

# **SERIOUS CRIME AS A NATIONAL SECURITY THREAT IN SOUTH AFRICA SINCE 1994**

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# CHAPTER 1

## INTRODUCTION

### 1. IDENTIFICATION OF THE RESEARCH THEME

Serious crime, especially organised and violent crime, has over the last two decades become a national security threat for many countries, while especially transnational organised crime is increasingly being viewed as a global security threat. This was evident when a previous president of the United States (US), Bill Clinton, for the first time described the countering of international (transnational) organised crime as a matter of national security when he presented the revision of the *National Security Strategy* to the US Congress in 1996. He stated that “international organized crime jeopardizes the global trend toward peace and freedom, undermines fragile new democracies, saps the strength from developing countries and threatens our efforts to build a safer, more prosperous world” (US, 1996a:25). The US government confirmed this position in 1998 when it stated in its *National Security Strategy for a New Century* that “(w)eapons of mass destruction (WMD), terrorism, drug trafficking and organized crime are global concerns that transcend national borders” (US, 1998a:1).

The United Nations (UN) also started focusing its attention on organised crime as a national and international security issue at the turn of the twenty-first century. The UN General Assembly’s adoption of the *Convention against Transnational Organised Crime (Resolution 55/25 of 2000)* is an example of this. *Resolution 55/25* states that the member states of the UN are “deeply concerned by the negative economic and social implications related to organized criminal activities, and convinced of the urgent need to strengthen cooperation to prevent and combat such activities more effectively at the national, regional and international levels” (UN, 2000). In 2004 the UN published a report called “*A More Secure World: Our Shared Responsibility*”, in which a high-level panel, established by the UN Secretary General, highlights the different threats, challenges and changes the world is currently facing. The report states that “transnational organized crime facilitates many of the most serious threats to international peace and security” (UN, 2004:15).

In Africa specifically, weak law enforcement capabilities, inadequate justice systems, underpaid officials and porous national borders have provided an ideal environment for organised crime syndicates and any other criminal elements to participate in a wide range of serious criminal activities. These criminal activities include serious crimes such as drug trafficking, weapons smuggling, natural resources smuggling (diamonds, ivory and petroleum), prostitution, human trafficking, money laundering, corruption, armed robbery, murder and rape. Africa also has far fewer police per citizen than any other region of the world. The situation is worsened by the fact that most police officers are underpaid and government officials are susceptible to corruption (Mutume, 2007: 3).

Serious crime also impacts negatively on the capacity and the development of state structures to provide security for citizens and, therefore, threatens human security across the continent. The African Union (AU), like its predecessor, the Organisation of African Unity (OAU), and several other African regional inter-governmental organisations have, as was the case with the US and UN, developed and adopted several legal instruments to attempt to clamp down on serious criminal activities occurring on the continent. Examples of these are the Southern African Development Community's (SADC) *Regional Protocol on Combatting Illicit Drug Trafficking* of 1996, the SADC's *Protocol on Corruption* of 2000 and the AU's *Convention on Preventing and Combating Corruption* of 2003 (AU, 2003 & SADC, 1996 & 2000). South Africa has unfortunately not been excluded from the global scourge of serious crime over the past two decades.

Even though the majority of South Africans gained political freedom and some measure of socio-economic freedom in 1994, the threat of serious crime, such as organised crime and violent crime, has become a reality that all South Africans are facing on a daily basis. This view was supported by Mbembe (2006) when he stated that "crime is fast destroying the moral fabric of South African cities, and is becoming a major threat to South African democracy as well as the prominent manifestation of a class war that is largely a continuation of the 'race war' of yesterday". Standing (2006:ix) reaffirms this point when he states that "before the mid-1990s, South Africa did not have a problem with organised crime. At least, it was not an issue that had been identified as being a serious threat to the country. Yet two years after the first general elections there was a steady growth in newspaper articles and academic publications all carrying the same

message – since the ending of apartheid, crime had increased in South Africa and there had been a proliferation of sophisticated organised crime groups”.

Serious crime and the violence associated with much of it are arguably two of the greatest obstacles facing the development of a prosperous and peaceful South Africa. In a country with undeniably high levels of crime, strong public reaction has clearly been understandable. The first democratic government of South Africa quickly identified crime and criminal violence as one of the biggest threats South Africa was facing in its new dispensation (RSA, 1994).

Shaw (2000:7) observes that even though South Africa has been facing high levels of crime since its ascent to democracy, the situation the country finds itself in is not unique. Numerous other countries have experienced a similar situation while transforming from more authoritarian to democratic rule. Such transformations, in most cases, see the economic and social structures of these states experiencing dramatic transformation, contributing to higher levels of crime. The broadening of the security agenda after the end of the Cold War also shifted the focus to non-military threats to security, and in developing countries specifically, internal rather than external threats often manifested as the main threats to national security.

## **2. STUDY OBJECTIVES**

The primary objective of this study is to assess whether and to what extent serious crime, and specifically violent and organised crime, poses a national security threat to South Africa. South Africa's *White Paper on Intelligence* of 1995 states that the country's national security objectives should “encompass the basic principles and core values associated with a better quality of life, freedom, social justice, prosperity and development” (RSA, 1995a).

