected in order to analyse the relationship between organised crime and local governance in South Africa, so as to assess how organised crime impacts on the social control by the state. This research process was deemed the most applicable in order to investigate the impact of organised crime on local governance.

The following chapter will provide the theoretical foundation of this study. A conceptual clarification will be provided of the dependent variable, the state, and several other concepts central to this study will be explained. The chapter will give a detailed account of theories on the state and state-society relations, as they will be used for the purposes of this study. This theoretical and conceptual basis is vital, as it will guide the research.

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<sup>21</sup> Barbour (2007:48) comments on the importance of the setting of focus groups and how it will impact on the focus of the data collected. Accordingly, and despite the safety element, it was essential to select a neutral territory, free from gang activity.

## CHAPTER THREE: CONCEPTUAL FRAMEWORK

### 3.1 Introduction

There exists a vast amount of literature on theories of the state, which mainly differs on what the nature of state power is and should be. In addition there are also different perceptions on what the role of the state is and/or should be. The purpose of this study is not to provide a complete literature review of the abovementioned topics. Instead, the purpose of this study is to answer the main and supportive research questions as presented in chapter one. In order to answer these questions, there is however, the need to conceptualise the notion of the state and position the concept within both the broad field of state theory and also other perceptions of the state. This will create the foundation of how the dependent variable, the state, will be used in this study.

Following on the different theories of the state, there is a central proposition that grounds the majority of literature namely that: "...national states constitute the building blocks of legitimate world order..." (Rotberg, 2003:1). Accordingly, there is a focus on the search for the perfect formula and method in order to construct the state, which will indeed provide a system that will be the building blocks of a legitimate world order. These studies usually include an analysis of state failure and processes involving state reconstruction. However, there exists literature that is based on the proposition that the nation state is not the most important actor of authority in order to create a legitimate world order. Studies constructed on this proposition include an analysis of other actors of authority, both domestic and international. Accordingly, there is a broad theme that covers all literature: The question of the durability of the traditional Westphalian notion of the state. This study will be constructed on the proposition that the nation-state is the building block of a legitimate world order and the most essential institution in the political sphere, with specific reference to the local political sphere, and not the global.

This chapter starts by providing an overview of the four classical theories of the state: Pluralism, Elite Theory, Marxism and Market Liberalism. This is done in order to provide a strong theoretical grounding for the study. The main research question that forms the focal point of this study is formulated as: *What is the impact of organised crime on the social control by the state?* The first sub-research question has been formulated as: *What are the power dynamics between local government, criminal agents and society?* The second sub-

research question has been formulated as: *Has the state become criminalised at the level of local government, as a result of the activities of organised crime, and if so, to what extent?* Throughout this chapter, and for the remainder of this study, the underlying theme will be state-society relations.

The next section of this chapter will provide a conceptualisation of the state. Two other conceptual clarifications will also be provided: State-building and nation-building and the process of state decay. These conceptualisations will be provided for a number of reasons: The concepts will be used throughout this study. Also, state-building and nation-building are concepts often used interchangeably, and for both processes state-society relations are essential. Similarly, with the concept of state decay, there are several variations of the concept used to indicate the process of the weakening of the state.

Section 3.6 of this chapter will focus on state-society relations, concentrating on the work of Joel S. Migdal (1988). Migdal (1988) looks at strong societies and weak states, thus state-society relations, with specific reference to state capabilities. In order to measure the social capabilities of the state, Migdal (1988) uses three concepts, namely compliance, participation and legitimacy. As these three concepts are used in chapter five of this study to measure the impact of organised crime on the social control by the state, this chapter provides a detailed conceptual clarification of the concepts. This consequently presents an analytical framework that guides this study and that is utilised in chapter six.

The final section of this chapter, section 3.7, will discuss the relationship between the state and non-state actors (located within society). Within the state system, there can be the presence of non-state actors that may or may not work in favour of the state in sustaining the balance of power. Thus, there may or may not be a mutually beneficial relationship that works in favour of either the state or certain actors within the society. The contrasting view will also be discussed: An analysis of rival social organisations (as an indicator of strong societies), with specific reference to local rival social organisations (as opposed to regional and international). There will be a specific emphasis on domestic non-state actors and organised criminal groups, thus introducing the independent variable of this study. Accordingly, this will be an illustration of a situation where more than one authority exercises power on an intra-state level: The state and rival non-state actors, whose operating rules may not be reconcilable. This brings the discussion to a very important theme: The

impact of the non-state actor on the state. Here, the question is posed: As a non-state actor, what does organised crime threaten? One possible impact of organised criminal groups on the state is the criminalisation of the state. This study sets out to investigate how and to what extent organised crime criminalises the state. In order to do this, a framework with indicators needs to be constructed, with which to analyse the level of criminalisation of the state, specifically at the local government level.

### **3.2 Four Classical Theories of the State**

There are several theories of the state, not all of which will be discussed in this chapter. Rather, an overview will be provided of four classical theoretical perspectives of the state, namely: Pluralism, Elite Theory, Marxism and Market Liberalism.

#### **3.2.1 Pluralism**

The theory of pluralism is based on the idea that there are several diverse centres of power in a society; groups that differ in size, aim and structure and approaches to knowledge. Accordingly, "...pluralism stresses the beneficial consequences of social and cultural diversity, of having many different institutions, values, groups and ways of life..." (Dryzek and Dunleavy, 2009:35). Thus, even more than acknowledging diversity, there is the recognition that it is advantageous and constructive.

As mentioned, in pluralist theory it is argued that there are several centres of power in a society: This power needs to be dispersed, within the framework of a representative government and a constitutional, liberal democracy. This has the implication that political processes (and the creation of policy) are a result of the interaction between different actors and institutions. Groups and groupings are regarded as the building blocks of political life (Dryzek and Dunleavy, 2009:131). In a pluralist state, power will be distributed amongst different and diverse interest groups, pressure groups and political parties, with the state acting as the mediator. As a result of the state acting as an arbitrator, it needs to be neutral in its relations to the different diverse groups.

With reference to state-society relations, the state is accountable to society and there is a clear distinction between the responsibilities of the state and that of society: The state will uphold the mechanisms of order and the society will be the driving force behind the mechanisms of order, executing it. Schwarzmantel (1994:52) explained it by stating that the state is "...the

servant of society and not its master...”. According to this view, the government is more important than the state, as agencies of the state such as the judiciary and the police will be under the command of the elected representatives. According to the pluralist theory of the state, there will be maximum diversity with a central authority, guiding interaction between groups (Vincent, 1987:210).

Pluralism as a political theory of the state became dominant in American political science during the 1950s and 1960s. However, during the late 1960s and early 1970s the popularity of the theory declined. As confirmed by Dryzek and Dunleavy (2009:131): “...Pluralism then had to repel attacks from market liberals who saw groups as obstructions to the public interest, as well as cope with the lingering hostility of elite theory and Marxism...”. Accordingly, neo-pluralism emerged.

Some elements of classical pluralist theory are retained in neo-pluralism. There is still an emphasis on individual rights and the freedom of political association in order to participate in political processes. This, as well as, emphasis on the importance of competitive elections and a constitutional framework are preserved. Public policy is formulated from interactions between several groups and actors. However, the inequality and imbalance of these groups are recognised (Dryzek and Dunleavy, 2009:132). One particular type of imbalance exists between business and the rest of society. As noted by Dunleavy and O’Leary (1987:293), neo-pluralists:“...are prepared to concede what conventional pluralists always denied, that business interests occupy a position of special importance compared with other social interests...”. Business interests will in general have a superior influence on policy decisions in liberal democracies, according to the neo-pluralist perspective. In addition to this, within the neo-pluralist perspective, the position of the state is also different in that the state acts more as a role-player and less as a neutral umpire: The state is regarded as an independent actor that looks after its own interests.

As the neo-pluralist view acknowledges both state and society as important actors with responsibilities, this theory will be used as the theoretical foundation in this study. The theory stipulates that the interest of the state should accord with that of society, and a clear distinction is made between the government and the state.



### 3.2.2 Elite Theory

Opposing the view of the pluralist and neo-pluralist theory of the state, where there are several diverse centres of power; according to elite theory, power is vested in a small minority situated in economic and political institutions. The elites, or small minority, will be in control of the resources within a state, which will confirm their position of authority. Accordingly, a clear distinction exists between the elite and the mass. The elite minority will rule; however, electoral processes will still take place, as this is not linked to the power of the elites. Dryzek and Dunleavy (2009:57) comment that earlier normative elite theory argued that the domination of a small elite is natural and desirable in a specific society.

It is important to note that although the pluralist theory will acknowledge inequalities in a society, this will not however create the establishment of a cohesive elite. The reason for this is that elites are often concerned with their own rivalries. However, elite theorist will argue that inequalities exist and this confirms a unified power elite. Furthermore, the pluralist view concedes that public policy can sometimes involve the redistribution of resources to poorer members of society. However, elite theorists will argue that "...any such redistribution does not represent any real political influence on the part of ordinary people, merely a way of stabilising society in the interest of the elite..." (Dryzek and Dunleavy, 2009:77). The power elite will be in control of the resources of the state and the distribution thereof. As mentioned, although pluralists acknowledge that inequalities may establish different divisions, the focus remains on diverse organisations participating in the ruling of the state. As elite theory focusses on the power dynamics located in this one group of society, it will not be used as the theoretical foundation of this study.

### 3.2.3 Marxism<sup>22</sup>

The Marxist perspective of the state is characterised by several divisions and interpretations. One key element, however, is that the state is viewed through the lens of classes and class struggles (Pressman, 2006:6). In addition, the state cannot be understood separately from the economic structure of society. A traditional view of this theory sees the state as opportunistic, built upon the superstructure of the economy, and working against the interest of the working class. Furthermore, the state mirrors class relations in society in general, and acts as a

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<sup>22</sup> As there are several Marxist theories on the state, this analysis of the Marxist perspective of the state will focus on classical Marxist theory.

regulator and repressor of class struggle. The state thus facilitates the class struggle. The main aim of the Marxist perspective of the state is to eradicate and eliminate the capitalist state and replace it with a socialist system, in order to create a classless society. Accordingly, and as noted by Dryzek and Dunleavy (2009:79) the focus of Marxism is on the capitalist state; how it came into being, how it functions and how it will cease to function. Marxism and the applicability of Marxist theories of the state declined with the fall of the Berlin Wall (1989) and the end of the Soviet Union (1991). In addition, "...the adoption by the Chinese Communist Party of a capitalist economic system open to foreign investment in the late twentieth century..." led to further deterioration of Marxism (Dryzek and Dunleavy, 2009:80). For the purposes of this study, Marxist theory will not be used as a guideline, given the lack of focus on state-society relations. The focus of the theory is on the class struggle and not how the actors of *state* and *society* interact.

#### 3.2.4 Market Liberalism

To end the discussion on classical theories of the state, market liberalism stands in direct opposition to the classical Marxist theory, the pluralist theory of the state and elite theory. Whereas in the case of pluralism the focus is on groups; in Marxism the focus is on social classes and in elite theory on the elites, in market liberalism the focus is on the individual. Individuals will compete in markets to satisfy their needs, which can be done most efficiently in a capitalist system. Capitalism is accordingly regarded as the optimal system (Dryzek and Dunleavy, 2009:101 – 107). Furthermore, according to market-liberalists, the state should be pro-capitalist, with minimal interference and acting in an oversight role. It will facilitate opportunities, but with limited intervention. It is noted that a specific grouping exists in market liberalism, known as anarcho-capitalists, who advocate that the state is not a necessary entity. However, in general, the importance of the state is recognised, and the roles of the state include the following:

“...defining and protecting private property rights, establishing and enforcing laws of contract, preventing overt coercion of individuals by others, issuing and controlling money, regulating monopolies that cannot be avoided...providing some minimum basic infrastructure, protecting people who are unable to take care of their own interest, organising national defence and collecting sufficient funds to finance these activities...” (Dryzek and Dunleavy, 2009:108).

It has been noted that after the Asian financial crisis of 1997, the terrorist attack on the United States in September 2001 and the 2008 financial crises in the United States and Europe, there has been a renewed recognition of the benefits of a strong state (Dryzek and Dunleavy, 2009:331 – 332). In addition, there is the acknowledgement that: “...behind every contemporary market economy stands a state...” (Dryzek and Dunleavy, 2009:332), thus possibly signalling the decline of empirical liberal market theory.

To summarise, according to the market liberal theory of the state, the state will only act in an oversight role and less government interference is desired, in addition to no, or minimal outside interference. This theory advocates for the continuous support for the free market, in order to maximise personal wealth development. As this theoretical perspective focusses on the individual rather than the group, it will not be used as the main theoretical perspective of this study.

### **3.3 Understanding the State: A Conceptual Framework**

There have been a number of seminal academic works based on the position, authority and continuance of the state in the global world order (for example Van Creveld, 1999; Strange, 1996 and Evans, Reuschemeyer and Skocpol, 1985 and Dryzek and Dunleavy, 2009). Van Creveld (1999) notes that although the state has been the most important of all modern institutions, a number of the functions of the state have been taken over by other actors, both local and domestic, and as a result, he observed a decline in the power, functions and capabilities of the state. Factors that led to the decline of the state include: The retreat of the welfare state, the waning of major wars, globalisation and the advancement of technology and also the withdrawal of faith that citizens have in the state. For example, Susan Strange (1996) refers to the decline of the state as the *retreat of the state*. Strange (1996) postulates that the state has lost political authority over the society and the economy, and discusses a series of non-state authorities in the international political economy, which have taken over some of the functions of the state. Thus, as there has been a decline in state authority, there exists: “... a diffusion of authority to other institutions and associations, and to local and regional bodies...” (Strange, 1996:4). One proposition that is provided as support for this argument is that a state’s authority has been weakened by technological and financial change and the rise of a single global market economy.

As a result of the retreat of the nation-state, what exists is a: "...yawning hole of non-authority..." (Strange, 1996:14). A power void or gap will accordingly exist, which will have the potential to be filled by an authority other than the state. This results in that the state as an organisation faces constant and increasing competition from other non-state organisations, who may challenge the authority of the state.

Nevertheless, as noted by Dryzek and Dunleavy (2009:6): "...the existence of contested, failing and failed states should not disguise the pervasiveness of the state form...". Accordingly, there is also the view that the retreat of the state is not as intense as described above. As with any organisation, external and internal elements will continuously have an impact on the structure and operations of the state. What is observed is that, the nation-state is no longer the only relevant actor (both domestically and in international relations) and that the monopoly that the state had over specific capabilities, tasks and roles has changed. However, the question remains: What is the effect of other actors on the role of the state and how will this change the authority and position of the state? For example, Friman and Andreas (1999:4) note that the: "...global division of labour and expanding power of global production and finance have increased the accountability of states to global markets and non-state entities...". Thus, according to Friman and Andreas (1999) the authority of the state is still confirmed in the global economy. Equally important is that the impact of globalisation on the state will differ in each case and it is important to take into consideration each state's position in the global economy, but also the historical context of each state (Friman and Andreas, 1999). Indeed, the Global Financial Crisis that started in 2007/2008, which was triggered by the housing bubble in the United States, and the European Sovereign Debt Crisis, has brought about a renewed interest in the position of the state in the global economy. As a result of the global recession, caused by these economic failures, national governments were forced to provide rescue packages to financial institutions, in an attempt to stabilise various sectors, most notably the banking sector. Thus, as states interceded, it brought about the reality of the interventionist state.

With specific reference to international relations, it is important to note that the majority of literature on state authority in international relations has been focused on the challenges to the state coming from above; thus, the top down approach of challenges to the nation-state (for example the impact of globalisation as described earlier). There has however been an acknowledgement of the bottom-up challenges to the state, with specific reference to the

criminal element or organised criminal groups:<sup>23</sup> Strange (1996:110 – 120) writes on the symbiosis between the state and organised criminal groups, with the pre-1980s Italian state as the prime example. However, she claims that the symbiotic coexistence between the state and organised criminal groups, as a non-state actor, are not sustainable and will cease to exist in two cases: First, when there is a collapse in the hierarchy of power in the state and second: “...when the rival authority’s power is perceived to threaten the state because it has acquired new foreign allies or new sources of wealth and influence...” (Strange, 1996:120).

Other studies of the relationship between organised criminal groups and the state in international relations (Mittelman and Johnston, 1999; Shelly, 1995 and 1999) focus on the transnational element of organised crime. Thus, the organised criminal group is viewed as a global actor in competition with the state for authority. Shelly (1999) hypothesises that the authority of the state is diminishing, but that this has not resulted in the disappearance of authoritarianism: “...transnational organised crime represents a new form of non-state-based authoritarianism...” (Shelly, 1999:25). In addition, Williams (1997) comments that the increase in the activities of transnational criminal groups, as facilitated by globalisation and the decline of the authority of the state, leads to these non-state actors to be one of the most important security challenges facing the 21<sup>st</sup> century. This study will similarly focus on the challenges to the state from below: Challenges from a sub-national group and non-state actor as a rival authority. However, this study will look at domestic groups who challenge the authority of the local state.

As mentioned in the introduction, there are several theoretical propositions regarding the state. In addition, there are just as many conceptual interpretations for the construct of the state. However, a number of these conceptual interpretations find their foundation in the seminal work of Max Weber. Weber (1978:56) provides a conceptualisation of the basic understanding of the modern state. He writes that:

“...The primary formal characteristics of the modern state are as follows: It possesses an administrative order subject to change by legislation, to which the organised activities of the administrative staff, which are also controlled by legislation, are oriented. This system of order claims binding authority not

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<sup>23</sup> See also Williams (2002) as will be discussed in section 3.7.

only over the members of the state, the citizens, most of whom have obtained membership by birth, but also to a very large extent over all action taking place in the area of its jurisdiction. It is thus a compulsory organisation with a territorial basis. Furthermore, today, the use of force is regarded as legitimate only so far as it is either permitted by the state or prescribed by it... The claim of the modern state to monopolise the use of force is as essential to it as its character of compulsory jurisdiction of continuous operation...”

A number of key elements can be extracted from this definition: Binding authority, administrative order, citizenship, territorial basis, legitimate use of force and a monopoly on the use of force. On the concept of state authority, it can be defined as: “... a psychological relationship, between the governed and their governors, which engenders a belief that state personnel and institutions, should be obeyed...” (Thompson, 2004:201). From this definition two essential subjects arise: First, the importance of state-society relations and second, the legitimacy of the state. It is postulated in this study that state-society relations should be regarded as an essential component of maintaining the organisation of the state. Accordingly, an imbalance or a breakdown in state-society relations will have a negative impact on a sovereign state. For the purposes of this study, the importance of the society in the construct of the state is acknowledged.

On the topic of legitimacy, Thompson (2004:201) postulates that state authority is generated from two sources, namely legitimacy and coercion. He argues that governments use a combination of legitimacy and coercion to maintain their authority over a specific society. Furthermore: “...when the state’s legitimacy declines, however, and rulers no longer command sufficient resources of coercion, authority is threatened...” (Thompson, 2004:201).<sup>24</sup> If the citizens of a state regard the system as legitimate, the state will have the ability to mobilise society. As noted by Migdal (1988:21 – 22) several elements are central to the survival of the state, the most important of which, is the ability to mobilise society.<sup>25</sup> The mobilisation of the society: “...involves channelling people into specialised organisational frameworks that enable state leaders to build stronger armies, collect more taxes...and complete any other number of complicated tasks...” (Migdal, 1988:22). Thus, the capacity of the state to mobilise society is a functional part of the conceptualisation of the state.

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<sup>24</sup> The concept of legitimacy will be conceptualised in section 3.6

<sup>25</sup> Migdal’s (1988) conceptualisation of state capabilities will be discussed in section 3.6

When further analysing conceptual clarifications of the state, Van Creveld (1999:1) postulates that the state is an abstract entity and furthermore, that it is an overarching invisible subject, which includes both the head of state and the common citizen of the state. In addition, Van Creveld (1999:1) suggests that there are three distinctive characteristics by which the state is defined: "...it authorises (other corporations) but is itself authorised...solely by others of its kind; secondly, that certain functions...are reserved for it alone; and thirdly, that it exercises those functions over a certain territory inside which its jurisdiction is both exclusive and all-embracing...". The third element that is mentioned by Van Creveld (1999) is control over a specific territory: Failure to exercise control over the entire area of a state, may lead to state weakness and state failure. Indeed, this is recognised by Herbst (2000) when he addresses state development in Africa. Herbst (2000) explains how the process of state-building in Africa differs from state-building in Europe. He explains that a lack of permanent, well-defined boundaries in pre-colonial and colonial Africa is essential in terms of explaining a lack of state development. In addition, Herbst (2000) postulates that when explaining state weakness in Africa an important element is low population density as this complicates authority and control. In Africa, states were not centralised as in Europe as all leaders had to deal with the problem of low population densities, which in turn made it difficult for leaders to control the periphery from the capital. It was essential to control the main urban areas, and rural areas that were important in terms of the economy (for example region around the Nile river), but political control was limited to such regions and did not expand over the entire territory of states. Other elements, such as a lack of state institutions and the role of colonialism are also discussed by Herbst (2000). However, the inability of rulers to apply and maintain control over their territory is central to the clarification of why states in Africa fail. States can only survive if there is continuous control over their entire territory. In the introduction this central hypothesis is confirmed when he states that "...states are only viable if they are able to control the territory defined by their borders..." (Herbst, 2000:3).

Another significant definition of the state is provided by Stepan (1978:xii), when he claims that: "...The state must be considered more than the "government".<sup>26</sup> It is the continuous administrative, legal and coercive systems that attempt not only to structure relationships between civil society and public authority in a polity but also to structure many crucial

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<sup>26</sup> Van Creveld (1999) also postulates that the main characteristic of the state is the separation between the ruler and the organisation.

relationships within civil society as well...<sup>27</sup>. From this definition, as noted by Skocpol (1985:7), other organisations and agents are essential for the continuation of the state as they also take part in and facilitate social and political relationships.

These attributes of states are echoed by a number of authors. For example, Zartman (1995:5) stipulates three functions of a state. First, that the state is a sovereign authority (the arena of politics and the source of identity), second that the state is an institution (one single organisational entity, as also noted by Weber (1978), and an intangible symbol of identity and thirdly, that the state is the security guarantor for the populated territory, referring back to the legitimate use of violence noted by Weber (1978). In addition, what Zartman (1995) argues is that there is a significant blurring of these characteristics of the state and that it is difficult to perform the functional characteristics in isolation. Accordingly, each of these functions needs to be executed in order for the state to persist. Similarly, if one function is not executed it will result in a possible failing of the other.

Williams (2002:164) similarly outlines four main interpretations of the state: a) the state is a sovereign territorial entity, which controls the area under its jurisdiction, thus controlling who and what enters; b) the state is a system of rules, and thus the state has both authority over its citizens and obligations towards them; c) the state is a set of institutions and people who act on its behalf; and d) the state is a set of functions, which range from the state as guarantor of order and security, to the role as the manager of economic activity and provider of economic and social welfare. As previously mentioned, in order for the characteristics of a state to be functionally executable, at the core of the state exist administrative, legal, extractive and coercive organisations. More practically speaking, the state will facilitate revenue generation, safety, security and justice, basic service delivery and economic governance. If these core functions of the state can be performed, the legitimacy of the state will increase. It is important to note that these organisational structures will differ from state to state, mainly based on the legislations of that state and governmental structures (Skocpol, 1985:7). Also, as noted by Dunn (2001:55): "...the nation–state as an institution reflected the needs and demands of a specific time and place..."<sup>28</sup>.

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<sup>28</sup> Dunn (2001) discusses the African state in international relations theory and postulates that the generally accepted definitions of the state do not fit the reality in Africa.



To continue by looking at the state based on the neo-pluralist theory, Rotberg (2003:2) provides a normative conceptualisation of the state. He explains that the main function of the modern state is to provide political goods to the citizens; thus: "...state answers the concerns and demands of citizenries...". What is important, however, is that there exists a specific hierarchy of political goods, of which the supply of security (specifically human security) is the most important one. As said, the provision of these political goods is regarded as the main function of the state. It includes the prevention of cross-border invasions and infiltrations; thus, the prevention of the loss of territory. Furthermore, domestic threats that may attack national order and social structure need to be eliminated. Also, crime and other related dangers to domestic security need to be prevented and last, citizens need to be enabled to resolve disputes with each other and the state, without fear of intimidation (Rotberg, 2003:3). A summary of the normative hierarchy of political goods, which the state needs to provide, as its main function, is listed in table 3.1 below.

**Table 3.1: Hierarchy of Political Goods**

<b>Political Goods</b>	<b>Description</b>
Security	Prevent loss of territory
Political freedom	Citizens can participate freely, openly and fully in politics and political processes
Medical and Health care	Include medical and health care at varying levels and costs
The Knowledge Good	Schools and educational facilities of various kinds and levels
Physical Infrastructure	Including roads, railways and harbours
Communications Infrastructure	Including telephone networks and broadcasting stations
Money and Banking system	Including a national currency and system presided over by a central bank
Fiscal and Institutional Context	Citizens can pursue personal entrepreneurial goals/potentially prosper
Civil Society	The promotion of civil society
Environmental Commons	Methods of regulating the sharing of the environmental commons

**(Source: Adapted from Rotberg, 2003:3, 4)**

To conclude this section, the state is regarded as: An abstract entity of administrative order with binding authority and a territorial basis and jurisdiction that is recognised by other similar organisations. There should be a separation between ruler and organisation and the organisational structure of each entity can differ, based on a number of elements including:

History, legislative and governmental structure and location. In order to attain benefits for society, the state needs to fulfil a number of functions, which are intertwined and cannot be executed in isolation. As part of these functions, the state needs to provide political goods to citizens, of which the provision of security is the most important. Accordingly, the state claims the legitimate use of force and a monopoly on the use of force. The lack of provision of political goods can facilitate the breakdown of state-society relations. Thus, the ability of the state to mobilise society will weaken, and consequently, there may also be a decline in the legitimacy of the state.

### **3.4 A Conceptual Clarification: State-building and Nation-building**

In the processes of *state-building* and *nation-building*, state-society interaction is key. The constant interaction between (and interdependency of) the state and society need to be present, in order for either state-building or nation-building to take place. However, these two processes are often confused and used interchangeably (Hippler, 2004 and Goldsmith, 2007). Historically, state-building has focused on the state as the main and sometimes only role-player in the process of state-construction. Thus, the main aim was the building of strong formal institutions of the state. This entailed a top-down approach, where the role of civil society in the state-building process was minimal. However, state-building can also be viewed as a bottom-up process, where the society is seen as an active agent in the process. In addition, there is also a stronger focus on state legitimacy and the political and social fabric of society (Haider, 2010:4).

On the other hand, nation-building refers to constructing a cultural identity or: "...the establishment of a common national identity within a given geographical area, based on a shared language and culture..." (Goldsmith, 2007:26). It is acknowledged (Hippler, 2004 and Goldsmith, 2007) that state-building is an essential component of nation-building and that the development of a nation is facilitated by a well-developed state.<sup>29</sup>

In contrast to this view, state-building and nation-building can be regarded as contradictory processes. As argued by Ottaway (1999)<sup>30</sup>, the aims of state-building and nation-building can be contradictory and the author claims that it is the case in Africa: Where state-building aims

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<sup>29</sup> See also Lemay-Hébert (2009) where it is argued that state-building and nation-building should be understood as a single process.

<sup>30</sup> The analysis of Ottaway (1999) focuses on the state in Africa.

to develop politically inclusive systems based on democracy, nation-building promotes the acknowledgement of ethnicity and as a result, undermines multi-ethnic states. Ottaway (1999:83) writes:

“...Two processes are underway in Africa simultaneously: a process of state building, aiming at the development of more democratic political systems...and a process of nation building, which threatens the integrity of existing multi-ethnic states as ethnic nationalist movements increase in militancy and make a bid for their own state...”.

The argument follows that this can facilitate the disintegration of states and the rise of nationalist authoritarian regimes.

However, this study will take the view that state-building and nation-building need not be regarded as counterproductive. Nation-building refers to the establishment of a common national identity as opposed to the development of individual ethnicities. To conclude, nation-building is understood as the process of the formation of a shared national identity and state-building, as the establishment of effective organs of a central government. In addition, state-building is also regarded as an essential element of successful nation-building and the two processes need not be regarded as contradictory. For both the state- and nation-building to be successful, the importance of state-society relations needs to be acknowledged. However, in some states political leaders will purposefully neglect building stronger state-society relations. Such leaders will usually benefit from patronage and criminal activities, including organised crime; thus, there will be little to no incentive to engage with citizens (Haider, 2010:6).<sup>31</sup> The result will be both a lack of state-building and nation-building.

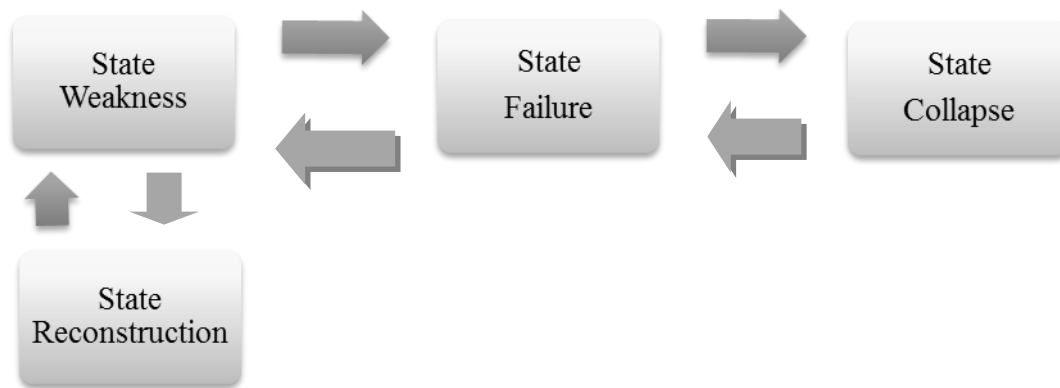
### **3.5 A Conceptual Clarification: State Decay**

A great deal of research has been devoted to analysing why states fail. This body of literature usually includes the reasons for state failure based on case study analysis. These cases typically include states such as Afghanistan, Sudan and Somalia. However, there has been a move towards incorporating the themes of breakdown, restoration and prevention into case study analysis.<sup>32</sup> It is important to note that the concepts of state weakness, -failure, -

<sup>31</sup> For a comprehensive discussion of patronage as part of the criminal-political nexus, see section 3.7.

<sup>32</sup> A number of case studies related to state collapse and reconstruction can be found in Zartman (ed) (1995). This collection includes a historical analysis of state collapse and reconstruction in Chad (Foltz, 1995),

fragmentation, -breakdown and -collapse are often used interchangeably to explain the deterioration and ultimate downfall of the state. This study will distinguish between state weakness (indicating initial fragmentation of the state, but also limitations on the capacity of the state), state failure (the visible non-functioning of state apparatus) and state collapse (a complete breakdown of most, if not all state systems). Thus, state weakness can result in state failure, which in turn can result in state collapse, and the process is referred to as state decay, as is presented in figure 3.1. It is important to note that states can progress or regress between the different categories of state decay, indicating that state reconstruction is also a possibility. For example Lebanon, Nigeria and Tajikistan have moved from collapsed to weak states, Afghanistan and Sierra Leone from collapsed to failed, and Zimbabwe from a once strong state to a failed one (Rotberg, 2003:10).



**Figure 3.1: The Process of State Decay and State Reconstruction**

(Source: Produced by the author for this study).

### 3.5.1 State Weakness

On the topic of state weakness, the most important element used to define a state as weak, is internal institutional weakness, as observed in a decline in the capacity of the state. Mentan (2004) argues that a state weakens when the state cannot provide citizens with a minimum level of security, when the state is vulnerable to external economic and political forces and when the state is not regarded as legitimate by groups of the population.

With regards to weak state capacity and the identifiable elements of a weak state, Williams (2002) furthermore lists weak border controls, lack of business regulations and an ineffective

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Uganda (Khadiagala, 1995) and Ghana (Rothchild, 1995). The book further addresses the topics of states in danger and agents of state reconstruction.

criminal justice system. Williams (2002) agrees with Mentan (2004), that weak states will have a low level of state legitimacy. Migdal (1988) also focuses on state capabilities when identifying weak states, in that such states will have low capabilities to extract resources, regulate relations between the state and citizens and amongst citizens themselves, and penetrate society and mobilize citizens. Accordingly, Williams (2002) refers to the weaknesses in the state as capacity gaps, which will lead to functional holes in the system of the state. These functional holes may then be utilised by non-state actors for their own benefit (Williams 2002:170).<sup>33</sup> Similarly, Mentan (2004:20) claims that state weakness in Africa creates the ideal situation for violent non-state actors to capture the state. The author further describes several manifestations of weak states, including high rates of unemployment (specifically amongst historically disadvantaged groups), extremely high levels of corruption and a general absence of the rule of law. The result will be an abundance of unskilled and unemployed youths engaging in criminal activities, lack of law and order and a lack of legitimate government. Weak states can be summarised as states suffering from gaps in the capacity of the state, but also a lack of state legitimacy. Furthermore, a weak state will not be in control of its entire territory, with specific reference to areas where marginalised groups reside or peripheral areas. Indeed, Reno (1998:2) conceptualises a weak state as a state where: "...conventional bureaucratic state capabilities exists alongside (generally very strong) informal political networks...". Informal local non-state actors and informal political networks may subsequently challenge the authority of the state.

### 3.5.2 State Failure

The next step in state decay is state failure, but (as mentioned) it is important to acknowledge that state weakness does not automatically lead to state failure. Accordingly: "...crossing from weakness into failure takes will as well as neglect..." (Rotberg, 2003:14). State failure is thus mostly man made and does not happen by accident. As catalysts of state failure, two elements can be highlighted: Internal violence and (non)-delivery (of) political goods. Rotberg (2003:1) states that: "...Nation-states fail because they are convulsed by internal violence and can no longer deliver positive political goods to their inhabitants..."<sup>34</sup>. Indeed, failed states will only provide limited, if any, political goods. As explained previously, security is regarded as the most important political good and if there is a lack of security, the

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<sup>33</sup> Capacity gaps and functional holes will be explained in section 3.7.5.

<sup>34</sup> The concept of political goods is explained earlier in section 3.3. See table 3.1 for a summary of political goods.

result would be internal violence and conditions conducive towards state failure. Indicators of internal violence and an inability to deliver political goods are the following: enduring political violence, victimisation of citizens by the state, loss of control over peripheral territory, growth of criminal violence, flawed state institutions, deteriorating infrastructure, failing provisions of basic services, economic opportunity for an elite, in the context of a generally declining gross domestic product, and widespread corruption (Rotberg, 2004).<sup>35</sup>

A number of elements relevant to the research questions posed in this study, need to be highlighted. First, Rotberg (2004:6) lists lack of control as an important indicator of a failing state. He says that: "...failed states cannot control their peripheral regions, especially those regions controlled by out-groups. They lose authority over large sections of territory...". Furthermore, this can be measured by the actual control of government officials over a geographical area. A second important indicator of state failure to be highlighted is the increase of criminal violence. In this case, lawlessness as a result of the lack of authority by the state will become more apparent. Criminal gangs will increase and extend their control over territories. Strongmen will become central to communities, as they will provide protection and security (Rotberg, 2004:6). As explained earlier, as part of the conceptualisation of the state, one of the main roles of the state is to provide political goods; as the state breaks down, it will not be able to provide basic political goods. In the case of failed states, this function can be taken over by non-state actors. If a non-state actor has a significant armed following, prevention of failure will probably not be possible (Rotberg, 2004). In addition, three other signs of imminent state failure can be highlighted: Rapid reduction in incomes and a decline in the standard of living, an increase in the levels of violence and the subversion of democratic norms (Rotberg, 2004). If these characteristics are present, the ultimate result will be state collapse.

As will be discussed later in this chapter, Reno (1998) takes a look at state weakness and state failure from the perspective of warlord politics. He argues that warlords stay in power as a result of their ability to manipulate resources and garner support from external sources. However, in order to maintain power and the accumulation of wealth, rulers ensure that the bureaucracy and the military stay weak. Thus, institutional state weakness needs to be kept in place therefore state failure is a deliberate strategy by the ruler. Such states will have no

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<sup>35</sup> According to these indicators, Rotberg (2004) identifies Afghanistan, Angola, Burundi, Democratic Republic of Congo, Liberia, Sierra Leone and Sudan as failed states.

legitimacy as they will fail to provide political goods to citizens.

### 3.5.3 State Collapse

A simplistic definition of state collapse is that the state can no longer perform its basic functions, including that of maintaining the role of the decision-making centre of government, being a symbol of identity and territorial entity, being the authoritative political institution and a system of socio-economic organisation (Zartman, 1995:5; Thompson, 2004:211). Therefore, state collapse does not necessarily occur in the case of regime breakdown, such as a coup or rebellion, but when the: "...legitimate power of the state..." falls apart, together with the laws of the state and the political order (Zartman, 1995:1).<sup>36</sup>

Zartman (1995:1) and Rotberg (2003:9) further explain that when a state collapses, a vacuum is created, with specific reference to authority. The vacuum of authority may be filled by non-state or sub-state actors (also referred to by Zartman (1995) as local power grabbers): "...order and power (but not always legitimacy) fall down to local groups or are up for grabs..." (Zartman, 1995:1). Thus, a local non-state authority could consume the power lost by the central government and fill the vacuum of authority. The non-state actor could control a territory within the original boundaries of the state. One example is Somaliland, a region located in the Horn of Africa. It is a self-declared sovereign state and not internationally recognised.<sup>37</sup> It is important to note that in the case of Somaliland (located in the state of Somalia) the lack of a formal, internationally recognised state did not result in anarchy and chaos. The institutional system is based on local authority (coming from the society) which maintains order.

Thus, two important concluding remarks can be derived from the preceding conceptualisation of state weakness, state failure and state collapse: State collapse is the final stage in the process of state decay, preceded by state weakness and state failure. In the case of state collapse, a vacuum as a result of a lack of institutional capabilities of the state is created. This vacuum is often filled by a local non-state actor and although the authority exemplified by

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<sup>36</sup> An example of a collapsed state is Somalia. Thompson (2004:211) writes that "... Although Somali clans were united enough to bring down Siad Barré's corrupt regime in 1991, these disparate groups collectively failed to reconstitute a national government in its place. Somalia...has not had an officially recognised central authority for the last 15 years...".

<sup>37</sup> For more information on statehood in Somaliland the following texts can be consulted: Buur and Kayed (2007), Menkhaus (2006 and 2007).

this actor would be in rivalry with the state (or what is left after state collapse), the authority of the non-state actor can have the ability to normalise and stabilise the situation, as in the case of Somaliland.

### **3.6 State-Society Relations**

The focus of the discussion of state-society relations will centre on the 1988 work of Joel S. Migdal: *Strong societies and Weak States: State-Society Relations and State Capabilities in the Third World*. Migdal's (1988) main research question was stated as: Why specific states find it hard to foster strong state-society relations, by achieving high levels of social control, while other states find it easier to do? Thus, why does a specific state have the ability to successfully conduct policy implementation, as an indicator of high state capacity? Accordingly, Migdal (1988) creates a set of theories to examine state capabilities, which is based on state-society relations. What is central to the analysis is that states cannot be separated from society; and in order for a state to emerge and progress to a strong state, social control by the state, over society, is needed.

Migdal (1988:24) further focuses his analysis on: "...sources of resistance to the state's efforts at achieving predominance...". As part of this analysis, two themes are focused on: How the: "...rules of the game..." have been established and maintained in society and second, that there should be a focus on all organisations in a society that have exercised social control; thus, both formal and informal organisations. According to the classical pluralist theory of the state, the analysis of state-society relations needs to include all significant political actors and on different levels. With regard to the levels of analysis, Migdal (1988) focuses on three levels of the state, namely the central executive leadership, central state agencies and officials at regional and local level. What he postulates, as will be explained later, is that in weak states local strongmen will work against the central state agencies, as created by executive leadership. The leadership will be challenged. Fragmented social control may result with state leaders prioritising their own survival and engage in the reshuffling of state agents and even "...dirty tricks...", such as corruption and buying of support (Migdal, 1988:257). This may however further weaken the state, through the deterioration of the capabilities of state agencies and a subsequent decline in legitimacy. As will be noted later, legitimacy is essential to foster strong state-society relations.



### 3.6.1 State Capabilities and State Social Control

For the purposes of this study, state-society relations can be defined as:

“...interactions between state institutions and societal groups to negotiate how public authority is exercised and how it can be influenced by people...They are focused on issues such as defining the mutual rights and obligations of state and society, negotiating how public resources should be allocated and establishing different modes of representation and accountability...” (Department for International Development, 2010:15).

The focus of this definition is on ensuring accountability of the state and to make the state responsive to society. An essential element of state continuation is the strong connection between the state and the society. Here, two relationships need to be identified: First, the direct impact of states on society and second, that societies also affect states. With specific reference to the last mentioned relationship and as noted by Migdal (1988), structures of societies can affect the capabilities of the state.

State capabilities will be conceptualised in the following section. In order for a state to survive, a number of factors need to be present: “...including the organisational capabilities of its leaders, population size, potential material and human resources available, and larger international configurations...” (Migdal, 1988:21).<sup>38</sup> In the case of states where all these elements are present, the state will technically survive. However, in addition to state survival, states aim to achieve a high level of specific capabilities, including the capability to penetrate society, regulate social relationships, extract resources, and use resources appropriately.<sup>39</sup> Strong states are those with high capabilities to complete these tasks, which in turn will make it possible for them to achieve goals set out by leaders. On the other hand, weakened states will find it difficult to achieve changes sought by leaders (Migdal, 1988:4 - 5). State capabilities will increase if the state has social control or if the state can successfully mobilised society. Social control is defined as: “...the successful subordination of people’s own inclinations of social behaviour or behaviour sought by other social organisations in favour of behaviour prescribed by state rules...” (Migdal, 1988:22). Accordingly, a state will

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<sup>38</sup> This definition relates back to the conceptualisation of the state in section 3.3.

<sup>39</sup> See also Mann (1984) on what he referred to as infrastructural power and the ability of the state to regulate society.

have social control if people behave socially as the state prescribes, rather than in terms of what they desire for themselves or in terms of what other societal actors prescribe. In order for a state to achieve high levels of social control, the strategies of survival, as prescribed by the state, have to be part of citizens' daily life. All social organisations, formal or informal, can each present symbols, rewards and sanctions to citizens. Social control will be achieved by the organisation that can provide key elements of survival strategies: "...strategies of survival, sewn from the symbols, rewards, and sanctions, are roadmaps used to guide one through the maze of daily life, ensuring one's existence..." (Migdal, 1988:27). Thus, the state needs to ensure that its symbols, rewards and sanctions are the survival strategies of the society. These prescriptions of the state are expressed in the laws of the state.

As mentioned, in order to avoid state breakdown, a high level of state social control is needed. This level can be measured by three indicators: The *compliance* by the populace, the level of *participation* by the citizens in state sanctioned institutions and the *legitimacy* of the state (Migdal, 1988:32). The focus is accordingly on the criteria of compliance with state rules, participation in state structures and the legitimacy of the state.

For a state to achieve compliance, the citizens should yield to the rules of the state. Initially, compliance can be found by the use of force and thus, it is essential for a state to exercise successful control over its security forces. This is only possible if the strategies of the security forces and the other organisations of the state correspond. Furthermore, control over the extraction and allocation of resources will also determine the level of compliance. If the state is successful in the reallocation of resources, citizens will more willingly accept the prescriptions of the state (Migdal, 1988:32).

