

# Crime networks and governance in Cape Town

## The quest for enlightened responses

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### Summary

The state cannot exercise its authority in many areas of Cape Town where organised crime wields significant power, has capitalised on economic opportunities, and can manipulate and corrupt the state. Solutions to eradicate organised criminal networks generally do not acknowledge the underlying context that sustains them and also stress stronger policing and repression, while paying insufficient attention to deficiencies in other state capacities. State interventions need to be more holistic, more carefully considered and should acknowledge that much organised crime reflects a dysfunctional society in Cape Town. Without an overarching strategy of reform, organised crime will continue to plague affected communities.

THE INABILITY OF THE STATE to exercise its authority is noticeable in many areas of Cape Town. These areas are often concentrated in non-white areas, with nightlife entertainment being a noticeable exception. However, those that are most vulnerable include businesses run by foreign nationals, who are unlikely to ask the state for protection and often instead turn to powerful people (including criminals) for this purpose. Yet even those who are less vulnerable are more likely to turn to private security companies than the police, illustrating a weakness in capacity, inefficiency and a distrust of state authority.

### Governance implications

Organised crime wields significant power and, without necessarily becoming part of the formal structures, criminals have capitalised on economic opportunities to manipulate and corrupt the state. If the state is 'replaced' or exists parallel to informal authority, an opposition to democratic governance is created. The growth of criminal governance is worsened by low employment and lack of opportunity for much of the population. Increases in migration and rapid urbanisation have strained the ability of the state to provide broad opportunities for participation in the economy. Growing informal centres of power attract some residents to look

to them rather than formal structures. Furthermore, polarisation in the political landscape means that political allegiance influences loyalty and a distrust of the state at various levels.

### Enlightened responses

Solutions to eradicate organised criminal networks do not take into account the underlying context that empowers and sustains them. These solutions are distinguishable by their preoccupation with stronger policing and repression, while paying insufficient attention to deficiencies in other state capacities. Because criminal networks are successful in challenging state authority in grey areas of the economy, there is a need to identify these areas. Studying

## INEQUALITY IN CAPE TOWN

Many of the problems that plague Cape Town are particular to previously disadvantaged areas. During the Khayelitsha Commission, startling statistics were released:

ONLY

23,46%

OF CASES REPORTED TO THE HARARE POLICE STATION IN KHAYELITSHA GO TO COURT

3,38%

OF THOSE CASES RESULTED IN A CONVICTION

AT SAPS HARARE, 66 DETECTIVES OFTEN CARRY OVER AS MANY AS

2 300

UNRESOLVED CASES

THE POLICE STATION IN HARARE HAS A DETECTIVE-TO-CITIZEN RATIO OF

1:2 626

AN AFFLUENT COMMUNITY SUCH AS SEA POINT HAS A RATIO OF

1:435

the needs of the youth in particular will indicate where vacuums are to be found.

Crime is dependent on labour and markets. The state and business should cooperate to identify the markets that serve and sustain crime, with the purpose of influencing these markets. Youth should be provided with pre-emptive state interventions before they turn to criminality, including active steps to prepare them to participate in the economy.

It is important for the state to realise that much organised crime is a symptom of a dysfunctional society in Cape Town

State interventions also need to be more carefully considered. Repressive policing often marginalises people further and criminal activity is therefore more accepted. While certain issues such as abalone and rock lobster quotas are highly politicised and difficult to manage, it is evident that the state has suffered from numerous high-profile failures in this regard. State interventions need to involve a number of government departments and increasing public participation.

It is also important for the state to realise that much organised crime is a symptom of a dysfunctional society in Cape Town. High levels of drug abuse, broken family units and low employment are the root cause of the continuing presence of the criminal economy. Without an overarching strategy of reform, organised crime will continue to plague affected communities.

This paper seeks to explain the enduring nature of organised crime in Cape Town and explore the impact of crime networks on systems and formal structures of governance. It confirms the findings of earlier research that crime networks may be more integrated into the sociopolitical

system and economy than is often assumed. Policies to address organised crime should therefore be grounded in an understanding of both how criminal networks are organised and the basis for their resilience within the given socioeconomic fabric.

The phases of Cape Town's evolution include colonial conquest and administration, slavery, and apartheid-era segregation. The baggage inherited by the city is typified by the glaring

disparities among its inhabitants in terms of income, living conditions and access to services, which in turn influence the way in which the formal systems of governance in the city are perceived. These disparities continue to follow the centuries-old racial cleavages, with the majority of the population subsisting in poverty. While poverty does not always lead to criminality, in Cape Town poor neighbourhoods are exposed to the creep of informal systems and structures of governance. To the extent that such systems and structures are established by or depend on criminal networks, they may be termed criminal governance.

Criminal governance can be defined as parallel sources of authority managed by criminal networks. This does not necessarily mean that criminal networks seek to supplant the state, but rather to exist alongside state structures, providing some goods and services (including illegal or illicit ones) that the state does not provide – including employment. Concurrently, core actors in crime networks become alternative sources of authority that provide (and are even asked to provide) dispute resolution mechanisms and protection. The capacity of crime networks to use

violence increases their social control and legitimacy.<sup>1</sup> Crime networks, which are encountered in Cape Town mostly in the form of gangs, do not exist for the benefit of the community. This paper argues that such networks cannot, however, be removed from the communities in which they exist by criminal justice measures alone.

The paper engages with the concept of 'criminal governance' as a theoretical and descriptive tool. It describes and contextualises the impact of organised criminality on governance in Cape Town using case studies drawn from drug trafficking, the trade in illegal abalone and rock lobster, the rise of taxi violence, and protection racketeering. The paper also discusses the utility of social network analysis to determine the reach of crime networks.

## Definitions and concepts

Contending that organised crime should not simply be regarded as 'parasitic', the paper uses Standing's conception of 'criminal governance' to explain why organised crime has become embedded in the socioeconomic environment.<sup>2</sup> Moving away from the traditional Weberian perspective, it is important to realise that, over time, the capacity and authority of the state to provide public commodities and services have been eroded, as has its monopoly on the use force or the right to tax citizens. Particularly in urban environments, a growing private security industry – part of which is unregulated – shares security functions with the state. In South Africa, this industry has become larger than the state security machinery. In addition, informal networks that include criminal groups have come into existence.

When engaging with state-building and the bridging of economic gaps, attention must be paid to these alternative formal and informal, regulated and unregulated

networks, and the impact of their actions on governance. Failure to do so leads to incomplete solutions.

Research suggests that there is a multitude of various criminal networks and criminals that are tightly or loosely structured and can vary in the crimes they commit and in terms of their political and social influence. Taming organised crime requires a concomitant variety of methods.

Rather than providing a snapshot picture of criminal networks, it is important to draw on historical information on the growth of organised crime. Links and connections among criminals and between the state and gangs were established during a period of over 40 years. Links and markets were forged in the apartheid period. Apartheid spatial planning and the conflicts of the liberation struggle presented criminal gangs with opportunities to secure strategic positions in certain locations and businesses in Cape Town. Important connections between criminals and the state, on the one hand, and criminals and anti-apartheid activists, on the other, were forged and activated.

Commodity smuggling routes became integral to various stakeholders. Many such connections and routes have persisted to this day, as has the entrenchment of criminal gangs on the Cape Flats. The chaos that characterised political transition opened up vacuums that were exploited by criminals networks to increase their power and influence as new markets opened up in the country and beyond its borders. The capacity of the state to counter new threats was low for at least a decade.

Foreign criminals also recognised the opportunities presented by South Africa and soon forged links with local criminals to establish themselves in the country. Criminal markets have adapted and been sustained by the development of new

drug markets and/or continued weak or inefficient state interventions.