With regards to participation, the key factor is that the state should be able to mobilise citizens to *repeated voluntary* participation in the different institutional sectors of the state. Participation goes beyond only voting in elections; it should extend to engaging and contributing to state institutions. As participation increases, the state will gain strength. The practical example used by Migdal (1988:32) to illustrate participation is that a worker would rather make use of a state-licensed medical clinic, than of an illegal healer.

Legitimacy, most importantly, refers to the right to rule by a state. Successful legitimization of a state will see citizens voluntarily accept and approve the authority of the state. The

legitimacy of a state is the most powerful indicator of the strength of a state – in the case of compliance and participation; citizens may conform to the prescriptions of the state in return for incentives or compensation (Migdal, 1988:33). Legitimacy can be conceptualised as: “...a psychological relationship between the governed and their governors, which engenders a belief that the state’s leaders and institutions have a right to exercise political authority over a society...” (Thompson, 2004:108). Accordingly, legitimacy is only achieved if there is uncoerced acceptance of all the systems of the state by the citizens. In addition, Weber (1964:324 – 392) identifies three pure types of legitimate authority: Traditional authority (shaped by a society’s culture, history and traditions), charismatic authority (a belief in the authority of an individual, as a result of exemplary character or sanctity) and legal authority (a belief in the legality of rules and a support of the authority to issue commands). In the case of legal authority, Thompson (2004:108) notes that a legal-rational government is based on a social contract, where citizens follow the rules of the state, as state institutions in turn will look after their interests; thus, in accordance with the pluralist view of the state, citizens will trust the state and view it as worthy. As has been explained, a lack of legitimacy is also regarded as one of the main reasons for state failure (Rotberg, 2003). If a state has high levels of legitimacy, there will be a significant amount of trust between the state and the society. The state’s ability to manage citizens’ demands is also dependent on the level of legitimacy of the state.

### 3.6.2 Strong/Weak States and Strong/Weak Societies

Migdal (1988:35) distinguishes between different societies by measuring the distribution and the overall amount of social control exercised by the state. The following matrix is presented:

		STATE	
		STRONG	WEAK
SOCIETY	STRONG		<b>Diffused</b> (Sierra Leone)
	WEAK	<b>Pyramidal</b> (France and Israel)	<b>Anarchical</b> (China, 1939 – 1945; Mexico, 1910 – 1920)

**Figure 3.2: Social Control of States and Societies**  
(Source: Adapted from Migdal, 1988:35).

In this matrix, the associations between strong/weak states and strong/weak societies are clarified. Four relationships are highlighted: Strong states and strong societies, strong states and weak societies, strong societies and weak states and weak states and weak societies. In the first case, strong societies and strong states exist simultaneously. Migdal (1988) does not provide a description of such a situation. What is explained, however, is a situation where a pyramidal structure of social control is created. This results from social organisations with compatible and congruent rules and structures, with those of the state. In such a situation, the strong state will succeed in merging the survival strategies present within society, with those of the state. The resulting structure resembles a pyramid with the state at its apex. The key factor of a pyramidal structure of social control is that the survival strategies or rules of the state and that of the different societies will be reconcilable with each other (Migdal, 1988:34-35). Thus, the rules and structures different organisations such as the church and interest – and community groups, the family and cultural organisations will be compatible and mutually reinforcing, also with those of the state, fostering strong societies within the regulations of a strong state.

Du Toit (1995:24 - 25) further explains Migdal's (1988) theory on pyramidal structures of social control by stating that in a strong society with a pyramidal structure, a strong state will gain control by commanding the top section of the pyramid. The strong state will succeed in merging the strategies of the state and that of the society. This would be the ideal situation, which will lead to the continuation and further consolidation of the state and centralisation of state power. What is clear from figure 3.2 is that Migdal (1988:35) regards the presence of a pyramidal society the result of a strong state and a weak society. However, it is argued that a pyramidal society can be present where there is both a strong state and a strong society (See figure 3.3 below). As explained, if there is a society where there is a fused pattern of social control, the state will exercise control over the society by occupying the apex of the pyramid. Examples of pyramidal societies (as a result of the presence of a strong state and a strong society) include states with a strong and active civil society, but also high levels of legitimacy and state social control, such as the current situation in Norway and Germany. However, as mentioned, a situation can arise in which a society will have uneven levels of social control because of social organisations with diverse rules and structures, which are not compatible with those of the state. Thus, "...numerous systems... of justices operate simultaneously..." (Migdal, 1988:39).

In the matrix presented by Migdal (1988:35) such a situation is referred to a diffused society, but it is later also described as a weblike society. Thus, there will be the presence of a weakened state and a strong society (See figure 2.3 below). In the case of fragmentation in the social control, weblike societies will emerge.

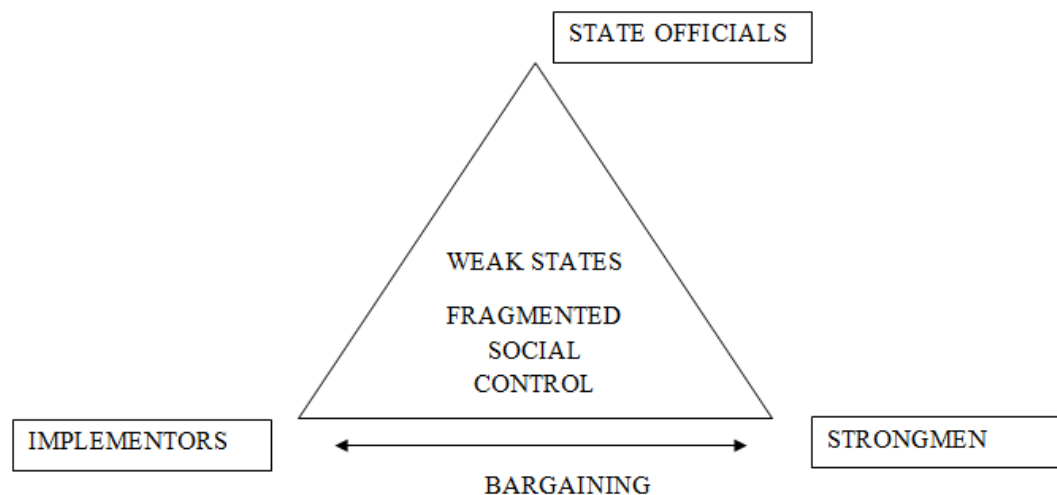
		STATE	
		STRONG	WEAK
SOCIETY	STRONG	Pyramidal Society (Compatible Rules)	Weblike Society (Contending Institutions and Incompatible Rules)
	WEAK	Totalitarian State	Normless Society Anarchic Breakdown in Social Order

**Figure 3.3: Typology of State-Society Relations**  
(Source: Adapted from Migdal, 1988).

Weblike societies can be conceptualised as follows: “...In weblike societies, although social control is fragmented and heterogeneous, this does not mean that people are not being governed; they most certainly are. The allocation of the values, however, is not centralised...” (Migdal, 1988:39). In addition, as further explained by Du Toit (1995:25): “...in weblike societies no single strand of social control holds the social fabric together, but rather a network of such strands...”. Thus, several systems of rule and law operate at the same time. In the case of weblike societies, where the social control is fragmented between numerous rival organisations, states will find it very difficult to achieve policy implementation.

Accordingly, weblike societies operate around strongmen who usually attempt to facilitate the disintegration of state social control by dominating aspects of the state. For strongmen to be able to dominate aspects of the state, the process of bargaining has to take place between state officials, implementers and the strongmen. This is described by Migdal (1988:249) as the “...triangle of accommodation...” (See figure 3.4). Inside the triangle of accommodation, the: “...state officials will formulate policy at national level; implementers who are officials entrusted to oversee policy execution at the local level and strongmen...” (Du Toit, 1995:26). Migdal (1988) makes specific reference to the regional and the local level and asserts that on these levels the state, through its implementers, may become involved in bargaining

relationships with strongmen and with other implementers and other state and political officials. The result may be that mutually profitable agreements will be arranged between the actors and that each of the strongmen will succeed in creating its own set of rules for social control.<sup>40</sup> To explain further, in the triangle of accommodation, various strongmen will function alongside each other, together with state implementers and state officials. Migdal (1988) further notes that where the triangle of accommodation is in place and where there is fragmented social control, the process is very difficult to turn around. The state will find it very challenging to claim back social control from the parts of the society where its control is fragmented.



**Figure 3.4: Triangle of Accommodation**  
(Source: Adapted from Migdal, 1988).

Such a configuration of power, as the one in the triangle of accommodation, can be maintained for a limited period, as it may lead to increased weakening of the state and place strongmen in a more powerful position. Thus, the continuation of the triangle of accommodation can act as an accelerator for state weakening; as explained above, state leaders will implement political strategies in an attempt to keep power, but in effect decrease state legitimacy and from the local level triangles of accommodation enforce the rule of strongmen and fragmented social control.

<sup>40</sup> As will be explained later in this chapter, Williams (2002: 172-173) uses Russia as an example where an different construction, the 'iron triangle', is made up of an extremely complex relationship between politicians and government officials, businessmen, and criminals hamper democratic transition.

The third relationship in the typology of state-society relations is a situation where there is a strong state, but a weak society. This may occur in a totalitarian regime, or regimes that exhibit features of totalitarianism, where aspects of civil society, or all aspects of individual life and civil society, are strictly controlled by the state, usually in the form of coercive measures.

The last relationship will occur in the case of both a weak state and a weak society. Such societies can be described as normless and anarchic, with a breakdown in social order. Migdal (1988:35) refers to China during World War II with the Japanese occupation and Mexico during the revolution between 1910 and 1920, as examples where both a weak state and a weak society existed. A more recent example is Haiti after the January 2010 earthquake. During the period immediately after the earthquake the United States were forced to take control of airports as looting was widespread and vigilante groups attempted to control neighbourhoods.

To summarise, with the increase of levels of compliance, participation and legitimation, a state will find it easier to achieve its goals (Migdal, 1988:32-33). A strong state will have high levels of social control, one set of survival strategies, high levels of capabilities and compliance, participation and legitimacy. In a weakened state societal organisations succeed in establishing their own survival strategies, alongside or in contention with those of the state; hence a multiplicity of survival strategies. This may lead to a weblike society.

### **3.7 The Criminalisation of the State**

The notion of the state has been discussed in order to provide a clear conceptualisation of the construct of the state and how it will be used for the purposes of this study. In addition, the state was discussed in a number of different contexts, but with the focus on state-society relations. In the sections that follow, the discussion turns to a further analysis of the possible influence of non-state actors (with specific reference to organised criminal groups) on the state. More specifically, the criminalisation of the state will be discussed. The focus and location of this study is the state at local government level. Thus, a framework will be constructed to analyse the criminalisation of the state at local government level.

The focus of this section continues to be on state-society relations and the main aims of the discussion are twofold: First, it is to assess what the principal contributing factors are to the

criminalisation of the state and second, to develop a framework in order to analyse the level of criminalisation of the state. The criminalisation of the state is one possible impact of organised crime on the state. Throughout the discussion on the criminalisation of the state, reference will be made to various non-state actors, for example transnational organised criminal groups. These other actors are also deemed important for the discussion, as they may have similar features and characteristics. However, for the framework of analysis to be assembled at the end of this section, there will be a focus on the criminalisation of the state by organised criminal groups as a domestic social organisation. This will be done in order to provide a conceptual foundation for the main research question and also one of the sub-research questions: *Has the state become criminalised at the level of local government, as a result of the activities of organised crime, and if so, to what extent?*

An analysis of the principal indicators of whether there is criminalisation of the state will be conducted. Relevant indicators with reference to this study will be extracted from four main avenues of empirical observation. These are first the indicators of: Criminalisation of politics, second the state's orientation towards organised crime, third organised criminal groups and fourth the role of the state and capacity gaps and functional holes in weak states. As a general note: Although it is acknowledged that other factors, such as widespread government corruption and/or global and regional forces could also aid the process of the criminalisation of the state, such aspects will be regarded as peripheral to the study, with organised criminal actors and their accompanying activities being the primary focus. The indicators of the criminalisation of the state will then be presented in a framework, in order to be analysed on a continuous scale, to explore to what extent the state has been criminalised.

During the discussion, a few general notes will be provided on the description of crime/criminality and criminalisation. The discussion on criminalisation will be guided by Bayart et al's (1999) conceptualisation that will be further explained in the next section.

### 3.7.1 The Criminal-Political Nexus

To start the discussion on the criminalisation of politics, a few brief notes on the concepts of crime, criminal and criminality are needed. In order for an action or deed to be regarded as a crime, an institutional body has to criminalise it (declare a prohibition on it). That body can be either local or international. In the case of a local body, the guardian will be the state that will provide a jurisdiction, which will in turn establish a background or backbone for rules,



regulations and laws to be formed; thus, the criteria for criminalisation. Furthermore, the historical and cultural composition (amongst others) of each state is essential as a source from which criteria of criminality are derived. Accordingly, what is regarded as a crime in state A, may as a result of cultural and historical factors not be regarded as a crime in state B.<sup>41</sup> There exist several criteria of criminality. For example, in a society religion can be regarded as part of a culture, and what is regarded as criminal can stem from religious motivations, or vice versa. Specific actions such as using marijuana, can be regarded as part of a culture, and as a result it will not be regarded as a criminal act to use it (Bayart et al, 1999).

Bayart et al (1999) explain criminalisation by differentiating between two types of criminalisation: Primary and secondary. Secondary criminalisation refers to: "...the formal decision to prosecute the person or persons alleged to have committed a crime..." (Bayart, et al, 1999:13). Before the submission, incrimination will take place; thus, there will be a formal decision, based on either local or international laws, to prosecute the relevant parties who allegedly committed a crime. This study will primarily be concerned with the processes and regulations that stem from primary criminalisation. Primary criminalisation is described as: "...those political, social and economic practices which are the object of a 'primary criminalisation' either by the laws and other texts of the state which are under discussion, or, more particularly, in international law, or according to international organisations or acknowledged guardians of international morality..." (Bayart et al, 1999:15). An analysis of this definition confirms earlier comments: There is an institutional body present, either local laws of the state or international organisations/institutions. Furthermore, the criminalisation will either be political, social or economic in nature. It is also important to note that what is regarded as criminal can change over time. To illustrate, Bayart et al (1999:14) use the example of inter-racial sexual relationships during apartheid South Africa. In this case, the Prohibition of Mixed Marriages Act (Act No 55 of 1949) prohibited marriages between people of different races. The act was revoked in 1985.

In Africa, there has been an increasing blurring of the lines between the criminal and non-criminal behaviour. Appropriately, Bayart et al (1999) find that politics in Africa is becoming markedly interconnected with crime.<sup>42</sup> There are several reasons for this: Institutional

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<sup>41</sup> Similarly on the concept of corruption, Thompson (2004:204) notes: "...What may be regarded as corrupt in one society may be acceptable, and even expected, behaviour in another..."

<sup>42</sup> See also Wannenburg (2006) on criminal states in West and Southern Africa.

weakness in Africa has for decades provided the perfect conditions for the rise and expansion of organised criminal groups. Law enforcement agencies, courts and prison systems were understaffed and underfunded and with out-dated equipment and procedures, mostly non-functional.<sup>43</sup> In addition, the socio-political environment in many African states also facilitates the spread of organised crime as it has created opportunities for criminals to exploit (Le Pere and Vickers, 2011:54). Politically weak and sometimes illegitimate governments have been unable to address the needs of societies, forcing marginalised groups to revert to survival strategies, which compete with those of the state (La Pere and Vickers, 2011; Migdal, 1988). In such a situation leaders will struggle to maintain control over society and they will turn to extreme measures to maintain authority: Nepotism, corruption and patronage. The chain of causality to the criminalisation of the state is therefore the following: Weakened states lack the capacity to provide goods and services to citizens. Marginalised groups will turn to survival strategies that are in opposition to that of the state; thus, political conditions are conducive to criminality in general as these groups set them up against the state. In order to retrieve lost control, leaders may take a number of actions, ranging from dealing with these rival authorities, the setup of informal networks to keep authority and secure wealth and the manipulation of markets and the political process, with the result being the establishment of a patrimonial system of rule, or what is referred to by Migdal (1988) as *dirty tricks*.

What is important to note is that in a patrimonial system, there is not necessarily a lack of legitimacy or institutional capacity. However, in a patrimonial system of rule, the legitimacy of the state is not a result of the un-coerced acceptance of the state by the citizens, but rather a dependency of a client on resources and services controlled by a patron. In exchange, the patron will gain and maintain authority from support of the client. It has to be noted that the emphasis is on who has the authority and how that authority is preserved. Consequently: "...the modern African state is reduced to an instrumental role, as a compendium of resources that rulers and political elites use to enhance their power and status in society..." (La Pere and Vickers, 2011:55). Reno (2000) shares this opinion when he refers to the shadow state: A system of personal rule. Again, the emphasis is on authority and in the case of shadow states the: "...authority...is based upon the decisions and interests of an individual, not a set of written laws and procedure, even though these formal aspects of government may exist..."

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<sup>43</sup> See also Rotberg (2003) for indicators of a failed state, with specific reference to flawed institutions.

(Reno, 2000:434). It is important to note that central to Reno's (2000) argument is the assumption that not all weak states have a power vacuum. In some weak states the power is vested in an informal network or several informal networks of power. The shadow state is the result of a relationship between personal rule and illegitimate economies. In addition, it is part of a well-defined political strategy. Rulers will manipulate markets and laws in order to create wealth for themselves and strengthen their authority through the parallel system of the shadow state. Thus, there is a deliberate aim not to support state-building initiatives or attempts to increase the capacity of the state.

Reno (2000) further explains that economic motivations are the main driving force for the rulers of shadow states. Indeed, Chabal and Daloz (1999) discuss how disorder is used as a political instrument and they propose a new way to look at the development of African states: The political instrumentalisation of disorder. According to this hypothesis, disorder exists in African states as a result of ineffective institutions and corruption, which has initiated a unique development pattern for Africa that works: "...the political, social and economic 'logics' of contemporary Africa come together in a process of modernisation which does not fit with the Western experience of development..." (Chabal and Daloz, 1999:143). Central to the disorder that works in favour of all participating in the system, are personalised informal patron-client networks. Chabal and Daloz (1999) postulate that in weak states, violence (and the management of violence) is often used as an instrument in order to ensure economic (and also political) gain. The authors state that: "...the very weakness and inefficiency of the state has been profitable to the African political elites..." (Chabal and Daloz, 1999:14). Similarly, Reno (1998) discusses warlord politics in African states and confirms that in states such as Liberia (under the rule of Charles Taylor), Sierra Leone (after the end of the Cold War), the Democratic Republic of Congo (under the rule of Mobutu Sese Seko and Laurent Kabila) and Nigeria (under the rule of Ibrahim Babangida and Sani Abacha), patronage linkages are used to exploit the resources of the state and the local population. Force is used to accumulate more personal wealth for the warlord or ruler. Rulers manipulate and control markets in order to expand their wealth and increase their power. Reno (1998:79) states that: "...strongmen rule through control of commerce rather than by mobilising a bureaucracy..."

The notion of shadow states further relates to what Jackson and Rosberg (1986) coined *de jure* and *de facto* states. The authors differentiate between empirical (*de facto*) and juridical (*de jure*) statehood in that, the first mentioned refers to a state that is able to perform the

functions usually expected of a state, including authority and power to govern over a specific territory or jurisdiction, for example Taiwan. Juridical states, however, refers to legal statehood, where a state is recognised by international law. In addition, juridical statehood refers to negative sovereignty, which means that no other state can intervene in state affairs. However, in such a case, statehood is derived more from right, rather than fact, implicating that a state will be a *de jure* state only and not *de facto*, for example Liberia and Angola during the countries' respective civil war periods. Juridical states can however have high empirical statehood; examples include Denmark and the United States. In addition, many juridical states may have low empirical statehood, and can thus be regarded as quasi-states. Such states will have juridical statehood, but will be dysfunctional on the empirical statehood level (Jackson, 1990). Examples include current day Somalia and Sudan.

Kleptocracies<sup>44</sup> (with the literal meaning of rule by thieves) are not a new phenomenon in Africa, both during colonial rule and in the post-colonial period. One example is the rule of Mobutu Sese Seko from 1965 – 1997 in what was then known as Zaire.<sup>45</sup> In African kleptocratic regimes, as with the previous explanation of shadow states, the ruler administers the state system in order to assure the accumulation of their own wealth. The general model was that instruments of the state and parastatal companies were utilised, but the ideological, social and political variants can differ from one country to the other (Bayart et al, 1999:xvii).

However, Bayart et al (1999:30) note that there is a move away from kleptocratic states in Africa and that: "...all suggest that...a slide towards criminalisation throughout the sub-continent is a strong possibility...". The felonious state or a new form of *politique du ventre* (politics of the belly<sup>46</sup>) is new in two different respects:

“...In the first place, international donors, in the name of good governance and the workings of the market, nowadays refuse to countenance practices which they previously tolerated in the name of the struggle against communism. In the second place, the international community has undergone

<sup>44</sup> Thompson (2004:206) also refers to “...vampire states...where resources were sucked out of society by the government, yet the government offered little in return...” Other terms include predatory states or pirate states.

<sup>45</sup> See also Rotberg (2004:12) and Thompson (2004:217) for a discussion of the Mobutu regime in this context.

<sup>46</sup> Politics of the Belly is a Cameroonian expression. It refers to a complex mode of government (Bayart et al, 1999:8).

a number of profound changes, such as in the globalisation of trade, the deregulation of markets, and the growth of certain lucrative smuggling trades...” (Bayart et al, 1999:8).

What is clear from the above analysis, is that the state in the past had an important role to play in kleptocratic or patrimonial regimes. It was used to facilitate wealth accumulation of either one ruler or a few elites. Recently, there has been a shift from the façade of a legitimate state to the felonious state. In particular, the growth in the illicit economy, enabled by predominantly globalisation, has acted as a catalyst for the felonious state.<sup>47</sup> As a result, there are new opportunities for criminal groups and specifically organised criminal groups to exploit. This, coupled with the previously discussed weak and illegitimate states in Africa has provided momentum for the criminalisation of politics.

#### 2.7.2 Indicators of the Criminalisation of Politics

Bayart et al (1999) provides six indicators of the criminalisation of politics in a state. The authors acknowledge that at the time of writing, only three states in sub-Saharan Africa could be classified as criminal states: Equatorial Guinea, Comoros and Seychelles. However, there are a number of states that: “...illustrate classical symptoms of *la politique du ventre...*” (Bayart et al, 1999:26). As the research by Bayart et al (1999) was compiled more than 10 years ago, it is certain that the landscape of the criminalisation of politics in Africa has changed. One example is Guinea-Bissau that is now regarded by the United Nations (UN) as Africa’s first narco-state.<sup>48</sup> However, it is also a possibility that the conditions of specific states with regard to criminalisation have improved.<sup>49</sup> However, the purpose of this section is to highlight the indicators of the criminalisation of politics as identified by Bayart et al (1999), in order to establish an analytical framework that will facilitate the assessment of the level of the criminalisation of a state, with specific reference to organised crime. The six indicators of criminalisation of politics are summarised in table 3.2. For the purposes of this study, the interpretation of the criminalisation of politics by Bayart et al (1999) will be the following: If one of the indicators is present, it will indicate symptoms of a criminal state. It

<sup>47</sup> A comprehensive discussion of the illicit economy and globalisation can be found in the 2011 publication *The Dark Side of Globalization*, edited by Jorge Heine and Ramesh Thakur.

<sup>48</sup> A description of Guinea-Bissau’s involvement in the global drug trade will be provided in section 3.7.4.3.

<sup>49</sup> Bayart *et al* (1999) also acknowledge that the process of criminalisation is best measured in a qualitative method as it involves a process of change and transformation in societies, that can also involve an improvement.

will not be regarded as a criminal state; however, the possibility of such a development is present. The indicators are not ranked.

**Table 3.2: Indicators of the Criminalisation of Politics**

<b>INDICATOR</b>	<b>DESCRIPTION</b>
<b>Use of State Violence</b>	<ul style="list-style-type: none"> <li>• The legitimate organs of state violence used by political elites for private purposes</li> <li>• Violence is used as an instrument, aimed at the accumulation of wealth</li> </ul>
<b>Presence of Clandestine Structure of Power</b>	<ul style="list-style-type: none"> <li>• There is a hidden, collective structure of power, which surrounds and controls senior politicians</li> <li>• The hidden structure of power has access to both legitimate means of force (for private use) and illegitimate means of force (for criminal gangs)</li> </ul>
<b>Structure of Power active in Illegal Activities</b>	<ul style="list-style-type: none"> <li>• The power structure participates in illegal economic activities (as considered by international law/organisations/moral codes)</li> </ul>
<b>Part of International Criminal Networks</b>	<ul style="list-style-type: none"> <li>• Illegal economic activities are part of international networks of crime</li> </ul>
<b>Fusion of historical ‘criminal’ culture and transnational culture/processes of globalisation</b>	<ul style="list-style-type: none"> <li>• A Fusion of the historical culture of a society specific to the conduct of illegal activities and the elements of a transnational culture</li> </ul>
<b>Importance of criminal practices on power-holders and architecture of society</b>	<ul style="list-style-type: none"> <li>• The illegal activities is of particular macro-economic and macro-political importance to the power-holders</li> <li>• The illegal activities have an important impact on the overall structure and functioning of society</li> </ul>

(Source: Adapted from Bayart et al, 1999:25 - 26).

Williams and Brooks (1999) similarly refer to contested, captured and criminal states, as indicators of the progress towards the criminalisation of the state. In a contested state: “...politico-military factions trying to obtain control over the state will use crime to fund their military activities...” (Williams and Brooks, 1999:81). One example is the Angolan civil war from 1974, where the National Union for the Total Independence of Angola (UNITA) sold diamonds in order to fund their military operations. Accordingly, in a contested state, military factions can include local or national warlords and violence will be used in order to

accumulate resources of the state. This relates back to the first indicator of the criminalisation of politics, the use of (state) violence to accumulate wealth, as described by Bayart et al (1999). A captured state refers to a situation where criminal groups actively attempt to neutralise or take control over state authorities. Furthermore, in captured states criminal groups will use corruption to co-opt state agents, the criminal justice system and law enforcement agencies (Williams and Brooks, 1999:82). Here, there are similarities with what Bayart et al (1999) refer to as the presence of clandestine structures of power, which will ultimately control senior politicians. These power structures (criminal groups) will participate in illegal economic activities.

To conclude, the final description of the progress of the criminalisation of politics is a criminal state. In a criminal state: "...authorities themselves will engage in the kinds of activities normally associated with criminal organisations..." (Williams and Brooks, 1999:81). The state accordingly becomes a criminal enterprise and as a result of the accumulation of power through corrupt activities, state officials will be in the position to control the electoral process (Wannenburg, 2006:34). Similar to Bayart et al (1999), Williams and Brooks (1999) also refer to Equatorial Guinea as an emerging criminal state during the mid-1990s. The criminalisation of the state in Africa can be traced back to the need for political and economic power: "...Organised crime in countries such as the United States and Britain is marginal to political and economic systems, but in Africa it is sometimes run by government and is closely related to the exercise of political power..." (Williams and Brooks, 1999:84).

With regard to a framework developed and used in order to analyse the level of criminalisation of the state at local government level, the analysis will be limited to the following indicators, as this study is only concerned with the local level of the state:

- Whether the state at the local level uses organs of the state in order to accumulate wealth.
- Whether there is a presence of clandestine structures of power on the local level that control local state institutions and rival state structures.
- Whether illegal activities have an important impact on the structure and the way the local community functions.

### 3.7.3 States' orientations towards Organised Crime

Williams (1997) creates two sets of typologies that deal with the level of criminalisation of the state. First, there is the state's disposition towards organised crime or the states orientation towards organised crime. Thus, how does the state behave towards organised criminal groups and activities? Second, there is the role of the state in relation to the activities of organised criminal groups. Thus, how is the state used by organised criminal groups?

The first typology (the state's disposition towards organised crime) describes the state's behaviour when dealing with organised criminal groups. Five behavioural characteristics that describe the nature of the relationship between organised criminal groups and the state are identified, namely: Confrontation, reluctant acquiescence, tactic connivance, active encouragement and collusion (See table 2.3 for a summary of the behavioural characteristics). In the first case (confrontation), there is an active struggle by the state in order to control, disrupt and destroy organised criminal groups. A variety of resources and combating mechanisms are used in order to ensure successful confrontation. Williams (1997:25) acknowledges that the confrontation strategy is usually only implemented (and for the purposes of this study, only possible) in strong states with a high level of legitimacy. Stronger states will possess the necessary *tools* (for example strong rule of law, trust in the law, and low level of corruption) for successful implementation. However, even in stronger states such as the United States that has the necessary capabilities to implement measures to combat organised criminal groups, such elements will still be present. The importance is however in the state's orientation to these groups and in the case of stronger states, there are active and successful efforts to combat organised crime.

The second behavioural disposition (reluctant acquiescence) comprises of the acknowledgement by the state that it lacks the capabilities to actively combat the activities of organised criminal groups. The state accordingly accepts the presence and continuation of organised crime (Williams, 1997:24). Here, the examples of certain states in the European Union can be used. There are on-going efforts from member states in the union to combat organised criminal activity based on the collective need to eradicate such groups; however, some states lack the capacity to successfully combat the presence of organised criminal groups domestically, and as a result their operations are accepted. More specifically, countries such as Ireland and Spain can be identified in this category: Non-state actors in the form of organised criminal groups continue to be present and their presence is acknowledged by the state as a result of the lack of state capabilities to contest such groups.



Tacit connivance illustrates the same characteristics as reluctant acquiescence, where the state accepts the continuing presence of organised criminal groups. However, in addition the: "...advantages..." or "...benefits..." of organised criminal groups for three primary units are recognised, namely: The economy, the society and the agents of the state. A third element of tacit connivance is that organised criminal activity is actively denounced by, for example, legislation or state actors; however, the condemnation is purely "...symbolic..." (Williams, 1997:24). The result is that organised criminal activity can continue without disruption – the criminal groups will continue to operate in an environment where they are free from prosecution. Williams acknowledges that such a position is sometimes obtained if the organised criminal groups act as benevolent actors, caring and providing for the community (Williams, 1997:25). For example: With specific reference to the Cape Flats, André Standing (2003:10) notes that the philanthropy by gang bosses is similar to those found in South America. However, acts of charity on the Cape Flats have in the past been more flamboyant:

“...During the period of 1994 – 1996, Rashaad Staggie<sup>50</sup> operated a loan scheme from a shop, assisting some poor families...As a more blatant tactic, he would also drive through the streets and throw money that was illegally obtained from his moving car to ensure that people will continue to support him...The act of throwing money was quite a spectacle. Staggie would first drive his car up and down the street and tell the children that he would be throwing money when he returned. As a consequence, hundreds of people, including adults, were drawn into the streets. They would wait for the car to pass and everyone would scramble at the first sight of fluttering money...” (Kinnes, 2000:16).

The fourth type of disposition, which the state may exhibit: Active encouragement is where illegal groups profit from active protection by agents of the state. In return, the members of the state will benefit from organised criminal activities. In practical terms, such a situation usually manifests itself when the organised criminal group uses corrupt officials in order to establish and maintain a “...low risk environment...” (Williams, 1997:24 – 25). One example where this has occurred was in Russia during the first post-Soviet era.

As noted by Stoecker (2000:130):

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<sup>50</sup> Rashaad Staggie was the leader of the Hard Livings gang. He was gunned down and torched by a vigilante group People Against Gangsterism and Drugs (PAGAD) in 1996.

“...In the wake of globalisation and the weakening of the state, criminal organisations have assumed the roles that the state previously played and...have asserted their own form of authoritarianism. Criminal organisations have penetrated the financial structures and political circles and block efforts to foster the growth of civil society in Russia...”.

The final level is that of collusion, or a complete *symbiotic* relationship between the state and the organised criminal group. Williams explains this relationship as a: “...willingness of government officials to serve themselves rather than the state...” (Williams, 1997:25) as these officials will benefit from the organised criminal activities. In addition, agents of the state not only protect organised criminal groups but are active participants in activities (Williams, 1997:24). Two examples of low-key collusion between authorities from the state and criminal organisations are Italy and Japan during the Cold War.

**Table 3.3: The Disposition of the State towards Organised Criminal Groups**

CHARACTERISTIC OF STATE	SHORT DESCRIPTION
<b>Confrontation</b>	<ul style="list-style-type: none"> <li>• The state attempts to control, disrupt, destroy organised criminal groups</li> <li>• These attempts are active and vigorous</li> </ul>
<b>Reluctant Acquiescence</b>	<ul style="list-style-type: none"> <li>• The state accepts the presence and activities (continuation of) of organised criminal groups</li> </ul>
<b>Tactic Connivance</b>	<ul style="list-style-type: none"> <li>• State weakness prohibits the active confrontation of organised criminal groups</li> <li>• The state acknowledges the benefits of organised criminal groups (to the economy, the society and agents of state)</li> </ul>
<b>Active Encouragement</b>	<ul style="list-style-type: none"> <li>• State agents protect organised criminal groups</li> <li>• State agents benefit from organised criminal activities</li> </ul>
<b>Collusion</b>	<ul style="list-style-type: none"> <li>• The state is in a symbiotic relationship with organised criminal groups</li> <li>• Agents of the state not only protect organised criminal groups but are active participants in such activities</li> </ul>

(Source: Adapted from Williams, 1997:24 – 25).

In order to analyse the level of criminalisation of the state at local government level, the following indicators will be extracted from the disposition of the state towards organised crime:

- Whether the state at local government level accepts the presence and activities of organised criminal groups.
- Whether the state at local government level acknowledges the benefits of organised criminal activity for the local economy, society and agents of the state and as a result organised criminal groups are protected.
- Whether the state at local government level is in a symbiotic relationship with organised criminal groups.

#### 3.7.4 Organised Criminal Groups and the Role of the State

The second typology that Williams (1997) developed, deals with the role of the state in relation to organised criminal groups.<sup>51</sup> It focuses on how the state is used by organised criminal groups and states can be placed in four categories: Home states, host states, transshipment states and service states. See table 2.4 for a summary of the role of the state in relation to the activities of organised criminal groups.

##### 3.7.4.1 Home states

In the first category, home states usually take on the form of weakened/weak states. Such states are also referred to as safe havens for organised criminal groups. As explained in the typology of the disposition of the state towards organised crime, the fourth and the fifth characteristic of the state can be observed here (to varying degrees): active encouragement and collusion. Thus, state agents protect organised criminal groups and benefit from organised criminal activities. In addition, the state is in a symbiotic relationship with organised criminal groups and in some cases state agents are active participants in the activities of such groups. In home states, combating criminal groups and their operations is both inadequate (as a result of collusion) but also restricted (as a result of the weakness of the state) (Williams, 1997:25 – 26).

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<sup>51</sup> When conceptualising the role of the state in relation to organised criminal activity, it has to be noted that a state can fall within more than one category. Examples will be provided as part of the conceptual definition.

### 3.7.4.2 *Host states*

In the category of host states, such states will be the markets of the criminal organisations. Williams (1997:26 – 27) provides a number of examples of host states, including the United States, Russia and South Africa. In the case of all three, however, the states take on dual roles; that of the home state and the host state. South Africa, for example, is a home state as it is a safe haven for a range of organised criminal groups. These groups include criminal elements from Africa, such as the Nigerian mafia<sup>52</sup> and factions from the Democratic Republic of Congo, but also international groups, such as the Russian mafia<sup>53</sup> and Chinese triads.<sup>54</sup> In addition, South Africa is also a host state. One example is the organised criminal groups that are operational on the Cape Flats, in the Western Cape. The community of the Cape Flats make up a substantial part of the consumers of the drugs that are traded by the gangs on the Cape Flats, thus acting as a market for the illegally traded goods.

Williams (1997:26) further conceptualises host states by commenting that criminal groups usually operate with low risk as they are embedded in: "...ethnic networks providing cover and recruitment...". It is important to provide a few comments on the link between organised crime and ethnic minorities. Bovenkerk (2001:110) observes that the victims of organised criminal activity are usually from the same ethnic minority as the members of the organised criminal group. This relates back to the earlier point of host states and that these states provide the markets for the criminal organisations. Furthermore, Bovenkerk (2001:111) confirms that where the organised criminal group is constructed from an ethnic minority, it is usually a sign of: "...social deprivation, the formation of an underclass or discrimination...". He comments further: "...It has to do with the marginal social position some minorities occupy in addition to their low socio-economic status. Groups that are not assimilated yet or have been forced into periphery by their long-term structural disadvantages have very few ties to the conventional world..." (Bovenkerk, 2001:121). Accordingly, these groups will use the community as a safe haven to operate in, as the community are the consumers of the goods but also the providers of protection.

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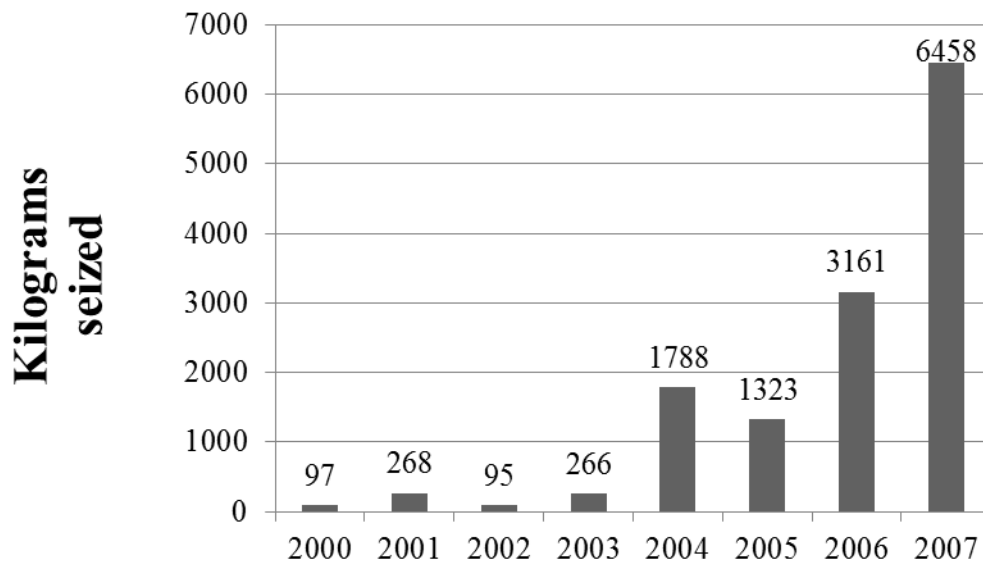
<sup>52</sup> See Irish-Qhobosheane (2007:89 – 113) for an analysis of Nigerian drug traffickers in South Africa.

<sup>53</sup> To illustrate: In May 2007 the assassination of one of the most notorious figures in organised crime networks, Yuri "The Russian" Ulianitski, exposed the reality of the criminal underworld in South Africa. Ulianitski was shot numerous times in the Cape Town suburb of Milnerton, while returning from dinner with his wife and four-year-old daughter. His daughter was also killed in the attack. At the time of his murder, Ulianitski was out on bail in connection with charges of conspiracy to kidnap, possession of illegal firearms and drugs, and numerous other offences. He was believed to be in control of the Russian mafia in South Africa.

<sup>54</sup> To illustrate: In South Africa Chinese criminal groups have been active since the 1970s. Their activities include shark fin trading, abalone and rhino horn smuggling, importation of counterfeit goods, trafficking in illegal immigrants, prostitution, money-laundering and kidnapping (Gastrow, 2001).

### *3.7.4.3 Transshipment states*

Williams (1997) labels the next role of the state as transshipment states. Friman and Andreas (1999:11) make use of David Yoffie's definition to conceptualise transshipment: "...the shipment of goods to a third party en route to a final destination...". Such states will usually be located on major transit routes (thus, they are selected, amongst other reasons, for their geographical location). The ease of transit in transshipment states is: "...largely a function of state capacity for interdiction. Such states suffer from the violation of their sovereignty and are particularly vulnerable to operational corruption..." (Williams, 2002:169). Furthermore, Williams (1997:26) notes that the transit routes can usually be related to a specific commodity, for example illicit firearms, illegal immigrants or counterfeit goods. An excellent contemporary example is the state of Guinea-Bissau and the global cocaine trade. Ellis (2009:174) comments that the emergence of West Africa in general as a major transit point of illegal drugs (en route to Europe) can be traced back to the 1960s. However, with the publication of a 2007 report by the United Nations Office on Drugs and Crime (UNODC) on cocaine trafficking in West Africa, the issue received renewed attention, especially the case of Guinea-Bissau. The report stipulates that West Africa has become the focal point of cocaine trafficking from Latin America (Colombia, Peru and Bolivia) to Europe. This can be noted from the increase in the annual cocaine seizures in West Africa (See figure 2.5 below). This indicates a shift in the traditional trafficking routes, seen as in the past the drugs were smuggled via Central America and the Caribbean to the United States and across the Atlantic to Europe.



**Figure 3.5: Annual Cocaine Seizures in West Africa, 2000 – 2007**

(Source: Adapted from UNOCD, 2007:8).

Guinea-Bissau can be regarded as one of the most prominent, but not the only, West African country that is used as a transit point. This is confirmed by the statistics of the seizures of illegal cocaine in West Africa: Seizures in Guinea-Bissau were 674 kilograms in 2006 and 635 kilograms in 2007, placing it second and third, with regards to the most amount of cocaine seized (UNODC, 2007:10).

A number of factors are cited by the report that has contributed to Guinea-Bissau's current status as a major transshipment state. First, there is the obvious factor of geographical location and topography, such as a myriad of small islands as well as a poorly resourced security service, especially the police, an inefficient justice system and a derelict correctional system (UNODC, 2007). Indeed, Friman and Andreas (1999:12) note of transshipment states that there are limited resources with regard to law enforcement officials. A lack of the state's capacity to control the flow of goods, in and out of its territory, will facilitate the criminalisation of the state.

#### 3.7.4.4 Service states

The final role of the state is that of a service state. Service states can be conceptualised as having a specific sector that facilitates and promotes the activities of organised criminal

groups. The obvious example is the financial sector, which is utilised by criminal groups to conceal, move and protect their income from illegal operations (Williams, 1997:26).

As mentioned earlier, states can be classified as having a dual role in relation to the activities of organised criminal groups. Thus, states can fulfil several roles at the same time. This has been illustrated in the examples of the United States and South Africa. Williams (2002:169) notes that ironically, criminals exploit the sovereignty of some states, particularly home states as safe havens and service states as banks, for defensive purposes, while: "...their trafficking activities are grossly violating the sovereignty of others...".

**Table 3.4: The Role of the State in Relation to the Activities of Organised Criminal Groups**

<b>ROLE OF THE STATE</b>	<b>SHORT DESCRIPTION</b>
<b>Home states</b>	<ul style="list-style-type: none"> <li>• Weak states (safe havens) that provide a positive environment for TCOs</li> <li>• TCOs ensure state agents accept, benefit and participate from/in activities</li> <li>• Efforts to combat TCOs are limited</li> </ul>
<b>Host states</b>	<ul style="list-style-type: none"> <li>• Markets of the TCOs</li> <li>• TCOs manifests in the form of ethnic/cultural networks</li> <li>• TCOs operate with low risk</li> </ul>
<b>Transshipment states</b>	<ul style="list-style-type: none"> <li>• Located on major transit routes for illicit commodities</li> <li>• Weak state capacity contributes to ease of transit (operational corruption)</li> </ul>
<b>Service states</b>	<ul style="list-style-type: none"> <li>• Assist TCOs to advance their activities (structural ease) usually in the financial sector</li> <li>• Ease for TCOs in the movement and protection of financial assets</li> </ul>

(Source: Adapted from Williams, 1997:25 – 27).

#### 3.7.4.5 Summary

In the discussion of the role of the state in relation to the activities of organised criminal groups and the criminalisation of the state at local government level, the following indicators will be used:

- Whether the state at local government level provide a safe haven for organised crime.
- Whether the local environment acts as a market for organised crime.

- Whether weak local capacity of the state contributes to the ease of illegal operations.
- Whether local government assists organised criminal groups to advance activities.

### 3.7.5 Capacity Gaps and Functional Holes

To conclude the discussion of the criminalisation of the state, the following section will discuss the capacity gaps and functional holes that are often visible in transitional and weak states, as developed by Williams (2002). The focus of the discussion is not to explore why the initial weakening of a state occurs, but rather to assess how organised crime as a social organisation further impacts on the state. More specifically, this discussion aims to examine how in weak states<sup>55</sup> specific capacity gaps and functional holes exist and how these are utilised and explored by organised criminal groups. If organised criminal groups exploit these functional holes and capacity gaps, there is a high possibility that a state will rapidly criminalise.

Weak – or weakened states and organised criminal groups are not a new phenomenon and several examples can be listed: the Italian state in the 19<sup>th</sup> century and the rise of the Sicilian Mafia; a weak Colombian state and specifically a lack of control over the state territory (1970s and 1980s) and the rise of the cocaine industry; and states of the former Union of Soviet Socialist Republics (USSR) after the collapse of the Union (Williams, 2002 and Williams, 1997). In addition, Williams (2002 and 1997) claims that a link can be established between states in transition and the increased operations of organised criminal groups. For example, in the years leading up to the end of apartheid in South Africa and in the immediate post-1994 phase, the political instability and the reopening of South African borders for trade, provided ample opportunities for the growth of crime, and specifically crime of the organised nature (Standing, 2006).

With specific reference to weakened states, an element that explains the possible rapid expansion of organised criminal groups is that the government lacks political will, institutional authority and organised power to provide basic functions of the state, amongst others to secure human rights and to ensure socio-economic welfare. If the state is unable to fulfil these functions, a power void will emerge. Again, the example of the Italian state can be

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<sup>55</sup> Williams (2002) focusses on the capacity gaps and functional holes in weak and transitional states. For the purposes of this study, the focus will not be on the characteristics of transitional states, but rather on weakened states.



used. Gambetta (1993) analyses the Sicilian Mafia as an industry, providing specific services and in particular, private protection: "...The Mafia is a specific economic enterprise, an industry which produces, promotes and sells private protection. The Mafia represents this industry as it has developed in Sicily over the last one hundred and fifty years..." (Gambetta, 1993:1). Thus, the roots of the Sicilian Mafia can be traced back to when the Italian state was too weak to provide protection and arbitration for business and as a result the Mafia came into being to fill the void.<sup>56</sup>

As explained earlier in this chapter, weakened states have specific broad characteristics that they share. These include: A low level of state legitimacy, weak border control, ineffective rules, with serving public interest being not the main goal of institutions and people representing the state, little economic or social provisions for citizens of the state, little or no regulation and protection of business and lack of social control as a result of an ineffective criminal justice system (in general state functions are not carried out effectively) (Williams, 2002:170). The hypothesis that Williams (2002:170 - 171) develops is that these characteristics of state weakness can be summarised as "...capacity gaps..." which consequently lead to "...functional holes...". The functional holes can be described as: "...failure of the state to fulfil certain basic functions that are normally associated with states and are expected by the citizenry..." (Williams, 2002:171). The process is illustrated as a greenhouse effect, in that the conditions within the state are of such a nature, that it cultivates and protects organised criminal groups. The functional holes and capacity gaps will provide multiple opportunities within a low risk operational environment – the ideal conditions for organised criminal groups to prosper. The criminal groups will either fill the capacity gaps or functional holes, thus filling the void or vacuum that is left by a lack of state capacity and capability (as explained earlier) or they will exploit it in order to advance their activities. The following section will provide a discussion of each of the seven capacity gaps (social control, social welfare, business regulation, oversight and accountability, border control, legitimacy and electoral norms and patterns), the corresponding functional holes and the implications for organised criminal groups. See table 3.5 for a summary of the capacity gaps and functional holes.

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<sup>56</sup> As will be expanded on later in this section, Williams (2002) refers to functional holes that open a void or a vacuum in the operational capabilities of the state. Thus, there will be capacity gaps in the state and as a result there will be functional holes.

### 3.7.5.1 Social Control

The first capacity gap that Williams (2002:171) identifies is social control, which will facilitate the functional hole of an ineffective criminal justice system. Earlier in this chapter social control was identified as: "...the successful subordination of people's own inclinations of social behaviour or behaviour sought by other social organisations in favour of behaviour prescribed by state rules..." (Migdal, 1988:22). Thus, and of particular importance to this study, social control is an inclusive concept, as it covers all the other instances of capacity gaps and functional holes that will be discussed below. Social control relates to the laws of a specific state, but also the instruments and establishments in place that will enforce the law. Thus, the judiciary and the police force will be included here. If these instruments and establishments do not produce the expected level of social control by the state, organised criminal groups will be able to operate at a low risk level and without much objection from the state. Members of organised criminal groups will still be arrested, but the incarcerations of strongmen are highly unlikely. In the case where they are arrested, an arrangement will be able to facilitate a reduced sentence (Williams, 2002:172). This is but one of many ways in which a low risk environment may emerge in a state.

With regard to social control by the state, Williams (2002:172) also mentions that this capacity gap extends beyond the criminal law of the state, to the regulation of business, consequently, regulatory gaps. This relates to the earlier discussion of the emergence of the Sicilian Mafia in Italy when the state was too weak to provide protection and arbitration for business as explained by Gambetta (1993). The following statement confirms this proposition:

"...Some businesses turn to criminal organisations to collect outstanding debts or settle disputes. Recourse to these unorthodox methods had two consequences: it gave criminal organisations an *entrée* into the business world, thereby creating a seamless web between the licit and illicit, and it encouraged legitimate business to resort to increasingly ruthless methods against their competitors..." (Williams, 2002:172).

This blurring of the licit and the illicit gives rise to what Williams (2002:172) refers to as the "...iron triangle..." where three actors, political and government officials, businessmen and criminals, function in a complex and symbiotic relationship. The iron triangle can be compared to what Migdal (1988:249) describes as the triangle of accommodation, as

discussed earlier, which revolves around strongmen. For strongmen to be able to dominate aspects of the state, the process of bargaining has to take place between state officials, implementers and the strongmen. As a result, mutually profitable agreements will be arranged between the three units and the strongmen will succeed in creating numerous sets of new rules for social control.

In several weak states, and with specific reference to states in Africa, a lack of regulatory frameworks in key economic sectors such as the extraction industry has been significantly exploited by a number of actors. These include transnational organised criminal groups, rebel armies and warlords that fill the capacity gap of a lack of state-instituted regulatory frameworks with self-established regulatory frameworks (Williams, 2002:173). This creates a continuing cycle of criminality. In addition, state weakness in the sense of a lack of state capacity will continue as the state resources are not utilised to improve the instruments and establishments of the state.

#### *3.7.5.2 Social Welfare*

Williams (2002) identifies the second capacity gap as economic management and social welfare. If there is a lack of provision of social welfare for citizens and not sufficient economic management by the state in order to create the opportunities for citizens to be part of the economic system, thereby indicating failure by the state to fulfil these basic functions, it will result in the functional hole of provision for citizens. "...While other dimensions of weakness offer opportunities for criminal behaviour; this type of weakness creates pressures and incentives for citizens to engage in criminal activities..." (Williams, 2002: 173). In communities where there is a lack of economic development and high levels of unemployment, citizens are prone to turn to the illicit economy in order to pursue economic welfare. The illicit economy provides a range of opportunities, not found in the licit, and as a result organised criminal groups can easily recruit workers. This capacity gap and resulting functional hole provides organised crime with a pool of labour.

It can also be referred back to what was earlier described by Migdal (1988:29) as "...survival strategies...". Social organisations that are in conflict with each other and the state will present citizens with different strategies of survival, to those presented by one another and the state. As the void of social welfare is subsequently filled by organised criminal groups, these groups or specific leaders (strongmen) present themselves as the saviours of the community

and receive support from citizens and may in some cases succeed to provide social welfare. In addition: "...very visible...support for charities is another aspect of the same tendency. In effect, organised crime becomes a surrogate of the state..." (Williams, 2002:174). Consequently, through patronage illicit groups receive encouragement, assistance and gratitude. Williams (2002:173) uses the example of Pablo Escobar<sup>57</sup> in Columbia during the 1980s. Escobar was reportedly involved in a number of charity organisations and provided money for the construction of schools and hospitals. In particular, he initiated and funded Medellin Without Slums, a project that provided houses for the underprivileged.

To conclude this section: The second capacity gap is social welfare, which results in the functional hole of provisions for citizens. The result of the void is that citizens may possibly migrate to the illegal economy where they may easily be recruited by organised criminal groups. In addition, paternalism from organised criminal groups becomes a substitute for the state.

### *3.7.5.3 Business Regulation*

The third capacity gap identified by Williams (2002:172) is in the field of business regulations, or rather a lack of business regulations. The practical manifestation of the lack in this capacity is that there will be: "...the failure of some states to provide adequate and appropriate regulatory frameworks for business...". Williams (2002:172) uses the example of Russia where there was: "...the lack of an appropriate regulatory framework for business providing recourse for debt collection...". If such a situation arises, organised criminal groups may become the replacement: They may possibly be utilised to collect debt and settle disputes. Similar to the previous capacity gap of social welfare, the criminal group can provide a separate set of rules, opposed to those of the state to citizens. Of course, these rules or the criminal regulatory framework will stand in direct opposition to those of the state. In addition, a lack of a legal or state-driven regulatory business framework will open the void for increased illicit activity, as acts such as money-laundering and trafficking will be conducted with greater ease.

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<sup>57</sup> Pablo Emilio Escobar was a Colombian drug lord. He was the leader the Medellin drug cartel and is regarded as the richest and most successful criminal in world history. He was killed on 2 December 1993 by the police in Medellin, Colombia. He was 44 years old at the time of his death.

#### *3.7.5.4 Oversight and Accountability*

If a state lacks control and accountability, the primary implication for organised criminal groups is the opportunity for extensive corruption. Such a situation is as a result of a gap in the capacity of the state to provide oversight and create accountability (Williams, 2002:174).

#### *3.7.5.5 Border Control*

The next capacity gap is the inability of a state to control its borders and it will result in the functional hole of limited and weak interdiction capabilities by the state. Williams (2002:174) explains that this capacity gap is particularly visible in transitional states, given that during the period of transition, border controls may be more relaxed in order to promote trade with neighbouring countries so to as facilitate economic growth. In addition, border control can be directly linked to state sovereignty: The ability of the state to control its domain and express full command of the territory. The sovereignty also relates to the state determining what comes into the state (and how) and what leaves. Earlier in this chapter, a definition of transshipment states was provided: States located on major transit routes for illicit commodities, where the weak state capacity contributes to the ease of transit of the illicit goods. A gap in the capacity of the state to control its borders and the resulting functional hole of weak interdiction, will contribute to a state functioning as a transshipment state with relation to organised criminal groups (Williams, 2002:174).

#### *3.7.5.6 Legitimacy*

As explained earlier in this chapter, it is the obligation of the state to provide certain political goods to the citizens under its jurisdiction, of which political security is the most important. If a state fails to deliver the political goods, the legitimacy of the state will be questioned (Rotberg, 2003). Accordingly, Williams (2002:171) acknowledges that weak legitimacy may result in the functional hole of a lack of state authority and affiliation. If there is a lack of state authority, relationships between citizens and organised criminal groups may arise, that possibly will be more important than the loyalty to the state. Criminal groups may build on various patron-client relationships and as such, exploit the lack of state authority. Accordingly, there can be a network of mutually obligatory and beneficial relationships (and also symbiotic) between criminals, state actors and citizens (including businessmen).

### *3.7.5.7 Electoral Norms and Patterns*

The final capacity gap in weak states that Williams (2002) discusses is electoral rules. Free, fair and regular elections are one of the cornerstones of democratic states and essential for democratic state governance. It is also the most common way in which citizens can participate in the institutions of the state. Elements such as the voter registration of all eligible voters, information regarding where to vote, the secrecy of the vote and information about the candidates and parties are regarded as standard rules to ensure democratic state governance. Accordingly, if these norms are not adhered to, it may lead to a breakdown in the legitimacy of the state and thus, a weakening of the state. If there is a lack in the capacity of the state to ensure that such norms are upheld, it may provide organised criminal groups with the opportunity to participate in the electoral process. The participation will, of course, not be in the practical form or on the primary level as a candidate or political party, but on a secondary level, for example through campaign funding. The implication for organised criminal groups is that they will have the opportunity, as a result of funding, to influence the election outcomes, influence legislation and policy, but also to arrange affairs so as to suite them in their operations. As a result of weak electoral norms (thus the state lacks this capacity) several functional holes may open up: Incorrect voters' rolls, stuffing of ballot boxes, corrupt electoral officials, to mention only a few. Organised criminal groups can possibly exploit the vacuum by ensuring tactical support through funding and receive favours in return for votes. In addition, there may arise the feeling of on behalf of new government members that have been assisted by the organised criminal groups (Williams, 2002:175). The result would be the blurring of the lines between the legal and illegal, thus the criminalisation of the electoral institutions and processes of the state.

**Table 3.5: Capacity Gaps and Functional Holes in Weak States with Relation to Organised Crime**

<b>CAPACITY GAPS</b>	<b>FUNCTIONAL HOLES</b>	<b>IMPLICATIONS FOR ORGANISED CRIME (OC)</b>
<b>Social control</b>	Ineffective criminal justice system	Organised crime operates with impunity
<b>Social welfare</b>	Lack of provision for citizens	Migration to illegal economy; Organised Crime recruitment; Paternalism substitute for state
<b>Business regulation</b>	Lack of regulatory framework	Organised crime as arbitrator, protector, debt collector
<b>Oversight and accountability</b>	Lack of control and transparency	Opportunity for extensive use of corruption; hijacking of privatisation processes
<b>Border control</b>	Weak interdiction capability	Use state for transshipment of various illegal products
<b>Legitimacy</b>	Lack of authority and affiliation	Build on patron-client links; other relationships more important than loyalty to the state
<b>Electoral norms and patterns</b>	Campaign financing	Opportunity to influence election outcomes; cut deals with politicians

(Source: Adapted from Williams, 2002:171).

#### 3.7.5.8 Summary

From the above mentioned seven capacity gaps and functional holes, the following indicators are adopted for the analysis of the criminalisation of the state at local government level:

- Whether an ineffective criminal justice system on local level results in operational ease for organised crime.
- Whether citizens operate in the illegal economy as a result of the lack of provision of political goods by the state at local government level.
- Whether organised criminal groups act as the business regulators in the local community.
- Whether the relationships with organised criminal groups are more important to citizens than loyalty to the state at local government level.
- Whether organised criminal groups have the ability to influence local electoral outcomes.

### 3.7.6 A Framework for the Analysis of the Criminalisation of the State at Local Government Level

The analysis of the criminalisation of the state, for the purposes of this study, is based on four main avenues of empirical observations: The indicators of the criminalisation of politics, the state's orientation towards organised crime, organised criminal groups and the role of the state and capacity gaps and functional holes in weak states. After an analysis of these avenues of empirical observation, a number of indicators were extracted in order to analyse the level of criminalisation of the state. For the purposes of this study, the indicators were adapted to analyse the state at local government level only. The identified indicators can be placed in a framework for the analysis of the level of criminalisation, at the level of local government, which will be measured on a continuous scale. What will accordingly be analysed is, to what extent the state has criminalised. The framework will be the following:

**Table 3.6: Framework for the Analysis of the Level of the Criminalisation of the State, at the Local Government Level**

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#### **Indicators of the Criminalisation of the State**

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The use of organs of the state by the state at the local level in order to accumulate wealth.

There is a presence of clandestine structures of power on local level that control the local state institutions and rival state structures.

Illegal activities that have an important impact on the structure and the way the local community functions.

The state at local government level accepts the presence and activities of organised criminal groups in the local community.

The state at local government level acknowledges the benefits of organised criminal activity for the local economy, society and agents of the state and as a result organised criminal groups are protected.

The state at local government level is in a symbiotic relationship with organised criminal groups.

The state at local government level provides a safe haven for organised crime and combating efforts are limited.

The local environment acts as a market for organised crime.

Weak local capacity of the state at local government level contributes to the ease of illegal operations.

Local government assists organised criminal groups to advance activities.

An ineffective criminal justice system at local level resulting in operational ease for organised crime.

Citizens operate in the illegal economy as a result of the lack of provision of political goods by the state at local government level.

Organised criminal groups act as the business regulators in the local community.

Relationships with organised criminal groups are more important to citizens than loyalty to the state at local government level.

Organised criminal groups have the ability to influence local electoral outcomes.

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**(Source: Produced by the author for this study).**

This framework will be used to analyse the impact of a local non-state actor (and for the purposes of this study organised criminal groups) on the state.



### 3.8 Conclusion

This chapter set out to provide the theoretical foundation of this study. First, it was explained that this study uses a pluralist theoretical view of the state. Next, a conceptual framework for the state was established. This conceptual framework was primarily based on the position of the nation state, in that it is the building block of the legitimate world order. Furthermore, the state was conceptualised as an abstract entity of administrative order with binding authority, a territorial basis and jurisdiction that is recognised by other similar organisations, and a separation between ruler and organisation. In order for the state to prosper, it should perform a number of functions, ranked in a hierarchical order, of which the provision of security is the most important. Accordingly, the state claims a monopoly on the use of legitimate force. The importance of state-society relations is emphasised as that the lack of provision of political goods may facilitate the breakdown of state-society relations. The state can lose the ability to mobilise society and ultimately lose legitimacy, which is the most important indicator of the social control by the state.

Three other conceptual clarifications were also provided as these concepts are central to this study: State-building and nation-building and state decay. Nation-building was defined as the process of the formation of a shared national identity and state-building as the establishment of effective organs of a central government. The two processes were not regarded as counterproductive and the importance of state-society relations was acknowledged for both state-building and nation-building to be successful. Next, the process of state decay was explained as: First, the presence of elements of a weak state (gaps in the capacity of the state), second state failure (lack of territorial control, increase in criminal violence and the inability to provide political goods) and last state collapse (where the state can no longer perform any of its basic functions). This will leave a vacuum of authority, which may be filled by non-state actors.

The following section of the chapter focused on state-society relations, the central theme of this study. These relations were discussed by focusing on the work of Migdal (1988) and his indicators of social control: Participation, compliance and legitimacy. If the state has low levels of social control there will be a decline in the capacity of the state, again opening the gap for rival social organisations to establish contending survival strategies that are in conflict with those of the state, for example organised criminal groups.

The last section of this chapter focused on the criminalisation of the state, which is regarded as a possible result of the impact of organised crime on the state. A framework in order to analyse the criminalisation of the state (at local government level as it is the focus of this study) was constructed from four main avenues of empirical observation. This framework will be utilised in chapter six of this thesis, in order to measure the level of criminalisation of the state, at the local government level, and with specific reference to the City of Cape Town, in which Manenberg is located.

The next chapter of this study will provide a contextualisation of the independent variable of this study, organised crime. The chapter will start with a conceptualisation of organised crime, organised criminal groups and gangs, and transnational organised crime. Organised crime will also be contextualised in the South African context, which will include a historical account and present day analysis. The chapter will conclude with a description of organised crime on the Cape Flats, South Africa.

## **CHAPTER FOUR: CONCEPTUALISATION AND CONTEXTUALISATION OF ORGANISED CRIME- INTERNATIONAL AND LOCAL DEVELOPMENTS AND TRENDS**

### **4.1 Introduction**

This chapter will provide a conceptualisation and contextualisation of the independent variable of this study: Organised crime. In the first part of the chapter, organised crime will be conceptualised to create a clear foundation of how the concept will be used for the purposes of this study. Conceptualisations of organised criminal groups, transnational organised crime and organised criminal gangs will also be provided. The chapter will proceed to briefly discuss transnational organised crime trends. The focus of the chapter will then turn to organised crime in South Africa, starting with an explanation of the historical development of organised crime in South Africa, the expansion and the situation beyond 2010. The discussion will include comments on the main piece of legislation dealing with organised crime in South Africa: The South African Protection of Organised Crime Act (POCA). Since the selected case study for this study is Cape Town, and more specifically the Cape Flats and Manenberg, this chapter will end with an examination of the historical developments of the gangs on the Cape Flats and the situation, at the time of writing, in this area, with regards to organised crime.<sup>58</sup>

### **4.2 A General Conceptualisation of Organised Crime**

Organised crime has for many years been and still is a disputed concept, seen as there is no universal definition of the term. This lack of a universal definition is noted in the amount of literature compiled by Klaus von Lampe on his website *Organised Crime Research* under the title *Definitions of Organised Crime*, where he has assembled over 160 definitions of organised crime (von Lampe, 2012). Accordingly: "...there seems to be as many descriptions...as there are authors..." (Allum and Kostakos, 2010:4). To add to the problem, the complexity of the phenomenon as noted by Longo (2010:15) is: "...it affects the social, economic, political and cultural spheres and the attempts to provide an adequate definition of this concept have given rise to a very controversial debate...". While this chapter will not attempt to name all the different definitions of organised crime or provide a re-conceptualisation of the concept, it will attempt to gain a deeper insight into the key attributes of organised crime. Furthermore, the first section of this chapter will identify and

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<sup>58</sup> A full contextualisation of the City of Cape Town will be provided in chapter five.

conceptualise other relevant concepts such as: Transnational organised crime, organised criminal gangs, organised criminal groups and give a short overview of the history of organised crime and the trends of organised crime on an international level.

#### 4.2.1 Organised crime

The search for a universal definition of organised crime has given rise to five main approaches to the study of organised crime as stated by Longo (2010: 18 - 20). These five approaches are first concerned with the identification of the semantic meaning of the term organised crime, while at the same time focusing on the analytical variables and using those to distinguish this specific phenomenon from other forms of crime. The first approach utilises organisational theory to explain organised crime. In this approach, organised crime is considered to be a classical organisation with emphasis on the associative dimension as the main variable of this sort of illicit activity. In order to distinguish this form of criminality from other forms, organisational variables such as hierarchy, differentiation, flexibility and the degree of formality of the organisation are used.

The second approach stipulates that the main characteristic of organised crime, as opposed to other forms of crime, is the relationship between the members of the group, and in order to understand this relationship, the patron-client model is applied.

The third approach is more concerned with the objectives of the criminal activity undertaken, rather than with the structure of organised crime as seen in the previous two approaches; thus, it is more epistemological in its nature. The third approach bases its conceptualisation of organised crime on the perceived entrepreneurial nature of the crimes undertaken, which would imply that organised crime is an economic and financial enterprise, aimed at garnering maximum profit with minimum cost, thereby indicating that it follows the economic rationale.

The fourth approach applies a social network theory to the study of organised crime. In this approach, the relationships that link people in the organised crime structure are of great relevance, seen as the relationships among individuals and groups are aimed at providing illegal goods and service, thereby identifying organised crime to be a social system.

The fifth and last approach uses system theory and the accompanying conceptual tools of system analysis to study organised crime. In this approach, organised crime is seen to be a complex societal phenomenon, which requires complex and nuanced tools for analysis (Longo, 2010: 18 - 20). What is clear from these different approaches, is that organised crime can be studied as both an objective, measurable phenomenon, but also as a subjective formation, as noted by Allum and Kostakos (2010:3). Accordingly, a conceptualisation of organised crime needs to include elements of both the objective measurable nature and also the subjective construction of the phenomenon.

On a more elementary level, and in order to focus the approach on organised crime as it will be used in this study, Standing (2006:65 – 66) explains an orthodox understanding of organised crime, also referred to as the parasitic model. In this model, five tendencies of organised crime are used to create a way to understand the concept. The first tendency deals with the conceptualisation of organised crime and it is simply defined to represent groups of career criminals that are internally structured. There has however been a move away from the emphasis on the hierarchal structure of such groups, to recognise that organised criminal groups can be less structured and operate as fluid networks. The second tendency focuses on the predatory nature of organised criminal operations and holds: "...the view that organised crime feeds off opportunities inadvertently created by society..." (Standing, 2006:65). The third tendency of the parasitic model states that organised crime threatens both national and international security as it penetrates and attacks elements central to the security of a state: The legal economy and democratic forms of government. The fourth tendency of the orthodox understanding of organised crime deals with ways in which to combat it. The entire organisation should be targeted and not individuals; accordingly, the focus should not be on the criminal activities of each individual. The last tendency states that organised crime can be defeated and societies can be free of organised crime (Standing, 2006:65 – 66). As mentioned, the orthodox parasitic model does not provide a conceptualisation of organised crime per se, but rather a template to understand it. This model will be used as a foundation to construct a conceptualisation of organised crime.

As mentioned in the previous section, von Lampe (2012) has made a compilation of over 160 definitions of organised crime, thereby indicating that attaching specific scientific meaning to a term such as organised crime, has a widely differing popular public definition, not only

internationally but also on a national level. To illustrate this, according to the Federal Bureau of Investigation (2012), organised crime is defined as:

“...any group having some manner of a formalised structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of actual or threatened violence, corrupt public officials, graft, or extortion, and generally have a significant impact on the people in their locales, region, or the country as a whole...”.

In 1975 the United Nations (UN) defined organised crime to be: “...large-scale and complex criminal activities carried out by tightly or loosely organised associations and aimed at the establishment, supply and exploitation of illegal markets at the expense of society...” (United Nations, 1975). More recently, the United Nations Convention against Transnational Organised Crime (UNCTO)<sup>59</sup> developed a conceptualisation of organised criminal syndicates but not specifically organised crime, as will be discussed in the next section.

When analysing the definitions of scholars such as Cressey (1972) and Finckenauer (2005) they agree that the difficulty with finding a standardised definition of organised crime, lies in the word organised. Finckenauer (2005:65) argues that the main attributes that make a crime organised and thereby distinct from other forms of crimes, are: The level of sophistication, structure/hierarchy, self-identification, authority or reputation, size and continuity, lack of ideology, use of violence/force, restricted membership and corruption. Finckenauer (2005) continues by saying that the main goal of organised crime is the acquisition of money, whether through the provision of illicit goods and services in public demand, or the provision of legal goods and services in an illicit manner. However, organised crime may also penetrate the legitimate economy and in some cases, those involved in organised criminal activities seek political power in order to facilitate their greed for money. Abadinsky (2000) and Holmes (2007) list a number of elements of organised crime that correspond with Finckenauer’s (2005) attributes of organised crime, namely: It is non-ideological, it is hierarchical, has limited or exclusive membership, it perpetuates itself, the use of illegal violence and bribery, demonstrates a division of labour, it is monopolistic and it is governed by explicit rules and regulations. Hess (2009) and Ianni (1974) agree that organised crime is

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<sup>59</sup> The Convention against Transnational Organised Crime is multilateral treaty against transnational organised crime, adopted in 2000. It is also referred to as the Palermo Convention.

structured by cooperative association among a group of individuals, who use fear and corruption in order to achieve their goals.

While the above mentioned conceptualisations of organised crime share similar attributes, academics and policy advisors continue to disagree on the meaning of the word *organised*, as mentioned previously. In addition, there is wide disagreement on what the size and nature of the structure is that constitutes organised crime. According to Maltz (1976) organised crime is: "...a crime committed by two or more offenders...". However, Maltz (1990) also stipulates that organised crime is the: "...criminal and other unlawful activities of large, continuing, multi-enterprise organisations that were established primarily for criminal purposes, and that they employ corruption and violence in their activities..." (Maltz, 1990:24).

From the above mentioned it is evident that the establishment of a universal conceptualisation of the term organised crime is challenging; however, all of the above mentioned approaches and definitions (despite the different points in time when they were established) have a number of similar attributes. Furthermore, it is evident that the majority of these definitions are grounded in the orthodox understanding and accordingly, the parasitic model of organised crime, as explained by Standing (2006). Therefore, for the purposes of this study organised crime will be conceptualised as: Non-ideological, structured activities of a group or groups of individuals, whose main objective is material profit, acquired through illegal activities and use of force/violence when necessary, at the expense of the community in which those activities take place. It has to be noted that this conceptualisation will be revisited and put in contrast with the definition and understanding of organised criminal gangs in the South African context, as will be explained later in the chapter.

#### 4.2.2 Organised Criminal Groups

As mentioned, the UNCTO does not have a conceptualisation for organised crime, but rather a definition of organised criminal groups. The UNCTO conceptualises organised criminal groups as: "...a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences...in order to obtain, directly or indirectly, a financial or other material benefit..." (UNCTO, 2004:5). As with organised crime, the main points of dispute with regard to organised criminal groups are the size and hierarchical structure of the group. As was noted in the

previous section, the size can vary from two to three people as a starting point, to a large group of individuals. As will be discussed in the next section, the membership of these groups can be locally confined, or spread beyond the borders of a state, as in the case of transnational organised criminal groups. With regards to the structure of such groups, it can range from very formally structured organisations, to loosely structured, more fluid collections. In order to review the conceptualisation of organised criminal groups, one approach is to place it in contrast with organised criminal gangs, so as to identify the distinctions, but also similarities of the groups, as will be done in section 3.2.4 below. Accordingly, only the main elements of organised criminal groups, as highlighted by the UNCTO, will be used here as a foundation to conceptualise the phenomenon. These elements are: A structured group of three or more people, existing for a period of time. The group will act in unison, committing serious crimes in order to obtain benefits.

Even with this definition, there are several aspects that are vague and open for debate and interpretation. For example, the concept of structured is not clear and as discussed earlier, there is a tendency to include groups that are less formally structured. Therefore, the conclusion can be that there needs to be at least some sort of structure, which will be enhanced by the fact that the group acts in unison and with the same aim. The best way to describe it may be to state that the group needs to be internally organised, as stated in the parasitic model by Standing (2006:65). Furthermore, the understanding of serious crimes or illegal activities will differ depending on local area and country, and therefore, later in this chapter the concept will be discussed in the South African context. If activities spread and groups operate beyond the borders of a state, the element of trans-nationality comes into play.

#### 4.2.3 Transnational Organised Crime

As in the case of organised crime, there is not one universal definition of transnational organised crime. Some organisations, for example the UNCTO, do not even have an exact conceptualisation of transnational organised crime. As mentioned earlier, the UNCTO only have a definition of an organised criminal group, as stated in article 2(a) of the Convention (UNCTO, 2004:5). The Convention does however state that transnational organised crime are not only offences committed in one state, but also crimes committed in one state and planned and controlled in another. Furthermore, transnational organised crime will include crimes committed in one state by groups operating in more than one state, and crimes committed in

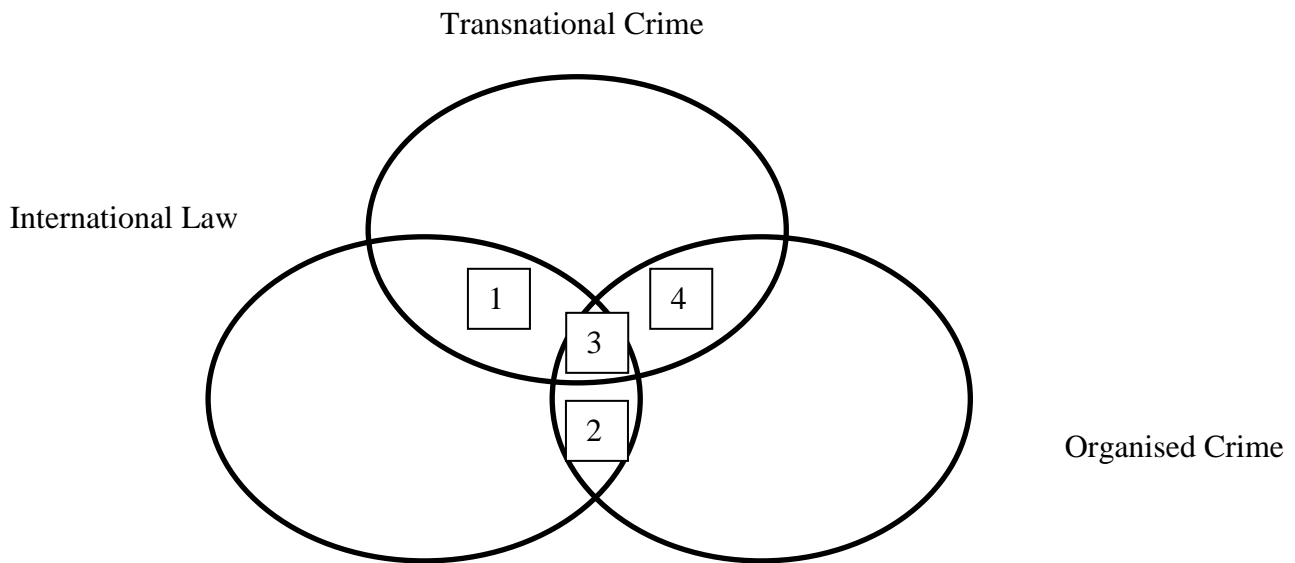


one state, with considerable effects in another state. Accordingly, four characteristics of transnational organised crime can be highlighted from the UNCTO (2004):

- Crimes committed by an organised criminal group in more than one state;
- Crimes committed in one state, but planned and controlled in another;
- Crimes committed in one state by an organised criminal group that operates in more than one state;
- Crimes committed in one state, with substantial effects in another state.

These characteristics indicate that according to the UNCTO, transnational organised crime is defined as all profit-making (monetary or material) serious criminal activities that have international implications. The rationale of the UNCTO to not have a formal definition of transnational organised crime is that new crimes emerge constantly and that global, regional and local conditions change frequently (United Nations Office on Drugs and Crime, 2012).

In addition to the non-existence of a common conceptualisation, the concept of transnational organised crime is also often used interchangeably with the terms transnational crime, international organised crime and multinational crime. These concepts are clarified by Madsen (2009). When analysing figure 3.1 below, the number 1 in the figure represents transnational crimes that violate international law, but are not organised in nature. Thus, there is not a network of illegal operations. One example is: "...a parental dispute over custody of a child, where one parent "snatches" the child in one country and transfers it to another..." (Madsen, 2009:8). Number 2 in the figure is organised crime violating international law without crossing borders, for example slave trading. Number 3 represents crime that is organised, transnational and that violates international law, for example international drug trafficking and the smuggling of weapons. The last category is number 4, which represents: "...crimes that are organised and transnational, but not violations of international law, for example the smuggling of genuine, but non-taxed tobacco product from country to another..." (Madsen, 2009:9). According to this classification, transnational crime involves at least two or more sovereign jurisdictions, it needs to be stipulated as a criminal act in legislation of these jurisdictions, but it can also be criminalised in international law (Madsen, 2009:7-9).



**Figure 4.1: Conceptual clarification of Transnational Crime, Organised Crime and International Law.**

(Source: Adapted from Madsen, 2009:8).

For the purposes of this study, transnational organised crime will be conceptualised by the four characteristics highlighted from the UNCTO. In addition, it is recognised that the activities are executed by a permanent organised group, which takes place outside of the formal legal economy, with the main aim of making a profit or monetary gain, with the use of force, violence, corruption or bribery. It will include (but not be limited to) activities such as illegal migration, trafficking of people, trafficking in body parts, theft of and trafficking in automobiles, fauna and flora trafficking, cybercrimes, software piracy, firearms trafficking, drug trafficking and money laundering.

#### 4.2.4 Organised Criminal Gangs

The concept of organised criminal gangs in the South African context will be discussed in detail in section 4.4.4 of this chapter. This section will only provide a general overview of the concept organised criminal gangs. It has to be noted, as with organised crime and transnational organised crime, there is no universally agreed-upon definition of an organised criminal gang. In general, the concept stands in contrast with an organised criminal group, as this usually refers to a much more organised structure and the gang to a much loosely structured, less professional and less sophisticated grouping.

As a result of the continuous dispute of the conceptual attributes of organised criminal gangs, the term is often used interchangeably with other concepts such as youth gangs and street gangs. This is particularly the case in the United States (US). In this context, when referring to gangs, youth gangs are often the main point of discussion. To complicate the matter further, in both practice and research, motorcycle gangs, prison gangs, hate groups, adult organised crime groups, terrorist organisations and other forms of security threat groups are frequently, but not always treated as separate from youth gangs.

According to the United States Department of Justice and the Department of Homeland Security's Immigration and Customs Enforcement (ICE), a gang is:

- An association of three or more individuals;
- Members collectively adopt a group identity, by employing one or more of the following: a common name, slogan, identifying sign, tattoo or other physical marking, style or colour of clothing hairstyle, hand sign or graffiti; with the aim of creating an atmosphere of fear or intimidation;
- The purpose of the gang is in part to engage in criminal activity, by using violence or intimidation to further their criminal objectives;
- The members engage in criminal activity or acts of juvenile delinquency, which if committed by an adult would be seen as crimes whose intent is to enhance and/or preserve the association's power, reputation or economic resources;
- In addition to the above mentioned, the association may also possess one or several of the following characteristics: members may employ rules for joining and operating within the association, meetings conducted on a recurring basis, physical protection for members may be provided on behalf of the association, to protect them from others, exercising control over a specific geographical location or area, and/or defence of perceived interests from rivals and may have an identifiable structure (National Institute of Justice, 2011).

One of the characteristics and also pitfalls of definitions is that the strength sometimes lies within what it excludes as opposed to what it includes. Accordingly, the above mentioned definition could also include the orthodox conceptualisation of an organised criminal group; however, the US Department of Justice clearly states that drug trafficking organisations,

terrorist organisations, traditional organised crime groups<sup>60</sup> and groups that fall within the Department's definition of transnational organised crime, are excluded from the above mentioned definition of gangs (National Institute of Justice, 2011).

Creating further difficulties with conceptualising gangs in the US context, is the fact that the definitions of gangs as used by individual state legislatures may to a certain extent differ from the federal definition, as stated by the Department of Justice and the ICE. To illustrate, the State of California legislature defines a gang as:

“... any on-going organisation, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts...having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity...” (California Street Terrorism Enforcement and Prevention Act, 1988: section 186.22(f)).

As mentioned, in research literature on gangs, the primary focus is directed at youth gangs as opposed to adult gangs. Researchers such as Decker and Curry (2003), Esbensen et al. (2001), Klein (1995), Miller (1992) and Spergel (1995) list the following criteria for classifying youth gangs:

- The group has three or more members, generally aged 12-24;
- Members have a shared identity, usually linked to a name and/or other symbols;
- Members perceive themselves as a gang, and are recognised as such by others;
- The group has some perpetuity and a degree of organisation;
- The group is involved in a high level of criminal activity.

With this definition, what separates gangs from youth gangs is just the age limit. However, there seems to be a need in the literature to give each sub-category of gangs a conceptualisation. Indeed, this is clear from the United States National Gang Threat Assessment, which is released annually by the National Gang Intelligence Centre. The assessment states that each gang type (street gangs, prison gangs and outlaw motorcycle

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<sup>60</sup> Traditional organised crime groups refer to groups such as the Italian La Cosa Nostra.

gangs etc.) merits its own definition and a discussion of the characteristics differ at national, regional and local levels. However, the problem with conceptualising each gang type individually renders the operational definition a challenge. The most recent National Gang Assessment published in 2011 found, that around 1, 4 million gang members belong to more than 33,000 gangs in the US. Other key findings of the assessment were that gangs are increasingly engaging in non-traditional gang-related crime such as human trafficking, and prostitution. Gangs are also engaging in white-collar crime such as counterfeiting, identity theft, and mortgage fraud. Accordingly, gangs are becoming increasingly adaptable and sophisticated, with the ability to connect with criminal organisations (Federal Bureau of Investigation, 2011).

As has been noted with the conceptualisation of organised crime earlier (and a topic that will come under discussion again when conceptualising organised crime and organised criminal gangs in South Africa) the failure to define gangs hampers the ability to measure and combat operations of such groups. This goes hand in hand with Finckenauer's (2005:68) assessment of the issue that arises from the failure to find a universal definition of organised crime: "...because of how the problem of organised crime is defined, goes a long way toward determining how laws are framed, how investigations and prosecutions are conducted, how research studies are done, and increasingly, how mutual legal assistance across national borders is or is not rendered...".

Additionally, the conceptualisation of the term gang or organised criminal gang is further challenged by the perceived need amongst scholars and policymakers for the distinction between gangs and their crimes, from other forms of collective criminality. Siegel and Welsh (2009) claim that gangs and their specific 'culture', often consisting of rituals, symbols and the like, have a tendency to convey a sense of identity, which is further strengthened by the use of violence and the accompanying 'turf wars'.<sup>61</sup> Furthermore, Decker and Winkle (1996) and Klein (2004) stipulate that, while criminal organisations use violence more strategically to consolidate long-term goals, gang violence is more of a tactical nature, in order to achieve short-term goals; therefore, gangs are not true market players, nor are they as sophisticated or as organised as criminal organisations. This last element does however, stand in contrast with the findings of the 2011 National Gang Threat Assessment, as mentioned earlier. Indeed, as

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<sup>61</sup> Turf wars refer to the defence of a specific geographical location or area that is under the control of a gang.

argued by Hauck and Peterke (2010) in practice, the dividing line between gangs and organised criminal groups often becomes blurred. Criminal organisations often emerge out of gangs, as they continue to use their symbols and names; thus, they are: "...well-structured gangs that represent quite permanent associations and professionally commit serious and even transnational crimes..." (Hauck and Peterke, 2010:412). As a result, the relevance of a distinction between an organised criminal group and an organised criminal gang is questioned. Indeed, this study does adopt the hypothesis that the lines between organised criminal gangs and organised criminal groups are becoming increasingly blurred. Therefore, for the purposes of this study, the distinction is artificial and of little use.

### **4.3 Transnational Organised Crime: Overview**

The historical developments of organised crime in South Africa will be discussed in detail in section 4.4. This section will provide a very broad overview of transnational organised crime. It will start off with a short overview of the history of organised crime and will then move on to describe how it has changed from being a locally driven process, to evolving into a more internationally driven one.

#### **4.3.1 Historical Development**

Presenting an accurate history of organised crime is virtually impossible; not due to the lack of literature but due to the lack of reliable academic literature. Rubinstein and Reuter (1978:57) illustrate this when stating: "...how difficult it is to collect accurate information even from legitimate organisations operating in a highly regulated environment. The challenges are immeasurably greater in collecting information about people who are consciously involved in illegal activities...". Accordingly, the next section will only provide a brief description of the historical developments of organised crime.