## Assessing criminal networks and criminal entrepreneurs

Using social network analysis (SNA), one can analyse intersections between professional criminals and part-time collaborators working outside core criminal markets. It is possible to illustrate how what is often referred to in the media as the 'underworld' intersects with what could be called the 'upper world'. Furthermore:

- SNA illustrates interactions among various actors in a criminal network, apart from illustrating who is core to the network.
- It can also identify how the network extends into legitimate political and economic realms. The Jackie Selebi corruption case is a prime example of how a criminal broker like Glenn Agliotti could position himself to facilitate the connections linking criminals, businesspeople and high-level officials.
- SNA can also help in describing different networks and their changing nature.
- Networks may be directed or transactional; in other words, they can be sustained over a long period of time or can be constituted quickly and dissolved quickly.

## Explanation of concepts

This paper is based on an analysis of the impact of serious criminal activity occurring in Cape Town on broader governance, socioeconomic development and nation-building. Without suggesting that the city's experience is representative of other coastal cities in either South Africa or Africa, Cape Town's crime trends provide important indicators of what may be encountered elsewhere – particularly in cities caught up in transitioning

environments. The paper is informed by a study of the apparent gaps in state authority – in terms of actual or perceived presence or the delivery of services – that organised criminal networks have been able to exploit and look likely to continue to exploit to advance their interests. Except where necessary, the paper does not extensively dwell on the factors causing weak state capacity. Some of these factors are historical, while others are rooted in the geopolitical positioning of Cape Town within criminal markets. Whatever the case, the projected trajectory of socio-demographic changes that lie ahead indicates that organised crime is likely to become a more formidable challenge for Cape Town in the future.

The Western Cape region, of which Cape Town is the largest city, has been identified in earlier studies as one of two sub-regions in sub-Saharan Africa, together with south-eastern Nigeria, affected relatively earlier than others by the advent of ‘hard’ drugs during the 1970s.<sup>3</sup> The subsequent decades have been blighted by recurrent outbreaks of violence directly linked to drug trafficking in Cape Town and neighbouring areas. In between these episodes have occurred some highly publicised targeted killings of individuals alleged to be part of the ‘underworld’ that has subsisted for at least that entire period of time.

Apart from the drug trade, but intricately connected to it, is the trade in endangered resources – derived from the adjacent oceans and from areas further afield – and the business of protection racketeering, described by Skaperdas as the ‘defining activity of organised crime’.<sup>4</sup> As crime analysts, law enforcement practitioners, public regulatory authorities and politicians try to construct a comprehensive picture from the reservoir of information on crime trends in the city and to distil from it the factors driving crime, they do so under

relentless pressure to design tougher strategies against crime.

Numerous official and unofficial strategies and measures to tame criminality in Cape Town have been adopted, especially since the late 1990s. Government has been involved at three levels – national, provincial and local. Business has been active, primarily, but not solely, through Business Against Crime, while civil

‘Criminal governance’ describes the existence of pluralistic systems of authority that sustain themselves through the proceeds of crime

society engaged in various kinds of anti-crime initiatives, typified in the late 1990s by the highly publicised People Against Drugs and Crime (PAGAD) organisation. More recently community improvement districts have been established in various suburbs. Beyond these initiatives – and occasionally co-existing uneasily with state institutions – are private security formations that range from registered companies to disparate ‘informal’ security; the latter can result in the formation of vigilante groups.

The former have taken over the dominant role of providing security in wealthier residential and business areas. Informal security and vigilantism are encountered in various forms in densely populated, low-income neighbourhoods. While raising the level of interest in combating crime, this upsurge of interest has massively politicised this sphere. Whether the success achieved to date is proportional to the rhetoric used and resources expended is, however, questionable. This observation particularly applies to organised crime.

This paper stems from the conviction that reducing crime in Cape Town could be better informed by establishing whether organised crime benefits from the nature or conduct of existing formal

structures of governance to consolidate its resilience to anti-crime initiatives. Such structures are part of and exist within state institutions, legitimate business and civil society. Consequently, if the various stakeholders are to be more effective in confronting organised crime, they have to better understand both the essence of criminal networking and the concept of criminal governance. The study on which

the paper is based combines analytical, narrative and empirical methodologies in exploring potentially destructive linkages in which criminal networks thrive. In order to determine their role and the optimal options available, stakeholders need to know the nature of crime networks and the factors that sustain them and support their resilience.

The incidence, scale and impact of crime are issues of common concern to many stakeholders. Included among them are:

- Government at various levels
- Affected communities and specific victims
- Law enforcement agencies
- Civil society in general
- Business – both as an organised structure and as individual entities

In the paper we analyse the sub-sectors implicated in the most significant criminal markets. Using selected case studies, we describe the strategic positioning of some of the sub-sectors of existing crime networks and whether this functions in opposition to or in collusion with established authority. In consequence, we assess the extent to which the participation of selected sub-sectors and individuals within them impacts on structures and systems of governance. We conclude with

suggestions for isolating crime networks from the structures of mainstream urban governance.

This paper raises the spectre of systems of authority that seek to exist parallel to legitimate systems. To the extent that such systems derive their origin and power from criminality and occasionally use crime to assert themselves, we refer to them as criminal governance. 'Criminal governance' describes the existence of pluralistic systems of authority that sustain themselves through the proceeds of crime, deploy armed violence to secure their economic advantages, and enjoy deep and lasting links to the state.<sup>5</sup> This paper explores how such systems embody distinct forms of authority that, on the one hand, flourish in spaces of weak or ineffective governance but, on the other hand, are still connected to and depend on state structures.

The term 'criminal governance' appears to have been coined by Standing<sup>6</sup> and has subsequently been used by several other authors.<sup>7</sup> However, no academic consensus has emerged about its precise use or meaning, and a plethora of other terms have been used to refer to the same general idea. These include 'parallel power', 'twilight institutions', 'private indirect government', and even 'feudal systems of government'.<sup>8</sup>

Criminal networks are 'sets of actors that are connected by ties which in some way or other support the commission of illegal acts'. They are the 'least common denominator of organised crime and should therefore be taken as the key empirical referent of the concept of organised crime'.<sup>9</sup>

## Cape Town in its environment

Several themes are important to the discussion here. The first relates to the contextual background of crime. Cape Town is part of a larger geographic

and economic territory in which the crime that affects its residents occurs. The most recent analysis of organised crime in Cape Town was conducted by Standing, who found the dominant view to be characterised by the following perceptions:

- That criminals and the structures in which they operated existed beyond mainstream society.
- That they created the illicit markets to which they supplied commodities and services.
- That criminals thrived on exploiting opportunities that were inadvertently created by various government initiatives – notably the racial segregation policies of apartheid.
- That criminals corrupted public officials and business entrepreneurs to facilitate their activities.
- That they also contaminated ethical business practices by using existing financial intermediaries or setting up their own in order to launder the proceeds of crime.<sup>10</sup>

Standing referred to this as the 'parasitic' view of the interaction among organised criminals, society, the state and business. He found it to be a useful, but incomplete analysis of how criminals related to their environment.<sup>11</sup> Indeed, the history of the evolution of both market-dependent and predatory forms of organised crime on the Cape Flats in the 1980s and 1990s demonstrates the shortcomings of the parasitic model.<sup>12</sup> For example, in contemporary contraband cigarette trafficking, crime intelligence analyst Van Dijck has pointed out that 'the social and commercial platform of an illegal market stands on fiscal poles'.<sup>13</sup>

Connecting fluctuations in the incidence and types of organised crime to political transitions has become conventional. Some researchers claim that its evolution in African countries substantiates the

linkage. As governance systems switch from authoritarian regimes to liberal dispensations, it is contended that they are extremely susceptible to 'infiltration' by crime networks. Part of the reason is that they are preoccupied with national (re)construction, state-building and bridging economic gaps to such an extent as to devote no or sufficient attention to 'the nascent role of criminal actors and the impact of their actions on broader governance, the rule of law and development'.<sup>14</sup> Without informed, comprehensive assessments of the impact of the activities of networked crime, neither the public authorities nor potential victims can formulate effective responses, and proposed solutions tend to be disproportionately biased towards strengthening criminal justice institutions and structures, and building capacity to disrupt crime through asset seizures.