According to the United Nations Office on Drugs and Crime (UNODC) (2010) the term organised crime appears to have emerged in Chicago in 1919, retaining undertones of the bootlegging gangs prevalent during that era. However, the phenomenon of organised crime far pre-dates this denomination and the manifestations of organised crime have evolved considerably since that time (UNODC, 2010:25 - 36). Nevertheless, after organised crime rose in prominence in 1919, law enforcement authorities focused on it as an opponent that was organised similar to them. This impression was further reinforced in 1957, after the discovery of a gang meeting in Apalachin, New York, where some 70 senior gang members

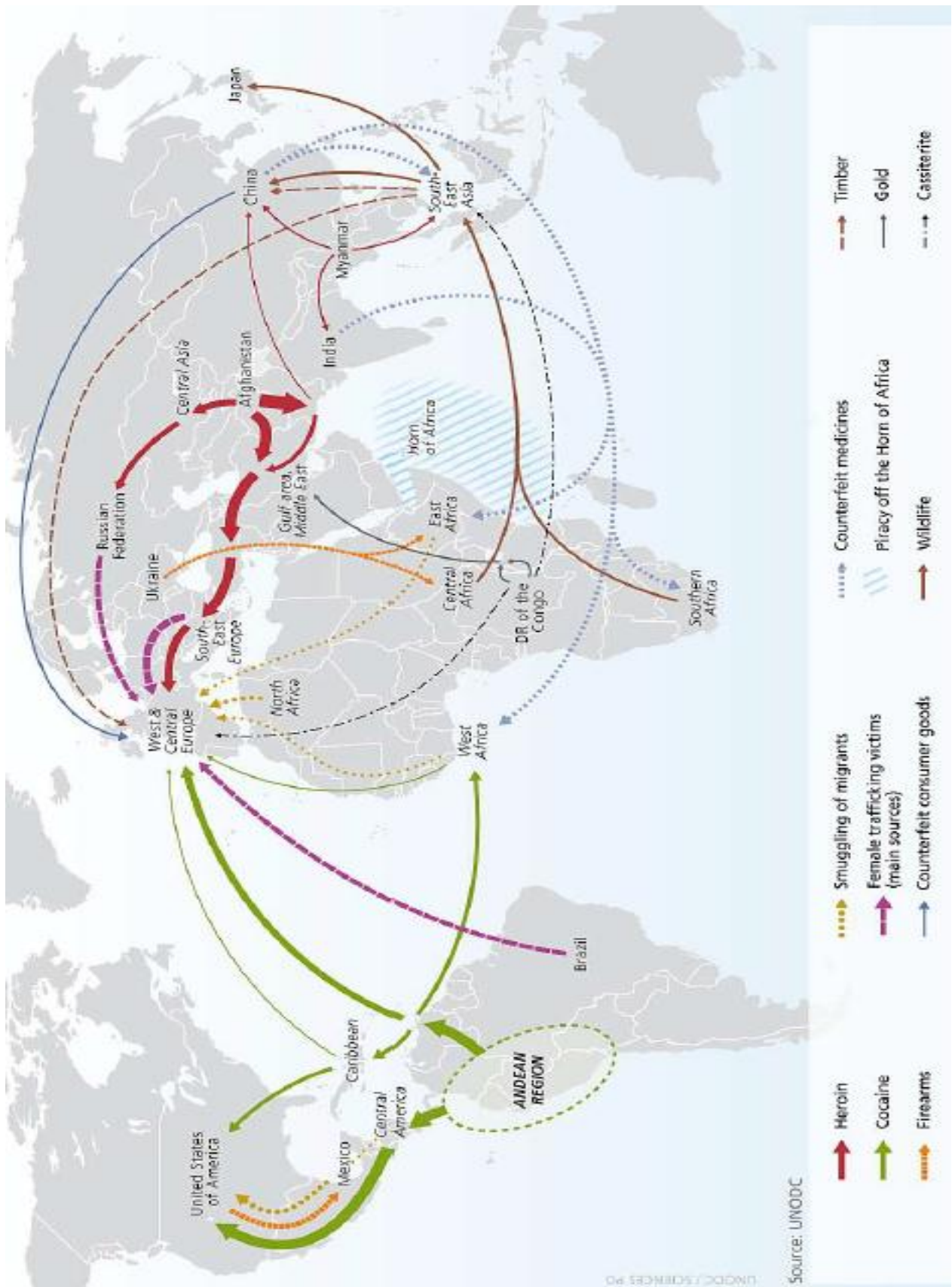
from around the US were present. After this incident, it was widely believed that the enemy was a form of anti-government or criminal corporation, intended to secretly coordinate illicit activities. (UNODC, 2010:25 - 36).

As time passed, law enforcement authorities and scholars have even gone as far as to suggest that the leaders of these traditional hierarchical groups, operating on a local level, were cooperating with similar organisations in other states, thereby coordinating their activities in a cosmic global conspiracy. This image has however begun to deteriorate over time, and what some believed to be concerted action, was in many instances regarded as activities of a range of actors responding to market forces; thus, the groups themselves were no longer the main focal point, but rather the global markets they operated in (UNODC, 2010:25 – 36).

Historically, crime and organised crime across the US, Europe and Latin America, have had small beginnings and were mainly local endeavours, as can be noted from small-time street criminal cases such as the Gambino family, the Corleone family and other important crime syndicates, such as the Cali and Medellin drug cartels (Kinnes, 2000). However, organised crime evolved into a more sophisticated undertaking, enabled by forces of globalisation, that make the transnational trade in commodities, such as cocaine, heroin, firearms, people, environmental resources and the like, easier than at the beginning of the 20<sup>th</sup> century (UNODC, 2010:25 – 36).

#### 4.3.2 The Current Situation

The UNODC (2010) document: *The Globalisation of Crime-A Transnational Organised Crime Threat Assessment* lists: Smuggling in migrants, trafficking in people, cocaine, heroin, firearms, environmental resources, counterfeit products, maritime piracy and cybercrime as the main forms of transnational organised crime (See map 4.1 below).



**Map 4.1: Main Global Transnational Organised Crime Flows**  
 (Source: Adapted from UNODC, 2010:2).



While these forms of transnational organised crime have existed for a very long time, due to global economic shifts; the accompanying ease of flow of money, people and commodities; the rise in supply and demand; the fall of the Berlin Wall and the collapse of the former Soviet Union; the transnational trade in illegal commodities has increased and continues to be on the rise.<sup>62</sup>

#### **4.4 Organised Crime in South Africa**

In the following section, the attention of this chapter will move from organised crime in general, the international development and the current global situation around organised crime, to examining organised crime locally, in South Africa. As will be explained, the trends and patterns in organised crime changed significantly during the late 1980s and early 1990s, with the end of apartheid. Domestic organised crime became increasingly transnational and as such, strengthened the operations and impacts of local groups. This has led to the current situation, where the assassinations of underworld figures are a too common occurrence. The City of Cape Town is no stranger to such incidents and in the past few years the reality of organised crime in the City has been exposed. This chapter will provide a general overview of organised criminal activities in the City of Cape Town, but with specific reference to the gangs on the Cape Flats.

##### **4.4.1 Organised Crime in South Africa: The Development**

Before an analysis of the development of organised crime in South Africa can be provided, it is necessary to outline a few elements of the expansion of organised crime in Africa. A number of factors contributed to the development of organised crime on the continent. With specific reference to the Southern African Development Community (SADC)<sup>63</sup>, after World War Two, mass urbanisation occurred in this region. This came as a result of the prospects of better job opportunities in the larger cities, such as Luanda, the capital of Angola. However, the majority of people forming part of the accelerated process of urbanisation failed to find employment, leading to mass poverty in the urban areas. As a result, informal settlements on the outskirts of cities expanded during the 1950s. Furthermore, following the increased

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<sup>62</sup> For a detailed analysis of trends in transnational organised crime the UNODC (2010) document *The Globalisation of Crime-A Transnational Organised Crime Threat Assessment* can be consulted. It is regarded as the only reliable and sufficient source of information on describing trends in transnational organised crime.

<sup>63</sup> Member states of SADC are Angola, Botswana, Democratic Republic of the Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

industrialisation, skilled workers were needed and as many Africans were illiterate, the number of settlers increased, in order to work in the industries. As domestic markets expanded, criminal markets developed under the urban poor. This development was however very slow, but the level of expansion rapidly increased with the period of independence. As many countries in SADC gained independence from 1960 – 1990, the region witnessed economic decline and an exodus or re-settling of Europeans (Gastrow, 2003:4 – 6).

This resulted in a change of organised criminal activity from only low-scale domestic markets, to cross-border criminal activity, as explained by Gastrow (2003:7):

“...After the Belgian Congo attained independence in 1960...some Belgians and others living there left for Southern Rhodesia and South Africa. Some retained contact with associates in the former colony and set about establishing whatever legitimate or illegitimate trading and smuggling links could be established for profit. Diamonds, cobalt and other minerals or semi-precious stones constituted valuable illicit smuggling items...”.

This, coupled with post-independence struggles such as conflict, instability and loss of capital, further led to the increase of organised crime in the region (Gastrow, 2003:8). Furthermore, the porous borders contributed to (and still contribute today) to the smuggling of goods across borders, but also to the procurement of illegal documentation (passports and identity documents). This was amplified by corrupt state officials (South African Institute of International Affairs, 2003). It is acknowledged that the above mentioned factors contributed to the rise of organised crime, but in fact, little is known about the pre-1990 manifestation and historical, social and political factors that contributed to the development of organised crime in Southern Africa (Gastrow, 2003:5).

In South Africa, the relatively tightly controlled border posts and airports and the harsh discriminatory laws in place, made it very risky for Africans from states to the north to enter the country, in order to dispose of their goods or to make contact with local criminal groups (Gastrow, 2003:9). As Gastrow (2003:10) writes:

“...The most popular route used to smuggle illegal goods into South Africa from the Congo and Zambia, was the heavy transport road from Zambia to South Africa used

by large trucks and trailers. Ivory, copper, cobalt and large quantities of Mandrax were transported in this way by the newly formed syndicates, also involving South African transport drivers...”.

Furthermore, South African dealers had difficulty to pay in hard currency and therefore, motor vehicles stolen in South Africa became a key item in the barter trade. As a result, car hijackings dramatically increased in South Africa between the 1980s and 1990s, as the stolen cars were used to enable South African criminal groups to pay for the goods received. At the beginning of 1980, 36,762 cases of car theft were reported and at the beginning of 1990 68,649. This shows an increase of 87% (Gastrow, 2003:10). These vehicles were often exchanged for firearms, drugs and other illicit commodities. The goods were then smuggled back to South Africa and disposed in the country's own criminal market (Gastrow, 2003:13).

Another factor that influenced the nature of organised crime in South Africa was the ready availability of firearms. This was a result of on-going political conflict in South Africa and as mentioned earlier, the civil wars in other parts of Southern Africa. The wide-scale township revolts and the violent repression resulted in greater lawlessness and the weakening of an already disintegrating criminal justice system. Attempts to seal South Africa's long borders against an invasion by guerrilla groups placed a strain on the work force of the military and the police, and limited manpower was directed towards the policing of organised crime. In addition, the South African authorities at that time placed all their manpower in policing the violence of the last days of Apartheid (South African Institute of International Affairs, 2003). There was also an increase in corrupt officials at border posts, which contributed to an increase in the trafficking of illicit goods across borders (Gastrow, 2003:10-13). Thus, after the transition to democracy in South Africa, organised crime expanded dramatically and this growth caught the South African law enforcement agencies unprepared. Despite the lack of manpower, there was also a lack of resources and technical expertise to deal adequately with organised crime. This resulted in organised crime operations doubling after the elections in 1994 (Shaw, 1998).

To expand on the above mentioned analysis of the increase in organised crime, a number of other factors need to be mentioned as well. After the opening of the country's borders in the mid-1990s, the relatively well-developed infrastructure, modern telecommunication systems and technology and business practices in South Africa, contributed to the rapid expansion of

organised crime. In accordance with the corporatisation process of street gangs (as will be explained in section 3.4.1) criminal groups matured from generally small-scale local operations to international syndicates (Standing, 2003b:46-47). In order to illustrate this Shaw (1996 and 1998) references statistics from the South African Police Service (SAPS). It was estimated in 1996 that approximately 500 well-functioning crime syndicates were operating in and from South Africa. In 1998, there were 192 organised crime syndicates and 1,903 primary suspects that were operating under police surveillance. Ninety six of these syndicates specialised in drug trafficking, 83 in vehicle-related crimes and 60 in commercial or a combination of crimes. A hundred and fifty of these syndicates were restricted to sub-Saharan Africa and the remainder operated internationally.

To conclude the discussion of organised crime in SADC, Goredema (2011:98) states that despite the development of organised crime in the region, transnational groups from both developing and developed countries regard Southern Africa as a lucrative region. This comes as a result of: "...a huge demand in affluent societies for resources and commodities. Most of these commodities are located in the less affluent parts of the world..." (Goredema, 2011:98). Organised crime in Southern Africa involves nine main markets, each with specific activities around which they are centred (See table 3.1 below).

**Table 4.1: Main Commodities of Organised Crime in Southern Africa**

<b>Main Commodities</b>	<b>Description</b>
<b>Smuggling and Illegal Importation of Goods and Counterfeit Goods</b>	Cigarette smuggling, Firearms smuggling, Audio-visual piracy, Counterfeit medicines and Cosmetics, Fuel smuggling, Liquor smuggling, Counterfeit currency.
<b>Drugs</b>	Cannabis, Cocaine, Amphetamines and Methamphetamines, Heroin, Subutex, Khat.
<b>Smuggling of stolen motor vehicles</b>	
<b>Armed robberies</b>	
<b>Smuggling of Endangered Species and Rare Resources</b>	Poaching, Abalone poaching, Timber, Mining.
<b>Financial Crime and Money Laundering</b>	
<b>People Smuggling and Human Trafficking</b>	
<b>Stock Theft and Cattle Rustling</b>	
<b>Corruption</b>	

(Source: Adapted from Hübschle, 2010).

As a result of the country's geographical location within the African continent and bordering many other African countries, the operations of international crime organisations and transnational crime organisations had an even greater potential to flourish in South Africa. In order to measure the expansion of organised criminal groups in South Africa, Shaw (1998) identifies four indicators:

- The degree to which organised criminal groups have consolidated either through merger or structured co-operation;
- The role of former members of the apartheid security forces in organised crime;
- If organised criminal groups have been successful in the penetration of the state and corrupting officials, and
- The degree to which foreign organised crime groups operate within the country and have created connections with local crime syndicates.

It is believed that all of these four elements were present in South Africa after 1994 and continue to exist; thereby facilitating the growth of criminal groups. Despite these four common characteristics, there is still much to be learned about the structures and functioning of organised crime in South Africa. In 1998, Shaw explained:

“... There is little, if any, substantial work on the development of organised crime in the country and the growth, size and shape of criminal groups are poorly understood. Organised criminal operations have benefited: lack of analysis has meant that attempts to police the problem have often been poorly coordinated and the attention of policy makers, until recently, has been diverted to other seemingly more urgent police transformation issues...”.

With specific reference to criminal gangs, their development can be traced back to the 1800s. The prison gangs or the ‘number gangs’ (groups such as the 26s, 27s and 28s) have existed since 1836. Haefele (2003:9) writes that the prison gangs date back to a warrior from Pondoland<sup>64</sup>, Pomabaza, who left Pondoland in 1824 to work in coal mines in then Natal. His activities and conduct gave rise to these groups. The number gangs were formed in prison and

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<sup>64</sup> Pondoland as it is known today is located in the Eastern Cape province of South Africa. It borders the Indian Ocean. It is the former Pondo Kingdom and home of the Pondo People.

initially, membership to such groups was granted after sentencing and spending time in prison. However, the gangs' involvement in the trafficking of drugs placed them in a position to extend their activities outside the prisons (Haefele, 1998). The two most prominent groups are the 26s and 28s and:

“...each gang has its own code of conduct, initiations, symbols like flags and colours and hierarchical structures, with generals giving orders, judges enforcing discipline and soldiers or ‘madodas’, the ordinary members. Stars indicating rank are tattooed on shoulders; the 28s ‘sonaf’ (sun down) symbol, and the 26s ‘sonop’ (sun up) are popular ‘tjappies’ (gang tattoos), as are the numbers themselves...” (Haefele, 2003).

Since the late 1990s, there have been attempts to provide a better conceptual clarification of organised crime and also to increase the combatting mechanisms against organised criminal groups. As will be seen in the next section, organised crime has been identified as a direct threat to national security by the state and harsh measures were implemented in order to deal with it. However, organised crime continues to prevail and expand, especially on the Cape Flats.

#### 4.4.2 Legislation and Responses to Organised Crime in South Africa

The following section will provide an overview of legislation and responses to organised crime in South Africa. This will be done in order to provide more conceptual clarity on terms used in this study. Other policing methods regarding organised crime will also be discussed.

##### *4.4.2.1 Conceptualisation through Legislation: The 1998 Prevention of Organised Crime Act*

The main piece of legislation dealing with organised crime in South Africa is the 1998 Prevention of Organised Crime Act (POCA) (Act 121 of 1998). As mentioned in the previous section, there was a significant increase in the activities of organised criminal groups after the end of apartheid. Standing (2006:x) argues that during this time, it was noted that organised crime posed one of the major dangers to South Africa's new democracy and as a result, the POCA act was initiated. As stated in the preamble of the act: “...there is a rapid growth of organised crime, money laundering and criminal gang activities nationally and internationally and since organised crime has internationally been identified as an international security threat...” (POCA, 121 of 1998). However, the Act is described as “...far-reaching...” and one of the main features of the act is that it gives courts the authorisation to sentence a person

based on the fact that they belong to an organised criminal gang/group. In addition, the act increased the penalties for money laundering and it gives the state the ability to seize the assets of those found guilty of organised crime, through civil proceedings (Standing, 2006:x). The aim of this chapter is not to provide a detailed analysis of this piece of legislation and how successfully it has been implemented. However, it has to be mentioned that there has been a significant increase in the presence and activities of organised criminal groups in South Africa and particularly in the City of Cape Town and on the Cape Flats; despite the fact that the main aim of the Act was to drastically curb the activities of organised criminal groups.

When analysing the POCA, it is clear that the Act follows an orthodox understanding of organised crime, as explained by Standing (2006). The Act adopts the view that organised crime is committed by internally organised career criminals. Such groups will feed from opportunities created by society and the organisations, and their operations threaten national and international security. Although the act creates specific measures to target the leaders of organised criminal groups, there are measures to tackle the entire group, for example with the criminalisation of the membership to a criminal gang, as will be explained below. Last, there is the belief that organised crime is a menace to society and it can be defeated in order to establish a world free of organised crime.

An element that makes the POCA controversial is that it allows for the civil forfeiture of the proceeds of crime. This means that the state can seize the possessions and money of suspected criminals, which was acquired through suspected criminal actions, without a criminal conviction. The Act further criminalises the participation in racketeering, as stated in the preamble of the Act:

“...bearing in mind that it is usually very difficult to prove the direct involvement of organised crime leaders in particular cases, because they do not perform the actual criminal activities themselves, it is necessary to criminalise the management of and related conduct in connection with enterprises which are involved in a pattern of racketeering activity...” (POCA, 121 of 1998: preamble).

The controversy lies within the pattern of racketeering activities and how this concept is explained in the Act. The Act provides for a very broad scope of crimes to be included in

racketeering activities and furthermore says that it involves the participation or involvement in at least two crimes (crimes punishable with imprisonment for more than one year without the option of a fine) within ten years of each other (POCA, 121 of 1998:art2).

With regard to criminal gangs, in article one of the Act, a criminal gang is conceptualised as:

“... any formal or informal ongoing organisation, association or group of three or more persons, which has as one of its activities the commission of one or more criminal offence, which has an identifiable name or identifying symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity...” (POCA 121 of 1998:art1 iv).

The POCA also describes a member of a criminal gang as a person who:

“...admits to criminal gang membership, is identified as a member of a criminal gang by parent or guardian, resides in or frequents a particular criminal gang’s area and adopts their style of dress, their use of hand signs language or their tattoos, and associates with known members of a criminal gang, has been arrested more than once in the company of identified members of a criminal gang for offences which are consistent with usual criminal gang activity and is identified as a member of a criminal gang by physical evidence such as photographs or other documentation...” (POCA 121 of 1998:art11 a-e).

From the above mentioned conceptualisations, it is clear that the POCA criminalises gangs as a social organisation. The rationalisation behind this is twofold. As in the case of racketeering, first is the idea that based on criminal law, it is difficult and sometimes impossible to prosecute senior members of criminal gangs as their criminal operations are concealed and they are usually not the ones that carry out the criminal acts, such as a killing or a robbery. Consequently, the Act criminalises the participation and promotion of criminal gang activities. Second, the increase in punishment for members of criminal gangs is justified by the POCA in an attempt to act as a message of deterrence or to curb the increase of gang membership (Standing, 2006:53 – 54).



These aspects of the Act received much criticism from human rights organisations, arguing that banning gangs would violate the constitutional right to freedom of association. In addition, when the Act was passed it could not be applied retrospectively; thus, the government lost many court cases against alleged gangsters (Kinnes, 2000:48). Furthermore, already in 2006 *Standing* (2006:270) noted that despite these measures, the POCA seemed unlikely to reduce the problems associated with gangs, as membership to such groups is driven by many factors (such as social elements) and that criminalising membership may inflame the situation. Furthermore, the POCA creates a conceptual difference between organised criminal activity and criminal gang activity, which further complicates the combating of criminal gangs, as their highly structured and organised nature is disregarded. Indeed, as previously mentioned, this study regards the conceptual difference between an organised criminal group and an organised criminal gang as insignificant.

In contrast, Gastrow (1998:9 – 10) assumes the difference between a gang and a criminal syndicate or an organised criminal group and supports his point of view by the contrasts in defining the concepts. He describes gangs in general to be:

- Less formally structured than syndicates and
- That they are often territorially based;
- Criminal activities involve less sophistication than those of syndicates do and
- The members tend to be youths.

An important point that arises out of the work of Gastrow (1998:9 – 10) is that the many different manifestations of criminal gangs, makes it highly unlikely that one single definition will ever be adequate to cover all the variations, as mentioned in the first section of this chapter. Indeed, he acknowledges that all criminal gangs are not necessarily youth gangs and when adults are members of these gangs their operations tend to be more organised. Thus: “...under certain circumstances...the criminal activities of gangs do amount to organised crime...” (Gastrow, 1998:9 – 10).

Kinnes (2000) presents a different view in his work on the development of criminal gangs in the Western Cape. He agrees with Gastrow (1998) that the many manifestations of gangs

make one definition highly unlikely. In addition, after a review of his conceptualisation, the distinction between gangs and organised crime starts to overlap (Kinnes, 2000:4 – 6).

To explain, Kinnes (2000:5) states that gangs define themselves in relation to their social world and that this world engenders the loyalty, brotherhood and universality of their beliefs. The structure of gangs is open to change as the group expands their activities in a global changing environment. These groups will adapt and change, not only in the changing social environment but also in the changing criminal environment. Each gang will have its own unique handshake, tattoos that will distinguish members from different gangs and their rankings within the gangs, a specifically developed language and a dress code. Out of this, it is clear that gangs are structured with relation to their social world. As the social world changes, the structure of gangs will change with it. Furthermore, the attributes of gangs include members that range from youngsters to adults between 20 and 40 years of age, it can involve people from both inside and outside of prison: "...gang members may be anything from street level operators to sophisticated syndicate bosses...gangs may be involved in criminal activities for the sake of survival, or may be high-level, structured criminal organisations..." (Kinnes, 2000:5 – 6). From this conceptualisation it is clear that the lines between an organised criminal group and an organised criminal gang are unmistakably blurred and this confirms the conceptual point of view held by this study. Standing (2003:48) ends his discussion by stating that one element that distinguishes the two definitions is that organised crime represents a higher form of criminality. It is believed that even this element is eliminated by the growth and expansion of the gangs on the Cape Flats, as will be indicated below.

#### *4.4.2.2 Other Policing Methods*

Despite the POCA, organised crime in South Africa is combatted through several other pieces of legislation, including the Financial Intelligence Centre Act (Act 38 of 2001), the Public Finance Management Act (Act 1 of 1999) and the Prevention and Combatting of Corrupt Activities Act (Act 12 of 2004).

The South African Country Report to the 12<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice (2012:7) indicates that South Africa has ratified or acceded to six organised crime and corruption conventions. These are: UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; UN Convention against Transnational

Organised Crime; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air; Protocol against the Illicit Manufacturing of and Trafficking in Firearms and the UN Convention against Corruption. South Africa is also part of the Southern African regional Police Chiefs Cooperation Organisation, which comprises the chiefs of the policing agencies in the SADC region. The organisation is specifically geared to target organised crime in the region. Furthermore, the country has agreements relating to the combatting of drug trafficking with Brazil, Argentina, Chile and Iran (South African Country Report to the 11<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice, 2004:12 and 13).

On the domestic level, in February 2008 the specialised organised crime unit, the Directorate of Special Operations, the Scorpions, was disbanded. The Scorpions were established in 1999 as part of the National Prosecuting Authority and as a tool to fight against the wave of organised crime in the country, and were widely regarded successful in their operations. The operations of the Scorpions were also described as tackling crime that had the greatest economic, social and security impact on South Africans. But high-level investigations led to the dismantling of the unit: There were allegations that the organisation became a political tool, rather than a crime fighting tool (Stratfor, 2008; South African Country Report to the 11<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice, 2004:18). On the other hand, opposition parties in the country claimed that the African National Congress (ANC) dismantled the organisation in order to protect prominent ANC members from charges of corruption. In its place, the Directorate for Priority Crime Investigation, or Hawks, was established in 2009, as part of the South African Police Service. The Hawks targets organised crime, economic crime, corruption, and other serious crime referred to it by the National Commissioner of the South African Police Service and has been hailed to be largely successful in their operations (SouthAfrica.Info, 2012).

#### 4.4.3 Organised Crime in South Africa: A Transnational and Local Overview

According to Minnaar (1999) the continuation of organised crime in South Africa can be attributed to several factors. These factors include South Africa's favourable geographical position on the major trafficking routes between the Far and Middle East, the Americas and Europe; the country's accessibility via land, sea and air routes; both the demand for and ready availability of illegal goods; criminal alliances; the presence of undocumented migrants and advanced computer and communications technology facilitates. With regards to geography,

South Africa's position between the Indian Ocean basin and Western Hemisphere contributes to the country being an excellent transshipment point for drugs, counterfeit goods and illegal imports. With specific reference to the global drug trade, South Africa is regarded as a central point for the shipment of both heroin and cocaine. Heroin producing countries like Afghanistan and Pakistan are located to the east, and cocaine producing countries like Colombia, Peru and Bolivia to the west of South Africa. As a result, the country is a very important transshipment point for drugs. Especially with Durban regarded as the busiest seaport in Africa. Of course, other illegal commodities are also traded on these routes, most notably abalone and other environmental resources (Stratfor, 2008).

The following groups have been involved in criminal activities in South Africa since the early 1980s. The Chinese Triads have a specific interest in abalone and other environmental resources such as ivory, shark fins and endangered hides. Some of these products, for example abalone, will be harvested in South Africa, but others will be provided from neighbouring countries to the Triads operating in South Africa. Groups such as the Wo Shing Wo, San Yee On, 14K-Hau and 14K-Ngai have been operational in South Africa with members in Johannesburg and Cape Town, amongst other areas (Starfor 2008; Gastrow, 2001). Organised criminal groups from Nigeria also have a large presence in the country and are specifically involved in the drug-trade, car-theft rings and the weapons trade (Stratfor, 2008). It is also known that international syndicates from Columbia, Russia and Bulgaria operate in the country and have formed partnerships with local groups (Haefele, 2003).

South Africa also continues to be an attractive base for criminal operations from southern, central and western Africa. Groups from Zimbabwe, Angola, Democratic Republic of Congo and Nigeria have established solid networks in the country and the country's established financial and telecommunications services and good transportation infrastructure continue to make it an attractive option for organised criminal networks to operate in (Stratfor, 2008). As noted by Irish-Qhobosheane (ed) (2007:149) regional organised criminal groups: "...are active not only in South Africa but also in one or more of its neighbouring states. In many cases, a criminal organisation contains nationals from several different SADC countries, including South Africa...". It was reported in the media that the State Security Minister Siyabonga Cwele, reported in the National Assembly that it is estimated that South Africa loses 10% of the GDP (R178 billion) annually to the country's illicit economy (Hartley, 2011).

According to the South African Country Report to the 11<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice released in 2004, there were 341 organised crime groups operating in South Africa, at the time that data was compiled for the report (See table 3.2). The report further states that the majority of these groups were involved in drug-related crime, motor vehicle theft, hijacking of motor vehicles, fraud, corruption and the trafficking in non-ferrous metals, precious metals and stones (South African Country Report to the 11<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice, 2004:11, 24).

**Table 4.2: Organised Crime in South Africa**

<b>Criminal Groups</b>	<b>Quantity</b>
<b>Number of Groups Identified and Infiltrated</b>	341
<b>Type of Threat: Drugs</b>	98
<b>Vehicle Theft</b>	51
<b>Armed Robbery/Hijacking</b>	20
<b>Corruption</b>	16
<b>Fraud</b>	37
<b>Precious Metals</b>	10
<b>Precious Stones</b>	9
<b>Non-ferrous Metals</b>	11
<b>Number of Groups Infiltrated and Terminated</b>	167
<b>Number of Leaders Arrested for Prosecution</b>	467
<b>Number of Syndicate Members Arrested</b>	1,229
<b>Number of Project-driven operations conducted by 31 March 2004</b>	174

(Source: South African Country Report to the 11<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice, 2004:24).

The 2009/10 SAPS annual report states that 121 organised criminal groups composed of 630 targets were identified and investigated. The report further states that 43 of these targets were successfully terminated and 450 suspects arrested. The report then goes on to deal with a number of organised criminal activities including drug-related crimes, precious metals and

diamonds, cross-border crime operations, endangered species, human trafficking and commercial crimes. With regards to drug-related crimes, 31 clandestine drug laboratories were detected and dismantled, in comparison to 20 in the previous year. During the reporting period, 856 persons were arrested for the illegal purchase, theft and possession of uncut diamonds and precious metals. Furthermore, 83 people were arrested for illegal possession of abalone and other environmental resources. The total value of the items seized amounted to R88, 9 million. With regard to human trafficking, 72 victims were rescued from brothels or from the control of traffickers; 14 arrests were made and two convictions secured (SAPS Annual Report 2009/2010:102 – 104). The following paragraph provides a number of comments on the findings of the report.

First, the report does not provide a conceptualisation of organised criminal groups. It is therefore assumed that the report uses the conceptualisation as set out in the POCA. Accordingly, criminal gangs are not included in this conceptualisation and not in these findings of the report. Second, it is also not clear if the groups mentioned in the report are domestic, international groups operating in South Africa or transnational organisations. This illustrates the already highlighted and discussed conceptual dilemma of organised crime. As will be confirmed below, the gangs on the Cape Flats need to be conceptualised as organised criminal groups.

#### 4.4.4 The Gangs on the Cape Flats

The gangs on the Cape Flats are a direct result of the historical and social development of City of Cape Town. Various elements contributed to the transformation of these groups and the expansion of their activities. This has resulted in the present situation, where the gangs are an integral part of the society of the Cape Flats and where they continue to operate locally, but also beyond the borders of the Cape Flats, the City of Cape Town and South Africa.

##### *4.4.4.1 The Historical Development of Gangs on the Cape Flats*

The area of the Cape Flats was initially created following the forced removal of Coloured communities (as a result of the Group Areas Act) from many parts of Cape Town (including District Six) in the 1960s and 1970s (Gastrow, 1998:15). However, even before the manifestation of the forced removals, Coloured families that could not find space in housing districts in the City centre, such as District Six, were moved to the Cape Flats. What is also

important to note is that there was a rapid increase in the Coloured population between 1946 and 1959 (Standing, 2006:3). The Cape Flats quickly expanded after the passing of the Group Areas Act of 1950, based on which the inner-city areas of Cape Town were restructured. This was based on the Apartheid policy of the spatial separation of races. Large areas of the City of Cape Town that were racially diverse were changed to *whites only* areas and as a result, *non-whites* were moved to the Cape Flats (Standing, 2006:4). The number of families rehomed, was staggering: "...Each year between the late 1960s and the early 1980s, on average 3,000 Coloured families were resettled. In sum, by 1982 official statistics showed that over 50,000 families had been displaced..." (Standing, 2006:5). In many cases families were torn apart and the majority of the people moved, had to leave their jobs, creating large-scale unemployment and poverty (Pinnock, 1984:64; Dixon and Johns, 2001:10). Due to a lack of housing in the areas on the Cape Flats, which was blamed on the high growth rate of the Coloured population and the migration to urban areas by the rural poor, houses were overcrowded and other dwellings erected illegal structures. Improving the infrastructure and erecting sport and recreation facilities was not a priority and unemployment levels under the Coloureds were high and continued to increase (Standing, 2006:5 – 6).

These conditions on the Cape Flats encouraged the formation and activities of loosely structured gangs as they provided structure, a sense of belonging and identity and a way to pass the time. As described by Legget (2003): "...with little room inside the house, Coloured youth in urban areas spend a lot of time on the streets. The playgroup becomes a kind of surrogate family, but with a different set of norms. When the norms of the street become more important than the norms of the home, you have a gang...". This was the case on the Cape Flats and to further intensify the situation, there was also a rapid increase in the use of alcohol and drugs during the 1970s and 1980s. To provide a historical description of the gangs on the Cape Flats, Pinnock (1984:3) states that in 1982, 30 areas on the Cape Flats were researched and 280 groups were found who identified themselves as gangs. At that time already, the membership of these groups was staggering: Several of the members of gangs interviewed in the study referenced by Pinnock (1984:3) said that the group that they belonged to had as many as 2,000 members. Others said their groups had more than 100 or 200 members. Pinnock's (1984) study suggested that there were around 80,000 gang members; 5% of the population of the City of Cape Town. As indicated in earlier sections, there was a significant increase in the activities of organised criminal groups in South Africa during the early 1990s. During times of political transition, social controls are invariably

relaxed. As mentioned before, after 1994 in South Africa, the political instability and the reopening of South African borders for trade provided ample opportunities for the growth of crime, especially crime of an organised nature. Stolen goods originating in South Africa could be exported overseas and used as currency in drug deals. This made it possible for the gangs of the Cape Flats to spread their operations (Standing, 2005:1). The gangs of the Cape Flats were confronted with new opportunities and markets, and as a result the gangs went through a process of corporatisation. Street gangs in the United States went through the same process during the late 1980s and it refers to the development of street gangs into well-armed, rational criminal businesses. An important feature of the corporatisation of street gangs is that the membership does not only constitute of youths, but also older members that act as leaders or kingpins (Standing, 2006:ix; 61). Again, this confirms the transformation of gangs on the Cape Flats into organised criminal groups.

#### 4.4.4.2 PAGAD

Against the backdrop of the evolution of street gangs and the consequent intensification of organised crime on the Cape Flats, the vigilante group, People Against Gangsterism and Drugs (PAGAD) emerged. As the name states, PAGAD was called into action as a result of the escalation of drug- and gang-related crime on the Cape Flats and also as a result of the inability of the state to deal with the problem. The formation of the group stemmed from isolated community groups (anti-drug, anti-crime and neighbourhood watches) from the communities of Kensington, Salt River, Wynberg and Surrey Estate, who came together in order to mobilise: "...a critical mass of popular support for action against gangsters..." (Dixon and Johns, 2001:21). From 1995 to 2000 the group led a campaign on the Cape Flats and in the City of Cape Town to wipe out prominent gangsters, expose illegal activities and protest against the lack of government commitment to curb drug- and gang-related activities. The group organised marches to the houses of drug dealers across the Cape Flats in areas such as Hanover Park, Athlone and Mitchells Plain, but also in other areas of the Western Cape, such as Paarl, and in Gauteng. Some of these marches turned violent: For example in August 1996, Rashaad Staggie (the twin brother of Rashied Staggie and co-leader of the Hard Livings gang) was attacked and killed after a march by PAGAD to his house. What followed up to early 2000 was a phase of *urban terror* in the City of Cape Town. It was characterised by petrol- and pipe bomb explosions in public areas of the City, but also homes of both prominent gangsters and members of the PAGAD leadership. A few examples include:



- August 1998: The Planet Hollywood Restaurant at the Victoria and Alfred Waterfront was bombed.
- January 1999: Bombs exploded outside the police stations in Caledon Square and Woodstock.
- May 1999: A car bomb exploded outside the Athlone police station.
- November 1999: The Blah Bar in Greenpoint was attacked with a bomb.
- November 1999: A pipe bomb exploded inside the St Elmo's Pizzeria in Camps Bay.
- July 2000: A bomb exploded at Cape Town International Airport (Dixon and John, 2001:13 – 27, Botha, 2001).

With many of the group's members either in jail or dead, the activities of the organisation were reduced; however, they continue to have a presence on the Cape Flats. The current activities of the group are limited to organising marches in communities against gang-and drug-related violence. As noted by Dixon and John (2001:40): "...PAGAD will continue to have a small popular, mainly middle-class, constituency in the Muslim community as gangsterism and drug dealing persist...". This is still the situation today; however, the operations are much less organised, publicised and violent.

#### *4.4.4.3 The Firm and CORE*

During 1992, two years before the time that PAGAD was established, many of the prominent drug lords of the Cape Flats assimilated under an umbrella organisation. This organisation was called The Firm. The Firm was headed by convicted tax fraudster Colin Stanfield and included some of the most notorious gang leaders on the Cape Flats. As noted by Redpath (2001b) one of the aims of The Firm was to spread and consolidate the drug market, specifically the sale of Mandrax, of the Cape Flats. Furthermore, The Firm strived to achieve the following:

- "...To co-ordinate and combine efforts for importing large quantities of narcotics (particularly cocaine);
- effect control and dominance over the distribution of narcotics in larger geographic areas, specifically the Peninsula and the Western Cape; and
- contain indiscriminate inter-gang violence in order to reduce the police presence in affected areas..." (Haefele, 1998:21).

The Firm had the objective of ordering bulk shipments of drugs, distributing the drugs in pre-arranged proportions, at an agreed price. The cartel also allocated distribution areas that derived from set principles that were negotiated at the formation of The Firm. The number of gang-related shootings and deaths dropped significantly with the establishment of The Firm and most gangs diversified their activities to include a range of products, the majority of which were illegal. They operated with great success, making large profits (Schärf and Vale, 1996:33). In addition, by 1996, members of The Firm had generated enormous profits that had to be laundered and invested. One area of investment was the real estate market in rural areas along the Cape coastline. Some of the gangs that formed part of The Firm concentrated their activities to establish new branches in communities and to make contact with Chinese Triads and the Sicilian Mafia (Shaw, 2002:76).

Accordingly, The Firm introduced new commodities in the form of new drugs entering the Cape Flats. There was also a merger and a closer working relationship between less structured street gangs and The Firm. These street gangs were used as foot soldiers to transport and deliver drugs and other merchandise. The Firm also constructed peaceful relations between various gangs on the Cape Flats (Shaw, 2002).

In addition to The Firm, in October of 1996, several leading gang members (opposed to The Firm) formed another organisation: The Community Outreach Forum, or also known as CORE. It is believed that the formation of this group was done in response to PAGAD and they were seemingly committed to peace (Redpath, 2001b). The founders of CORE stated that it is an organisation that administers the funds for community development on the Cape Flats. However, it seemed that CORE was rather a cover for the further consolidation of gangs on the Cape Flats. As Standing (2006:43) notes: "...it is believed that CORE was the foil for a syndicate of leading gang leaders known as The Firm...". Indeed, this organisation was intended to defend their criminal interests and included most of the gangs of the Cape Flats, headed by the surviving leader of the Hard Livings gang, Rashied Staggie. However, CORE claimed that they would assist communities across the Cape Flats with various projects to deal with the problem of unemployment and that they would fight crime (Kinnes, 2000:37). In many sectors, CORE was not taken seriously as a community organisation and the members of CORE were criticised for the continued involvement in criminal gang activities (Haefele, 1998:21). Indeed, during the short lived time of CORE, the gangsters of the Cape Flats became so daring that they constituted a march to the Parliament in 1996.

Ultimatums were raised by CORE to the government, which resulted in a series of killings between CORE and PAGAD on the Cape Flats. Many people feared to criticise both CORE and PAGAD (Kinnes, 2000:37). Some of the most important aspects from the formation of both The Firm and CORE were the consolidation of criminal gang activity, the increase in sophistication and the ability to deal and trade with international syndicates. As a result of the attacks on gangsters and gang operations by PAGAD, some members of CORE wanted to create a militant wing of the organisation. The demise of the organisation, the time of which is unsure, came as a result of this effort for militarisation, but also the claim by CORE that it represented all the gangs on the Cape Flats. As noted by Kinnes (2000:43):

“...In its campaign to build a defence fund, all gangs were asked to contribute money to CORE’s war chest. This provided nothing more than a clever extortion racket and some of the gangs refused to pay, leading particularly to a confrontation between the Sexy Boys and CORE...At the heart of the matter was the control of The Firm over CORE. The Firm was run by members of the powerful Twenty-eight prison gang, while the other leaders were playing second fiddle...”.

#### *4.4.4.4 Class Structures and Operations*

As mentioned, it is unsure when exactly CORE and The Firm disintegrated (and there are speculations that The Firm is still in operation) but their presence made an impact on the structure and operational procedures of the gangs. Although some gangs on the Cape Flats are still only loosely structured groups defending territory, or foot soldiers for bigger organisations, some gangs have indeed changed their structure and operational methods. There are no available statistics to assess the current number of gangs on the Cape Flats; however, in a 2006 study André Standing found that there were around 130 gangs believed to be operating in the area. As mentioned, these gangs included groups such as the Americans, the Hard Livings, the Sexy Boys and the Mongrels. At that time, the Americans were believed to have as many as 5,000 members (Standing, 2006:38).

The structure of these gangs covers a vast range, from highly sophisticated drug smuggling syndicates, to securely established territory-based gangs, to loose groupings of criminals, to youths being recruited into gangs by drug lords, to youngsters only adopting the name of a well-known gang (Redpath, 2001b). With these different structures, the gangs have, over the course of a number of years, developed a unique hierarchical system that is based on the

division of four classes. This structure has provided a framework for gangsterism to proceed to a higher level of sophistication. As Standing (2003) explains, the first class contains a small number of criminal elite. In this class, one will find the leaders of large gangs and major drug merchants. They import drugs to the Cape Flats and are loosely associated with one another. These individuals will own various legal businesses and substantial personal capital (Standing, 2003). "...The second class operates as a form of middle management. This comprises the second tier of larger gangs and leaders of mid-sized gangs who operate local drug markets. These people do not import commodities into the Flats but rely on receiving consignments from the upper tier..." (Standing, 2003). The third class includes corrupt police, bodyguards, debt-collectors and advisors. This class provides support and services to the first two classes. What distinguishes the third class from the last is that the third class will receive remuneration for their services and support from the first two classes. This final class includes a large number of unskilled gangsters that are low ranking members of street gangs. They are controlled by the first three classes. They are the consumers of the goods and services that the first three classes produce and are relied on to fight in gang conflicts (Standing, 2003). With the erection of the above mentioned class structure on the Cape Flats, it has been fairly easy for the gangs on the Cape Flats to progress to bigger operations and to compete with international organised crime syndicates. It has also complicated matters for the police and authorities that have to deal with the growing problem of gangsterism. Their lack in understanding of the structure and operations of gangs has made the task to monitor and combat the dilemma complex, troublesome and even impossible.

As mentioned, these class structures provided a foundation for the spread of economic operations by the gangs of the Cape Flats: "...Since late 1999 gangs have spread into central metropolitan areas, which provide a market for various criminal activities..." (Redpath, 2001a:35). Contemporary organisations on the Cape Flats can be considered as adaptable, sophisticated, extremely opportunistic and active in a full range of illegal and legal activities. On the Cape Flats, gangs are still involved in lower level crimes, for example drug trafficking, prostitution and loan-sharking, but they have expanded to a 'quasi-corporate' level. These activities include immigrant smuggling and a wide variety of frauds on various levels (Haeefele, 2003:7). Criminal gangs on the Cape Flats have developed over the past decades into fully functional and very lucrative syndicates, with international links.