Cape Town faces a number of challenges emanating from organised crime. In selecting the challenges on which to focus, one option is to be guided by the prioritisation adopted by the police. Serious organised crime, which the police's Directorate of Priority Crimes Investigation is mandated to tackle, includes drug trafficking, vehicle-related crimes, the theft of precious metals, illicit dealings in non-ferrous metals, trafficking in wildlife, dealing in counterfeit commodities and credit card fraud.

The drug-trafficking process is constructed around the three nodal points of production, transportation and distribution. With the exception of mandrax and crystal methamphetamine (which is often referred to as *tik*), Cape Town encounters narcotic drugs mainly in the transit or distribution phases. Yet the drug trade in Cape Town and the adjacent Western Cape region has become high profile and dangerous, spawning a large number of drug addicts and numerous, colourfully named gangs. Perceptions of police ineptitude or

complicity precipitated the vigilantism that attracted public attention in the late 1990s with the advent of the PAGAD organisation, which engaged in violent confrontations with alleged drug dealers. The enduring perception is that no other illicit activity feeds organised crime networks in Cape Town in the same way as drug trafficking.

all. As will be noted later, chaotic migratory urbanisation has occurred at various junctures during Cape Town's existence. The segregationist classifications imposed by apartheid laid the foundations for the development of organised crime networks in the city. Their most dramatic effects became visible as the Group Areas Act (1950)

### Instead of seeing criminal gangs as separate entities, they should be considered as part of criminal networks

Gastrow differentiates between 'street gangs' and organised crime groups, networks or syndicates based on the level of formality and the extent of the crime. Often, gangs were seen as the less sophisticated counterparts to organised crime syndicates and their members were often youths.<sup>15</sup> Gangs seemed to be conceived as more territorially inclined compared to organised crime groups, which were seen to be more sophisticated than gangs.

This understanding seems to have influenced policy and law enforcement efforts during the early 1990s, but by the latter part of the decade had been replaced by a focus on so-called 'high flyers', described loosely as the top rung of members of organised criminal groups. However, Standing convincingly argues that both approaches stemmed from a misconception of the nature of active crime networks<sup>16</sup> – relying on what Smith refers to as the 'Mafia mystique'.<sup>17</sup>

Research suggests that instead of conceiving criminal gangs as separate entities, they should be considered as part of criminal networks.<sup>18</sup> This shift appears to be more consistent with a historical analysis of their genesis in Cape Town, which demonstrates a close connection with rapid migration and urbanisation that were either poorly planned or not planned at

took effect. Rejecting cross-racial intermingling, the apartheid state reserved a number of areas around Cape Town for whites and forcibly removed all other races to the outskirts of the city, mostly into the region that became known as the Cape Flats.

The removals, which in many cases precipitated the breaking up of extended family units, soon yielded an exponential growth of gangs. Lambrechts argues that the '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'.<sup>19</sup> She agrees with Leggett that the norms of the gang became the norms of individuals as the family unit made way for the gang as a surrogate family.<sup>20</sup> This drift intensified due to increasing drug and liquor abuse in the 1970s and 1980s, which Standing argues was in turn due in part to poorly conceived liquor control measures.<sup>21</sup>

Among other developments, these measures led to a criminalised market for the supply of liquor in the form of shebeens. Later, they fed the trade in mandrax as a recreational drug, often in combination with liquor. When mandrax was banned in 1977, an illicit market for its supply connected Cape Town (and other South African cities) to sources

Five cents

THE PRICE OF A MANDRAX  
TABLET IN 1977

R50

THE PRICE OF A MANDRAX  
TABLET IN 2006

in Asia. Coupled with demand, illegality pushed the cost of the product from five cents a tablet in 1977 (at pharmacies when it was legal) to the 2006 price of R50 a tablet.<sup>22</sup> It also attracted criminal entrepreneurs to manufacture some mandrax in South Africa, thereby minimising the cost of procurement and the risk of interception by the police.

The related trades in illicit liquor and drugs had a significant impact on the rate of incarceration and were reflected in growing prison populations and the worsening of conditions in prisons. As some of the regular inmates tended to be recidivist, violent drug traffickers, this eventually led to prison gangs growing in size and influence. The largest gangs known are the 'numbers' gangs – the best known of which are the 26s, 27s and 28s.<sup>23</sup> Prison gangs rapidly spread throughout the country and firmly entrenched themselves in prisons in the Western Cape. They have since proved to be a resilient and unavoidable part of prison life, extending their influence beyond prisons as gang members are released at the end of their terms of imprisonment.

The political conflict in which South Africa was enmeshed in the period prior to 1994 affected the gangs that grew on the Cape Flats differently to youth in other urban localities. Desai contends that even though politicised mass youth movements grew in other parts of the country, the movement was relatively small on the Cape Flats – at least up to the formation of the United Democratic Front in the mid-1980s.<sup>24</sup> The influence and attraction of youth gangs remained more powerful, to the extent that liberation fighters sometimes had to negotiate for safe passage with neighbourhood gangs.

It is not clear whether – as part of the deals struck with gangs or as a result of their own initiative – some liberation units developed and serviced smuggling routes to facilitate the movement of

firearms and drugs. Former serious crime investigator Hannes van Vuren believes that a symbiotic relationship developed on the basis of reciprocal requirements.<sup>25</sup> Liberation fighters needed funds, safe houses and information. Organised criminals, some of whom were establishing themselves but knew the terrain well, required a steady supply of drugs, firearms and assistance with moving contraband (such as stolen motor vehicles) out of South Africa. Stolen motor vehicles could be and were regularly exchanged for drugs obtained from Botswana, Zambia or the Democratic Republic of the Congo (then known as Zaire).

According to Van Vuren, the late Ronny Johnny Smith, a multi-millionaire and politically connected drug trafficker,<sup>26</sup> boasted that a second Truth and Reconciliation Commission (TRC) would be required if he were ever put on trial because he had committed so many illegal acts on behalf of highly placed figures during the struggle years. Ellis confirms these views, relying on government documentation which showed that some activists were involved in motor car theft and mandrax smuggling.<sup>27</sup>

The African National Congress (ANC) set up Operation Vula inside South Africa to establish, manage and coordinate self-defence units for political purposes. A second project known as Operation Bible sought to recruit and coordinate informants in the state security apparatus. Cyril Beeka, who subsequently acquired a reputation as a high flyer, had simultaneous friendships with police officers and ANC political activists.<sup>28</sup> Beeka's criminal career continued long after the demise of apartheid, as did some of the alliances that he had established. In his case, lines separating criminal activity, the political establishment and policing were either blurred or non-existent.

The connections between criminal actors and occasional beneficiaries of illicit activity were not confined to the liberation movement. Apart from creating the conditions that escalated gang formation on the Cape Flats, the state played an active role in the growth of the drug trade. Ellis states 'from about 1986, there was a marked increase in the importance of this sector as both the state and the ANC launched initiatives that aimed to make greater use of the criminal milieu in order to attain their strategic objectives'.<sup>29</sup>

The TRC hearings heard and accepted testimony that South Africa's apartheid government experimented with the use of drugs, including mandrax and ecstasy, for crowd control purposes.<sup>30</sup> The head of the government's chemical and biological weapons programme known as Project Coast, Dr Wouter Basson, was tried for attempting to sell large amounts of illegal drugs. The smuggling of high-value goods such as drugs, currency, diamonds and cars 'became the medium wherein professional criminals, sleazy politicians, corrupt guerrilla leaders and policemen and those who gave strategic direction to the armed struggle and counter-insurgency all developed common interests'.<sup>31</sup>

In an interview on illegal trade routes, a police detective is recorded by Ellis to have said that:

We all used the same routes, the smugglers, the South African intelligence services all of them together and the ANC. They used to smuggle their weapons on those routes, your smugglers would obviously bring in the drugs and stolen vehicles.<sup>32</sup>

The apartheid state also used gangs as an institution to suppress political dissent. Gangs, which had already developed considerable strength, were used in a variety of ways. They were used to inform

on political activities and to threaten politically active residents. In exchange for turning a blind eye to their activities, the state used local gangs to target anti-apartheid activists for assassination.<sup>33</sup> The symbiotic relationship between the gangs used in this way and the state drastically increased their power and influence on the Cape Flats. Consequently, supply lines proliferated and drug dependence in communities escalated.

The dawn of democratisation in South Africa coincided with what Shaw and Reitano describe as the second phase in the evolution of organised crime in South Africa,<sup>34</sup> in which the country's borders 'opened up' to the speedier movement of commodities and people and the country was exposed to global market forces. South Africa's relative exclusion from the world economy during the apartheid era – which may have isolated the country from hard drugs such as cocaine and heroin – ended, allowing these 'new' drugs and some of their merchants in. South Africa was regarded as an untapped drug market. The increase in gang activity to take advantage of the influx of these drugs in carving out new markets or consolidating existing ones prompted the formation of PAGAD.

The patterns of the trade have become well established over the last two decades, with cocaine originating from the Andean region in South America and heroin emanating from Asia – predominantly Afghanistan and surrounding countries. Traffic routes that directly connect South Africa to these regions carry significant quantities of drugs to Cape Town, but it is evident that supplies are supplemented by imports entering by land through Angola and Namibia (cocaine) and Mozambique and Madagascar (heroin).

The sources of supply of cocaine and heroin to South Africa were initially dominated by what Gastrow refers to as 'adventurers and fortune hunters'

who came to Africa from countries such as France, Portugal, Britain, Greece, Lebanon, India, Israel and occasionally from some parts of Central Europe.<sup>35</sup> They set up small trading or import and export businesses that often served as fronts for illegal businesses. In a relatively short time these entrepreneurs were acquiring various illegal goods from indigenous operators. Gastrow states:

The indigenous operators were the suppliers of the goods for which the foreigners could pay and then smuggle to the 'rich' markets of South Africa and abroad. The relatively tightly controlled South African borders and airports and the harsh discriminatory laws in place in South Africa at the time, made it very risky for Africans from countries to the north to enter the country in order to dispose of their goods or to make contact with local criminal groups. For white foreigners from Zaïre or Zambia, or for Portuguese nationals living in Angola or Mozambique, it was less difficult to visit South Africa for the same purpose.<sup>36</sup>

Similarly, Asian organised crime networks, especially those from China, collectively (but occasionally misleadingly) referred to as the 'Triads',<sup>37</sup> had already set up poaching and drug-trafficking networks during the 1980s. They began to develop at a greater rate during the next few decades, spurred on by the growing demand for wildlife and marine products in Asia, and for mandrax in South Africa. Later, the demand for mandrax would be surpassed by that for *tik*.<sup>38</sup>

The Europeans and Chinese were subsequently joined by some networks from West Africa, which were expanding beyond their sub-region partly because of declining economies.<sup>39</sup> West African or 'Nigerian' organised crime networks dominated this sector.<sup>40</sup> Their comparative advantages could be

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## THE CASE OF JACKIE LONTE

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Co-operation between the apartheid state and the gangs on the Cape Flats can be illustrated by the case of the notorious Jackie Lonte, who was able to develop drug connections through the Civil Cooperation Bureau (CCB).

In turn, Lonte was expected to 'deal' with supporters of the United Democratic Front (UDF).

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attributed to their flexibility, access to resources and connection to a broader ethnically based network that spanned the globe. They had become noticeable as successful 'middlemen' in the drug trade by the late 1980s in South Africa.<sup>41</sup> West African criminals often became specialised in procuring cocaine for South African markets. When it came to distribution, however, the West Africans faced competition from local networks, particularly in Cape Town. They also could not establish a foothold

in Cape Town. They introduced a hitherto uncommon level of professionalism and sophistication, but also became associated with protection racketeering,<sup>43</sup> human trafficking and sexual exploitation.

The protection racketeering business in Cape Town developed in the 1990s and involved a large number of former police or security officers. With more than 300 nightclubs operating in the city, significant scope exists for running lucrative protection rackets. Protection fees reportedly range between R250 and

are in vulnerable employment, where occasional lay-offs are common.<sup>46</sup>

The outcome of a combination of the developments outlined above was to position Cape Town as a repository of drugs emanating from the east (mandrax and heroin), and west and north (mandrax and cocaine). At the same time, marine resources and wildlife were despatched to other places from the city.

### Strategic linkages among crime networks

The brief historical overview above shows the limitations of the parasitic view of the linkages between organised criminals and their environment. In the environment so afflicted by crime – centred on drug trafficking – power took various forms, and could be exercised by various state and non-state actors, or through licit and illicit enterprises and formal and informal institutions. Occasionally these wielders of power – where they were operating in the same space – could collude, overlap and share power.

In the context of this discussion, it should be pointed out that 'governance' is not state centred or the permanent preserve of a fixed entity. Instead, its exercise is conditional on the location of power. The state is, at least partly, a concrete legal reality, constituted by a set of institutions with control over a set territory and population. The exercise of governance, however, like the exercise of one of its attributes – sovereignty – is a dynamic and constructed practice, a claimed status, based on the performance of certain functions.

This section analyses some networks that have emerged as a result of the various formations discussed above. The analysis broadly profiles the social networks within which criminal networks exist. This approach, referred to as social network analysis (SNA), is constructed on the premise that contemporary

## The dawn of democratisation in South Africa coincided with the second phase in the evolution of organised crime in the country

in the heroin trade on account of stiff competition from the Asian, Indian and Pakistani groups that had set up stall in the heyday of the mandrax trade. As with the Nigerians, the Asians could rely on a huge global diaspora. In addition, they could camouflage illicit activities by using well-established legitimate trading pursuits.

Pakistani and Indian criminals often worked in conjunction with locals. Often disregarded as a significant factor, they frequently possessed significant supply chain networks to provide illegal goods and services. Like many foreign criminal groups, they were noticeable in the 1990s, but tended to maintain a lower profile later.<sup>42</sup>

The end of the cold war led many criminals from Central and Eastern Europe to venture southwards to find new areas to settle and work in. Cape Town was no exception. Criminals from Eastern Europe became noticeable in Cape Town virtually from 1994 onwards. While not necessarily linked directly to the drug trade, prominent Eastern European crime figures have been implicated in active criminal networks

R30 000 per month. From its inception, protection racketeering has been linked to drug trafficking, because the power to control entry into premises comes with the power to determine whether drugs are sold there, and if so, who can do so.<sup>44</sup> In order to prevent the trade from being disrupted by the police and ensure that illicit transactions are secure, the protection service provider has to know and may have to 'take care' of any police operatives. The drugs sold on the premises could be supplied by the racketeer or be from an independent source, in which case the supplier has to strike a deal with the racketeer to do business.