Shaw (1996) identifies four areas that need to be investigated in order to better understand the growth and expansion of organised criminal networks: A change in commodities that the criminal groups trade in, connections between criminal groups and links with the state, how organised criminal groups reacts toward policing and violence related to criminal groups. With reference to the Cape Flats, all of these areas can be observed. An example of change in commodities that organised crime networks trade in, is the introduction of new drugs, for example crystal methamphetamine or 'tik'. Second, the links between syndicates and street-level organisations have been discussed in this section and to confirm: In the Western Cape, several large criminal networks are active and they concentrate on the smuggling of a wide variety of commodities. These include drugs, diamonds, weapons and abalone. These smuggling activities form an integral part of gangs on the Cape Flats. The expansion of the networks in the rest of the Western Cape and the increase in smuggling activities, secure the existence and development of gangs on the Cape Flats (Haeefe, 2003:12). The third area is a change in the policing methods and fourth, violence that can be linked to organised criminal operations. As Shaw (1996) notes: "...ironically, periods of comparative peace may signal the growth and consolidation of organised crime rather than its demise...". This was the case during the glory days of The Firm and Core in the mid – to late 1990s.

With the increase in the sophistication of the gangs on the Cape Flats and the expansion of their activities, violence in the area has also increased. In 2000, 10 children were killed, and 33 injured in gang-related violence on the Cape Flats (Ntabazalila, 2002:6). Furthermore, in the first five months of 2001, there were 103 registered murders on the Cape Flats (Standing, 2003c:2). In the same year, nine children were killed and 20 injured. These incidents happened despite attempts by the police to gain control over the area by establishing special anti-gangsterism units and special operations to reduce and control gang violence in the area (Ntabazalila, 2002:6). In June of 2002, it was reported that 50 children and young adults died of gunshot wounds during a number of weeks, and that gangsters were shooting people for no discernible reason. Guns were easily available and gangs were not showing any respect for the age or gender of their victims (Basson, 2002:18). In May 2003 there were 37 murders attributed to gang violence. In March 2003 stray bullets from gang fights hit five children, just one survived. In Manenberg, an electric fence and barbed wire surround the local school and bulletproof windows protect the other public buildings (Standing, 2003c:2). It is against this backdrop that the discussion now turns to the current situation of organised criminal groups on the Cape Flats.

#### *4.4.4.5 2010 and Beyond*

As noted earlier, it is impossible to estimate both the number of gangs, but also the number of people belonging to gangs on the Cape Flats. What is certain, however, is that there has been a constant increase in both the number of groups and members. In one area, Hanover Park, it is alleged that more than 1,000 of the areas' approximately 40,000 residents are gang members, most of whom are under the age of 25 (Bezuidenhout and Lewis, 2011). This has also resulted in an expansion of the commodities that the groups trade in and the connections with other domestic and international groups. To illustrate: In early 2011 Cyril Beeka, an alleged underworld kingpin, was assassinated while driving in his car close to the University of the Western Cape. At the time of his death, Beeka controlled 90% of security operations in nightclubs in the City of Cape Town. Beeka was linked to underworld figures such as Yuri 'The Russian' Ulianitski. In May 2007 Ulianitski was shot numerous times in the Cape Town suburb of Milnerton and at the time of his murder, Ulianitski was out on bail in connection with charges of conspiracy to kidnap, possession of illegal firearms and drugs, and numerous other offences. Beeka was further linked to Czech fugitive Rodavan Krecjir and another slain underworld boss and former owner of the adult entertainment group, Teazers, Lolly Jackson. Beeka allegedly had close links with prominent gangsters from the Cape Flats (Dolley and Nicholson, 2011).

Although there are periods of relative calm in areas on the Cape Flats, since mid-2010 the Cape Flats has seen an increase in violence. During October 2010, gang violence erupted in many areas of the Cape Flats. Local newspapers published daily stories of gang killings, innocent residents getting caught in crossfire, and even the closure of a local community health centre. In the last mentioned case the gang violence in the area escalated to the level where the police had to provide 24-hour protection to the community health centre (including the escorting of personnel from the nearest police station to the clinic), after a doctor was threatened and a stray bullet narrowly missed another staff member (News24a, 2010).

In two successive weekends in one area, seven people were killed and ten were wounded in gang violence (Hartley, 2010). The provincial government responded to the increase in violence by stating that decreasing organised criminal activity on the Cape Flats is a priority and that avenues are being explored to find the root causes of the problem. The government stated that the youth in the area need better role models and that they are busy developing a pilot project that is based on initiatives used in the US, to curb violence in neighbourhoods in

Chicago. The initiative is based on recruiting former gangsters and teaching them skills that they can share with other gangsters (News24b, 2010).<sup>65</sup>

During the end of 2011, the army, the tactical response unit of the SAPS, metro police and traffic officers were sent into the area of Lavender Hill in an attempt to curb the gang violence. One report indicated that at least 64 people were shot dead in gang-related violence across the City of Cape Town, since June 2011 (Bezuidenhout and Lewis, 2011).

In 2012, the violence continued. For example, during May and June of 2012 there were 11 gang-related deaths in the area of Hanover Park (Solomons, 2012). Despite the fact that violence continues in the majority of the areas on the Cape Flats, there has been a number of arrests of both prominent gang members, but also lower-level foot soldiers. A specific gang unit of the City of Cape Town<sup>66</sup> claimed to have arrested the following gang members between December 2011 and May 2012: Twelve members of the Americans, seven from the Junky Funky Kids, one from the Laughing Boyz, two Ghetto Kids, two prison numbers gang (26s), one from the Derwert Kids and one from the Fancy Boys (Jordaan and Prince, 2012).

As this section was only aimed at providing a contextual overview of the gangs on the Cape Flats, the details of the current situation and perceptions of the community will not be discussed here. A comprehensive description of the presence and the activities of the gangs, community perceptions and the observations of local government will be provided in chapter six of this study.

#### **4.5 Conclusion**

The main aim and objective of this chapter was to provide a contextualisation of the independent variable, organised crime. In order to successfully do this, several concepts were explained, both on a global but also local level. This provided a foundation for a discussion of organised crime in South Africa and more importantly, on the Cape Flats, as this is the focus of this study.

In the chapter it was found that there is a lack of a universally agreed upon definition for the concepts of organised criminal groups and organised criminal gangs and it was clarified that

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<sup>65</sup> This initiative will be further discussed in the following chapter.

<sup>66</sup> The structure and operations of this unit will be explained in detail in the next chapter.

for the purposes of this study the difference is regarded as inconsequential. It was further noted that there has been a general increase in the international activities of organised criminal groups and this trend was also observed in South Africa, and also on the Cape Flats. There has been an increase in the activities of organised criminal groups on the Cape Flats, and this has also facilitated the increase in the number and size of these groups. At the time of writing, there was also a significant upsurge in gang-related violence across the Cape Flats. It was emphasised that the historical development of the Cape Flats came as a result of the forced removals of families from the inner city and coupled with lack of housing, unemployment and the breakdown of social networks, it facilitated the formation of gangs.

The following chapter will provide a contextualisation of the dependent variable, the state. As this study analyses the state at the level of local government, the focus will be on the local government of the City of Cape Town.



## **CHAPTER FIVE: CONTEXTUALISATION- LOCAL GOVERNMENT IN SOUTH AFRICA AND IN THE CITY OF CAPE TOWN**

### **5.1 Introduction**

The main aim of this chapter is to provide a contextualisation of the dependent variable, the state. As was explained in chapter two, the level of analysis of this study is the state at the local level. As a result, the contextualisation will first focus on a general conceptualisation of local government in South Africa and then move on to the City of Cape Town<sup>67</sup>, which is the focal point of this chapter. To conclude the chapter, there will also be a focus on one specific aspect of local government, namely the security services. This analysis will not only focus on the local branch of policing, the Cape Town Metro Police; but also on security agents operating on a local level, for example the office of the South African Police Service (SAPS) located in Cape Town and the operations of the SAPS located in Manenberg.

The rationale behind this chapter is to provide a brief background to the establishment of local government in South Africa post-1993, to explain the framework of local government structures and to describe the environment that local government functions in, in South Africa, and more specifically, the City of Cape Town.

### **5.2 Historical context of Local Government in the South African State**

In 1652 the Dutch East Indian Company established a settlement in Cape Town, then known as the Cape Colony. Before settlement, the area was predominantly occupied by local herders from the Khoikhoi or San tribe (c. 1000 BC) and Bantu-speaking farmers (300 AD) (Butler, 2009:10). After subsequent occupations by the British Empire (1795) and the Batavian Republic (1803) the British Empire took possession of the colony again in 1806 until 1872, when it obtained representative self-governance (Robson and Oranje, 2012). In 1910 the Union of South Africa was established when one other British colony (Natal) was united with the Cape of Good Hope and two other Boer republics: The Orange Free State and the Transvaal. However, the Union remained under British sovereignty until 1931 when it became fully independent with the Statute of Westminster. As a result of functioning as a British Dominion, institutional features of the British state were enforced on the system of the Union (Venter, 2011:3). Venter (2011:4) explains: "...The formal state institutions of the new

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<sup>67</sup> In this chapter, when referred to the City of Cape Town, this will suggest the municipal area. When referred to Cape Town urban area, this will suggest only the City.

Union were by and large informed and based on British constitutional customs and traditions. South Africa was organised as a unitary state consisting of four provincial governments and a large number of municipalities – thus it had a three-tiered government structure...”. Another important aspect of the Union of South Africa was that almost all people of colour were excluded of political participation and decision making. This was limited to mostly white adult men and although in some cases people of colour had the right to vote (for example in Natal where categories of Indian men could vote), political rights on all levels of the government, did not extend to representation (Venter, 2011:4). In 1956 the Coloured common roll voting rights were abolished in the Cape (Welsh, 2009:53).

The policy of racial segregation in South Africa were manifested through law, for example the Natives Land Act of 1913 that allocated more than 80 per cent of land to Whites and banned people of colour to purchase land (Butler, 2009:16). The Natives Land Act was “...the first statutory instrument of territorial segregation...” (Welsh, 2009:31). This Act also paved the way for the later establishment of homelands or bantustans, which were intended to be reserved areas for Black South Africans, within the borders of South Africa (Welsh, 2009:32). Other Acts that enforced segregation soon followed: The Urban Areas Act of 1923 prohibited people of colour to enter areas that were reserved for Whites only and introduced the pass laws, which regulated the movement of people of colour (Butler, 2009:16). In 1948, the National Party (NP) won the general elections and the victory placed them in a position of power to enforce stronger segregation policies. The term apartheid was used by the NP during their campaign for the 1948 elections and was further enforced through legislation after the victory. As explained in the previous chapter, the area of the Cape Flats was initially created following the forced removal of Coloured communities as a result of the Group Areas Act of 1950 (Butler, 2009:16 – 17). This Act enforced residential segregation across South Africa and had a significant impact on the structure and operation of local government.

During the apartheid regime, local government in South Africa consisted of racially based authorities. Cloete (1997:31) writes that at that time the government attempted to create local government systems for Africans, Coloureds, and Indians; thus, separate systems than those for Whites. However, these separate structures were not accepted by the different groups. During the early eighties there was significant pressure to establish unified urban areas and the breakdown of the apartheid system manifested at the level of local government. Cloete (1995:1-2) explains that towards the end of 1992, the two major political parties at the level

of local government, the NP and the African National Congress, entered into discussions from April 1993 to January 1994, which culminated in an agreement on the future of local government. Accordingly, in 1993 the racially based local authorities were scrapped and planning started on the creation of non-racial municipal structures. Zybrands (2011:135) states that one of the great challenges that faced the post-apartheid regime was to eradicate the local government systems erected during the previous dispensation. Section 5.3.1 of this chapter will continue to explain the transition process of local government in South Africa

### **5.3 A General Conceptualisation of Local Government in South Africa**

South Africa has a three-tier system of government. Chapter three of the South African Constitution (Act 108 of 1996) states that the government is organised by national, provincial and local spheres and that each sphere is distinctive, interdependent and interrelated (Chapter three, section 40.1). Section 41 of the Constitution explains the principles of a co-operative government and accordingly, the Constitution asserts the country to be administered on a system of co-operative governance. Co-operative governance can be further explained as: "...The relationship between the spheres of government is one of close cooperation within a larger framework that recognises the distinctiveness of every component as well as their interrelatedness and interdependence..." (Malherbe, 2008:25). Each level of government has legislative and executive authority in their own spheres. The legislative authority of the country is vested in Parliament, which consists of two houses: The National Assembly and the National Council of Provinces (NCOP). Local government representatives may participate in the NCOP and are represented by the South African Local Government Association (SALGA). Salga is entitled to ten representatives in the NCOP. These members can participate in debates and other activities of the NCOP, but they do not have the right to vote (Parliament of South Africa, 2012).

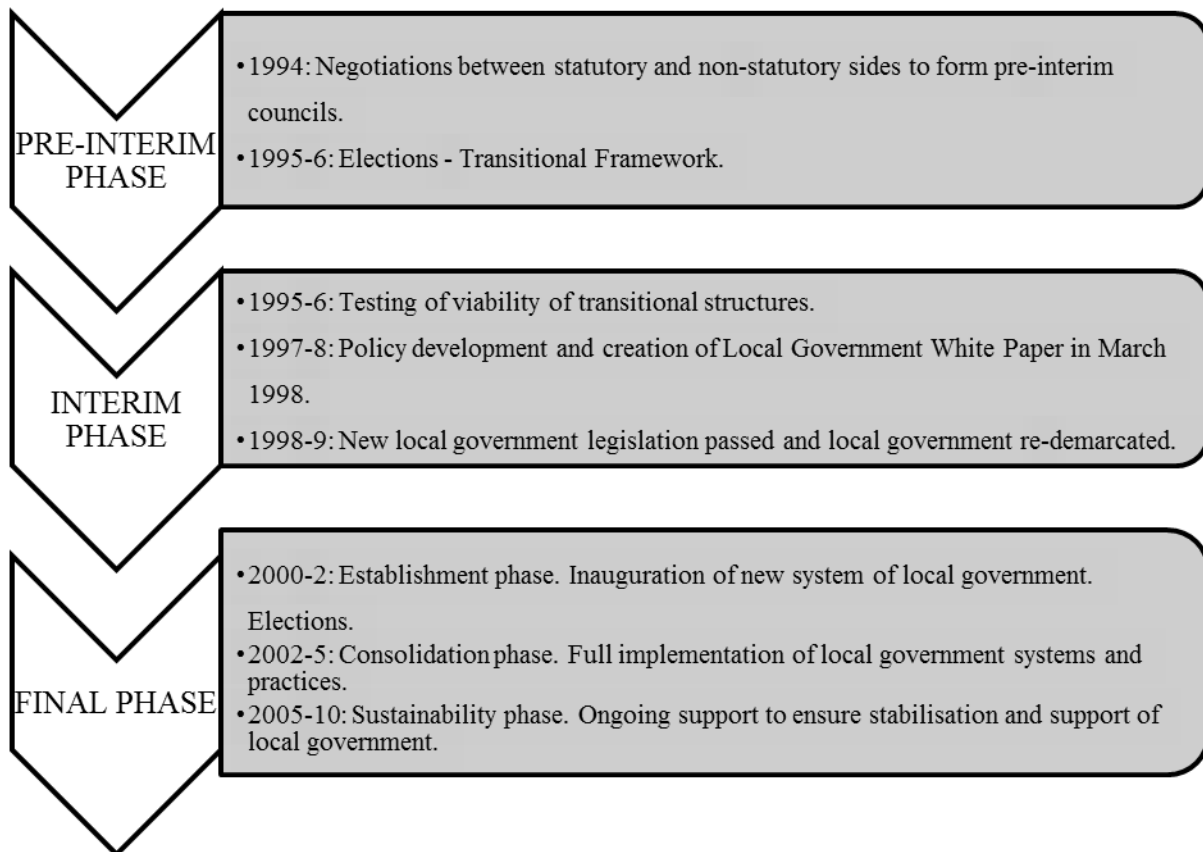
#### **5.3.1 Transition Process for Local Government in South Africa**

During the transformation period in South Africa and before the 1994 general elections, the Local Government Transition Act (Act 209 of 1993) (LGTA) was developed in order to set out a plan for the transformation of local government. The provisions of this act included the disbanding of race-based municipalities and the creation of transitional councils. As can be noted from figure 4.1, this act detailed a three phase transition process for local government. The three phases were: Pre-interim phase (1993 – 1995), interim-phase (1995 – 2000) and the final phase (2000 – onwards). The first phase started with the publication of the LGTA

and ended with the elections of the transitional councils. It was dominated by negotiations between representatives from existing statutory bodies, such as municipalities, and non-statutory representatives, such as members of the community and political organisations. The negotiations created the pre-interim councils that facilitated governance and service delivery during the transition phase (Department of Provincial and Local Government, 2003:20; De Visser, 2005:61; Thornhill, 2008:59-61).

The local government elections of 1995/1996 ushered in the interim phase. During this election, the councils were elected based on a system that combined ward representation with proportional representation. Wards represented 60% of the seats and proportional representation 40%. Despite the fact that this was the first election where all South Africans could vote for a local government, the wards were still based on the old racially-based wards. During the second phase, the structure of the new councils was tested, for example the Metropolitan councils for the largest metropolitan regions in the country. In addition, the new policy framework was developed for local government, initiated by the South African Constitution (Act 108 of 1996). Hereafter, the White Paper on Local Government was published in March 1998. Two other pieces of legislation were set out to clarify the institutional arrangements and administrative systems of local government, namely the Local Government Municipal Structures Act (Act 117 of 1998) and the Local Government Municipal Systems Act (Act 32 of 2000). The interim phase ended on 5 December 2000, when local government elections were held. The elections took place in accordance with the 1996 Constitution (Department of Provincial and Local Government, 2003:19 – 21; De Visser, 2005:61-62).

The final phase of the local government transition process was divided in three parts: Establishment, consolidation and sustainability. Establishment was aimed at the stabilisation of the newly demarcated municipalities; consolidation at the strengthening of systems and practices in local government and sustainability, where the capacity of each municipality was/is strengthened (Department of Provincial and Local Government, 2003:21 – 23).



**Figure 5.1: Overview of the Local Government Transition Process**

**(Source: Adapted from Department of Provincial and Local Government, 2003:23).**

### 5.3.2 Constitutional Elements of Local Government in South Africa

As mentioned, the South African Constitution establishes local government as a separate sphere of government. Chapter seven of the Constitution explains the establishment, objectives, powers and functions of local government in South Africa. Section 152 of the Constitution explains the objectives of local government as follows:

- “...a. to provide democratic and accountable government for local communities;
- b. to ensure the provision of services to communities in a sustainable manner;
- c. to promote social and economic development;
- d. to promote a safe and healthy environment; and
- e. to encourage the involvement of communities and community organisations in the matter of local government...”.

With regard to the establishment of municipalities, the Constitution stipulates that there are three categories that a municipality can fall under. These three are category A: A

municipality that has exclusive municipal executive and legislative authority in its area; Category B: A municipality that shares municipal executive and legislative authority in its area with a category C municipality within whose area it falls; and Category C: A municipality that has municipal executive and legislative authority in an area that includes more than one municipality<sup>68</sup> (The South African Constitution, chapter 7). These categories are further set out in the Local Government Municipal Structures Act (Act 177 of 1998). The categories are described as category A: Metropolitan Municipalities, category B: local municipalities and category C: District Municipalities (Thornhill, 2008:68). South Africa currently has eight Metropolitan Municipalities, namely: Buffalo City (East London), City of Cape Town, Ekurhuleni Metropolitan Municipality (East Rand), City of eThekweni (Durban), City of Johannesburg, Mangaung Municipality (Bloemfontein), Nelson Mandela Metropolitan Municipality (Port Elizabeth) and the City of Tshwane (Pretoria). There are a further 44 district municipalities and 226 local municipalities (South African Government Information, 2011).

The powers and functions of municipalities are described in sections 156 and 229 of the South African Constitution. Under section 156 of the Constitution, the powers and functions of municipalities are described as including local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 and any other matters assigned to it by national or provincial legislation.<sup>69</sup> These functions will be assigned (in agreement with) to a municipality by the national and provincial government. Furthermore, Thornhill (2008:73) summarises the functions and powers of municipalities to include amongst other things: "...the authority to make and administer by-laws for the effective administration of the matters assigned to it, and to impose rates, taxes and surcharges for the services provided by or on behalf of the municipality...". To conclude and summarise, municipalities are responsible for: "...the traditional core services, such as water provision, electricity distribution, refuse removal and sanitation..." (Thornhill, 2008:74). In addition, and of particular importance for this study, is the responsibility to provide a safe environment; thus, the provision of safety and security. Major responsibilities, such as health matters, are assigned by the South African Constitution; however, such matters will only be administered by a local authority if it can be effectively managed (Thornhill, 2008:74). As has been stated

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<sup>68</sup> Subsection two and three of section 155 of the Constitution explains that National legislation must define under what circumstances what category municipality may be established.

<sup>69</sup> For a complete list of matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, see Appendix A.

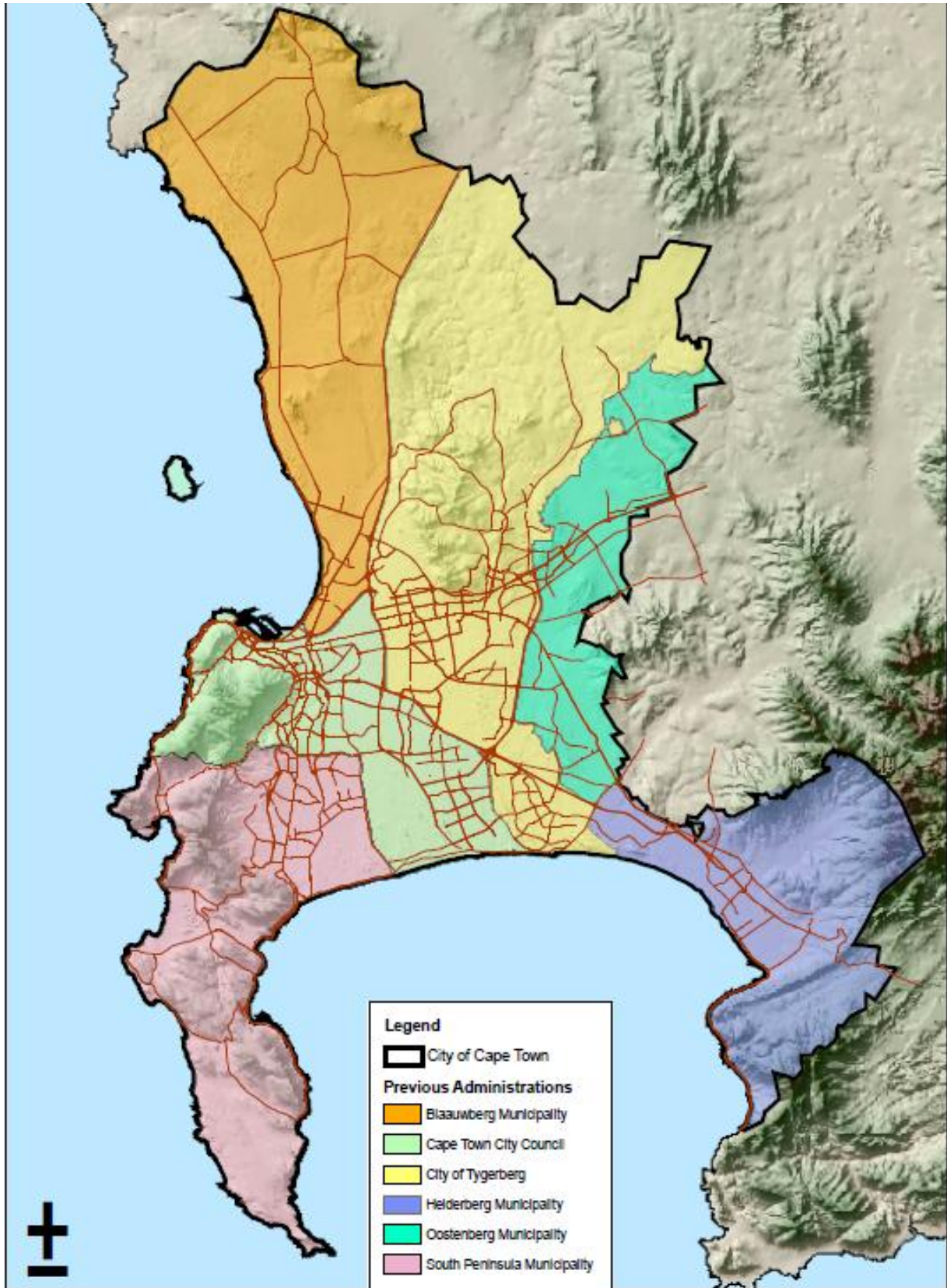
in the introduction, this study focusses on the local government of the City of Cape Town, and consequently the next section will centre on a general overview of the City, namely the demographic clarifications and operational explanations.

#### **5.4 The City of Cape Town: A Contextualisation**

The following section will provide a contextual explanation of the structural and functional features of the City of Cape Town. Specific attention will be directed at the political and administrative structures of the City, demographical statistics and safety and security organisations and their structure and method of operation.

##### **5.4.1 A General Overview of the City of Cape Town**

As can be noted from map 4.1, the City of Cape Town Metro Council is an amalgamation of seven former municipalities: Blaauwberg, Cape Town, Helderberg, Oostenberg, South Peninsula and the Cape Metropolitan Council. During December 2000 these seven areas were integrated into the Cape Town UniCity. Currently, the area that is covered by the City of Cape Town spans over 2,455 km<sup>2</sup>, and is located in the Western Cape Province of South Africa (City of Cape Town, 2011:4-5).



**Map 5.1: The City of Cape Town**

(Source: Adapted from City of Cape Town, 2012d).



#### 5.4.1.1 Political and Administrative Structures, Local Elections

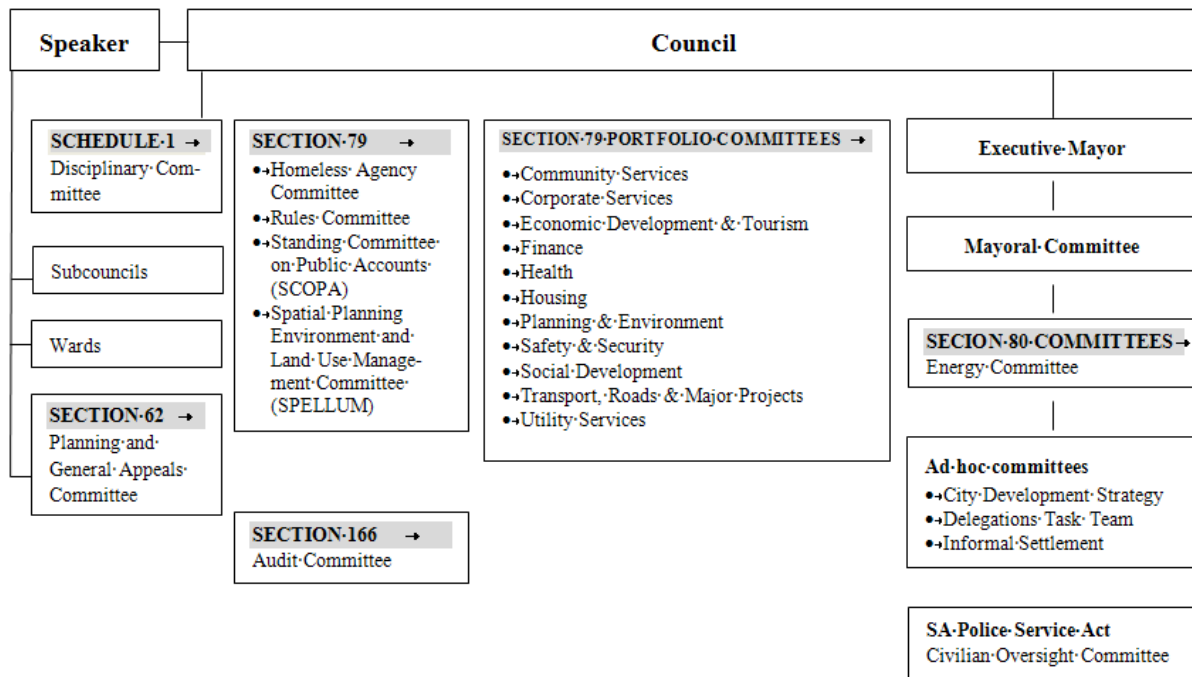
The City of Cape Town is governed by a City Council, the legislative body responsible for governance, which comprises of 221 members (See Figure 4.2). The tasks of the City Council include the formulation and implementation of by-laws.<sup>70</sup> The Council also elects the Executive Mayor, who in turn selects a Mayoral Committee that has 11 members. Furthermore, the Council elects the Deputy Mayor, the Speaker<sup>71</sup>, the Chairs of the Section 79 committees, the Chief Whip and Section 57 managers. The City Council serves for a five year term. Decisions taken by the City Council are implemented by the executive management team of the City. By-laws and policies are formulated and monitored by the City Council's Portfolio Committees (City of Cape Town, 2011:10-12; City of Cape Town, 2012a).

In terms of the Local Government Municipal Structures Act (117 of 1998) the Council can appoint several Committees. As mentioned, one such committee is specifically there for the establishment of Portfolio Committees. Portfolio Committees are also known as 'section 79' committees. The role and function of Portfolio Committees is to have an oversight role over the design and execution of by-laws. The Committees are comprised of councillors. The City Council can also appoint *Ad Hoc* Committees on occasion, which will be tasked to manage specific projects. Section 80 Committees can be appointed by the Council, in order to support the Mayor or an Executive Committee. One such example is the Energy Committee, which focuses on all energy matters in the City, including climate change and global warming, the reduction in carbon emissions and pollution and non-fossil fuel-generated energy sources. The Schedule 1 Disciplinary Committee investigates cases of breach of the Code of Conduct for Councillors and conducts investigations on non-attendance of meetings. The Section 62 Planning and General Appeals Committee consider appeals against decisions taken in terms of delegated or sub-delegated authority by political structures, political office bearers or councillors of the City of Cape Town. There are also further four Section 79 Committees: Homeless Agency Committee (deals with issues relating to people living on the street), Rules Committee (concerned with the rules and procedures of Council and its Committees), Spatial Planning, Environment and Land Use Management Committee (relates to spatial and town planning, and environment and related matters) and the Standing Committee on Public Accounts (mechanism through which the Council exercises oversight over the expenditure of

<sup>70</sup> By-laws are laws specifically formulated for the City of Cape Town.

<sup>71</sup> The Speaker is the Chairperson of Council and presides over council meetings (City of Cape Town, 2011).

public money). In the governance structure of the City of Cape Town, there is also a Section 166 Audit Committee. Each municipality must have an audit committee of which the members must be appointed by the Council. The Audit Committee will provide Council with the financial position of the City and the financial efficiency and effectiveness (City of Cape Town, 2007; City of Cape Town, 2011:10-12; City of Cape Town, 2012a).<sup>72</sup>



**Figure 5.2: Administrative structure of the City of Cape Town (Source: Adapted from City of Cape Town, 2011).**

The City of Cape Town is divided into 111 geographic areas called wards. Wards are represented by ward councillors elected by registered voters. Each ward directly elects one member of the council. The other 110 councillors are elected by a system of party-list proportional representation. Thus, half of the councillors are ward councillors and the other half are elected on the proportional representation list, according to strength of the political party that the councillor is a member of (City of Cape Town, 2012a; City of Cape Town, 2012f). The rationale behind the 50/50 system is so that ward councillors can promote the matters concerning the ward that they represent and proportional members, matters that concern the entire municipality (Thornhill, 2008:67). Furthermore, the City is divided into 23 sub-councils. Sub-councils consist of geographically clustered wards with proportional councillors assigned to them and led by a sub-council chairman, who is elected by a majority

<sup>72</sup> The Civilian Oversight Committee will be explained in section 5.4.2.

vote of each sub-council (City of Cape Town, 2012a, City of Cape Town, 2012f). The city also has a Manager, who functions as the non-political head of the administration of the city. The Manager is supported by a Deputy City Manager. The Executive Management team has a further 12 members which are the Chief Audit Executive and the Executive Directors of 11 sectors: Community Services; Human Settlements; Safety and Security; Economic, Environment and Spatial Planning; Transport, Roads and Stormwater; Social and Early Childhood Development; Tourism, Events and Marketing; Utility Services; Corporate Services; Finance and Health (City of Cape Town, 2012b).

During the 2011 Local Government Elections, the Democratic Alliance (DA) won an absolute majority of council seats in the City of Cape Town. The DA received 135 seats, with the African National Congress (ANC) winning second most seats, 73. For a full breakdown of the voting statistics of the City of Cape Town, refer to table 4.1 below<sup>73</sup> (IEC, 2011b; City of Cape Town, 2012e).

**Table 5.1: Number of Seats and Percentage of Votes for the City of Cape Town, Local Government Elections 2011**

<b>PARTY</b>	<b>NUMBER OF SEATS</b>	<b>PERCENTAGE OF VOTES</b>
<b>African Christian Democratic Party</b>	3	1,22
<b>Al Jama-ah</b>	1	0,37
<b>African Muslim Party</b>	1	0,34
<b>African National Congress</b>	73	32,80
<b>Cape Muslim Congress</b>	1	0,29
<b>Congress of the People</b>	3	1,11
<b>Democratic Alliance</b>	135	60,92
<b>National Party of South Africa</b>	1	0,53
<b>Pan African Congress of Azania</b>	1	0,21
<b>United Democratic Movement</b>	1	0,39
<b>Vryheidsfront Plus</b>	1	0,18
<b>Total</b>	221	100 <sup>74</sup>

(Source: Adapted from IEC, 2011b; City of Cape Town, 2012e).

<sup>73</sup> The ANC won 62 % of the vote and as a result the highest number of seats and councils (5,633 seats and 198 councils) during the 2011 local elections in South Africa. The ANC was followed by the DA, with 18 councils, 1 555 seats and 23.9% support (IEC, 2011a).

<sup>74</sup> Final percentage of votes rounded off to 100%.

#### *5.4.1.2 Economy and Finances*

In 2011 the City employed more than 25,000 people. It produced 10,58% of South Africa's Gross Domestic Product (GDP) and accounted for more than 70% of the Western Cape province's economic activity (City of Cape Town, 2011:4-6; City of Cape Town, 2012c). For South Africa in general, the Western Cape contributes 14% to the GDP, behind Gauteng with 33,9% and Kwa-Zulu Natal with 16,1% (Diamant, 2011:119). Between 2005 and 2009 the economy of the City of Cape Town grew at an average annual growth rate of 4, 06% (City of Cape Town, 2011:4-6; City of Cape Town, 2012c). The urban area of Cape Town<sup>75</sup> alone had an economic growth rate of 2% in 2010 and the GDP per capita for the urban area increased from R46,720 in 1996 to R58,017 in 2006 to 61,662 in 2010 (Diamant, 2011:119). The majority of the city's economic activity is driven by small, medium and micro enterprises (SMMEs). SMMEs account for 50% of the City's output. Other economic drivers of the City include finance, insurance, real estate and business services, manufacturing, wholesale and retail trade, catering and accommodation (City of Cape Town, 2011:4-6; City of Cape Town, 2012c).

In 2011 the City of Cape Town was one of only seven municipalities in South Africa to have received a clean audit for 2009/10, and the only metro to achieve a clean audit. In the report by the Auditor General, of the 237 municipalities audited, 53 received disclaimers, seven an adverse opinion, 50 received qualified opinions, and 120 received financially unqualified reports (Mabuza, 2011). The good financial and economic management and performance of the City was confirmed when the global rating agency, Moody's, rated the City an Aa2, indicative of a very low credit risk (City of Cape Town, 2011:4-6; City of Cape Town, 2012c). In 2008, the then mayor of the City of Cape Town, Helen Zille, received the best mayor in the world award, by urban affairs think-tank City Mayors.

#### *5.4.1.3 Population, Households and Public Services*

The City has an annual population growth rate of 3% and in 2010 the population was estimated to be 3,7 million people. The population is described as relatively young, with the median age at 26. In 2010 the estimated number of households was 1,060 964. Of these households, 72,5% were formal dwellings, 17,1% was informal dwellings and 10% were

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<sup>75</sup> The urban area of Cape Town refers to the central business district, the southern and northern suburbs.

‘backyarders’.<sup>76</sup> With regards to public services, 89% of households in the City are connected to an electricity supply and 90% of houses have refuse removed. In 2009, 93,2% of households had access to a toilet connected to the public sewer system and 99,6% had access to piped water (City of Cape Town, 2011:5-6).

#### *5.4.1.4 Education, Unemployment and Health*

Statistics from the City of Cape Town state that there is an increase in the number of adults that have grade 12 as the highest level of education. The statistics from 2009 indicate that 48,3% of the population of the City had grade 12 or a higher level of education. In the same year, the percentage of the population that had no formal education was 1,4% (City of Cape Town, 2011:7).

For the urban area of Cape Town there was an increase in the proportion of people living in poverty.<sup>77</sup> In 1996 the statistic was 15,9% and that increased to 19,7% in 2010 (Diamant, 2011:120). In the City, 34,6% of households have an income of less than R3,500 (City of Cape Town, 2011:7). In 2001 the unemployment statistics of the City of Cape Town were at 29,2%. This rate declined in 2006 to 15,1%; however, in 2010 there was an increase to 25,82% (City of Cape Town, 2011:7). During the first quarter of 2012, the unemployment statistic of South Africa was at 25,2% (Statistics South Africa, 2012).

As can be noted from the table below, there has been a decrease in the infant mortality rate<sup>78</sup> in the City. According to the mid-year population estimates from Statistics South Africa in 2009, the infant mortality rate in South Africa was 45,7% (Statistics South Africa, 2009:3).<sup>79</sup> Thus, the infant mortality rate of the City of Cape Town is significantly less than that of South Africa in general. Despite the drop in the infant mortality rate, there has been an increase in the incidence of human immunodeficiency virus (HIV) in the City of Cape Town. In 2005, the incidence of HIV was 17% and in 2009, 18,2% (See table 4.2). Despite the

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<sup>76</sup> Backyarders refer to an informal dwelling, located on a property that already has a formal dwelling. It is also referred to as an informal dwelling in a yard.

<sup>77</sup> People living in poverty are defined as those living in households with income less than the poverty income. In 2010, Poverty income levels ranged from R1,315 per month for one individual to R4,729 for a household of eight people or more (Diamant, 2011:120).

<sup>78</sup> The infant mortality rate is measured by looking at the number of deaths of children under the age of 1, out of every 1,000 live births.

<sup>79</sup> The national infant mortality rate of 45,7% in 2009 is down from 63,4% in 2001 (Statistics South Africa, 2009:7).

increase, the figures for the City of Cape Town in 2009 were still lower than that of South Africa in general, which for the same year were 29,4% (City of Cape Town, 2011:8).

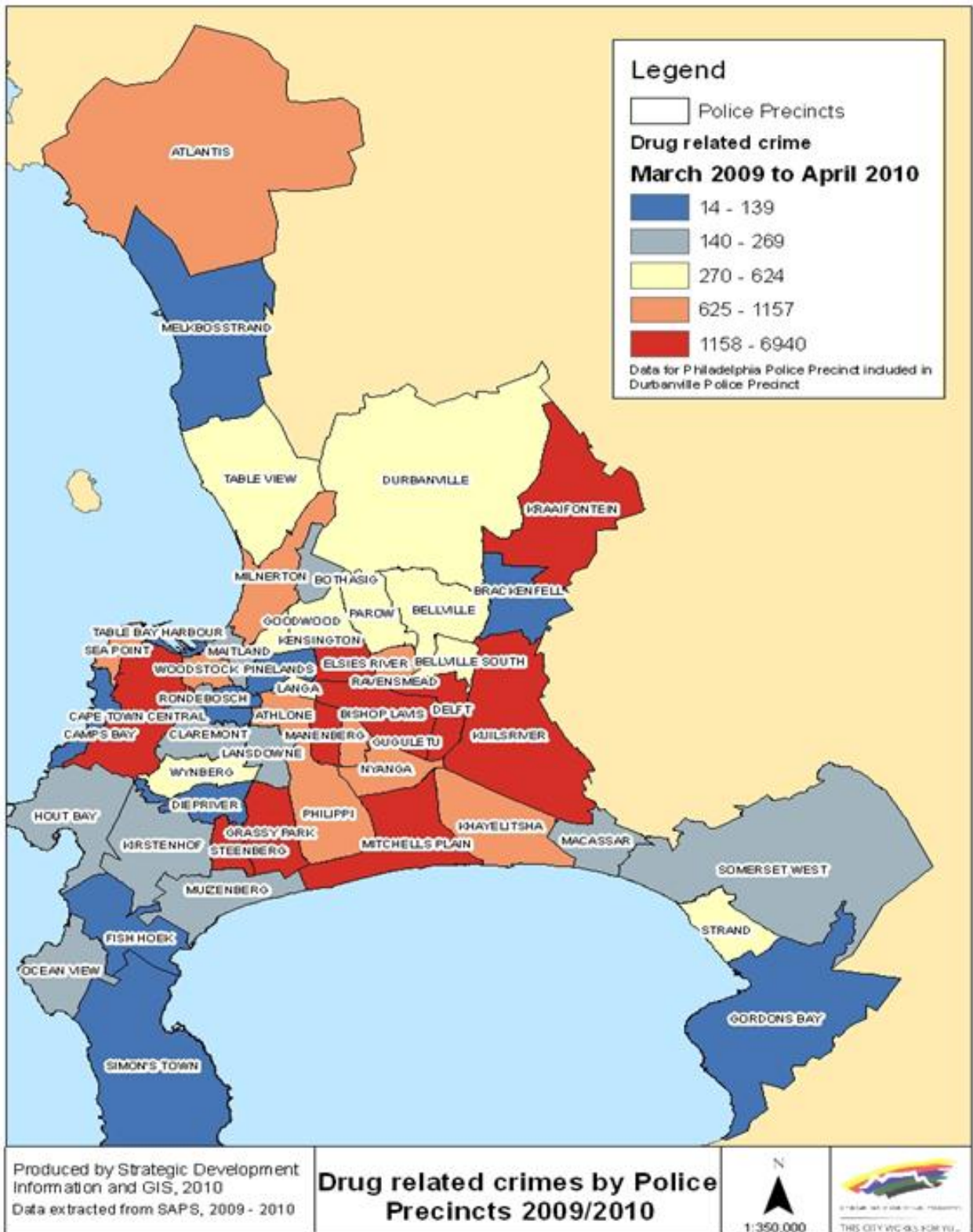
**Table 5.2: Health Indicators of the City of Cape Town**

HEALTH INDICATOR	2003	2004	2005	2006	2007	2008	2009
<b>Infant Mortality Rate</b>	25,16%	23,74%	22,28%	21,40%	20,28%	19,78%	20,76%
<b>Incidence of HIV</b>	-	-	17,0%	18,2%	17,6%	18,3%	18,2%

(Source: Adapted from City of Cape Town, 2011:7).

#### 5.4.1.5 Crime

According to the City of Cape Town, there was a decline in the overall reported crime rate from 9,513 per 100,000 persons in 2003/4 to 8,032 per 100,000 in 2009/10. Despite this overall decrease there was a sharp increase in drug related crime: In 2009/10 39,175 incidents were reported, which is more than a 300% increase from 2003/4 (See table 4.3) (City of Cape Town, 2011:8). The annual police plan from the City of Cape Town Metro Police (2009/2010) states that drug related offences in the City have increased five times in the past seven years (with the report compiled in 2009). Furthermore, 80% of all the crimes committed in the City of Cape Town are related to drug and substance abuse (Cape Town Metropolitan Police Department, 2009). The majority of drug related crime is directly linked to organised criminal groups in the City (specifically on the Cape Flats). In addition, 90% of gang-related crime in the Western Cape takes place within the borders of the City of Cape Town (Prince, 2011). This is confirmed when looking at map 4.2 below, as the areas with the highest incidences of drug related crimes are situated on the Cape Flats, with the exception of Cape Town Central, Kraaifontein and Kuilsriver. The areas with the highest incidents of drug related crimes include Mitchell's Plain, Grassy Park, Steenberg, Delft, Bishops Lavis and Manenberg (Cape Town Metropolitan Police Department, 2011:24-25). As will be explained in section 4.4.2 the City of Cape Town has established several specialised units in order to deal with the sharp increase in drug related crimes.