Almost without exception, every major crime network that established itself in South Africa made use of some local participants, not least because labour and knowledge of local markets and risk profiles were required.<sup>45</sup> Involving locals also pre-empts unnecessary rivalry and competition, which could be exploited by the police. Locals to deploy as foot soldiers or take on as partners are in abundance in Cape Town, because levels of unemployment are high. A large proportion of those who are employed

organised crime networks are embedded in rather than parasitic on mainstream society. As Standing insists, the parasitic model only partly explains the evolution of such networks.<sup>47</sup> SNA uses data on interactions among various actors, some of whom might only be connected indirectly, to chart links between and among them. It does not demarcate separate realms for licit and illicit relationships or draw a division between the 'upper world' and 'underworld'. Within networks it eschews the classification of actors into 'blue collar' gangsters and 'white collar' kingpins, at least initially.

Research has shown that most organised crime in South Africa is committed by individuals who comprise networks,<sup>48</sup> and that there is a definite link between the 'shadow' and mainstream economies. It has also demonstrated the existence of regular interactions with some government circles.<sup>49</sup>

The networks revealed by SNA assist in identifying key participants (referred to as nodes), regardless of their status in a criminal organisation, and can extend the network from the core criminal actors to 'legitimate' political and economic realms. This can assist in determining the brokers that link the core criminal actors with actors in the mainstream economy or in government circles.<sup>50</sup> An example would be drug trafficker Glenn Agliotti, who was found to have played a prominent role in the corruption saga that led to the conviction of the commissioner of the South Africa Police Service, Jackie Selebi. The court found that Agliotti was the intermediary between the commissioner and the criminal networks that provided the bribes. Agliotti occasionally withheld some of the bribe funds he received to pass on to Selebi.<sup>51</sup>

However, in order for SNA to be useful to crime investigators and analysts, it needs to move beyond simply linking actors,<sup>52</sup> and identify '(i) types of agents, (ii) types

of relationships, (iii) flows, directions and levels of information, (iv) quality of brokerage capital and (v) central agents within the network'.<sup>53</sup> This requires the gathering and interpretation of data and relationships in a more subtle way. Therefore, one can identify those in power and 'attribute them to specific individual traits or to structural roles that these individuals fulfill'.<sup>54</sup> This in turn can draw attention to specific actors who may go unnoticed, but who often show up at the right time to become bridge builders or brokers. SNA has been tested and used in mapping networks implicated in the drug trade in Colombia, Mexico and Guatemala.<sup>55</sup>

Just as they differ in size, crime networks have different structures. While some have existed for a long time, not all networks are as enduring – in fact, they are often in continual flux. Crime analyst Phil Williams broadly divides criminal networks into 'directed' and 'transactional' networks. The former are 'directed' by core strategists, who use them for specific purposes, such as to traffic cocaine from sources to destinations.<sup>56</sup> The traffickers have a stable central leadership and are consistent in the crimes they commit. Although multiple structures and nodes exist, there is an identifiable centrality and a business-like, sustainable approach is taken.

A transactional network, however, emerges 'spontaneously as a mechanism to add efficiency' to a project.<sup>57</sup> Transaction networks often rely on a number of brokers to facilitate deals. For instance, some Nigerian criminals make up loose and often temporary alliances around 'projects'. The resulting networks are adaptable and flexible. Often 'members' of the network join on a temporary basis, bringing particular skill sets, connections or financial power. Thus, the typical 'drug baron' with both finances and connections

BY THE LATE

1990s

ABALONE POACHING  
HAD BECOME A MORE  
ORGANISED AND HIGHLY  
LUCRATIVE BUSINESS

in drug-producing countries will hire a 'striker' or a number of 'strikers'. A striker can be defined as a type of 'fixer' who has access to various networks and is able to recruit. Strikers often have the contacts and connections to produce items such as documentation (probably fake documentation) required for specific transactions. Strikers may also recruit one or more drug mules. These individuals collaborate in order to conduct specific transactions and are 'demobilised' once these transactions are completed. Due to their fluid personnel structure, Ellis uses the term 'ad hoc' to describe the small groups that often make up such criminal drug networks.<sup>58</sup>

However, despite the often ad hoc nature of a criminal network, networks as envisaged by Williams nonetheless have 'cores' and 'peripheries' that reflect power and influence.<sup>59</sup> Those at the core of a directed network are often its originators and have the ability to control or influence it in a particular way. Power and influence go hand in hand with access to and control over the flow of information relevant to the success of the various missions. Those on the periphery have access to far less information, which is considered important for the security of the network. At the same time their services are critical to the geographic and social expansion of the network. The greater the distance between core and peripheral actors, the greater the prospects that the latter will work with multiple networks.

### **Case study: the abalone and crayfish trade**

In searching for an illustrative case study of both the networks involved in organised criminality and the spheres of influence that an organised criminal network may have, we were led to the illegal abalone (perlemoen) and crayfish (rock lobster) trade in Hout Bay,

Cape Town. Hout Bay was chosen as a location that is renowned for major organised poaching activity. It typifies the trade across the Western Cape. Alongside the picturesque tourist attractions and residential areas of Hout Bay lie a sizeable commercial harbour and fishing industry. The fishing industry in the area is a source of livelihood for a number of communities and businesses. A number of large commercial fisheries command a significant portion of the income generated in the region, alongside smaller commercial fisheries and numerous rights-based holders. The fishing business is regulated via quotas and permits issued by the state.

In Hout Bay lies the township of Hangberg. Predominately occupied by coloured residents, Hangberg has over the years provided labour to the fishing industry. The relationship between the residents of Hangberg and the state typifies the difficult and strained relationship between many coastal communities and the state.<sup>60</sup> It is an occasionally tempestuous relationship, marked by violent outbursts in 2010 and 2012. In 2012 the residents took to protecting poachers from what they deemed excessive force by the police, and parts of Hangberg are labelled 'no-go' areas for both the police and Department of Agriculture, Forestry and Fisheries (DAFF) officials.<sup>61</sup>

The development of the illegal abalone trade has gained increasing attention due to the precariously low levels of stocks believed to be left in the water.<sup>62</sup> Together with the trade in crayfish, abalone trafficking is significant to the economy of fishing villages on the southern coast of the Western Cape and the Eastern Cape. In the same way as with the illegal abalone trade, the poaching of crayfish is also an important source of income for organised criminals.

The criminalisation of abalone and crayfish fishing is a fairly recent

development (starting in the 1970s and intensifying in the 1990s). In the 1960s over 2 800 tons of abalone were harvested annually, while the 1970s saw a boom period for the trade. Shortly afterwards declining stocks (due to over-fishing and environmental reasons) forced seasonal quotas.

In the late 1980s and early 1990s an increasing number of foreign organised criminals entered South Africa, including Chinese and Asian criminals who began developing smuggling and trafficking routes. At the same time there was also an increase in legitimate trade between South Africa and the rest of the world, including Asian countries, which made the tracking of illegal exports and imports increasingly difficult.

In 1994, in what was termed the 'abalone war', violent confrontations occurred between poachers, police, community members and commercial divers as the resource became increasingly scarce and changing quotas left many feeling marginalised and unhappy.<sup>63</sup>

By the late 1990s abalone poaching had become a more organised and highly lucrative business. It involved 'street gangs', local criminals and poachers on the shoreline, and transnational criminals (often the same Chinese/Asian gangs who had established themselves during the fall of apartheid) who controlled the trade routes to Asia. The weakening of the rand against the US dollar buoyed this trade because illegal abalone could be purchased at a lower price.<sup>64</sup> The state, although slow to react, began focusing law enforcement on illegal poaching with Operation Neptune in 1998. This did not fully reverse the wave of poaching, and by 2002 more abalone was confiscated than that harvested by commercial fisheries. Continual declines in stocks resulted in Operation Trident being implemented, with environmental courts being set up in 2003 to help

combat the inefficiencies in magistrates and regional courts who were unfamiliar with environmental law.