Map 5.2: Drug Related Crimes in the City of Cape Town, March 2009 – April 2010 (Source: Adapted from Cape Town Metropolitan Police Department, 2011:25).

**Table 5.3: Crime rates of the City of Cape Town**

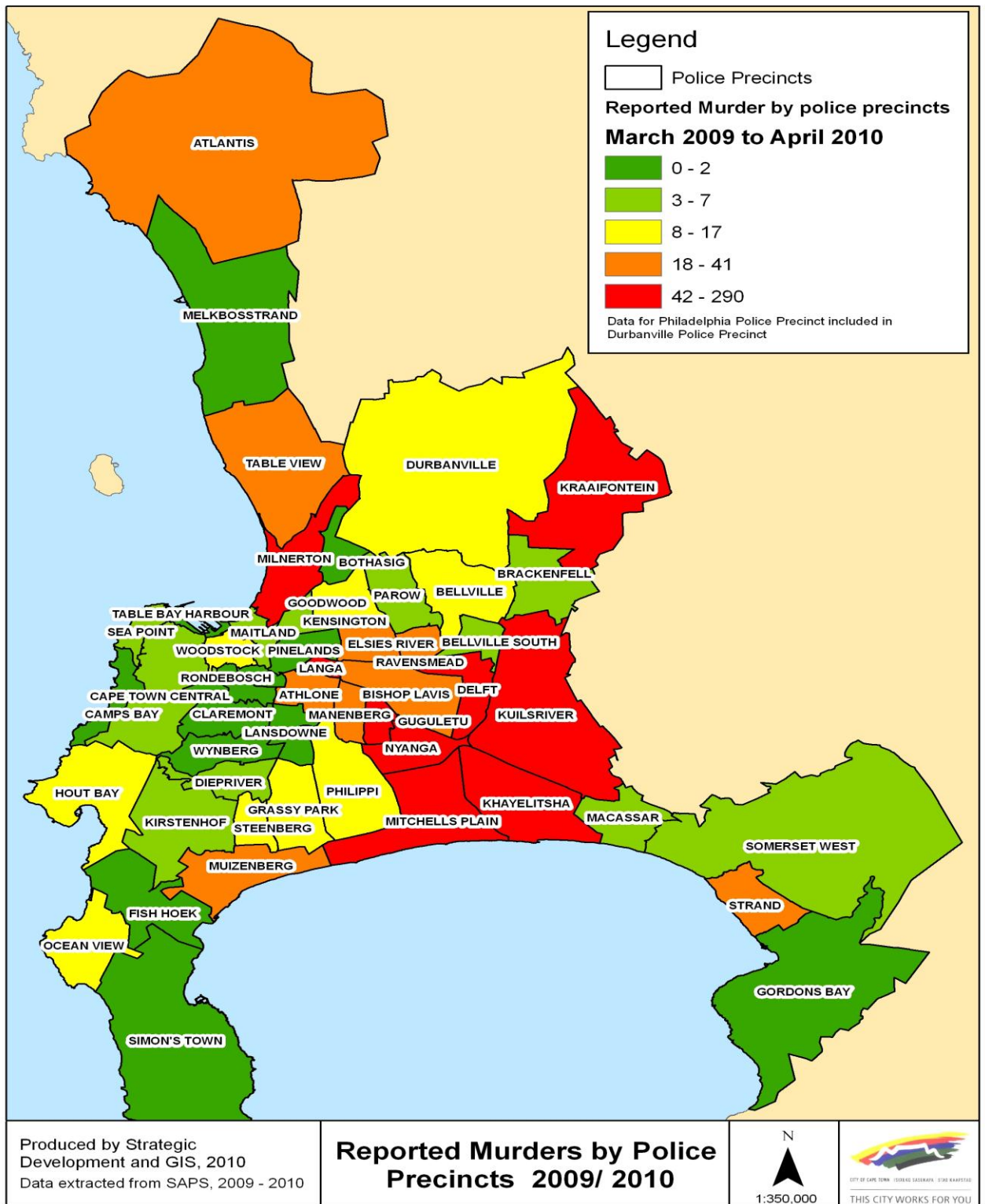
<b>CRIMES</b>	<b>2009/10</b>
<b>Overall Crime Rate</b>	<b>8,032 per 100,000</b>
<b>Murder</b>	<b>1,521 reported</b>
<b>Commercial Crime</b>	<b>9,280 reported</b>
<b>Drug Related Crime</b>	<b>39,175 reported</b>

(Source: Adapted from City of Cape Town, 2011:8).<sup>80</sup>

With regard to murder rates in the City, information provided by the Metro Police states that murder in the City has stabilised over the past number of years. Nevertheless, as indicated in table 4.3, the rate remains very high with more than 1,500 reported murders in the 2009/10 period. Map 4.3 below provides an outline of reported murders in the City of Cape Town. As can be noted, areas on the Cape Flats had high to very high reported murders. The statistics for the Cape Flats, but also for the entire City of Cape Town, are attributed to the high number of gang related deaths (Cape Town Metropolitan Police Department, 2011:22-23).

<sup>80</sup> Crimes measured by reported crimes.





**Map 5.3: Reported murders in the City of Cape Town, March 2009 – April 2010**  
(Source: Adapted from Cape Town Metropolitan Police Department, 2011:23).

In order to increase the safety of the citizens of the City through crime prevention, the City of Cape Town, in cooperation with the German Development Bank, launched the Violence Protection through Urban Upgrading (VPUU) project in 2004. The main aims of the VPUU are to contribute to the reduction of violence, improve community safety, and in the end the quality of life. The programme is designed to reduce crime by improving the overall environment in a community and the methodology is to involve numerous stakeholders from the community, civil society and local and national government. The first phase of the project was introduced in Khayelitsha in 2004 and in 2009 a baseline survey on crime and violence was conducted in Manenberg, with the objective to extend the project to other prioritised areas (Giles, 2009:14 – 16). The next section of this chapter will focus on local security services, including agents of security, functioning on a local level.

### **5.5 Local Security Services**

Security services in South Africa are regulated by several pieces of legislation, as will be explained in the section below. Chapter 11 of the Constitution of South Africa (Act 108 of 1996) explains the security services of the country, including the police service. It stipulates that: "...the national police service must be structured to function in the national, provincial and where appropriate, local spheres of government..." (Chapter 11, section 205). Section 205 of the Constitution furthermore states that the statutory objectives of the police service are to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of South Africa and their property and to enforce the laws of the country. The Minister of Police is a member of the Executive Cabinet of South Africa and the political responsibility of the Department of Police resides within this position. The Minister is responsible for the determination of policies and the direction and overall execution of the Department's mandate. Furthermore, the Minister will give account to the Cabinet and Parliament on all matters relating to policing (ISS, 2012).

As will be further explained in section 5.5.2 of this chapter, the South African Constitution also makes provision for municipal police services: "...National legislation must provide a framework for the establishment, powers, functions and control of municipal police services..." (Chapter 11, section 206). Thus, with regards to the execution of the powers of

policing, the operational command and the control over policing in South Africa is divided between the SAPS and the Metro Police Services.<sup>81</sup>

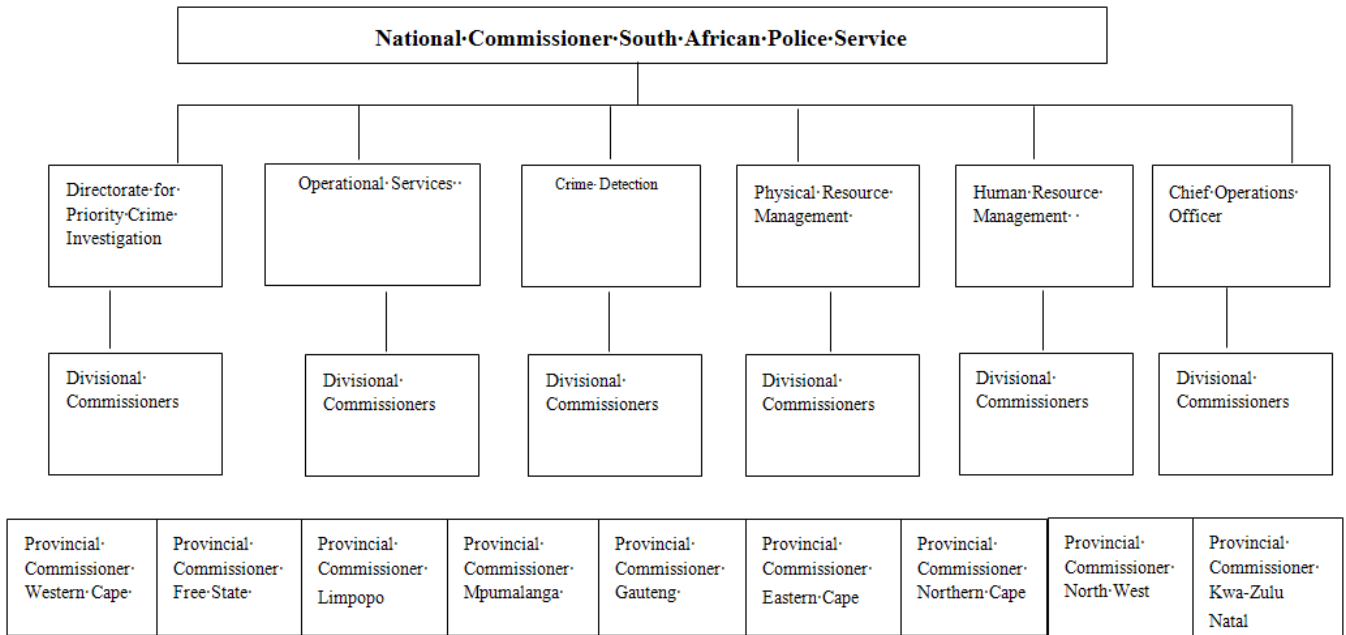
### **5.5.1 Policing in South Africa: The South African Police Service**

The South African Police Force (SAP) was established on 1 April 1913. The organisation was disbanded in the early nineties and after the first democratic election in South Africa in 1994 the SAPS was formed. The SAPS was an amalgamation of the SAP and the homeland and self-governing territory police agencies (Young, 2004:10 – 12). As mentioned previously, the responsibilities and duties of the SAPS are regulated in the Constitution of South Africa (Act 108 of 1996) and the South African Police Service Act (SAPS Act 68 of 1995).

The SAPS is headed by the National Commissioner. The National Commissioner is appointed by the President of the country and the Commissioner is responsible for exercising control over and managing the police service, as regulated by legislation and the national policing policy. In addition, there may also be directions by the Minister of Police. The National Commissioner has six Deputy National Commissioners. Each of the Deputy National Commissioners oversees one of the following sections: Priority crime investigation, operational services, crime detection, physical resource management, human resource management and chief operations officer. These sections are in turn divided into Divisional Commissioners. In addition, each of the nine provinces of South Africa has a Provincial Commissioner. In turn, each province is divided into several Areas and the Area Commissioner will be the Commander of each area. (ISS, 2012; SAPS, 2012b; Young, 2004) (See figure 4.3).

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<sup>81</sup> Since late 2009 there have been discussions on a national level to reintegrate the Metro Police Services under the SAPS. This is opposed by opposition parties, most noticeably the DA. The main rationale behind the reintegration is that it will enhance uniform policing standards and improve service delivery.



**Figure 5.3: Organisational Structure of the South African Police Service**  
 (Source: Adapted from SAPS, 2012).

With specific reference to organised crime, the Directorate for Priority Crime Investigation was established in 2009.<sup>82</sup> The main functions of the Directorate are to prevent, combat and investigate national priority offences and any other offence or category of offences referred to by the National Commissioner. The Directorate focuses on serious organised crime, serious corruption and serious commercial crime. The composition of this division of the police service comprises of five components: Commercial Crime Unit, Financial Investigation and Assets Forfeiture Unit, Organised Crime Unit, the Priority Crime Management Centre and Support Services. In May 2012, the division had 3,000 members of staff trained in areas such as Basic Organised Crime, Commercial Crime courses, Serious and Violent Crime, Firearm, Vehicle Crime Investigation, Narcotics, Precious Metals and Diamonds, Endangered Species, Human Trafficking and Cyber Crime (SAPS, 2012a).

A report from the Institute for Security Studies (ISS) indicated that in 2011 the SAPS had 193, 892 members of staff throughout the country. The administration of the SAPS takes

<sup>82</sup> As explained in chapter three, the Directorate for Priority Crime Investigation, or Hawks, was created to replace the Scorpions, the Directorate of Special Operations that investigated and prosecuted organised crime and corruption, when it was disbanded in 2008.

place at the National Headquarters in Pretoria. The SAPS further has nine Provincial Headquarters and 1,122 police stations. In October 2011 the police force had 150,356 police officers. This meant that there was one police officer for every 311 citizens. The Western Cape was below the national average and had one police officer for every 244 citizens (ISS, 2011).

### 5.5.2 Policing in South Africa: The Metro Police Services

As with the SAPS, the establishment and regulation of municipal and metropolitan police services in South Africa is encapsulated in the South African Police Service Act (SAPS Act 68 of 1995) and the South African Police Service Amendment Act (SAPS Act 83 of 1998). South Africa currently has five metropolitan police services, namely: Johannesburg (established in 2001), Cape Town (established in 2001), Ethekwini (established in 2002), Tshwane (established in 2002) and Swartlands (established in 2002) (ISS, 2012).

In terms of the South African Police Service Act (SAPS Act 68 of 1995) municipal police have to fulfil three core tasks: Traffic policing<sup>83</sup>, the policing of municipal by-laws and crime prevention.<sup>84</sup> Consequently, their tasks will not be executed in isolation, but they will assist and be assisted by the SAPS, the Traffic Department, Law Enforcement and other Departments of the City of Cape Town, for example, Housing and Disaster management. With specific reference to the City Of Cape Town, the Cape Town Metro Police was established in terms of Provincial Notice 347/2001 in the Provincial Gazette 5786 on 2 November 2001. The Cape Town Metro Police was restructured in 2007 and took on the name of the Metro Police, as it was formerly known as the Cape Town City Police.<sup>85</sup> In 2006 the Civilian Oversight Committee (COC) was established with the main aim of dealing with misconduct, corruption and unethical behaviour in the Metro Police. The approach of the metropolitan police service is accordingly set to be guided by community policing principles and there has to be a close working relationship between the Metro Police, the COC, Community Policing Forums (CPFs) and the City's portfolio committee for Safety and

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<sup>83</sup> This responsibility includes, amongst other tasks, to conduct roadblocks, issue traffic fines and general traffic enforcement (Brackenfell Community Police Forum, 2012a).

<sup>84</sup> This responsibility includes the execution of search warrants, patrols, safety and awareness campaigns and the implementation of social crime prevention initiatives. The Metro Police do not have the legislative authority to investigate crimes and as a result they hand over criminal suspects to the SAPS for investigation (Brackenfell Community Police Forum, 2012a).

<sup>85</sup> The Cape Town Metro Police Department services an area of 2,461 km<sup>2</sup> (City of Cape Town, 2009).

Security (Western Cape Government, 2012b; Cape Town Metropolitan Police Department, 2009; Cape Town Partnership, 2012).

Since the implementation of the Metro Police in Cape Town, the City has established several specialised units, such as the Ghost Squad<sup>86</sup>, Copperheads<sup>87</sup>, Vice Squad<sup>88</sup> and the Drug Busters.<sup>89</sup> To be more specific, with regards to the increase of drug use and drug-related crimes, the City launched a comprehensive Drug and Alcohol Combatting Strategy in mid-2007. The main aims of the strategy are to prevent the abuse of drugs and alcohol, to focus on the treatment of drug and alcohol abuse and law enforcement (Cape Town Metropolitan Police Department, 2009). Other current operations include Operation Razor<sup>90</sup> and Operation Choke. In the last mentioned campaign, the Metro Police targets specific areas of the City for a determined period, facilitating roadblocks and searches of suspected drug houses (Cape Town Partnership, 2012).

During December 2011, the City of Cape Town launched another specialised unit to deal specifically with gang violence, referred to as ‘G-Unit’. The specialised unit is based in the City’s Metro Police and consists of ten members. The unit gathers information on people believed to be involved in gang activity and uses that information to construct a case against the suspects. The information can also be used to apply for arrest warrants and eviction orders (Prince, 2011; Mrwebi, 2012). During the pilot phase of the launch of the unit, the focus was on two areas in the City, namely Hanover Park and Mitchell’s Plain. In May 2012 the unit claimed to have arrested more than 80 people since their operations started in December 2011. The unit is planning on extending their activities to other areas of the Cape Flats, such as Elsies Rivier, Bishop Lavis and Gugulethu (Raubenheimer, 2012).

As can be noted from figure 5.4 below, the Metro Police is under the command of the Chief of the Metro Police Department. The Chief reports to the Security Portfolio Committee of the City and the COC<sup>91</sup> (Cape Town Metropolitan Police Department, 2011:30). The

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<sup>86</sup> This is a traffic unit focussing on collision-causing traffic offences.

<sup>87</sup> The Copperheads is the Metal Thefts Unit.

<sup>88</sup> The Vice Squad specifically deals with prostitution and other sexual offences.

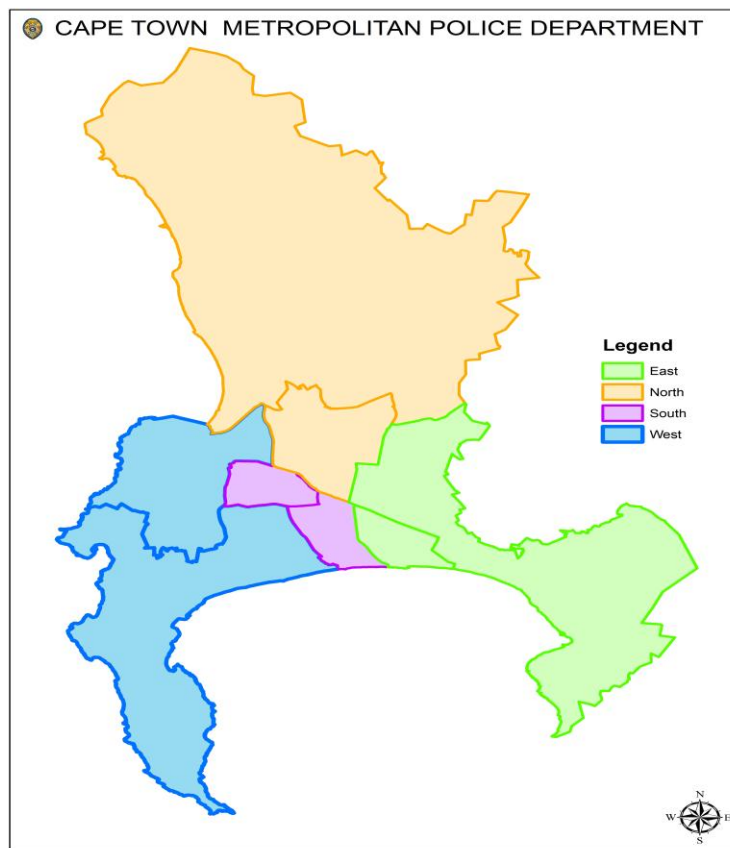
<sup>89</sup> The Drug Busters is the Substance Abuse Unit.

<sup>90</sup> Operation Razor focuses on combating drug-related crime and drunken driving offences.

<sup>91</sup> As explained earlier, the Civilian Oversight Committee oversees the membership conduct, thus discipline and ethical aspects, of the Metro Police. The Committee makes recommendations to the City Manager on improving the ethical climate and operations of the Metro Police (Cape Town Metropolitan Police Department, 2011:30).

management structure is then divided into five second tier positions, namely: the Deputy of Central Operations, the Manager of Support Services, the Manager of Finances, the Director of Close Circuit Television Surveillance and Radio Communication<sup>92</sup> and the Deputy of Civilian and Internal Affairs.

The Deputy of Central Operations oversees five directors, including four areas of Cape Town (north, south<sup>93</sup>, east and west) and the Directorate of Special Operations. Map 4.4 below, indicates the boundaries of the areas and the jurisdiction of the Metro Police. There is an average of 100 members of the Metro Police per operational area, and a total of 533 of members are deployed across the City of Cape Town and 400 officers operate on ground level (Cape Town Metropolitan Police Department, 2011:21).



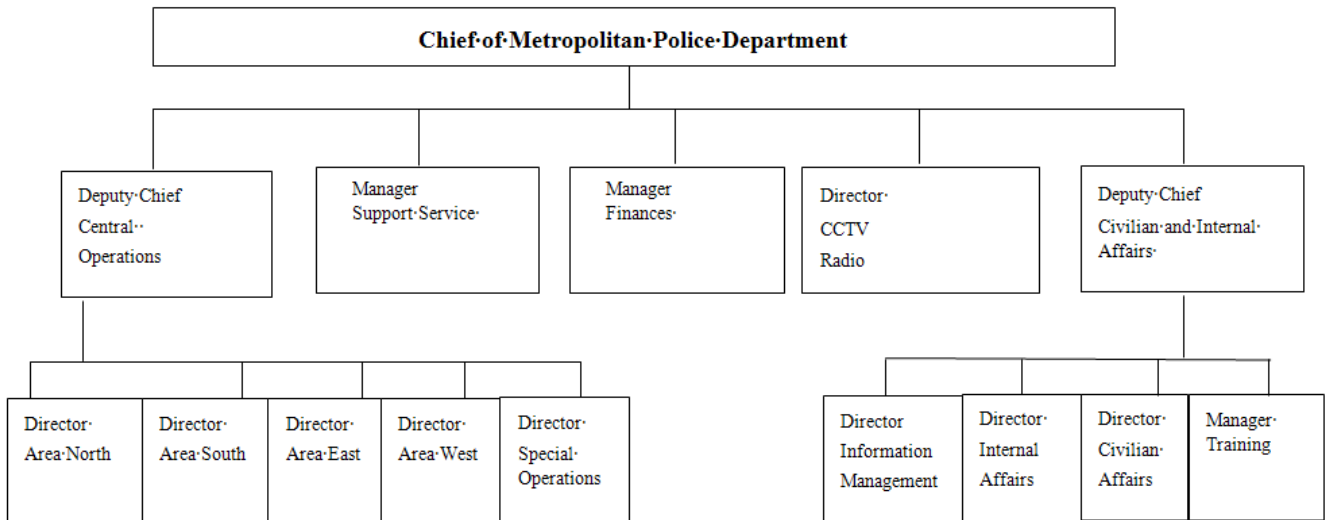
**Map 5.4: Geographical Division and Jurisdiction of Cape Town Metro Police**

(Source: Adapted from Cape Town Metropolitan Police Department, 2011:21).

<sup>92</sup> The areas that is covered by closed circuit television surveillance include Vanguard Drive Corridor, Sea Point, Woodstock, Salt River, Observatory, Gugulethu, Khaelitsha, Mitchell's Plain, Belville, Bonteheuwel, Manenberg, Cape Town CBD, Green Point and Klipfontein Corridor (Cape Town Metropolitan Police Department, 2011:15).

<sup>93</sup> Manenberg falls in the South area.

The Deputy Chief of Civilian and Internal Affairs oversees four positions: The Director of Information Management, the Director of Internal Affairs, the Director of Civilian Affairs and the Manager of Training. The generic structure of each area is that each Area Director should have the services of two Senior Superintendents, each who will have another two Superintendents and four Sergeants per Superintendent (Cape Town Metropolitan Police Department, 2009; Cape Town Metropolitan Police Department, 2011:28).



**Figure 5.4: Organisational Structure of the City of Cape Town Metro Police**  
 (Source: Adapted from Cape Town Metropolitan Police Department, 2009).

### 5.5.3 Community Policing Forums

CPFs are best described as a partnership between the police and the local community. Schärf et al (2001) write that after 1994 in South Africa, the new regime created CPFs in order to establish a link between the state providing security and the community having an influence in crime prevention. The rationale behind establishing this link is that when the state lacks the capacity to provide particular services, with specific reference to crime prevention, citizens will take it upon themselves to deliver such services. Accordingly, in order to prevent this, CFPs were established through the South African Police Service Act (SAPS Act 68 of 1995). In the Act, section 18 deals with the objects of CPFs, section 19 with the establishment of CPFs and sections 22 and 23 with the functions of CPFs. Section 18 of the Act states that the SAPS will interact with: "...community police forums and area and provincial community police boards...with a view to...



- establishing and maintaining a partnership between the community and the Service;
- promoting communication between the Service and the community;
- promoting co-operation between the Service and the community in fulfilling the needs of the community regarding policing;
- improving the rendering of police services to the community at national, provincial, area and local levels;
- improving transparency in the Service and accountability of the Service to the community; and promoting joint problem identification and problem-solving by the Service and the community...” (SAPS Act 68 of 1995).

Schärf et al (2001:70) summarise section 18 of the Act by stating that the purpose of CPFs are twofold: “...to allow communities an opportunity to express their priorities about crime intervention with the police and secondly, to become active partners in crime prevention projects...”. After the creation of CPFs their effectiveness was however questioned, as there was a dramatic increase in the activities of vigilante groups around the country in the late 1990s. These groups included taxi associations, *Mapogo a Mathamaga* in the Northern Province, the Mfelandawonye Wamapondomise Burial Society and the *Ilisolomzi* in the Eastern Cape and the People Against Gangsterism and Drugs (PAGAD) on the Cape Flats (Schärf et al, 2001:70).

Nevertheless, in theory, CPFs should include organisations and institutions such as schools, ratepayers associations, civic organisations, business and religious institutions. The establishment of CPFs is the responsibility of the Station Commissioner at a local police station. Each CPF will have its own constitution, aims and executive committee. The Station Commissioner needs to be part of the Executive Committee. In consultation with the local Station Commissioner and as part of the operational plan of the police station the CPF needs to develop annual community safety plans. This will include safety and security priorities and needs in the area, as identified by the community (Western Cape Government, 2012b).

In theory, CPFs should work closely with the local Neighbourhood Watch. A Neighbourhood Watch is a group of residents and businesses in a specific area, established with the objective to create public awareness with regard to safety, crime prevention and protection of property. Such organisations also seek to encourage the community to work with the SAPS, local government and CPFs. The recognition of a Neighbourhood Watch is recorded with the local

CPF and at the local SAPS station. In order to be recognised by the local SAPS station the Neighbourhood Watch needs to be affiliated to the CPF. The Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures further stipulate that the Neighbourhood Watch shall support all activities of the local CPF. In addition, the officer responsible for social crime prevention at the local SAPS station needs to encourage local communities to organise themselves in Neighbourhood Watch Structures and the SAPS will provide all possible assistance to such structures (Western Cape Neighbourhood Watch, 2003).

On the Cape Flats, the majority of communities work as part of CPFs with the local police stations. The majority of the campaigns and operations of the CPFs focus on drugs and gang-related activities. In Manenberg specifically, the CPF continuously appeals to the local community to provide information to the police on local drug houses and gangsters operating in the area. The CPF will also profile alleged offenders and supply the local SAPS with the information (Voice of the Cape, 2012). The seemingly good working relationship between the CPF and the local SAPS branch does not however, extend to all community organisations. There have been claims that a community organisation called Proudly Manenberg<sup>94</sup> has connections with gang leaders in the area. This is a claim that has been confirmed by the Manenberg CPF. In addition, the CPF claims that Proudly Manenberg often takes the law in their own hands and work against the police (Voice of the Cape, 2012). The relationship between the CPF, community organisations, the local SAPS station and the Metro Police in Manenberg, will be further explained and analysed in chapter six of this study.

On the topic of security in the community of Manenberg, it has to be noted that the presence of private security firms (for example ADT, Fidelity, Coin and Chubb) were not observed during the field research process. Accordingly, the services of such firms were not analysed.

## **5.6 Conclusion**

The main objective of this chapter was to provide a contextualisation of local government in South Africa. As explained earlier, the dependent variable of this study is the state, and the level of analysis is the local level. As the focus of this study is on the City of Cape Town, specific reference was given to the demographical and operational features of the municipal

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<sup>94</sup> The organisation, Proudly Manenberg, will be explained in detail in chapter six.

area of the City of Cape Town. In addition, specific attention was given to safety and security elements of the City of Cape Town. The chapter also conceptualised key terms in both local government in general, but also with specific reference to the City of Cape Town, as these concepts will be utilised throughout this study.

This chapter provided a general conceptualisation of local government in South Africa, which included a historical overview of the development of local government. Of importance for this study is that the local government structures was a direct result of South Africa's colonial legacy and also the policy of segregation. This also resulted in the formation of the Cape Flats. The Cape Flats is under the local authority of the City of Cape Town and it was illustrated in this chapter that the City of Cape Town provides mostly adequate household and public services. Indeed, the good financial and economic management and performance of was confirmed when the global rating agency, Moody's, rated the City of Cape Town an Aa2, indicative of a very low credit risk. With regards to crime, statistics indicated that areas on the Cape Flats have very high levels of crime, especially drug-related crimes. The chapter further explain that both the Metropolitan police and the SAPS are present in the City of Cape Town, with however different functional capabilities. Last, CPFs are present in most of the communities and are required to work with the local SAPS branch.

The following chapter will present the empirical analysis of the data collected. Thus, it will describe the findings of this study with the principal objective of answering the main and supportive research question of the study.

## **CHAPTER SIX: ORGANISED CRIME AND LOCAL GOVERNANCE IN MANNENBERG**

### **6.1 Introduction**

During June and July of 2012, gang violence on the Cape Flats intensified. Local newspapers and radio stations had daily reports of shootings and killings in many areas of the Cape Flats. In many of the cases, it was gang members wounded or killed, but members of the community (not involved in gangs) were also caught in the cross fire. It was speculated that the fighting was about territory, but there were also speculations that it was just a result of long-standing feuds between groups. Despite the reasons for the violence, the Cape Flats turned into a warzone<sup>95</sup>, to such an extent that members of the community called for the national army to be brought in, in order to quell the violence. Local authorities reportedly increased police patrols and arrested several suspects. The premier of the Western Cape Province, Helen Zille, gave her support to the community and wrote an open letter to the president, Jacob Zuma, where she requested the backing of the national army. This request was denied by the president, stating that the problem instead required a long term and multidisciplinary approach (Gerber, 2012).

This describes the situation on the Cape Flats, two years after the data for this study was collected. This chapter will analyse the data collected in Mannenberg and the City of Cape Town, during June, July and August of 2010. The first part of the chapter will explain the interview themes and the data analysis process. After that, the chapter is structured in two parts. The first part of the chapter will use the indicators of social control; compliance, participation and legitimacy, in order to analyse state-society relations. The second part of the chapter will analyse the criminalisation of the state, at the level of local government.

### **6.2 Interview Themes**

For the small group discussion and key informant interviews, in-depth and open-ended questions were used. Loosely structured questions were formulated before the collection of data, based on the three indicators of social control by the state, as explained in chapter three of this study: Participation, legitimacy and compliance (see table 6.1).

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<sup>95</sup> The use of the word warzone refers to the intensity of the violence, even though none of these skirmishes are technically warfare.

**Table 6.1: Themes used as probes during the interviews**

<b>THEMES TO BE DISCUSSED</b>	<b>CONDENSED DESCRIPTION OF PROBES</b>
<b>Compliance</b>	<ul style="list-style-type: none"> <li>• Taxes (pay taxes)</li> <li>• Protection money (pay protection money to gang)</li> <li>• Reliance on gang to solve community related / personal problem</li> <li>• Bus / taxi fares determined by what authority (stay within the parameters of the law)</li> <li>• Public transport / use of public transport / control of transport routes. Taxi routes.</li> <li>• Effectiveness of Law enforcement (police)</li> <li>• Presence of police in community</li> <li>• Relationship between police and gangs</li> <li>• Illegal activities in community – drug trade</li> <li>• Housing (allocation of houses and illegal occupants of council houses)</li> </ul>
<b>Participation</b>	<ul style="list-style-type: none"> <li>• Elections in general / participation in electoral process (national)</li> <li>• Use of local elections / participation in local elections / what form of participation</li> <li>• Knowledge of local government representative (knowledge of local gang boss / leader) Mayor of CT</li> <li>• Requirements for doing business in the community (gangs or state/community members stay within the parameters of the law)</li> <li>• Elections 2011: Participation. Relevance?</li> <li>• Participation in street protests , if any (legal or illegal)</li> </ul>
<b>Legitimacy</b>	<ul style="list-style-type: none"> <li>• Participation in street protests , if any (legal or illegal)</li> <li>• Participation in vigilante groups, if any. (Pagad)?</li> <li>• Support from community (to vigilante group)</li> <li>• Law enforcement. Courts (structure and function/effectiveness of the courts)</li> <li>• Participation in community policing / security initiatives</li> <li>• Role of local government in: security. (Local/Metro police)</li> <li>• Occurrence of armed violence / confrontations in community</li> <li>• Access to firearms. How do you get a gun?</li> <li>• Role of local government in: service delivery</li> <li>• What are the functions of local government in community</li> <li>• Child and Youth Involvement: effectiveness of school system. School violence.</li> <li>• Knowledge of local government representative (knowledge of local gang boss / leader) Mayor of CT.</li> </ul>

**(Source: Produced by the author for this study).**

The above mentioned operational indicators were identified for each concept (compliance, participation and legitimacy) and were used to guide the interviews. The operational indicators were derived from the discussion in the theoretical chapter (chapter three).

## 6.2 The Data Analysis Process

The data collected for this study was analysed by using Computer-Aided Qualitative Data Analysis Software (CAQDAS). More specifically, the programme that was used was ATLAS.ti. When making use of a CAQDAS package it is important to note that the programme will not provide a complete analysed dataset, as in the case of Statistical Package for the Social Sciences (SPSS) or other packages that are used when working with quantitative data, as noted by Babbie and Mouton (2001:503). Despite the multiple functions and abilities of CAQDAS packages, it is rather used to better manage data and not to analyse the data. The researcher is still the one doing the coding and analysis.

In this study, ATLAS.ti was used to code the data; thus, to add tags to sentences and paragraphs in order to ease analysis of the interviews. The auto-coding function of the programme was not used. Instead, each text was reviewed and examined individually and tagged with the predetermined codes. It is acknowledged that the conclusions of this study are predominantly based on the quality of the coding of the text, examination and analysis of the data. In this context, codes refer to: "...tags or labels for assigning units of meaning to the descriptive or inferential information compiled during a study..." (Miles and Huberman, 1994:56). During the data analysis, each transcript was treated as a separate source of data and scrutinised several times and categorised according to a conceptual framework. Codes were attached to words, sentences and paragraphs. The coding of the text went through three phases: open coding, axial coding and selective coding. As explained by Neuman (2006:461 – 464) open coding is the first attempt to organise data. The data are placed in preliminary analytical categories. In the phase of axial coding, the preliminary analytical categories are organised and the focus moves from the data to the analytical themes or codes. New codes can be added, sub-categories developed or codes can also be merged or deleted. When reaching the stage of selective coding, the main themes of the study should be clear: "...Selective coding involves scanning all the data and previous codes. Look selectively for cases that illustrate themes and make comparisons and contrasts after most or all data collection is complete..." (Neuman, 2006:464). As explained above, the codes that were used in conducting the analysis were based on the three indicators of state social control: compliance, participation and legitimacy. During the interview phase, the three indicators of social control were operationalised in specific themes that were used as probes during the

interviews. During the data-analysis phase, the themes were used to code the texts. For a summary of the codes, see table 6.2.

**Table 6.2: Codes used during analysis of the data**

FAMILY	CODES
Compliance	<ul style="list-style-type: none"> <li>• The payment of taxes (legal or illegal)</li> <li>• The payment of protection money (to a gang)</li> <li>• Solving problems in the community (rely on criminal groups)</li> <li>• Public transport (the use of and controlling the routes)</li> <li>• Law enforcement (effectiveness, visibility and response)</li> <li>• Illegal activities in the community</li> <li>• Armed violence in the community (Access to firearms)</li> <li>• Housing in the community(lack of)</li> </ul>
Participation	<ul style="list-style-type: none"> <li>• Doing business in the community (authority in control, informal structures of authority, requirements of doing business)</li> <li>• Elections (usefulness and participation in the local electoral process)</li> <li>• Knowledge of local government (representatives)</li> <li>• Participation in protests in the community</li> <li>• Participation in community initiatives</li> </ul>
Legitimacy	<ul style="list-style-type: none"> <li>• Function of local government (in community and service delivery)</li> <li>• Vigilante groups (participation and support by the community)</li> <li>• Trust in law enforcement agents</li> <li>• The role of local government in security</li> <li>• Youth, gangs and schools (effectiveness of the school system, youth involvement in gangs and school violence)</li> </ul>

**(Source: Produced by the author for this study).**

Comments and memos were added to specific quotations during the analysis of the text, in order to deepen the investigation of the data. The coding process stopped when a level of saturation was reached. It is noted that the level of saturation, implicated by qualitative researchers as the end of the coding process, can be misleading. A researcher can for example return to a dataset after a number of years or when the context changes in another way. Nevertheless, a level of saturation can be reached depending on what the data will be used for (Barbour, 2007:126 – 127). In this study the dataset was analysed and coded in order to provide answers to the research questions. Accordingly, when themes reoccurred throughout the data, it was regarded as vigorously coded and no amendments were needed in order to complete the analysis.

### 6.3 Indicators of Social Control: Compliance, Participation and Legitimacy

In the following section social control will be discussed by using the three indicators of social control; compliance, participation and legitimacy. As explained in section 2.6.2 of chapter two, in order to avoid state breakdown, a high level of state social control is needed. This can be measured by three indicators: The *compliance* by the populace with the formal rules of the state, the level of *participation* by the citizens in state sanctioned institutions, and the *legitimacy* of the state (Migdal, 1988:32).

Each indicator is measured according to the presence of social control by the state, the absence of social control by the state, the absence of social control by rival social organisations and the presence of social control by rival social organisations.

#### 6.3.1 Indicator of Social Control: Compliance

In this study, compliance with state rules, or the lack thereof, is measured by observing the extent to which the following actions are evident, or not:

- The payment of taxes to the state or tariffs paid to a rival organisation
- The payment of protection money to an organised criminal gang
- The reliance on organised criminal groups to solve community related or personal problems
- The use of public transport, and the control of public transport routes by gangs
- The effectiveness of law enforcement (especially the police), police visibility and police response
- The interaction (if any) between the police and organised criminal groups
- The illegal activities in the community, especially the drug trade (if any)

As explained in chapter one and two, semi-structured interviews were conducted. The above mentioned seven themes were used as guidelines and were embedded in the interviews. As the name indicates, it is not possible to conduct semi-structured interviews bullet for bullet. In this case, a number of the themes also overlapped and spread across to the other two indicators of social control. The research process observed if these seven themes were present to a greater or lesser extent.



### 6.3.1.1 *The Illicit Economy in Manenberg*

The Cape Flats in general is an impoverished area. A socio-economic profile of ward 45 (which at that stage included Gugulethu and Manenberg) compiled in 2006 by the City of Cape Town indicated that at the time, 20,61% of males and 18,76% of females in the ward were unemployed (City of Cape Town, 2006).<sup>96</sup> However, during the small group discussions and interviews with community members, the respondents placed the level of unemployment in Manenberg as much higher. Unemployment and the lack of development in the area were also cited as one of, if not the main reasons, why young people will join a gang and why gangs persist.<sup>97</sup> Thus, the issue of gangs as the providers of the community or the ‘Robin Hood’ phenomenon was very prominent in all of the interviews. Three elements of the gangs as providers emerged from the research: Gangs employing members of the community, gangs investing in the community and gangs providing goods to the community. On the first aspect, during the community small group discussions, all the respondents agreed that there are very little opportunities for young people on the Cape Flats and that as a result, many turn to the gangs, but more specifically drug merchants (dealers), for an income. One respondent from a small group discussion reacted to the issue of unemployment as follows:

*‘...There is also not a lot of work for the youth. Now they maybe go to the merchant and go look for a job there. They deal for that man and he will buy you sneakers, he will sort you out...’* (Community small group discussion 2, Respondent 2).

This was further confirmed when a local newspaper interviewed drug merchants from the Cape Flats. The merchants stated that they support a network of families, as they employ drug sellers. The merchants pay the water and electricity bills of the sellers, buy food for their families and also pay for those who are killed in gang-related violence to be buried (Cruywagen, 2010). A member of the Cape Town South African Police Service (SAPS)<sup>98</sup> agreed that gangs buy the community goods that they need every day, such as bread and milk (Key informant group discussion, respondent N). The sellers or *‘foot soldiers’* can also be paid in drugs, or clothes and shoes (Community small group discussion 2). As stated by a respondent:

<sup>96</sup> As explained in section 5.3 of chapter five, in 2006 the unemployment rate for the City of Cape Town was 15,1%.

<sup>97</sup> See appendix B for an illustration of housing on the Cape Flats.

<sup>98</sup> As stated in chapter two, local agents of governance or agents that are part of the security apparatus on a local level were also considered essential for research on local governance. Accordingly, respondents of the SAPS that functions on the local level were included in this study.

*'...They (foot soldiers) get money or tik or whatever. They buy them clothes, tekkies<sup>99</sup> and jackets and Levi jeans...'* (Community small group discussion 2, Respondent 2).

There are numerous stories of criminal bosses carrying out acts of charity through community investment; however, not many of these stories can be verified.<sup>100</sup> One example that came from this research is that a crime boss in Manenberg is believed to have provided money for the establishment of a religious community centre. Certain crime bosses also provide full sponsorships to many local football teams. During the interviews, many of the respondents could not confirm incidents of direct community investment by organised crime bosses. The only respondent that acknowledged an incident involving organised crime bosses investing money in a venture was one of the reformed gangsters. He acknowledged that a crime boss gave him money to sponsor his soccer team. The respondent did not care where the money came from; stating that if it was not for that, he would not have been able to present the children with trophies after they participated in a tournament. He also stated that he knows of a leader of a prominent gang who gave money to churches and schools in the area (Key informant interview, respondent L). The respondent said:

*'...That man, he is an American. The leader of the Americans. He is also in jail. He gave to them, churches and schools. He gave them. When I had my soccer team, he sponsored everything. He sponsored everything...For me that is not really dirty money madam. Because the day that you don't have enough to have that presentation for those children. Then you need trophies to give to them to say that they have worked. I cannot just say no. I have to take it...'* (Key informant interview, respondent L).

The final element of gangs as the providers of the community links to the provision of goods such as food and clothing to needy families. Many of the respondents agreed that this 'Robin Hood' phenomenon has diminished to a certain extent. They stated that it still takes place in Manenberg, but is linked to specific individuals in gangs that will, for instance, provide food to families. None of the respondents during the community small group discussions acknowledged that they had taken goods from gangsters, but they all knew of someone who had done it or will do it in the future (Community small group discussion 1; Community

<sup>99</sup> 'Tekkies' can refer to sneakers or shoes used for exercise.