Despite their relative success, the environmental courts were closed down in 2005, as was Operation Trident. From 2007 to 2010 abalone was listed on the CITES<sup>65</sup> index, but this was rescinded due to implementation problems.

During this period other significant developments were occurring on a global

and much of it concerned the illegal procurement of abalone.<sup>71</sup>

Abalone trafficking rivals motor vehicle theft in terms of its connection to a vast range of collateral crimes and transnational networks. Abalone can be exchanged for chemicals used in the manufacture of mandrax or crystal methamphetamine. It is also exchanged for drugs from Asia. China is the largest market for South African abalone.

### The demand for South African abalone remains unabated, because it is regarded as superior

scale. The rise of Asian purchasing power and, in turn, demand for abalone – which is a luxury delicacy in China, Hong Kong and Taiwan – changed the markets substantially.<sup>66</sup> This is reflected in the increases in abalone export prices in South Africa, which went up from R26,69 per kg in 1990 (with the rand trading at R2,58 to the dollar) to R389,52 per kg by 2007 (with the rand trading at R7,06 to the dollar). This price escalation provided incentives for poaching.<sup>67</sup> According to DAFF officials, in 2013 frozen abalone traded at around R1 000 per kg, while processed (dried)<sup>68</sup> abalone traded at R3 000 per kg. Prices in 2013 suggested that dried abalone can fetch anything between R6 000 and R12 000 per kg once it reached Asia.<sup>69</sup>

Although production of abalone in China has been increasing since the late 2000s,<sup>70</sup> the demand for South African abalone remains unabated, because it is regarded as superior. Against this background, it is in the interest of criminals to corrupt law enforcement agents to ignore illicit activities. This corruption is not only limited to police enforcement, but extends to other government institutions, notably the DAFF. In 2012 the minister acknowledged that corruption was rife in her department

Chinese-dominated networks continue to be active in abalone trafficking.<sup>72</sup> Gathering intelligence on network activities requires intensive surveillance and espionage, and the extensive use of informers for prolonged periods of time. Some of the operatives who have acquired specialisation in detecting these activities have unfortunately become compromised by the crime networks. A pending case revolves around the activities of a network that sucked in a number of current and former police operatives. In the following summary of the case, initials have been substituted for real names, because the case is still pending. The network was allegedly managed by a Chinese national, RW, who spent part of the time in China, but regularly visited the Western Cape.

Locally, much of the syndicate was run by one FB and his associates, including his wife, bookkeeper and lawyer. The respective roles played by the police operatives are summarised in Figure 1. The police personnel played a primarily facilitative role, protecting the trafficking network from interception. A former police operative, JJ, was present at the bottom of the chain, protecting the poachers and ensuring that they would not defraud the criminal network by retaining some of the

R6 000—  
R12 000

THE PRICE PER KILOGRAM  
OF DRIED ABALONE IN ASIA

harvest for themselves. Thereafter, serving police personnel would be involved in ensuring the safe transportation of abalone to the premises in the small Karoo town of Touws River where it would be dried. It is conceivable – although no such evidence will be led on this in the court case – that the police could have contacts in the customs department to turn a blind eye to the contraband while it was being exported.

### Governance implications

Criminal networks constitute a visible and influential authority in certain contexts. Sometimes this is because of the absence of formal state presence and authority. These networks therefore expose limitations to the extent and depth of state authority. This does not, however, give such networks a political character or necessarily make them overtly inimical to the state. There are at least two reasons why the existence of criminal networks in an informal, inarticulate triangle that includes the state

and business is a matter of enduring concern. Firstly, while they lack the legitimacy generally derived from a formal mandate, organised criminals wield considerable power. Secondly, and as a result of such power, criminal networks can corrupt or manipulate the state without necessarily taking it over. As Torkelson observes:

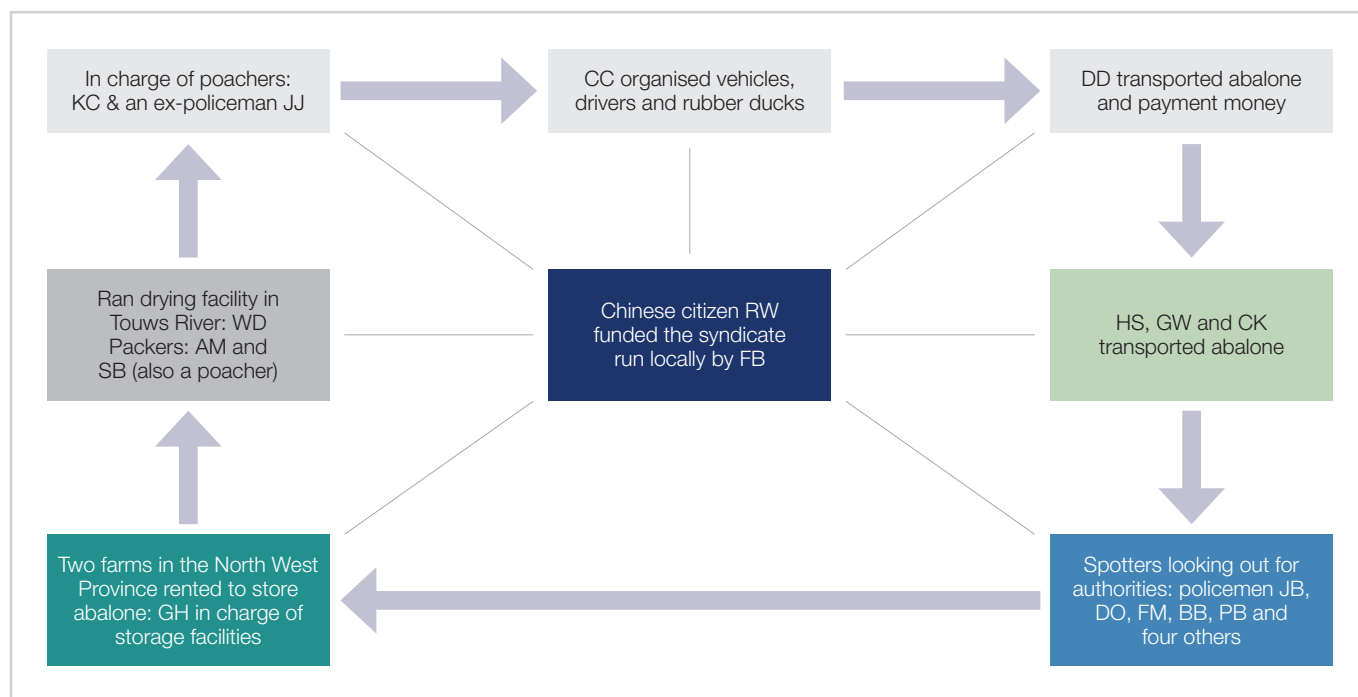
The inability of the state to exercise authority over all physical and social territory has created power vacuums that are easily seized by those profiting off illegal economies. Criminal über-entrepreneurs have embraced these informal spaces to capitalise on the economic opportunities of illicit enterprise. Densely populated areas provide ready markets for the sale of illegal goods (drugs, counterfeit commodities, prostitution) as well as enticing opportunities for plunder (theft, hijacking, fraud).<sup>73</sup>