<sup>100</sup> See for example Standing 2006.

small group discussion 2). A local religious leader stated that the people of the community know that they can come to the church for help, but they are as likely to go to a gang:

*‘...They know which churches, like they know that we do help. So they will come to me, as likely they will go to the gangs as well for money and to the drug dealers because of course then they owe those people a favour...’* (Key informant interview, respondent C).

As a result of the ‘Robin Hood’ phenomenon, some respondents claimed that parts of the community see gangsters as heroes and even protect them. For example, the houses of people receiving goods may also be used to hide drugs (Key informant group discussion, respondent N; Key informant interview, respondent F). There have also been cases in the past where the community would throw stones at law enforcement officials when they searched the houses of gangsters (Key informant group discussion, respondent N).

*‘...You can go to places like Manenberg and Valhalla Park and search their premises now and you’ll have the community on your shoulders or throwing stones at you because of (names of gangsters)...They buy the community with the basics that we all need every day, bread, milk, and electricity. They’ll buy...’* (Key informant interview, respondent N).

Thus, there is a mutually beneficial or mutually dependent relationship between segments of the community and gangs, where criminal groups are not actively opposed.

In addition to the high levels of unemployment in this area, the infrastructure in Manenberg is also underdeveloped, and in general very poor. During the time spent in the field, it was observed that the local state schools in Manenberg are under-funded and there is little outside investment from the private sector.<sup>101</sup> A local teacher highlighted the fact that Manenberg has a negative image that contributes to the issues of unemployment and underdevelopment:

*‘...But you know Manenberg has got that negative connotation, even abroad... If they hear Manenberg, we’ll rather go around it, but we don’t want to be near to*

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<sup>101</sup> See appendix D for an illustration of a local school in Manenberg.

*Manenberg...There are a lot of our youngsters, when they go through their primary school and high school years and they go and study further, the mere fact that they are from Manenberg, impacts negatively on them when they apply for jobs...'* (Key informant interview, respondent K).

Many respondents also felt that they were neglected after 1994 and that development is only geared towards the black<sup>102</sup> communities. Development in the community will be further discussed under the indicator of participation, in section 6.2.2.

### 6.3.1.2 Guardians and Gatekeepers: Provision of Security

The themes of taxes and the payment of protection money to an organised criminal group overlap somewhat. In addition, this can be linked to the issue of territory or turf. What all the respondents acknowledged is that specific gangs are in control of specific areas of Manenberg. The gangs in a specific territory will act as the guardians and gatekeepers of that area, including the local businesses and organisations.<sup>103</sup> Thus, they will guard it from intruders, rival gangs and other criminals. This was confirmed by a local religious leader:

*'...When I came here the church was fenced with barbed wire which was very old and rusty and people were getting in all the time. So on weekends, at least once on a weekend, I'd wake up hearing somebody breaking down the door or somebody breaking in to our church hall and stole everything that was in the hall and then still came back sometimes when I was supposed to be inside. So I asked for funding ... to put up electric fence ... Then when we were putting up the electric fence, people interfered with the guys who were putting up the fence. They robbed them and caused trouble. Of course I was very upset and then one of my parishioners came and said: Unless you speak to the gangsters, this is not going to stop and also the gangsters are upset with you for putting up the fence. So I said: Why are they upset with me for putting up the fence? And they said: No, because they feel that they have to protect the church. It is their job...'* (Key informant interview, respondent C).

In order to explain the territories of the different gangs in Manenberg, see map 6.1 below.

<sup>102</sup> As explained in chapter five, Manenberg is a predominantly Coloured neighbourhood.

<sup>103</sup> See appendix C for an illustration of gang signs used to mark turf.



**Map 6.1: Gang Territories in Manenberg**  
(Source: Produced by the author for this study).

Map 6.1 indicates the five main gangs in the area, namely: The Americas, the Hard Livings,

the Jesters, the Schoolboys and the Clever Kids. The numbers of each gang on the map indicates the area that they control. The local police station can be found in the top right side of the map and the trauma hospital in the middle on the right side. It is important to note that the Schoolboys and the Clever Kids are youth gangs and accordingly, they control the areas where schools are located, such as Red River. As will be explained later, these gangs recruit children attending these schools.

On the topic of territory, for businesses to operate in the gangs' respective areas, the gangs would request the payment of 'tax' or protection money. It seems that there is no choice but to pay the protection money, because if 'taxes' are not paid to the gang controlling the territory, intimidation and threats will occur. As a rehabilitated gang member noted:

*'...See, sometimes the HL's (Hard Livings Gang) can come in and rob you...They can take the stuff anytime if they want to, but if you want protection you've got to pay us for the protection so that you don't get robbed and if you don't want to die, you also have to pay for protection...'* (Key informant interview, respondent B).

Another respondent, a religious leader, described the members of organised criminal groups as *'...benevolent dictators...'*. As long as the people of the community do what the gangsters tell them to do, they will leave you in peace (Key informant interview, respondent C). The respondent said the following:

*'...So they are sort of benevolent dictators, as long as people go along with what they tell them to do, they leave you alone and they know that I'm not going to phone the police. Sometimes I hear somebody saw. There must be a chop shop very close to where I live, or it was. I haven't heard it for a while, but I used to be able to hear sounds of grinding<sup>104</sup> and I also feel that it is not my work to phone the police because the police know very well where all these criminal things are...'* (Key informant interview, respondent C).

The themes of taxes and protection of turf also relate to the subject of public transport and control over public transport routes. During interviews, local law enforcement agents agreed

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<sup>104</sup> The respondent here explains the process of modifying stolen cars.

that the taxi industry is an integral part of gangsterism in the Western Cape. There are specific street gangs who would control specific routes; therefore, if a taxi driver is driving through a specific area, and does not belong to a larger gang grouping, he will be taxed (Key informant interview, respondent N). In addition, money is paid to gangs not only to operate or drive through their territory, but also to ensure that the taxis are not vandalised (Key informant group discussion, respondent O). Second, the leaders of prominent gangs have in the past used taxi businesses to conceal money, acquired through organised criminal activity (Key informant group discussion, respondent O). Consequently, the taxi industry is usually used to launder money, obtained through illegal activities, of which drugs and prostitution seem to be the most prominent on the Cape Flats. Both respondents from local law enforcement agencies and rehabilitated gangsters confirmed that prostitution and drugs are part and parcel of gangsterism (Key informant group discussion, respondent O; Key informant interview, respondent B; Key informant interview, respondent L). As noted in section 3.4.4 of chapter three, the well-organised structure of the gangs has provided the ability to significantly expand their activities beyond the boundaries of the Cape Flats. Many of the respondents in all the interviews agreed that the bigger gangs have strong links with international organised crime syndicates, for example groups from Nigeria and Russia. This was confirmed by a member of the SAPS as a response to the question if the gangs on the Cape Flats can be regarded as organised criminal groups:

*'...We have found in the past that they are operating within a certain structure. They commit crimes that are in line with the crimes set out in the Prevention of the Organised Crime Act which is needed for a criminal organisation to be regarded as an organised crime syndicate. They have a leader, they have a well-maintained structure. There is often an enterprise and there is an element of money laundering and there is definitely elements of racketeering within any of our, I won't say all, of the gangs on the Cape Flats, but especially the larger gangs on the Cape Flats. They are definitely often organised crime natured as far as I'm concerned... The West Africans, especially the Nigerians will be the supplier of the drugs which the gangs then distribute within their specific area of governance if I can call it that... We have picked up a lot of individuals which at the end of the day forms part of a bigger syndicate which is couriating drugs from South America via our ports of entry, and especially our airports, into South Africa and if you look at the type of drugs and the quantity of drugs that's being couriated into South Africa it is also destined for the*

*local market and it cannot only be distributed by those individuals that is bringing it in...'* (Key informant group discussion, respondent O).

Rehabilitated members of gangs further explained the relationship with international groups and the drug trade as follow:

*'...One of the Americans in Mitchells Plain; he is one of the biggest drug dealers and influence on the community, because he buys billions of Rands of drugs and it just influxes on the community...'* (Gang small group discussion 1, respondent 1)...*The Nigerian Mafia brings in the heroine and the tik and they must deal direct with the big buyers, the people that manufacture the stuff. Now they must get a connection to them because then it will be much cheaper...'* (Gang small group discussion 1, respondent 2).

In the drug trade on the Cape Flats (and in Manenberg), 'dagga'<sup>105</sup> and 'tik'<sup>106</sup> are the most prominent drugs. A medical doctor working at a trauma hospital in Manenberg stated that drugs, and especially 'tik', are responsible for the majority of violence in the community (Key informant interview: respondent H).<sup>107</sup>

*'...I think the two biggest problems is the cheap stuff. Tik is one of them. It's freely available. Dagga is also very big. It's responsible for a lot of violence within the community. You'll find a lot of mothers and parents bringing children in here because they just can't deal with them at home. They're just breaking things up at home. So the drug side of things especially has an impact on the Cape Flats significantly. And I think all of that, if you look at the little circle it all stems back to unemployment and lack of education...'* (Key informant interview, Respondent H).

Thus, these drugs are freely available and are regarded as relatively cheap. Community members confirmed that they know houses in the area where drugs are sold and where they can be used. They are also familiar with who the local drug merchants are (Community small

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<sup>105</sup> The drug 'dagga' is also known as cannabis or marijuana and is usually smoked.

<sup>106</sup> The drug crystal methamphetamine is better known on the Cape Flats as 'tik'. The drug is usually smoked through a straw, by heating the crystals through a light bulb.

<sup>107</sup> This confirms the statistics provided in section 4.3.1.5 of chapter four that 80% of all the crimes committed in the City of Cape Town are related to drug and substance abuse.



group discussion 2). It emerged during the interviews that the people of the Cape Flats make up a substantial part of the consumers of the drugs. This relates back to the mutually dependent relationship between gangs and specific cohorts of the community, who will provide protection to the gangs as they are the consumers and receivers of goods and services. The cohorts of the community who oppose organised criminal activity have a hard time working with local law enforcement agencies.

#### 6.3.1.3 Keeping the Peace

The themes of the effectiveness of law enforcement (especially the police), police visibility and police response, and the relationship between police and organised criminal groups were very popular in all of the discussions. In a small group discussion, one respondent claimed that she waited for three hours after she called the police to an incident. After three hours she left the scene and the crime went unreported (Community small group discussion 2, respondent 1). Another described the response time of police as ‘...it could be anything to never...’ (Key informant interview, respondent C). Furthermore, the respondents agreed that the most effective way of contacting police is to call a specific individual that they know. This will usually guarantee a response. The need was expressed, however, to work more closely with police – it was especially the respondents who were part of a community security initiative, who stated that they would like the police to patrol the streets with them at night (Community small group discussion 2). Some respondents also felt that the police deal with different crimes in different ways; if there is a call for a public disturbance for example, the response time would be much quicker than if it is an incident involving gangsters (Community small group discussion 3). Thus, feeling amongst community members was that the law enforcement in Manenberg was not effective. As one of the respondents noted:

*‘...I do find it astonishing that they (gangs) operate openly and if I wanted to buy drugs or whatever I could send one of the children and they would know exactly where to go... There is an attitude that this is Manenberg and it had always been like this and it will always be like that and I saw that the year before last year when there was a bad gang war between the Americans and the Hard Livings and for two/three months there was shooting all the time. Quite a number of people were murdered...There was all this going on and like the police would sit in their cars till midnight and then go home. So then the shooting starts. Then they come and it is over and I was saying why they don’t search house to house for where these firearms*

*are and the bullets. That never happens. Their interaction is very reactive...* (Key informant interview, respondent C).

One reason for the alleged ineffectiveness of the police can be that they are understaffed. At the local police station in Manenberg, there are around 150 police officers. This brings the ratio to roughly one policeman for every 1,000 people. The policing area is divided into three sectors, with two vehicles per sector (Key informant interview, respondent A). The lack of manpower also strains the relationship between different state institutions, for example the police and the local hospital. A doctor at the local hospital said that he knew of at least three episodes on the hospital premises, where people were hijacked or held up at gunpoint, and where the police could not respond as a result of limited resources (Key informant interview, respondent H). However, it seemed that both the police and the hospital were working towards fostering a better relationship.

There are specific initiatives in place to combat the problem of drugs and gang violence on the Cape Flats, such as the Drug Busters<sup>108</sup>, a special operations team which works with Community Policing Forums (CPFs) (Key informant interview, respondent F). The effectiveness of these initiatives is unfortunately limited by a number of contextual factors.

The first is the fact that gangsterism is embedded in the community and part of the culture. This can be cited as one of the main reasons why initiatives to eradicate gangsterism on the Cape Flats have not been successful. As one rehabilitated gangster commented during a small group discussion:

*'...Yes gangs will be part of communities for a very long time because gangs are part of the coloured community. I would even go as far as to say it has become part of our culture. If you look at it, my grandfather was a gangster, my father was, and my uncle was now I feel I also have to, but the conditions then and the conditions now is totally different...'* (Gang small group discussion 2, respondent 1).

This was echoed by a local government member of the City of Cape Town, in response to the question whether you are born a gangster when you come from the Cape Flats:

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<sup>108</sup> The Drug Busters and other specialised units are explained in section 4.4.2 of chapter four.

*'...I'd debate that. I think you are born into a culture that glamorises it and tolerates it and tells you it's an ok career option...'* (Key informant interview, respondent F).

#### 6.3.1.4 On the 'Payroll'

A second contextual factor that hampers the eradication of gangsterism is the alleged corrupt relationship between law enforcement and organised criminal groups. Respondents from the community small group discussions agreed that not all, but some police officers work with the gangsters. It is important to note that respondents regarded the difference between police officers from the Metro and officers from the SAPS as insignificant. Some respondents claimed that the police are friends with the drug merchants (Community small group discussion 1; Community small group discussion 2).

Many of the reformed gangsters acknowledged that they have seen or experienced corrupt dealings with the police, for example tip offs of a raid. They referred to it as some members of the police force being on the '*...payroll...*' of the drug merchants. According to this group of respondents, police officers are not only on the payroll, they will also resell drugs obtained during a bust (Gang small group discussion 1; Gang small group discussion 2; Key informant interview, respondent B). One reformed gangster commented the following on the question of what is the relationship between the police and gangsters:

*'...They (police) come by the merchants. Now they pay off. R1 000/R5 000. Now he is on the payroll. Now when the police is going to raid, they come by his place and they find nothing, because that policeman tipped him off...That policeman already tipped him off because he is on the payroll. Now he is going to get his wages, because his salary is weak. Nothing left from his wages. Now by that peanuts he is getting now, he must earn something extra on the side line. So he goes there by the merchant. Hey kyk hier, ek gaan vir jou net information gee. I give you information whenever they come to raid your place. Then you know you must like get the drugs vanish. Now he hide the drugs and that police .....What is he doing? He is corrupting the whole system. Because now, that person that is selling the drugs, is selling the drugs not only to the gangsters there, but to kids also...'* (Gang small group discussion 1, respondent 2).

Corruption in the police can take several forms. For example, one respondent reported that he has bribed a police officer to lose his file:

*'...I have been there. I also bribed some policemen to take my folders away, so that I don't go to court on that day because they don't get my files. And there were times I got away with it, because then my files just disappeared. The case against me just goes dead in its tracks because they don't have anything on me. But in Manenberg it happens a lot, not just in Manenberg, Hanover Park as well...'* (Gang small group discussion 1, respondent 1).

A local ward councillor also agreed that there is a corrupt relationship between specific law enforcement officials and gangsters, and that it discourages cooperation.

*'...It makes it difficult for us. Look, maybe I saw something now. Now I want to inform the police, but I am afraid to do so. Because the police are going to inform the gangsters...'* (Key informant interview, respondent E).

Respondents from the local SAPS and the City Of Cape Town government were adamant that, they act immediately if they receive information of corruption occurring on a local level and that it will not be tolerated. Corrupt individuals have been arrested and prosecuted in the past, for dealings with gangs. However, in order to investigate an individual on charges of corruption, the community needs to report suspicious behaviour or incidents. Thus, action can only be taken if they receive complaints (Key informant interview, respondent A; Key informant interview, respondent F; Key informant group discussion, respondent M). Unfortunately, the community's point of view that the police are not effective deters them from sharing information with law enforcement agents. Members of the community are also afraid that they will be victimised by gang members if they provide the police with information. Also, the strained relationship between different branches of local government further hampers operations.

One last important element on the topic of keeping the peace is that, during gang wars, local agents of governance, most noticeably the Western Cape Community Safety Member of the Executive Committee, have negotiated peace treaties with gangs. There is no consensus between agents of governance if negotiations with gangs should take place, as other individuals oppose it (Booi, 2012 and Adams, 2012). However, such negotiations confirm that the identity of local gang leaders are known to state officials, and also that gangs are

regarded as an important actor in ensuring peace on the Cape Flats. In addition, peace agreements have also been reached between community leaders and gangsters, without the assistance and presence of the local government, facilitating a decrease in violence (Booi, 2012 and Adams, 2012). This indicates that security is obtained without the actions of local government.

#### *6.3.1.5 Summary*

Compliance in this study has been conceptualised as the extent to which citizens yield to the rules of the state, and the element of use of force may be present. Compliance is also determined by the ability of the state to reallocate resources to citizens. When compliance as an indicator of state social control is analysed, based on the selected case study, it is found that compliance in Manenberg is split between the state at the level of local government and organised criminal groups. It is acknowledged by members of the community that gangs operate a tax system (with regards to public transport routes as well) and community members and rehabilitated gangs confirmed that the payment of these taxes are non-negotiable, irrespective of it being done as a result of fear or intimidation. It is a similar situation with protection money, where gangs view it as their duty to provide security to the areas that they control, even if it is only superficial. As gangs are viewed as the security regulators, they do maintain a position of authority, even over local government, and are on occasion relied on to solve community related problems. What also emerged during the interviews is the impression that provision of these services by gang leaders has diminished; and the provision of services has been taken on by the entire criminal community. However, community and family relations were the most important connection noted by the respondents. Accordingly, when there is a domestic problem, other members of the community or family members will first be contacted. Law enforcement is viewed as inefficient, non-reliable and corrupt, by members of the community and rehabilitated gangsters that were interviewed. Nevertheless, their relevance is still acknowledged, indicating that there is a desire for a legitimate source of security. In addition, illegal activities in the community are rife, despite operations by local government to eradicate such actions.

Last, there is a lack of resources in the community and the area is, in general, viewed as poor and impoverished. The social and economic development of Manenberg is viewed as one of

the only ways in which gangsterism can be curbed.

### 6.3.2 Indicator of Social Control: Participation

In this study, participation in state structures, or the lack thereof, is measured by observing the extent to which the following actions are evident, or not:

- The requirements of doing business in the community, the authority in control of doing business, informal structures of authority, and what authority is trusted
- Voting in elections and the participation in the local electoral process
- The perceptions of the usefulness of local elections, participation in local elections and local governing structures, and the relevance of the 2011 local elections
- The knowledge of local government representatives versus knowledge of members of local organised criminal group (especially the leader of the group)
- Participating in community initiatives

As explained in chapter one and two, semi-structured interviews were conducted. The above mentioned five themes were used as guidelines and were embedded in the interviews. As the name indicates, it is not possible to conduct semi-structured interviews bullet for bullet. In this case, a number of the themes also overlapped and spread across to the other two indicators of social control. The research process observed if these five themes were present to a greater or lesser extent.

#### 6.3.2.1 *Doing business in the community*

As explained during the discussion of the themes, payment of taxes and payment of protection money (under the indicator compliance); some businesses in Manenberg have to pay protection money to gangs. This will protect the business from intimidation by the gang in whose territory it is located, but also provide security against intrusion from rival gangs. A member of the SAPS stated during an interview, that in order to operate a business you have to have the permission of the local gang boss. He said that:

*'...You cannot go and operate a shebeen...without being connected to one of the gangs or part of your money will be given back to them...'* (Key informant group discussion, respondent N).

Consequently, here the authority in control of doing business in Manenberg is the respective gang in command of the territory. In addition, these shebeens (illegal bars) operate without a valid liquor license. There are reportedly a number of these bars in Manenberg that serve as a source of income to many families. According to one respondent, they operate with the awareness of the police (Key informant interview, respondent I). The respondent commented as follows:

*'...Manenberg is a good example here with the selling of liquor illegally. The shebeens, they don't have licenses. They will in fact resort to those activities. Now from a moral point of view we can say no, that's incorrect, goes against the grain of our society. So we need to try and steer those people into a different direction. The thing is, what are you going to do tonight? Are you going to put something on the table for them to eat? That's why I'm saying. Where will they get something to eat? Therefore there's a common saying here in Manenberg. It's an Afrikaans saying: Ons smokkel vir die potjie. Om kos op die tafel te sit<sup>109</sup>. We can have our moral objections about it; however, it's a reality thing. It is a survival mechanism. It's a survival tactic. And then even the police are aware of it...'* (Key informant interview, respondent I).

#### 6.3.2.2 Voting and Local Politics

During the interviews, the common view of local government was not positive. Many respondents stated that they do not vote in the local elections, and they will not vote in the next elections, because there has been no improvement in their community since 1994. Thus, the general feeling was that it makes no difference if you vote for the African National Congress (ANC), the Democratic Alliance (DA) or any other party; the outcome is the same – no development in the community. These respondents largely did not see the use of local elections. Although some of the respondents said that they do vote in the elections, they claimed that despite their vote, not much has changed in Manenberg. The subject of race and the divide between the black and coloured communities were prominent during the interviews. Some respondents felt that they were better off before 1994 and that the government of the day does not care for their community (Community small group

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<sup>109</sup> The direct translation of this phrase is: We smuggle for the pot. To put food on the table.

discussion 1; Community small group discussion 2). This relates specifically to the issue of unemployment and the lack of development in Manenberg. One respondent from a small group discussion said that he has been waiting for a house for 15 years, but that residents from a predominantly black informal settlement close to Manenberg had received houses (Gang small group discussion 1). This was echoed during a key informant interview:

*'...They say it's for the people but nothing is for the people. The biggest thing: houses. They just make promises...They build houses, but not for me...No water, no nothing. Now it is their time. Now they take. Corruption, corruption, fraud, fraud: Xhosas all the way...'* (Key informant interview, respondent B).

However, a local ward councillor denied tensions between the black and coloured communities. The respondent also acknowledged that the people who make the most use of the services of the local councillor are the black community, and that the coloured community in general is apathetic (Key informant interview, respondent E).

Alarming, some respondents said that they only vote because they are manipulated into it, by representatives of political parties who visit the area before and during election time. To the question of 'why do you vote' one member of the small group reacted in the following way:

*'...They said if you're not going to vote and one day when you go and look for a job and they see you didn't vote you're not going to get a job...'* (Community small group discussion 1, respondent 1).

The opinions on local councillors by members of the community were also not very positive. In general, respondents were not familiar with their local councillors. Only one small group discussion from the community could provide the name of a local councillor (Community small group discussion 3). However, all the respondents from the small group discussions were familiar with the local gang bosses, their names and where they stay. The function of local government will be further explored under the indicator of legitimacy.



Through the interviews conducted for this study, no gang involvement in local political parties could be confirmed. This is, however, not an indication that there are no traces, but the respondents who participated in this study did not have any knowledge of such involvement. A local school teacher and operator of a community centre acknowledged that during the 1994 national elections, gangs would support a specific political party by displaying the party's flag. However, the respondent stated that the new generation of gangsters are not particularly interested in party politics (Key informant interview, respondent D).

In general, it seems that there is a breakdown between local government structures and the community of Manenberg. One possible rationale for this is, that the research indicates, that government structures are not viewed by community members as effective. In addition, gangsters are viewed as part of the community.

As explained in chapter five, the City of Cape Town is involved with urban renewal programmes in other suburbs of the city, for example in Kayelitsha and Mitchells Plain. According to a member of the City of Cape Town mayoral committee, the partnerships between local government and the community are very effective in these two areas (Key informant interview, respondent F). Despite the negative view of local government, many of the small group discussion participants were involved in civic organisations. There are several community organisations in Manenberg, including Silvertree Youth Centre, Manenberg Advice Office, Self Help Manenberg and Proudly Manenberg. Proudly Manenberg was created in 2005 after the death of a learner at a school, as a result of gang violence. The organisation is based on the idea of community ownership and has as its slogan 'The people shall govern'. Initially, the organisation worked closely with the City of Cape Town and the provincial government of the Western Cape. Funding was also received, from amongst others, the Development Bank of Southern Africa. It was designed to function as an umbrella organisation for other civic organisations in Manenberg. In addition, the structure is based on several committees or sectors, including the education, health, environment and safety sector, with the main idea to create community ownership of local development. For example, in the safety sector there are around 200 people with the main responsibility of keeping Manenberg safe and implementing safety plans (Key informant interview, respondent G). However, a number of problems emerged within the organisation. One of the members of the executive committee stated during an interview, that the relationship between the organisation and local and provincial government disintegrated. One possible reason for

this is the change in government in the Western Cape and the City of Cape Town, from the ANC to the DA. The respondent replied to the question if they work with local government as follows:

*'...No, we always said that we want to work with them, but it doesn't exist. They are dysfunctional. The city, from the mayor's side is dysfunctional... We've got a festival; electricity was asked... We haven't received electricity. What kind of government is that, that doesn't even support the community's activities that unite the community? They don't support us. So they are in the game of competing with the community and that is a sad day when that happens. The city is in competition with the community instead of working with us and they see us as a threat...'* (Key informant interview, respondent G).

In addition to the breakdown of the relationship between the organisation and local government, Proudly Mannenberg has also experienced financial troubles. During 2010, a local newspaper reported that workers in the different sectors were not paid and that one of the main funders requested a forensic audit of the organisation's financial records (Cupido, 2010a:3 and Cupido, 2010b:7). Indeed, during the small group discussions many of the respondents who were working with Proudly Manenberg complained of not getting paid (Community small group discussion 1; Community small group discussion 2; Gang small group discussion 2). As the respondents from a small group said:

*'...Every month it's the same story with the money, with the wages. When it comes to the wages, they say next week or next month (Community small group1, respondent 1). '...This is the second month. But (worker at Proudly Manenberg) told some of our colleagues that they already deposited last month's money...'* (Community small group discussion1, respondent 2).

Furthermore, and specific to the security sector of Proudly Manenberg, respondents said they are afraid of patrolling the streets, as gangsters may assault them. They also do not have any equipment, and as a result their mandate and functionality are questioned. They can only patrol the areas, as they have no weapons or warrants to search property. As one respondent said:

*'...We can't just search anyone, because we don't have any proof to search the person. And we aren't bullet proof. What if they start shooting at us...They (Proudly Manenberg) will do nothing. They won't say that you were a good worker...'*  
(Community small group discussion 2, respondent 1).

As mentioned, the people who work in the safety sector expressed the need to have a closer working relationship with the police. It seems that the main problem is with the organisation itself. Indeed, there are other community-based organisations that reportedly work more closely with local government, such as Self Help Manenberg, but the majority of these organisations function independently from one another. The lack of cooperation in civil society and the tainted relationship between local government and Proudly Manenberg (which was designed to create continuity between the different community initiatives) hampers development and reconciliation in the community.

#### 6.3.2.3 Summary

For the purposes of this study, participation, as an indicator of state social control, was conceptualised as the successful mobilisation of citizens by the state, to repeated voluntary participation in different institutional sectors of the state. From the analysis of this case study, it is found that participation does occur; however, it is limited and if it occurs, the value of it is not clear. As with regulating security and the payment of taxes, as indicated previously; some businesses, most noticeably the taxi industry but also illegal businesses, are regulated by the gangs. The presence of informal structures of authority can be confirmed. Although there is some level of participation in local elections, little value for the electoral process is expressed. In accordance to this view, the use for local councillors is not viewed as important and the knowledge of such representatives is limited. The knowledge of local gang bosses was much greater. A link between gangs and local politicians could not be established. A mostly positive relationship between agents of local governance and community groups was expressed and there is the need and desire from both sides to foster stronger connections. Members of the community interviewed, actively participate in community initiatives.

#### 6.3.3 Indicators of Social Control: Legitimacy

In this study, legitimacy of the state, or the lack thereof, is measured by observing the extent to which the following actions are evident, or not:

- The function of local government in community and service delivery
- The participation of the local community in vigilante groups and support for such groups
- Trust in law enforcement agents (including the courts)
- The role of local government in security
- The occurrence of armed violence or confrontations in the community
- Access to firearms (illegal)
- Effectiveness of the school system: child and youth involvement in gangs and school violence

As explained in chapter one and two, semi-structured interviews were conducted. The above mentioned seven themes were used as guidelines and were embedded in the interviews. As the name indicates, it is not possible to conduct semi-structured interviews bullet for bullet. In this case, a number of the themes also overlapped and spread across to the other two indicators of social control. The research process observed if these seven themes were present to a greater or lesser extent.

#### *6.3.3.1 Education: On the Street or in School?*

There are a number of primary and secondary schools located in Manenberg. As with the greater Manenberg area, the majority of these schools lack resources and are understaffed. As an example, one specific primary school has around 1,030 learners with 26 staff members, bringing the learner – teacher ratio to around 40 – 1.<sup>110</sup> The school fees are R150 per year, of which the school only receives around 30 – 40 % (Key informant group discussion, respondent K), meaning that only that percentage of the fees are paid. Staff at the school cited a lack of resources, including human resources, as the biggest obstacle to ensure effective teaching and learning at the school. The headmaster of the school also commented that the usual intake for grade 8 at a high school in Manenberg is around 180 learners. However, the same school only has around 40 learners in matric each year (Key informant group discussion, respondent K). This indicates a drop-out rate of around 78%. The respondent said:

*‘...Now what happens to those learners outside, at home, unemployed, not completed*

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<sup>110</sup> The national learner-teacher ratio in public ordinary schools was 32 - 8 in 2005 (Department of Education: 2006)

*their high school years, did not want to study further. We are actually feeding into the gangs...* (Key informant group discussion, respondent K).

Taking this into consideration, it is then not surprising that a number of respondents felt that there has been a definite increase in youth gangs (Community small group discussion 1; Community small group discussion 2; Gang small group discussion 1). Respondents from one small group discussion agreed that boys, from as young as ten years old, participate in gang-related activities. The youth gangs are sometimes used by larger gangs to execute specific tasks (Community small group discussion 2). The one respondent commented on youth gangs:

*...They are more dangerous. One afternoon I was coming from the school with my grandchildren, so I came across the field. So two of them came, I assume they are 10 and 12 years old. So they came and went into Grieta Court. And they were shooting and they shot one man. Just like that...* (Community small group discussion 2, respondent 1).

As with the larger gangs, the youth groups are also linked to a specific territory that corresponds with a high school in the area. As a member of the Manenberg SAPS stated:

*...We look at these youth gangs and they also have their territories. If you look at the flats close to community centre...there you'll get the Vikings and most of them attend to Manenberg High. Then you come down the road from there you get Playboys, No Fears - they attend to Silver Stream High, some of them. Then you get to Phoenix High and you get your Luxury Kids, Down Town Players...If you pick up some of these kids almost 40% of them - their fathers are in prison. A lot of them - their mothers are still kids. So there is not proper parental guidance and they get acceptance on the road, they get fed on the road so to them the road is fine...* (Key informant interview, respondent A).

As a further result of the break down in family structures, gangsters are viewed as role models for many youngsters. One respondent told the story of a teacher who told a learner in primary school that he should go to school, so that he can study and earn a good salary and have a stable life:

*'... (He) told the teacher that it does not work like that. Look at (name of gang boss). He is not educated and he has a car and tons of houses and he lives in wealth...'*  
(Key informant group discussion, respondent N).

The issue of free education came up in a number of interviews. Respondents mentioned that during apartheid they did not have to pay for a good education, but now some parents cannot afford to pay school fees, and as a result, their children drop-out of school (Key informant group discussion, respondent J; Key informant interview, respondent D). One respondent said that it was an embarrassment for the children to be asked for their outstanding school fees by a teacher, and as a result, the child would rather not attend school (Key informant interview, respondent J). Consequently, it seems that the issue of youth gangs is not only the result of the lack of resources at schools, but also relates very strongly to the social dynamics of Manenberg.

As some of the schools are located in the territory of gangs, gang violence is inevitable. A police officer from Manenberg SAPS said that as a result of the 1998 Prevention of Organised Crime Act (POCA), gangsters have moved underground, as they are afraid to be exposed as gangsters, but the new upcoming trend is youth gangs. The respondent said that:

*'...They are still scholars, minors and according to law you know, they are not accountable to their actions because they are minors, but they are upcoming and some of them do quite violent crimes...'* (Key informant interview, respondent A).

As mentioned, one respondent from a community small group said that, one day while she was walking her grandchildren from school she encountered two young children around 10 – 12 years old shooting a man (Community small group 2, respondent 1). From the interviews it seemed that it is relatively easy to obtain a firearm in Manenberg, and that guns move around between members of the gangs, as they are needed to commit crimes or defend their territory. A member of the Manenberg SAPS confirmed that the larger gangs will use youth groups to do specific tasks:

*'...So in order to do a job, they will give you a gun and say please go and execute ....So they get a hold on you. They will have a grip over you...'* (Key informant interview, respondent A).

Needless to say, it is suspected that the majority of these firearms are owned, bought and resold without a valid license. One reformed gangster was adamant during an interview that it was so easy to obtain a gun, and that he could have brought one to the interview if he knew that it would have been a topic of discussion (Key informant interview, respondent L). Many of the reformed gangsters also agreed that it is very easy to obtain a firearm. One respondent claimed that guns mostly come from ‘...over the border...’, meaning the black informal settlements, indicating some relationship between gangs in Manenberg and criminal groups in areas outside of the Coloured neighbourhoods of the Cape Flats. He said that:

*‘...It’s very easy to get a gun...Guns mostly come over the border especially with people like the Africans...When you’ve got connections over the line, Nyanga, Langa, Gugulethu. Those are the places where most guns are. When you’ve got friends on that side and when you’ve got friends that you are doing crime with on that side, it’s very easy because then they trust you. Then they give you guns and you can use it here and afterwards you can take it out of Manenberg and store it there...’*

(Key informant interview, respondent B).

This same respondent also claimed that corrupt members of the police would, on occasion, search houses in Manenberg and although they would find guns, they would not remove them, but come back the next day for payment from the gangsters.

#### 6.3.3.2 Trust in the Law

In the first category of respondents, members of the community, the majority confirmed that they have no trust in their local police station. Nevertheless, some felt that there were individuals at the Manenberg police station that they could trust. It emerged that the general lack of trust stemmed from a lack of police visibility, and also a very slow response time, if they responded at all. Thus, although there is not a great deal of trust in the police, the community will still contact them, in the hope that they will respond. However, the statement by a member of the Cape Town SAPS, that in the past people would go and report criminal activities in the area, such as theft or housebreaking, to a prominent gang boss, rather than to the police, did not come as a surprise. The respondent said that the community probably had more faith in the criminal boss, as the criminal was dealt with immediately (Key informant group discussion, respondent N). The respondent explained:

*'...And you'll find that in the case of (name of gangster), people would in the past go and report criminal activities or theft or housebreaking to (name of gangster) and not to the police. Maybe because they had more faith in (name of gangster) and it has been dealt with immediately. He would send out people or a message to perpetrators and say: "You must bring back the goods" and if they don't they'll be fetched and punished and the goods be retrieved...'* (Key informant group discussion, respondent N).

It has to be noted, however, that such incidents could not be confirmed by other respondents, with the exception of a local religious leader. Although this respondent did not request the help of a local gang after his church was repeatedly burgled, gang members (and not an individual gang leader) did view it as their responsibility to protect the church. In addition, the respondents reported that they knew who the criminals were and that it would stop, which it did (Key informant interview, respondent C). In the cases where someone was arrested by the police and appeared in court, a lack of trust in the court system was also exposed. Respondents felt that a suspect usually gets bail relatively easily, which is then paid by a drug merchant (Community small group discussion 2). A reformed gangster had the following to say about the court system during an interview:

*'...I have been in and out the courts for a couple of months. My son, he was involved in theft. Corruption is there because I have seen it. Policemen, lawyers taking money outside the court, when you go inside, the man come out...'* (Key informant interview, respondent B).

During the interviews, the lack of trust in law enforcement did not only relate to the police and the court system; a lack of trust in the prison system and other local government structures was also expressed. Many reformed gangsters expressed the view that they were not rehabilitated while in prison and that they interacted with corrupt prison officials. One respondent claimed that prison warders would come and fetch money from him in the evening and supply him with parcels of dagga in the morning. This will then be sold to fellow prisoners (Key informant interview, respondent L). The respondent explained corruption in prison as follows:



*'...They (prison warders) are very corrupt. Do you know why I say they are corrupt? The warders eat prison food...and then a second thing is every night they come and fetch money with me, and then they go and buy parcels of dagga for me. Then they bring it to me the next morning...Then I just sell my stoppe.<sup>111</sup> A stop here on the outside is R1. A stop there inside is R5...I also sold buttons there inside. One piece of button, such a piece of button is R25. Half a button is R50...during the time that I was there inside...'* (Key informant interview, respondent L).

With regards to other structures in local government, respondents from the community stated that they do not have trust in their local councillor. It appeared that respondents would rather rely on friends or relatives in the community when they had a community related problem, than on a local councillor, thereby confirming a lack of trust. In addition, respondents did not see the value that a local councillor added to the community. As a business owner said about local councillors:

*'...They have never done anything for me and I don't believe that in the future they will do anything for me. So I am not interested...'* (Key informant interview, respondent D).

Respondents in the small group discussion who were familiar with their ward councillor still said that they would rather rely on themselves, than on a local councillor (Community small group discussion 3).

*'...People make promises to us, but it's best if we work for our own, what we want in life and that's the way we sort our problems. We are a group of women and only one man, but we do it in Manenberg. So we are very proud of ourselves...'* (Community small group discussion 3, respondent 4).

One respondent reported that the only time that a member of the ANC or DA visits the area, is before elections, or during a community meeting. But that they do not stay long or get their hands dirty and work in the community (Gang small group discussion A, respondent 1). Despite that many of the respondents not trusting local government, they still expressed the

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<sup>111</sup> A *stop* refers to one helping of dagga. *Buttons* are the street name for Mandrax tablets.

necessity of local government structures, particularly in the area of development in the community, and more specifically, housing. Accordingly, there is still a preference for a legitimate government. Thus, for the community, the main function of local government, besides security, was the provision of development in the community. A member of the City of Cape Town mayoral committee stated that, especially before the 2010 Football World Cup, the city had invested significantly in infrastructure that had created a great deal of jobs in the city, particularly in construction (Key informant interview, respondent F). Although this may be true in other areas of the City of Cape Town, Manenberg has seen little to none of these investments. Indeed, a local councillor cited unemployment and lack of development as the biggest challenges for local government in Manenberg. The respondent replied to the question of what he/she will do if re-elected, as following:

*'...I actually want to try and increase the creation of jobs. Look, there are people that are maybe panel beaters, and those people should try and have workshops, so that other children can learn how to do those jobs...'* (Key informant interview, respondent E).

The same respondent also stated that there are local government structures in place to assist the people, for example, places where they can apply for a grant at the council if they are behind with payments on their house, but that these structures are not used often.

The theme of local government and security also relates to the topic of the effectiveness of local government as discussed under the indicator of compliance. An important distinction is needed here, with regards to the policing of gangsterism and the policing of organised crime. As explained by a member of the SAPS during an interview at the Cape Town police station, the local police station would be the first line of defence to deal with gangsterism. In terms of dealing with organised crime, a more structured approach is necessary, based on the POCA (Key informant group discussion, respondent O).

As mentioned earlier, under the banner of the City of Cape Town Metro Police, a number of specialised units have been created to deal with gangsterism and organised crime in particular, that will execute, amongst other things, raids on alleged drug houses. Although CPFs were not a prominent topic during interviews with members of the community, this structure is in place in Manenberg. Two respondents, of which one was a local councillor,

reported that the CPFs are successful in combating crime and improving security in Manenberg (Key informant interview, respondent I; Key informant interview, respondent E). However, it seemed that the biggest obstacle was, again, the lack of continuity between the local government and other structures, such as Proudly Manenberg, erected in the community, with the purpose of providing security. Members of the security sector of Proudly Manenberg patrol specific areas in the morning from 06:00 – 10:00 and in the evening from 19:00 – 23:00 in groups of 12 – 14 people. Sometimes they will try to solve a problem on their own; if this does not work, they will call the Manenberg police (Community small group discussion 2). Thus, Proudly Manenberg has created a separate security initiative and although the organisation is not working against the police, there is no proper working relationship between the organisation and the local police. This is clear from the following statement by the local councillor:

*‘...Actually here are neighbourhood watches that patrol over this area and I must say, from this side...no crime. Proudly Manenberg now has its own policing, but they don't pay their people. They phoned me today, they want to have a meeting with me because Proudly Manenberg has not paid them and I can do nothing about that. I did not tell them to work for Proudly Manenberg...’* (Key informant interview: respondent E, 2010).

Despite the difficulty of ensuring security in Manenberg, the majority of respondents stated that there is no immediate presence of vigilante groups in the community. During the community small group discussions, the respondents were aware of the group People Against Gangsterism and Drugs (PAGAD), but said that it is not operational in Manenberg, if the organisation is still operational at all (Community small group discussion 1; Community small group discussion 2; Community small group discussion 3). Similarly, a local police officer from Manenberg stated that there was no presence of informal courts or ‘kangaroo’ courts in Manenberg. This is reportedly limited to the black communities (Key informant interview, respondent A). The lack of vigilante activity, despite the community’s negative feelings towards both gangsterism and law enforcement agents, can be attributed to both the earlier mentioned mutually dependent relationship between gangs and the community, as well as to community apathy. This is clear from the following two statements in response to the question if vigilante groups are still active and if there is a feeling in the community to stand up against gangsterism:

*'...No. I don't think so...'* (Community small group discussion 1, respondent 2).  
*'...Because some of them (the community) is with them (the gangsters) and some of them (the community) is against them (the gangsters). But the most of them (the community) is with them (the gangsters)...'* (Community small group discussion 1, respondent 1).

*'...For me it has been the other extreme. People just not caring. Every time something terrible happens people say this has to stop. They don't want to see it anymore, but there is never any real effort made or any project that's aimed at this because people simply are too scared...'* (Key informant interview, respondent C).

### 6.3.3.3 Summary

The final indicator of social control by the state is legitimacy. Legitimacy has been conceptualised as the voluntary acceptance and approval of state authority, by citizens. Thus, citizens accept the state's right to rule. Legitimacy further translates to an un-coerced acceptance of all the systems of the state by the citizens. Once legitimacy is established, then compliance will follow. Based on the analysis of the case study, it is clear that there is a not high level of state legitimacy. As mentioned, the function of local government in the community is not clear, and even the leader of the most prominent community organisation (Proudly Manenberg) views the local government as ineffective and working against the community. That does not, however, eliminate the need to create a stronger relationship with local government, with specific reference to community organisations. Although the respondents had knowledge of a vigilante group, the need and importance of such organisations is not viewed as high, indicating that there is some level of legitimacy in the state. However, the most alarming aspect is the level of distrust in law enforcement agents, which also relates to the role of local government in security provision. Despite numerous efforts, it is evident from the interviews that local agents of governance are not the primary security provider, nor is security ensured by the local government in Manenberg. Instead, security in Manenberg is enforced by informal structures, erected and maintained by the gangs, but rivalry between these groups also destabilises the security situation, as there are regular incidents of armed violence between gangs. This is exacerbated by the readily availability of firearms. Last, schools have a very high drop-out rate, which does not necessarily indicate a problem in the school system, but rather relates back to the very high levels of youth involvement in gangs, as a result of the lack of opportunities after the completion of a senior certificate.