Allowing state authority to be displaced or replaced by an unelected, informal

and unaccountable alternative – which the authority of a crime network invariably is – amounts to exposing a community to ‘self-appointed providers of arbitrary and illicit forms of justice and security’,<sup>74</sup> apart from being inimical to constitutional democracy. Yet this is precisely what can occur if the demands of urban governance remain unsatisfied. As with the rest of South Africa, in Cape Town such demands distinctly emanate from black (including coloured) youth. It is in this sector that crime networks have tended to find markets and foot soldiers to perform various tasks. The most urgent demands are for access to employment or business opportunities<sup>75</sup> and to formal low-cost housing.<sup>76</sup>

At the end of 2012 Cape Town was populated by approximately 3,5 million people.<sup>77</sup> It continues to experience gradual growth. According to official statistics, more than 90 per cent of households in Cape Town survive on less than R6 400 (\$640 as of 13 June

Figure 1: The role of police operatives in the abalone-smuggling network



Source: adapted from *Cape Times*, 26 July 2011

2013) per month.<sup>78</sup> At least 50 per cent of its residents live in the Cape Flats area, which lies south-east of the city. While policing crime is not within the competence of the city authorities, their commitment to work with the national police to reduce the incidence of substance abuse and other forms of illicit activity is unquestionable, as is that of the provincial government.<sup>79</sup> Whether this commitment can minimise the creep of criminal networks depends on the extent to which the city is able to convince

and networks of social and economic production and reproduction’.<sup>81</sup>

At the same time, political allegiance also influences loyalty. Supporters of the two major parties that contest political power in Cape Town – the Democratic Alliance (DA) and the ANC – occupy distant camps. The DA currently dominates government at both the city and provincial levels, while the ANC – which forms the current national government – is determined to constantly discredit the

The taxi associations set up ostensibly to bring order to the taxi industry ‘operated like the Mafia, with the power to extort money and murder their opponents’

vulnerable communities and sub-sectors to rely on state institutions, of which the city is the one closest to them as a source of political support or social and economic claim-making, rather than turn to alternative ‘institutions’.

Several factors impact on the prospects of the city authorities achieving this. The first stems from Cape Town’s history. Apart from the racially inspired social engineering epitomised by the implementation of apartheid legislation, Cape Town has regularly had to contend with rural-to-urban migration. By former mayor Dan Plato’s reckoning, this accounts for an annual growth of up to 50 000 new residents,<sup>80</sup> who include South Africans from outside Cape Town and non-South African nationals. Somalis and Zimbabweans probably comprise the largest of the latter communities. The second factor is related to the city’s cosmopolitan character. Cape Town hosts multiple informal communities, and some residents look up to structures in such communities rather than to formally mandated structures. The communities are based either on ‘essentialist identities like ethnicity, race or religion or on spatially-circumscribed allegiances

DA. This polarisation, which is evident at the national level, where it is reflected in acrimonious exchanges in parliament (which is in Cape Town), plays itself out at other levels. ANC supporters perceive the city authorities as being only one part of the state, the others being the provincial government and national government. While they contest political power at the local and provincial levels, they distrust the authorities at these levels.

In a survey of responses to criminality faced by spaza (informal grocery) shopkeepers in the Delft township to the east of Cape Town, three ethnic groups gave different views of whom they would turn to in response to crime or the threat of crime. Most of the coloured shopkeepers said they would report crime to their neighbours or to the community policing forum (which is linked to the police), while black South Africa shopkeepers would report to street committee leaders. Somali shopkeepers, on the other hand, responded that they would turn to their landlords. When probed further, some of the latter pointed out that they would feel more secure with landlords who were also drug ‘barons’, because these tended to be feared and

90%

THE PROPORTION OF CAPE TOWN HOUSEHOLDS THAT SURVIVE ON LESS THAN

R6 400

PER MONTH

respected in the community. Those that could not rely on such powerful landlords were vulnerable to being preyed on by local gangs that demanded 'protection' payments, in the form of cash or cigarettes, in order to 'keep an eye' on the shop.

The state is perceived to either lack the capacity or to be too ineffective to discharge its responsibility to ensure safety from crime. The credibility of state institutions mandated to protect residents from crime is low, partly because the criminal justice system that they serve is poorly understood, and partly because of perceived inefficiency.<sup>82</sup> In the face of serious criminal threats, crime victims are likely to turn to non-state structures, such as street committees, vigilantes, taxi drivers or even 'hit-men'. In the sphere of employment, the state is perceived as being incapable of stemming unemployment.

The conflicts in the commuter taxi industry, which flared up in the late 1990s and lasted until around 2005/2006, demonstrated the extent of police marginalisation in terms of major crime-related conflict. Testimony to the subsequent Ntsebeza Commission reflected police frustration with a culture of silence that complicated the task of obtaining information to prosecute suspects. Witnesses refused to come forward, which ensured impunity for most of the assassins hired to carry out atrocities, making them available for future assignments. The commission found that there was a strong link 'between taxis, drugs and organized crime'. The taxi associations set up ostensibly to bring order to the taxi industry (of which there were no less than 150 country wide by that time) operated like the Mafia, with the power to extort money and murder their opponents.<sup>83</sup>

The use of hit squads to control routes is an intermittent practice in the taxi industry.<sup>84</sup> The resulting violence has

spawned an arms race in the industry and cost many lives over the years in 'taxi wars'. In a chilling account, the Ntsebeza inquiry observed that 'The older, more experienced owners are usually responsible for selecting the targets, planning the logistics, recruitment of the hit men and collecting monies to pay for the services of the hit men'.<sup>85</sup>

In 2001 Dugard found that there was not a single urban area in South Africa that had not experienced a taxi war in recent years.<sup>86</sup> In the case of Cape Town, the taxi industry is connected to the trafficking of drugs and abalone.

### **Criminal entrepreneurship**

The business protection regime that took shape in Cape Town during the 1990s eventually spread to areas beyond the central business district. This development seemed to coincide with the roll-out of the closed-circuit television camera network in the central business district and the spread of spaza shops. Robberies of such businesses, particularly those run largely by Somali traders, has escalated to a point where by the end of the first quarter of 2012 police confirmed that 67 per cent of business robbery victims in the Western Cape province were foreign nationals.<sup>87</sup>

In response, business owners turned to criminal entrepreneurs of various descriptions, including gang leaders. As the responses by Somali spaza shopkeepers discussed above show, criminal leaders are often perceived to be able to maintain order and deliver justice more effectively than the state. The resulting protection arrangements are outside the ambit of the law, because those offering protection are not licensed. It is evident that in some cases Somali business operators have resorted to arming themselves.

It is clear that, apart from running protection rackets, crime networks have

also been involved in the entertainment industry. The adult entertainment sector, in the form of nightclubs and outlets for marketing pornography, appears to present lucrative opportunities and avenues for laundering the proceeds of other forms of crime. Property development has long been attractive to high-net-worth individuals, regardless of their sources of income. In the case of crime networks, property can be used to conduct illicit transactions discreetly, conceal contraband and provide justification for depositing large sums of money. Residential and commercial property is acquired openly through numerous auctions and subsequently rented out or sold.

By constructing property portfolios, core actors in crime networks in Cape Town consolidate territorial power. In the localities in which their property is concentrated some have established alternative services, which come to the fore in the settling of disputes by a combination of both legal and extra-legal methods, including assassination. A survey of responses by suspected criminal leaders in Cape Town to attacks on their properties indicates a preference for private investigation as opposed to leaving it to the police.<sup>88</sup>

The densely populated residential areas of the city provide ready markets for the sale of illegal goods (drugs, counterfeit commodities, prostitution) and enticing opportunities for plunder (theft, hijacking, fraud). The increase in cyber fraud around the world has a local twist in Cape Town, which is influenced as much by tourism as it is by the construction of low-income residential property. Tourists and other visitors to Cape Town present a pool of potential victims of cyber fraud, especially fraud committed using 'cloned' credit cards. At the centre of this process is the theft of identity particulars at any of numerous points at which services are paid for, such as restaurants.

Crime networks active in cyber fraud take advantage of a large community of relatively under-paid waiters and waitresses, many of whom are employed on a casual basis, to recruit 'foot soldiers' to capture information from credit cards. The most basic tool used is a skimming device designed to emulate the genuine device, which can capture details once a credit card is swiped through it. These details are subsequently copied onto a computer and transferred to a fake card to be used in financial transactions. Using such cloned credit cards, crime networks, among other things, procure building materials that are sold to the small-scale construction sector at competitive prices.<sup>89</sup>

### Finding enlightened responses

This discussion may have created the impression that historical roots and subsequent developments have bequeathed an intractable challenge to Cape Town. At the same time, however, the commitment of ordinary residents, administrators and political leadership to whittle down the influence of criminality is overwhelming. Consensus on how to achieve this remains elusive, partly because of differences in the interpretation of Cape Town's historical baggage and its relationship to current criminality.

As Samara argues, it is delusional to take the city simply as a creation of 1994, ignoring that 'Cape Town was once a colonial city, then it became an apartheid city. After 1994, the hope was that it would become a liberated city ... [which] appears as a receding horizon'.<sup>90</sup> The urban renewal project in Cape Town has only been partially successful: it is well coordinated and supported in the central business district and southern suburbs, but underfunded, piecemeal and caught up in political polarisation everywhere else.<sup>91</sup> Solutions to eradicate organised criminal networks do not take

into account the underlying context that empowers and sustains them; such solutions are distinguishable by their preoccupation with stronger policing and repression, while paying insufficient attention to deficiencies in other state capacities.

Because criminal networks would appear to be most successful in challenging the authority of state institutions in informal or 'grey' areas of the social economy,<sup>92</sup> the initial task should be to identify the most significant of such areas. They will probably be areas that have been glaringly abandoned by the state and business, making it possible – if not inevitable – for criminal entrepreneurs to take control. A study of the contemporary needs of the youth will also indicate where the vacuums are. Many young people in Cape Town who find no viable economic options available through formal channels are inculcated into the gang lifestyle at an early age. The ostentatious lifestyles of some criminal actors are a persuasive recruitment technique. Crime bosses and high flyers are seemingly untouchable and difficult to prosecute because there are literally thousands of people protecting them, while people are unwilling or afraid to come forward and testify against them in court.

Developing effective responses to the creep of criminal governance will depend ultimately on the ability of the state to outdo criminal networks in providing opportunities to participate in the legitimate economy. In addition, steps to reduce criminalisation among juveniles instead of increasing imprisonment have not been implemented. According to Pinnock, it is cheaper to manage interventions before criminality occurs (rather than later) by providing youth with an alternative social support system.<sup>93</sup> Thus, programmes such as Pinnock's Usiko programme<sup>94</sup> should be included as viable and important interventions in limiting organised crime.

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67%

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THE PERCENTAGE OF BUSINESS ROBBERY VICTIMS IN THE WESTERN CAPE WHO WERE FOREIGN NATIONALS

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An approach that rejects the parasitic view of crime networks also accepts that the profile and influence of the core actors at the centre of such networks should not be exaggerated. This pertains in particular to crime networks that thrive on market-determined crimes, typically commodity trafficking. These crimes depend on the existence of labour and markets. The state and business have a convergent interest in this regard and are well positioned to identify the labour and markets that serve and sustain crime. The purpose of acquiring this knowledge is to influence the size of

reason for low investment and continued socioeconomic issues in Cape Town, these gangs often reflect poor policies and state interventions that are not working and a state that is lacking in social control. People turn to gangs where the state cannot provide, be it in terms of the illegal economy, the lack of policing, or high levels of corruption in the police force. However, it should also be noted that gangs can make it more difficult to get to the root cause of the problem and develop the social systems and good governance required for a more effective social system.

### The densely populated residential areas of the city provide ready markets for the sale of illegal goods and enticing opportunities for plunder

each of these components. While the ability of the state to create employment is limited, there is much that it can do to prepare the youth to enter the job market. A good example is the initiative of relatively recent origin in Cape Town that seeks to provide an intermediary service to enhance the prospects of unemployed people to find work or opportunities to earn an income. Created by the Computer Science Department at the University of Cape Town, it goes under the name Ummeli (an Nguni word for intermediary/representative) and is intended to assist young people with little or no formal work experience to market themselves to potential employers. Ummeli takes advantage of the widespread use of mobile phones among the youth to provide a freely accessible website that assists youths to prepare and disseminate their curricula vitae to prospective employers.<sup>95</sup>

Gangs and organised crime should be seen as a symptom rather than the root cause of a dysfunctional social management system. While gangs and violence are often portrayed as a

Finally, state interventions need to be thought out better and in a more holistic way.<sup>96</sup> For example, it has been shown that liquor laws, apartheid and continued neoliberal policies combined with criminalisation are at the heart of the growth of gangs in the area.

Yet the failure of the state to find alternative approaches to liquor licensing has resulted in many businesspeople being forced to operate illegal shebeens. Furthermore, the heavy-handed approach taken by the state in dealing with many communities marginalises them further. Tactics by the police and high-level corruption in areas such as Hangberg and the Cape Flats have led the community to distrust the police and make it easier for criminal networks of poachers to survive. In addition, mass imprisonment for drug crimes has also led to the development of larger prison gangs who have developed links with the outside world, as well as the marginalisation of large numbers of predominately male adults from finding suitable employment due to their criminal past.

### Assessing the nature of criminal networks in South Africa and particular sub-sectors of criminal networks illustrates how collusion with state authorities is established and sustained. Other important factors include:

- **Historical policies have contributed significantly to the socioeconomic problems that precipitated Cape Town's enduring drug problems.**
- **Poorly informed political interventions benefitted the criminal industry, which gained new markets and a larger pool from which to recruit foot soldiers.**
- **Foreign criminals are part of networks that almost always include local actors, with no groups having a monopoly over any part of the drug trade.**
- **Criminal networks involved in protection rackets are often linked to drug-trading networks.**
- **Similarly, the trafficking of illegal abalone (perlemoen) is linked to the drug trade, with abalone being used as currency in exchange for drugs.**
- **Historically, the evolution of the abalone trade has its roots in the markets of Asia and the development of Asian criminality in South Africa. While factors such as the fluctuating rand have had a noticeable effect on the trade, the combination of the state's inability to intervene in the trade, high levels of corruption and an antagonistic relationship with the community has led to its continuation.**
- **The failure of the state to regulate the fishing industry has also resulted in a defiant reaction to the authorities among communities.**
- **Criminal networks adapt to their environment. A boom in tourism and information technology has attracted criminals to opportunities for fraud facilitated by Internet connectivity and credit card fraud. Tourists and new entrants to the world of plastic money are vulnerable to crime networks in Cape Town. The proceeds of credit card fraud are often used to buy building materials that are subsequently sold to poor communities.**

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- 60 Hangberg has increasingly been in the news as the community has clashed with the state over perceived injustices regarding land allocation, which came to a head with the so called 'Battle of Hangberg' in 2010 when police and the community clashed. The city believed that the dwellings in the area were illegal and unoccupied and that there was rampant criminality, whereas the Hangberg community believed that the police and state did not have jurisdiction over the area and that they were trying to remove residents to gain access to the valuable land. Violence also erupted in 2012, when police pursued a number of poaching suspects into the area and were met by stiff resistance from the community, who believed that the police were using excessive force.
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