## **6.4 The Criminalisation of the State**

The following section will apply the framework for the analysis of the criminalisation of the state, developed in section 3.7 of chapter three. The indicators of the criminalisation of the state will be used in order to measure the level of criminalisation of the state, at the local level, with specific reference to the City of Cape Town. The site of the research remains Manenberg and the citizens' perceptions of and actions towards the City of Cape Town. As the primary data has already been analysed in the previous part of this chapter, the following section will only summarise the relevant data, based on each indicator of the criminalisation of the state.

### **6.4.1 Use of Organs of the State to Accumulate Wealth**

This indicator was operationalised as: The state at the local level uses organs of the state, with reference to the security sector, in order to accumulate wealth. In the data collected, this indicator was only observed in the case of individual corrupt law enforcement officials. More specifically, it was clear from testimonies by members of the community and reformed gang members, that police officials have engaged in activities normally associated with criminal organisations for the main purpose of gathering money. However, this was limited to specific individuals and was not observed to be common in the other institutions of the state, for example the office of the mayor and the mayoral committee of the City of Cape Town. It was limited to the security sector of the state. Accordingly, in the City of Cape Town this criminal behaviour by individuals has not resulted in the state as an entity to become a criminal enterprise. As noted in chapter four, the City of Cape Town received a clean audit for 2009/10 and a double Aa2 credit rating from Moody's.

### **6.4.2 Clandestine Structures of Power**

Clandestine structures of power refer to the presence of underground structures of power on local level that control local state institutions and rival state structures. What the research confirmed, was that there are clandestine structures of power in the form of organised criminal groups that operate in the City of Cape Town. However, these structures of power (the criminal community) are not in control of local state institutions. This also confirms the hypothesis that the criminal community functions in a parallel system, to that of the legal state. When local agents of governance were interviewed, it was clear that local state institutions of the City of Cape Town were not under control of criminal gangs, and that it

was only individual agents of the state that functioned in the illegal economy.

#### 6.4.3 Illegal Activities Impacting Structure and Functions of the Local Community

With regard to illegal activities, this indicator is operationalised as follows: Illegal activities have an important impact on the structure and the way the local community functions. The analysis of the primary data confirmed the presence of this indicator in Manenberg, on the Cape Flats. Illegal activities, with specific reference to the drug trade, illegal trade in alcohol and firearms and prostitution, occur daily. The location of houses where drugs are sold, were also known to members of the community. Illegal firearms were also found to be readily available on the Cape Flats. More importantly, the illegal trade in drugs and alcohol were confirmed to provide an income to many households. Members of the community also benefitted from the goods and money provided by the criminal community. The idea of a criminal economy in Manenberg, on the Cape Flats was accordingly confirmed and also the impact that it has on the structure and the way the local community functions: Segments of the community of Manenberg depends on the criminal economy.

#### 6.4.4 Acceptance of the Presence and Activities of Organised Criminal Groups

According to this indicator, the state at local government level accepts the presence and activities of organised criminal groups in the local community. As described, the City of Cape Town has implemented several security operations in order to deal with organised criminal activities. The success of these operations is not important in this discussion, but rather that there are on-going efforts to address gang activity on the Cape Flats, and in the rest of the City. This is, however, contradicted by the fact that state officials have in the past negotiated with gang members in order to establish peace deals. This indicates that the authority of criminal gangs is acknowledged by local government officials. Nevertheless, as a result of the on-going combatting efforts, it cannot be said that the state at the level of local government accepts the presence of organised criminal groups, and accordingly there is only minimal presence of this indicator.

#### 6.4.5 Acknowledgement of the Benefits of Organised Criminal Activity

This indicator focuses on the acknowledgment by the state at local government level that organised criminal activity benefits the local economy, society and agents of the state, and as a result, organised criminal groups are protected. This indicator is more complex than the previous indicator of acceptance, in that the benefits of criminal activities are acknowledged

by agents of the state. While conducting this research, it was found that agents of the state are aware that the criminal community provides the social community with goods and services. It was also acknowledged that there is a criminal economy in Manenberg, on the Cape Flats, in which many members of the community participate. However, if the on-going efforts to eradicate criminal operations are taken into account, it cannot be said that the local government acknowledge that there are benefits, from criminal activities, for the society or the local community. In addition, the only benefits that were confirmed were those for individual state officials that have corrupt relationships with gangs.

#### 6.4.6 Symbiotic Relationship between Local Government and Organised Criminal Groups

Mutually dependent relationships refer to the mutually dependent relationship between the state, at local government level, and organised criminal groups. Similar to the indicator of accumulation of wealth, a mutually dependent relationship exists between individual local state agents and the criminal community. This can be confirmed with specific reference to members of the police, having corrupt relations with gangs and individuals working at local courts. In the last mentioned case, the research indicated that files from cases against alleged criminals have been lost in the past and, as a result, the cases cannot be trialled in court. However, it only relates to particular individuals and, as a result, the presence of this indicator is limited to only the security sector of the state.

#### 6.4.7 Provision of Safe Haven for Organised Crime

This indicator of the criminalisation of the state refers to a situation where the state at local government level provides a safe haven for organised crime and combatting efforts are limited. This research found that, although members of the community have in the past provided a safe haven for organised crime, the same cannot be said for the state at the local level. In addition, several combatting efforts have been highlighted throughout this study, which extends to combined efforts between the Metro Police and the SAPS geared at contending organised criminal groups. The presence of this indicator is minimal to none.

#### 6.4.8 Local Environment as Market for Organised Crime

According to this indicator, the local environment (Manenberg) acts as a market for organised crime. The analysis of the data, confirmed that this indicator of the criminalisation of the state is present in Manenberg. The community of Manenberg on the Cape Flats, but also in the City of Cape Town are the consumers of the drugs traded by the gangs. The gangs have

managed to establish links with international crime syndicates and this has provided them with the opportunity to expand their activities and the commodities that they trade in. Not only does the community of Manenberg consume the drugs traded by the gangs, but segments of the community also function as actors in the illicit economy, as they are employed by drug traders in return for either drugs or clothes and food.

#### 6.5.9 Ease of Illegal Operations

The indicator, ease of illegal operations, refers to the weak local capacity of the state at local government level and how this contributes to the ease of illegal operations. It was clear from the data analysis that the gangs on the Cape Flats have a level of operational ease. This was confirmed by the fact that members of the community were aware of where criminal activities take place. Respondents from the police were also aware of who the most prominent gangsters were and where they stay. However, through security operations by the SAPS and the Metro Police, the ease of illegal operations is continuously hampered. These efforts are continuous and constantly expanded, reflecting back to the point of the acceptance of the presence of organised criminal activity. The presence is not accepted by the local state and the operational ease of criminal groups is continuously obstructed by security services.

#### 6.4.10 Assistance in Activities of Organised Criminal Groups

Assistance in activities refers to a situation where local government assists organised criminal groups to advance their activities. As mentioned with the indicator of the accumulation of wealth, the research found that assistance to organised criminal groups was only executed in the form of corrupt officials. This ranged from corrupt officials losing files and dockets, to policemen confiscating drugs and weapons, but returning them, to warnings about potential raids. This was done in return for money, and such security officials were regarded to be on the payroll of gangsters. No assistance of activities was found with regard to the process of making legislation or policy, indicating that it is limited to the individual officials of the state. Although there are indications that local state agents assist organised criminal groups in their activities, it is limited to individuals operating in the security sector of the state.

#### 6.4.11 Ineffective Criminal Justice System

An ineffective criminal justice system on local level results in operational ease for organised criminal groups, facilitating the criminalisation of the state. From the research conducted for this study, it was confirmed that corrupt dealings between prison warders and gang members



have occurred in the past. In addition, although the prison system should rehabilitate prisoners, it rather acts as an opportunity for individuals to be recruited into a gang. It also emerged that illegal activities, such as dealing in drugs, have occurred in prisons. Coupled with state security agents acting fraudulently, it points towards ineffectiveness in the criminal justice system. This was further confirmed by a lack of trust in the criminal justice system by members of the community of Manenberg.

#### 6.4.12 Citizens Operating in the Illegal Economy

This indicator is operationalised as citizens operating in the illegal economy, as a result of the lack of provision of political goods by the state at local government level. As mentioned with the indicator of illegal activities, there is a strong criminal economy present in Manenberg. In addition, it has also been mentioned that members of the community function in the illegal economy. This is a direct result of a lack of capacity by the government to provide political goods, with specific reference to security and development. As a result of a lack of development in Manenberg, there are little employment opportunities and the school system is neglected and has limited facilities. This has brought about the notion that individuals in the community will be forced to participate in the illegal economy. The criminal community has in the past provided funding for development. In addition, the criminal community has claimed to provide security in the area under their control. This is, however, insignificant, as the same groups also facilitate insecurity, as a result of wars between rival gangs. This indicator of the criminalisation of the state is to a large extent present in Manenberg.

#### 6.4.13 Organised Criminal Groups as Business Regulators

With regards to business regulation, organised criminal groups act as the business regulators in the local community. The analysis confirmed the presence of this indicator. Through controlling specific territories or turfs, organised criminal groups in Manenberg have managed to erect tax systems for business such as the taxi industry and illegal stores where alcohol is sold. Respondents confirmed that money needs to be paid to gangs to ensure security, even if it is only superficial, but also so that the business can operate in the area under control of a gang.

#### 6.4.14 Relationships between Organised Criminal Groups and Citizens

This indicator refers to a situation where relationships with organised criminal groups are more important to citizens, than loyalty to the state at local government level. The analysis of

the data confirmed that this indicator is to a large extent present in Manenberg on the Cape Flats. Although, it is through fear and intimidation that the gangs on the Cape Flats have secured loyalty from the community, by controlling areas and setting up tax systems. Accordingly, gangs do not necessarily have legitimacy; loyalty to them is based on coercion. In addition, the fact that members of the community did not see the value of the local councillors and local elections, confirms that there is limited loyalty to the state at the level of local government. As mentioned, the criminal community has absorbed some of the loyalty from the civic community, but there is also loyalty to friends and family, and civic organisations.

#### 6.4.15 Influencing Electoral Outcomes

The last indicator of the criminalisation of the state is operationalised as: Organised criminal groups have the ability to influence local electoral outcomes. From the research conducted for this study, the interest and activities of organised criminal groups in local elections could not be confirmed. It was stated that this may have been the case in the past, but that there is no current need from the side of the criminal community to influence electoral outcome. Accordingly, this indicator goes beyond voting, and rather to the opportunity to influence electoral outcome, through funding. This confirms a very important finding: The criminal community operates in a structure parallel to that of the legal system, with no need to dominate structures of the state. Their interest is not the acquisition of political power, or to influence legislation and policy, but only operational ease. Although the social community did not see the value of elections or local government agents, there were no traces of incorrect voters' rolls, stuffing of ballot boxes or corrupt electoral officials, confirming that the presence of this indicator of the criminalisation of the state is minimal to none.

### 6.5 Analysis

The above description of social control and the presence of organised crime in Manenberg confirm a number of theoretical propositions, as provided in chapter three of this study. First, the state at the local level is weakened. It was observed in the site of Manenberg that the state has difficulty to provide political goods to citizens and therefore it has limited ability to have full control over its entire territory. In addition, lack of security is an indicator of state weakness and in Manenberg on the Cape Flats, the City of Cape Town has difficulty providing security. Furthermore, state weakness can also be noticed when the state is not regarded as legitimate by groups of the population (Mentan, 2004) as is the case with some of

the communities on the Cape Flats. Traces of other elements of state weakness, such as a lack of business regulation and an ineffective criminal justice system (Williams, 2002) have also been identified at the research site. The City of Cape Town in the site of Manenberg exhibits indicators of state weakness. As a result, there has been the opening of capacity gaps and functional holes (Williams, 2002), that are utilised by a non-state actor, the gangs on the Cape Flats, for their own benefit. However, the state is regarded as weakened and not weak, as there is no general absence of the rule of law, nor are there extremely high levels of corruption, and it is evident from the interviews that there is a genuine desire for a legitimate state on behalf of the community. Moreover, while there is no lack of a legitimate government in the City of Cape Town (in fact, the City has received excellent credit and service delivery reviews) there are however, gaps in the capacity of the state at the level of local government. This has facilitated a breakdown in state-society relations and a decline in the levels of social control by the state.

As social control by the state has deteriorated, a weblike society came into existence, similar to what was described in section 2.6 of chapter two, when Migdal's (1988) explanation of weblike societies was analysed. On the Cape Flats, several systems of rule operate at the same time. The social control is scattered between the state at the level of local government and the gangs operating on the Cape Flats. Migdal (1988) describes weblike societies in that they operate around strongmen, who usually attempt to facilitate the disintegration of social control, by dominating aspects of the state. Here, a difference is observed between the situation on the Cape Flats and Migdal's (1988) description: Although there were gang bosses on the Cape Flats that may have acted as strongmen in the past, this power configuration has been in decline; and now, an important actor in the weblike society on the Cape Flats is rather the gangs themselves, as a collective, and not the individual leaders. Thus, there is a criminal community that operates as a rival actor to that of the state at the local level, imposing different survival strategies. The survival strategies that the criminal community provide are not reconcilable with those of the state. The state at local government level faces opposition from the criminal community for the control of the territory of Manenberg on the Cape Flats. In addition, the authority of the criminal community in Manenberg is however not based on legitimacy, but coercion.

As mentioned, Migdal (1998) states that in a weblike society there may be a triangle of accommodation, involving three actors: State officials, implementers and strongmen. State

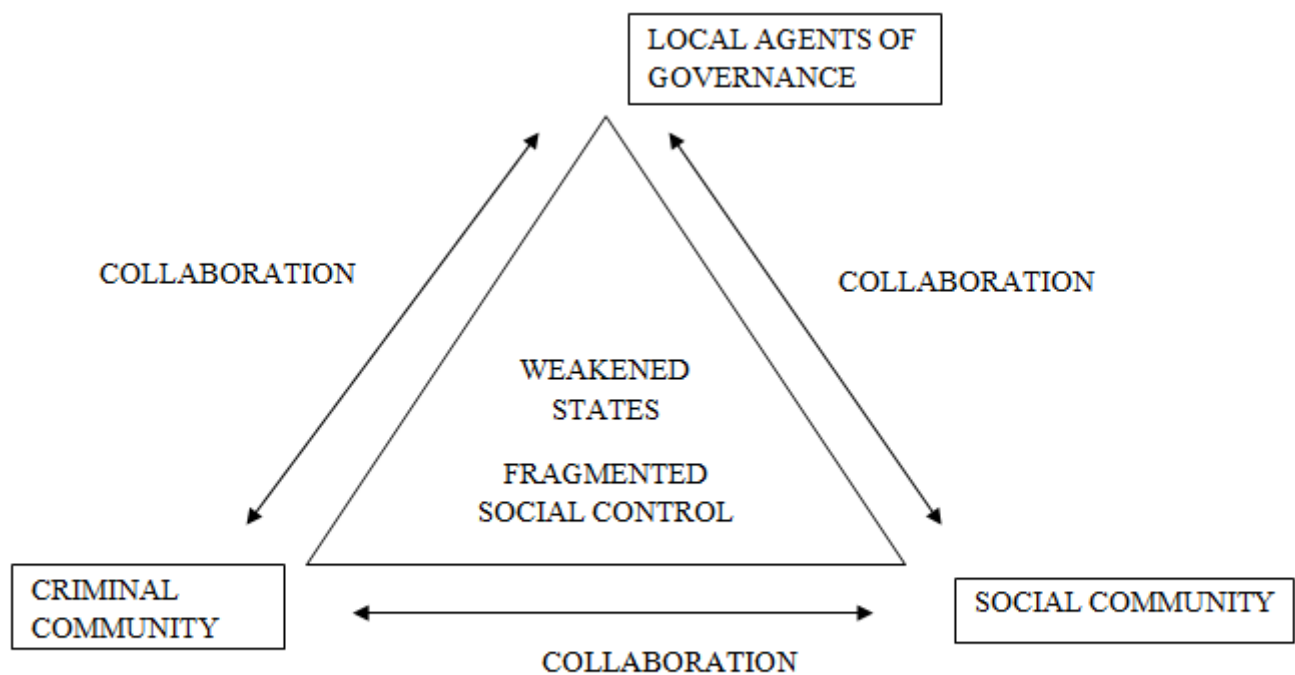
officials will formulate policy at the national level, the implementers will oversee policy execution on the local level and strongmen will control local territories. However, the implementers may become involved in bargaining relationships with strongmen and with other implementers and other state and political officials. Accordingly, collusion between local bureaucrats and strongmen will occur. The result may be that mutually profitable agreements will be arranged between the actors, and that the strongmen will succeed in creating numerous sets of rules for social control. In this context, strongmen have a high ability to mediate demands and control local residents. Similar to strongmen, the criminal community on the Cape Flats has the ability to control local residents, by establishing different sets of rules for social control. Despite this similarity, there are a number of other differences in the weblike society on the Cape Flats, and the one as described by Migdal (1988).

In Migdal's triangle of accommodation (1988), the implementers represent the state on a local level. Furthermore, the state is represented by two sets of actors; the implementers and state officials, last-mentioned which are located at the apex of the triangle. However, as this study focuses only on the local level, the important actor in the weblike society on the Cape Flats is agents of governance that function on a local level. This category will include both implementers and state officials. Based on the analysis of the case for this study (as in the example of strongmen and implementers) there is limited collaboration between the state and the criminal community. To explain: This study is not suggesting that all components of local governance are in a collaborative relationship with the criminal community in Manenberg; however, such arrangements exist. This was confirmed several times during the analysis of the data; in for example, corrupt dealings with law enforcement officials and gangs and the negotiations between government officials and gangs in order to establish peace deals. Similar to Migdal's (1988) triangle of accommodation, the collaboration between the criminal community and local agents of governance holds benefits for both actors. However, in accordance with the nature of other organised criminal groups as described in chapter three, it is not the aim of the criminal community on the Cape Flats to take over the local government. Their aim is only to be able to manipulate structures of the state (most noticeably the police: SAPS and Metro Police), in such a way that it will further the ease of their operations. The criminal community is not in direct competition with the state; rather it functions parallel to the state.

It is clear from the analysis of state-society relations in Manenberg on the Cape Flats, that there is the presence of a weblike society. Thus far, the criminal community and local agents of governance have been identified as two actors in the weblike society. Although Migdal's (1988) analysis of weak states and strong societies takes place in the framework of state-society relations, the society in his triangle of accommodation is only represented by the strongmen, functioning as part of the society. The society (or community) is not regarded as an actor on its own. Through the research conducted for this study and the analysis of the data, the community emerged as an important actor in the weblike society in Manenberg. Thus, the social community is highlighted as a third actor. As with the relationship between local agents of governance and the criminal community, parts of the social community collaborate with both the criminal community and the state on the local level. In the first collaborative relationship, this research has shown that the social community cooperates with the criminal community in several ways. Most importantly, there is a reliance on the criminal community to provide development and basic goods and services. In turn, the social community tolerates criminal operations and in some cases, it even promotes it, in order to obtain the benefits of the criminal acts. Thus, in this weblike society, the survival strategies proposed by the criminal community are followed. Second, the social community still views the state as necessary, as there are levels of participation in the local government, with specific reference to participation in elections and the working relationship (and increased need for a closer relationship) between the majority of community organisations and local agents of governance. In turn, the state continues to maintain a level of legitimacy. The relationships of collaboration between local agents of governance, the criminal community and the social community found in the weblike society in Manenberg on the Cape Flats, are described as a *system of local level power dynamics* (See figure 6.1 below).

What is clear from the above explanation is that, in the *system of local level power dynamics*, different configurations of power exist. However, what is also important to note is that these configurations of power have the potential to change, as the position of the actors in the system may change. The actor that occupies the apex of the triangle will be in the position of power. The power dynamics in the triangle will shift and change, based on a specific situation. For example, in the case of bribery and corruption between gangs and police, the criminal community will be in the position of power. This will also be the case in situations where the gangs succeed in providing goods and services to members of the community. During elections and when operations are launched and executed, in order to address

organised criminal activity, local agents of governance will occupy the position at the apex of the pyramid. Where the social community is successful in executing tasks in the context of community organisations, it will be in the position of power. This research indicates that all of these situations do play out regularly in Manenberg, and it occurs in the *system of local power dynamics*. However, all three actors are not jointly engaged in actions. Thus, only two parties function in a mutually dependent relationship, and as such the connections are explained as dyadic.



**Figure 6.1: System of Local Level Power Dynamics**  
(Source: Produced by the author for this study).

Migdal (1988) noted on the triangle of accommodation, that once it is in place, it is very difficult, if not impossible for the state to turn the situation around and prevent further social fragmentation. Similarly, as this system of local power dynamics is present in Manenberg, it will be very challenging for the state to break the system down, as a result of the various dyadic relationships between the actors. This relates back to what Chabal and Daloz (1999) described as the political instrumentalisation of disorder. The authors postulate that, as a result, of ineffective institutions and corruption, there is a unique development pattern for Africa that works. Although this cannot be directly applied on the Cape Flats, a system of disorder is in place. This *system of local level power dynamics* carries benefits for all three

actors involved, but as mentioned, the power dynamics can change with implications for each actor: For example, the criminalisation of the state.

In chapter three, the criminalisation of the state was discussed with specific reference to states in Africa. Several points were highlighted, for example, that politics in Africa is becoming markedly interconnected with crime (Bayart et al, 1999). The criminalisation of the state was also discussed in the context of shadow states (Reno, 2000), *de jure* and *de facto* states (Jackson and Rosberg, 1986), political instrumentalisation of disorder (Chabal and Daloz, 1999) and kleptocracies (Bayart et al, 1999). A framework was also developed to analyse the extent of the criminalisation of the state, and applied on the site of Manenberg in the City of Cape Town, in this chapter. The main findings are as follows: Although some of the indicators of the criminalisation of the state can be observed in Manenberg, it cannot be said that the state is in the process of becoming a criminal state. Where the indicators of criminalisation were observed, it was only related to the criminal economy in Manenberg on the Cape Flats and corrupt officials, operating mostly in the security sector. Accordingly, criminalisation does not extend to all the institutional levels of the state and is not present in the legislative and policy processes of the state. Although there are visible symptoms of the criminalisation of the state, the state at the local level in the City of Cape Town is not increasingly being criminalised by the presence of organised criminal groups. The criminal activities in Manenberg have not resulted in the entire City of Cape Town to be considered criminalised. Rather, what can be observed is that, there is an established illegal economy in place in Manenberg, based on the trade in illegal goods and the provision of illegal goods to the social community. This occurs outside of the scope of the local state, and instead of the activities of organised criminal groups resulting in the criminalisation of the state, there has been the *statification of the organised criminal community*. Accordingly, organised criminal groups fulfil functions of the state, as a result of weakened capacity of the state, in order to control a society. To conclude the analysis; in Manenberg there is the *statification of the organised criminal community*, where the gangs fulfil some of the functions of the state, but the authority of the gangs is not based on legitimacy and the public good, but instead it is based on coercion and the desire to control segments of the state for its own benefit. The *statification of the organised criminal community* is alarming, as the expected outcomes for organised criminal groups is personal gain and not public gain. Consequently, these functions should be fulfilled by the state and not non-state actors.

## 6.6 Conclusion

This chapter analysed the primary data collected for this study, during the fieldwork process. The data was analysed according to the indicators of social control, as identified by Migdal (1988): Compliance, participation and legitimacy. In addition, the framework to analyse the criminalisation of the state at the level of local government was applied on the case study, with Manenberg as the site of the research. The main aim of this chapter was to answer the research questions, as posed throughout this study. With regards to the first supportive question, this chapter described the power dynamics between local governance, criminal agents and society. It was found that these three actors function in a *system of local level power dynamics*, with dyadic collaboration between the actors. Furthermore, it was also found that the configurations of power between the criminal society, social community and local agents of governance have the potential to change, as the position of the actors in the system may change. This indicates a difference to the triangle of accommodation, as explained by Migdal (1988) and as a result demonstrates that another system is in place in Manenberg on the Cape Flats.

With regards to the second supportive research question, it was explained that one of the possible impacts of organised crime on the state, is the criminalisation of the state. This research question accordingly assesses to what extent the state has been criminalised, as a result of the activities of organised criminal groups. This study found that, although there are symptoms of criminalisation present at the site of Manenberg, this is limited and accordingly, does not point towards the criminalisation of the state. Rather, what has occurred is the *statification of organised crime*. This was described as where the criminal community fulfils functions of the state, operating parallel to the state.

The following chapter will conclude this study. The chapter will review the research process and pose the main research questions and lay out the main findings of this study. Last, questions for future research on state-society relations will be posed.



## CHAPTER SEVEN: CONCLUDING REMARKS

### 7.1 Introduction

This study has provided new insight into state-society relations. More specifically, it provided insight into what impact a domestic non-state actor has on the authority and position of the state, but also the influence on the relationship between the state and the social community. In this final chapter the key aspects of this study are reviewed and the main contributions of the study are summarised. The chapter will begin by providing an overview of the research process and a summary of each of the chapters. The following section will review the research questions, providing a description of the insights gained from the analysis of the data. The last section of this chapter will provide themes for future research on state-society relations, building on the theoretical foundation provided by this study.

### 7.2 The Research Process

The first chapter provided an introduction to this study and an overview of the research process. The problem statement that was provided focused on the influence of a local non-state actor on the role and authority of the state, in the domestic environment. It was explained that the research problem of this study will centre on the impact of a domestic actor on the association between the state and the society. The chapter further explained that the focus of the study will only be the state at the local level and the impact of one specific actor, organised criminal groups. Accordingly, the chapter clarified that state-society relations will be discussed in this context. The main and two supportive research questions were stated as follows: *What is the impact of organised crime on the social control by the state? What are the power dynamics between local governance, criminal agents and society? Has the state become criminalised at the level of local government, as a result of the activities of organised crime, and if so, to what extent?* It was explained that the contribution of this study is to expand on research done on the influence of organised crime on state-society relations and more specifically, the influence of this local non-state actor on the domestic authority of the state. Theoretical points of departure and a literature overview were also provided and the work of Migdal (1988) was highlighted as the main theoretical framework of this study. The research design, a single case study, and research process were explained. It was made clear that the dependent variable is the state and the independent variable, organised criminal groups. Furthermore, the level of analysis was set as the state at the local level and the units

of analysis demarcated as actors of local governance functioning in the geographical jurisdiction of the City of Cape Town (with a specific focus on the security sector), the community and organised criminal groups. It was clarified that the research will predominantly be done in a qualitative framework, using key informant interviews and focus groups. The chapter also established that the main limitation of the study was doing research on criminal groups, as the nature of such groups has an impact on the research ethics and research process. As was explained in chapter five, this limitation was overcome by employing a triangulation of research methods, in order to identify similar themes using different methods of research. Strict ethical guidelines were also set out at the beginning of the study, which were followed throughout the fieldwork process. Last, an outline of the remainder of this study was provided.

In chapter two, the research process of this study was explained, including the research design. It was clarified why a case study research design was deemed the most applicable, in order to research the impact of organised crime on local governance and state-society relations. A case study research design created the opportunity to describe the context in detail and to connect the micro level of analysis to the macro level; thus, it provided insight that enabled the researcher to expand/build theory. The selection of the City of Cape Town and Manenberg as the site of the research, was also justified. The City of Cape Town was selected as the case study, due to the large presence of organised criminal groups. More specifically, there are significant and continuous gang activities in the area known as the Cape Flats. On the Cape Flats, Manenberg was selected as the site for the research, as there is an omnipresence of gangs in the area, but at the time of doing the field work, the community experienced a period of relative calm with regards to gang wars. The field research process was reviewed, together with the ethical guidelines that were followed during the research process. The chapter concluded with comments on basic safety while doing fieldwork on sensitive topics.

The third chapter provided the theoretical foundation of this study, based on state-society relations. Four classical theories of the state were described and it was argued that this study will follow a neo-pluralist view of the state. The chapter provided a summary of definitions of the state, ending with a conceptual clarification of how the concept will be used in this study. An overview was provided of the process of state decay, with the most important element being that a gap in the abilities of the state will leave a vacuum of authority, which

may be filled by non-state actors. The following two sections focused on state-society relations, with specific reference to the work of Migdal (1988) and his analysis of state social control, pyramidal and weblike societies. The last section of the chapter focused on the criminalisation of the state, which is regarded as a possible result of the impact of organised crime on the state. In order to analyse the criminalisation of the state, a framework was constructed from four main avenues of empirical observation.

Chapter four provided a contextualisation of organised crime. In the chapter it was found that there is a lack of a universally agreed upon definition for the concepts of organised criminal groups and organised criminal gangs and it was clarified that for the purposes of this study the difference is regarded as inconsequential. It was further noted that there has been a general increase in the international activities of organised criminal groups and this trend was also observed in South Africa, and also on the Cape Flats. The chapter contextualised the historical development of gangs on the Cape Flats. In the end the focus was on the on-going in gang-related violence in other areas of the Cape Flats, which proved to be a background for the discussion of the empirical data in chapter six.

In chapter five, the context was provided for an analysis of local government in South Africa. The chapter started with a historical context of local government in the South African state, clarifying some of the underlying reasons for the formation of the Cape Flats and the gangs on the Cape Flats. In a detailed discussion, the demographical and operational features of the municipal area of the City of Cape Town were explained, with specific reference to safety and security elements: It was observed that the City of Cape Town provide mostly adequate public services and continues to improve the operational features of the City. The chapter concluded with an analysis of security services, and it was observed that the South African Police Service (SAPS) and the Metropolitan Police Service both have jurisdiction over the same area, but with different functions.

In chapter six the case study was analysed, based on the theoretical foundation set out in the third chapter. The main aim of the sixth chapter was to answer the research questions by analysing the primary data collected during fieldwork. The data was analysed according to the indicators of social control (compliance, participation and legitimacy), as identified by Migdal (1988). In addition, the framework to analyse the criminalisation of the state at the level of local government was applied on the case study. Based on the analysis, a different

system, to what was described by Migdal (1988) in his narrative of a triangle of accommodation, is in operation in Manenberg. It was confirmed that there is the presence of a weakened state and accordingly a weblike society, where social control is fragmented between local government and the criminal community. However, in this weblike society a *system of local power dynamics* exists between the criminal community, social community and local agents of governance, where dyadic collaboration occurs between all three actors. However, despite the collaboration, the criminalisation of the state does not occur, but rather the *statification of the organised criminal community*, as it provides goods and service to the social community. These findings will be further explained in the following section.

### **7.3 The Research Questions and Main Findings**

This study did not attempt to question the importance of the state in a legitimate world order. It was acknowledged in the first chapter that the state is regarded as the most essential institution in the global and domestic sphere. Rather, this study set out to research the influence of one specific actor on the state. In addition, the impact of this actor was only researched on a local level and limited to only the interactions between selected state institutions and societal groups; accordingly in the context of state-society relations. The domestic actor was identified as organised criminal groups. Consequently, the main research question was posed as: *What is the impact of organised crime on the social control by the state?* As noted in the first chapter, the aim of this study was also not to investigate why states weaken. This was already confirmed by literature on state decay, as explained in chapter two. Rather, the aim was to assess the influence of an actor, detached from the state, on the association between the state and the society.

In order to assist in answering the main research question, the first supportive research question set out to research the dynamics between the governance by the state, the position of the social community, criminal control and criminal authority. The question asked: *What are the power dynamics between local governance, criminal agents and society?*

The second supportive research question was also proposed to contribute to the answering of the main research question. It was hypothesised that one possible impact of organised crime on the state is the criminalisation of the state. This hypothesis was accordingly tested in this study, by posing the second supportive research question: *Has the state become criminalised*

*at the level of local government, as a result of the activities of organised crime, and if so, to what extent?*

In order to answer the research questions, state social control was analysed by using the indicators of social control set out by Migdal (1988). It was found that with regards to the first indicator, compliance (for a state to demand compliance the citizens should readily yield to the rules of the state) is divided between the state and organised criminal groups. This finding was based on gangs operating informal tax systems, and the gangs that are viewed as the security regulators and benevolent dictators. In addition, law enforcement was viewed as generally inefficient, by the social community, but the relevance of such structures was still acknowledged.

When the second indicator, participation (the key factor is that the state should be able to mobilise citizens to 'repeated voluntary' participation in the different institutional sectors of the state) was analysed, it was found that participation does occur; however, it is limited and if it occurs, the value of it is not clear. This was predominantly a result of the presence of informal structures of authority, established and maintained by gangs. Another important finding was that no link between gangs and local politicians could be established. In addition, a mostly positive relationship between agents of local governance and community groups was expressed, and the social community actively participates in community initiatives.

Legitimacy (defined as citizens accepting and approving the rule of the state, thus citizens trusting all the aspects of the state and viewing it as worthy) was the final indicator of social control analysed, and it was confirmed that there is not a high level of state legitimacy. This finding was based on a poor understanding of the function of local government by the social community, distrust in law enforcement agents and that security is enforced by informal structures, erected and maintained by the gangs. Despite this, the social community expressed the need to create a stronger relationship with local government and the significance of local government is recognised.

When these findings were applied on Migdal's (1988) theoretical propositions on state-society relations, a number of similarities were confirmed. It was confirmed that the City of Cape Town is weakened in its social capabilities (but not weak), as it has difficulty to penetrate society, regulate social relationships, extract resources, and use resources

appropriately, in Manenberg, on the Cape Flats. As a result of the weakened state, there is restricted social control by the state and the social control is split between the state and rival social organisations, most noticeably organised criminal groups in Manenberg. Due to the fragmented social control, a weblike society exists in Manenberg. The social community is still governed by the state, but it is not centralised governance. The systems of rule of the gangs operate at the same time as the systems of rule prescribed by the state at the local level. In Migdal's (1988) explanation of weblike societies, triangles of accommodation exist with three actors: State officials at the apex of the triangle and local strongmen and state implementers at the basis of the triangle.

Despite the fact that these similarities with Migdal's (1988) theoretical propositions were confirmed after the analysis of the case, noteworthy variances were also observed. First, it was found that, although strongmen had previously functioned as an important actor on the Cape Flats, this is not the current situation. Rather, the criminal community as a collective has emerged as a significant role-player. Segments of the social community in Manenberg are not anchored around strongmen, but rather the criminal community as a whole. Second, when state-society relations are researched, the importance of the social community as an actor needs to be acknowledged. In Migdal's (1988) triangle of accommodation, the society is only represented through strongmen. This study proposes that the recognition of the social community as an actor is essential when researching state-society relations. The last actor is local agents of governance, and collaborative actions take place between all the three actors in a system, where the position of authority is dynamic and can change. This is another difference to what is described in Migdal's (1988) triangle of accommodation. Consequently, the first core finding of this study is that: In Manenberg, a *system of local power dynamics* is in place. This analytical framework clarifies the associations between the state at the local level, the criminal community and the social community. Additionally, the analytical framework indicates a gap in the current literature on state-society relations. This is noticed with specific reference to the presence of a domestic non-state actor. Accordingly, the analytical framework is a contribution to theories on state-society relations in that it indicates differences to what is described by Migdal (1988) and the explanation of a triangle of accommodation.

The second core finding of this study came from the application of the framework for the analysis of the criminalisation of the state. When the framework was applied, two factors

were confirmed. First, there is a well-established criminal economy in Manenberg. The criminal economy is based on gangs employing members of the community, gangs investing in the community and gangs providing goods to the community. In addition, the local environment acts as a market for organised crime. Second, the criminalisation of the state only extends to the level of corrupt individuals operating in the security sector of the state. Consequently, the state has not been criminalised to a great extent and only symptoms of criminalisation were observed. Criminalisation is not spread throughout all the sectors of the state and was not noticed as significant, with the exception of corrupt agents of the state. This was also confirmed in chapter five, when it was stated that in 2011 the City of Cape Town was one of only seven municipalities in South Africa to have received a clean audit for 2009/10, and the only metro to achieve a clean audit. This is the situation, despite the substantial presence of organised criminal groups. Therefore, if the state at the site of the research (Mannenebrg) is not significantly criminalised as a result of the activities of organised criminal groups, what is the impact then? Rather than the criminalisation of the state, the presence of organised crime has led to the *statification of the organised criminal community*. This has created a situation, where organised criminal groups take on characteristics of the state, such as the provision of political goods, most noticeably security and economic well-being. The *statification of the organised criminal community* takes place despite constant efforts by the state to eradicate and eliminate organised criminal activity. An explanation for this is that organised crime functions in a system parallel to the legal structures and is embedded in the social community. The case study analysis further confirms that the criminal community has little need to overtake the authority of the state and that the level of operational ease that exists is sufficient for the continuation of organised criminal activities.

After this analysis, the research questions can be answered as follows: The impact of organised crime on the social control by the state has led to the manifestation of a *system of local power dynamics*, which will hamper the promotion of stronger state-society relations. In this system there are three actors: The criminal community, the social community and local agents of governance. Collaboration between all three actors exists, and the relationships of the actors are dynamic and the position of authority can change depending on the situation where it is applied. As this system is in place, it is proposed that the authority of the state will not necessarily further decline, as the collaboration that takes place accommodates the needs of the actors. This was confirmed by the fact that, the state at the local level has not been

noticeably criminalised as a result of the presence of organised criminal groups, but rather that there has been the *statisation of the organised criminal community*. This concept is used to describe a situation where organised criminal groups fulfil some of the roles of the entity of the state; however, in a system parallel to the state. This has led to a distinctive description of organised crime, the state and society:

*If a state lacks extensive social control and a rival authority has claimed a level of social control, this will not necessarily lead to the further weakening of the state, as a result of a system of power dynamics in place, where collaboration between the social community, the criminal community and local agents of governance occurs. This system is kept in place by: On-going efforts by the state to maintain (or regain) compliance, participation and legitimacy; corrupt agents of the state (specifically in the security sector); a level of operational ease that exist for the criminal community (and the interweaving of the criminal community in the social community) and a relatively strong society that acknowledges the benefits of criminal activities for the social community, but also recognises the authority and control of the state.*

#### **7.4 Recommendations for Future Research**

In the context of the delimitations of this study as set out in the first chapter, the following proposals for future research are made.

One aspect that fell outside of the scope of this study was a longitudinal analysis of the *system of local power dynamics* in the City of Cape Town. As this study was a single case study, it provided a snapshot of state-society relations at a specific point in time, in a specific community. It is believed that research that can repeat the observations made in this study, between the criminal community, the social community and the local state over a longer period of time, can provide additional insight into the *system of local power dynamics*. As explained, the positions of the actors in the system may change, depending on the situation. In addition, it is anticipated that the methods by which collaboration between the actors takes place can also change over time. It is proposed that a longitudinal study will be able to trace the possible changes in the power dynamics between the actors. In addition, it will also track if the conceptualisations of the actors change and if, over a period of time, all the actors will be accommodated in the system or if new actors will enter the system.



Similarly, the *stafification of the organised criminal community* only focused on an analysis of one point in time. ~~As this was described as a process, it~~ It is proposed that further research on monitoring the development of the *stafification of the organised criminal community* over time, can provide valuable insight into the process of the *stafification* of a domestic non-state actor.

Second, as mentioned, this study was based on a single case study and the analytical framework of the *system of local power dynamics* emanated from observations from this one case. It is accordingly proposed that the analytical framework is applied on similar cases, in order to either confirm the findings of this study, or to supplement and expand the analytical framework. Cases for comparison need to have the same attributes as the case selected for this study: A system of local state governance and the presence of organised criminal elements. Furthermore, other important elements are: A weakened state or limitations on the capabilities of the state, and also fragmented social control by the state. Possible cases for comparison include Rio de Janeiro in Brazil and Nairobi in Kenya. Both of these cases have the presence of an organised criminal community that functions in the social community, imposing similar superficial security services, such as protection rackets and the taxing of local businesses, as is the case with the gangs on the Cape Flats.

A last element that fell outside of the scope of this study is the political and social culture on the Cape Flats. What is clear is that there is a very specific and unique political and social culture on the Cape Flats based on, amongst other elements, perceptions of the society on the Cape Flats. This contextualisation warrants more understanding.

## **7.5 Conclusion**

At the time of writing this final chapter, the Western Cape Provincial government, together with local and national stakeholders were engaging in dialogue on how to address gangsterism on the Cape Flats. It was not the purpose of this study to formulate recommendations on how to address gangsterism on the Cape Flats. The purpose was to describe, explain and explore how organised crime has influenced the state at the local level, referring only to the relationship between the state and the society. This was done through the development of an analytical framework, guided by theoretical propositions and based on the analysis of the primary data collected and the contextualisation of the City of Cape Town and

the gangs on the Cape Flats. This study only provided a micro level analysis of one area of the City of Cape Town: Manenberg. Consequently, the conformation of the *system of local power dynamics* and the *statification of the organised criminal community* is limited to Manenberg; however, it was also observed that there is rapid expansion of organised crime in the City of Cape Town.

The gangs on the Cape Flats are not only a Cape Flats phenomenon anymore. The operations of these groups have progressed beyond the boundaries of the Cape Flats, into other urban areas and even rural towns in the Western Cape Province. As a result of this expansion, the *system of local power dynamics* and the *statification of the organised criminal community* have the potential to manifest in other areas of the City of Cape Town. The dynamic and opportunistic nature of organised criminal groups makes this a real possibility. The manifestation of the *statification of the organised criminal community* in other areas beyond the Cape Flats will be, in the long run, disadvantageous for both the social community and the state, as the expected outcomes of the operations of organised criminal groups is personal and not public gain.

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## **Primary data**

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Key informant interview: Respondent D, 6 July 2010. Manenberg.

Key informant interview: Respondent E, 6 July 2010. Manenberg.

Key informant interview: Respondent F, 2 July 2010. City of Cape Town Municipal Offices.

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Key informant interview: Respondent H, 15 July 2010. GF Jooste Hospital in Manenberg.

Key informant interview: Respondent I, 17 June 2010. Manenberg Community Centre.

Key informant group discussion: Respondent J, 10 June 2010. Primary School in Manenberg.

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Key informant interview: Respondent L, 9 July 2010, Manenberg.

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Key informant group discussion: Respondent N, 9 July 2010. Cape Town Police Station.

Key informant group discussion: Respondent O, 9 July 2010. Cape Town Police Station.

## **Appendix A**

### **Schedule 4 Part B and Schedule 5 Part B (The South African Constitution, 1998):**

#### **Matters that Municipality has executive authority and the right to administer**

##### Schedule 4 Part B

- Air pollution
- Building regulations
- Child care facilities
- Electricity and gas reticulation
- Fire fighting services
- Local tourism
- Municipal airports
- Municipal planning
- Municipal health services
- Municipal public transport
- Municipal public works only in respect of the needs of municipalities in the discharge of their responsibilities to administer functions specifically assigned to them under the Constitution or any other law
- Pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto
- Storm water management systems in built-up areas
- Trading regulations
- Water and sanitation services limited to potable water supply systems and domestic waste-water and sewage disposal systems



## Schedule 5 Part B

- Beaches and amusement facilities
- Billboards and the display of advertisements in public places
- Cemeteries, funeral parlours and crematoria
- Cleansing
- Control of public nuisances
- Control of undertakings that sell liquor to the public
- Facilities for the accommodation, care and burial of animals
- Fencing and fences
- Licensing of dogs
- Licensing and control of undertakings that sell food to the public
- Local amenities
- Local sport facilities
- Markets
- Municipal abattoirs
- Municipal parks and recreation
- Municipal roads
- Noise pollution
- Pounds
- Public places
- Refuse removal, refuse dumps and solid waste disposal
- Street trading
- Street lighting
- Traffic and parking

## Appendix B

### Housing on the Cape Flats



## Appendix C

### Gang signs used to mark turf



## Appendix D

### A local school in Manenberg