The study will attempt to achieve the following specific objectives:

- To locate national security issues in a developing country context.
- To assess the political, socio-economic and international consequences of serious crime in South Africa since 1994.
- To illustrate the increasing concern over the occurrence of crime, especially serious crime, in South Africa since 1994, despite certain apparent statistical decreases.



### 3. LITERATURE REVIEW

The study of crime and specifically its consequences in South Africa since 1994 is not a new phenomenon. It is a topic that receives sustained attention from different government departments, academic institutions, research organisations, civil society, the media and communities across South Africa. This is exemplified by the research and analysis done on crime since the 1990s by institutions such as the Centre for the Study of Violence and Reconciliation (CSVr); the Institute for Security Studies (ISS); the Open Society Foundation; the National Institute for Crime Prevention and Rehabilitation of Offenders (NICRO); the South African Banking Risk Information Centre (SABRIC); Business against Crime (BAC); the Centre for Justice and Crime Prevention (CJCP); Institute for Democracy in South Africa (IDASA); the Centre for Scientific and Industrial Research (CSIR); and the Institute for Strategic Studies at the University of Pretoria. Much of the research that has been done on crime in the country since 1994 has been based on an analysis of crime statistics reported in South Africa. These crime statistics compiled annually by the South African Police Service (SAPS) illustrate the increase in serious crime between 1994 and 2009.

The statistics available are particularly disturbing due to the fact that the SAPS, government agencies, academia and civil society have all stated that there are high levels of crime that go unreported or unrecorded. Altbeker (2007:38) claims that an assessment of these crime statistics makes it “clear that a substantial portion of South Africans are victims of at least one serious crime every year”. He further states that “it is almost no exaggeration to describe ourselves as a country at war with itself”. The increase in residential robberies in South Africa, and the violence that goes hand-in-hand with them, can be seen as a primary factor behind the increase in fear of criminal activities in South Africa.

Holtmann (2008:14) states that South Africa is a country with a “society overwhelmed by fear of crime, experience of crime, the impact of crime, and violence”. She further explains that emotions such as “sadness, anxiety, distress, depression, anger, a sense of loss, irritability, short temper, emotional swings, a need for revenge, feelings of being out of control and chaotic and an inability to look forward to or plan for positive events in the future” are just some of the human emotions felt by many who have been victims of violent crime in South Africa.

Attempts to assess the social impact of crime, and the fear it engenders in South Africa, are illustrated through the numerous surveys that have been conducted on the topic by research institutions across the country, such as the opinion poll on crime carried out in 2007 by *Markinor*, a South African market research company. The poll showed that approximately three in every five South African adults (59 percent) believe that crime levels have risen over recent years; more than a third (36 percent) of the respondents stated that they knew somebody who had been a victim of some kind of crime in the last six months; and one in every ten South African adults (11 percent) indicated that they themselves had been victims of crime in the last six months (Harris & Radaelli, 2007:1-3). The perception of violent crime in South Africa is naturally influenced by the media and the daily coverage of this topic. The South African media have extensively covered the topic of violent crime, the ensuing fear and its impact on the country's economic, political, social and security structures in the past.

The fear of serious crime has not only led to hundreds of thousands of South Africans leaving the country, but it has also initiated the development of a large private security industry in South Africa over a very short period of time. Holtmann (2008:15) confirms this when stating that “the urban landscape is made up of fortress-like enclaves, walled and gated communities protected by armed guards, electric fences, alarms and, of course, surveillance cameras”. It is estimated that there are about three times as many security officers in South Africa as there are police officials, three times as many armed response vehicles as police patrol vehicles. The number of security officials has increased from approximately 100 000 in 1996 to almost 300 000 in 2006. By 2007, the Security Industry Alliance (SIA) in South Africa estimated that the security industry in South Africa was worth about R40 billion annually (Goodenough, 2007:7-8).

Serious crime does not only affect the people living within South Africa's borders but also has a negative impact on the country's ambitions to lure tourists and financial investors to its shores. This is illustrated by the warning that is issued by several foreign governments to their citizens considering travelling to South Africa. The topic has also featured prominently in the global media, for example when the *Washington Post* printed an article in 2008 entitled “South Africa's Crime-Driven Emigration”, highlighting the rising number of skilled people leaving South Africa due to increasing levels of violent crime. The article clearly outlined one of the economic costs of violent crime in South Africa when it stated that “those who leave take with them the skills that

South Africa, the continent's largest economy, desperately lacks in health care, education and technology” (Washington Post, 2008).

The threat that crime poses to South Africa’s national security specifically has been identified by various researchers. Hough (1995:68) described crime as a possible national security threat one year into the country’s democracy when he stated that crime is “undoubtedly one of the main threats to individual and to national security in South Africa, especially if the link between increased crime; the flow of illegal arms to South Africa; the extent to which South Africa has become a target for foreign drug suppliers; and the instances of serious crime in which illegal aliens have been involved, are taken into account”. Twelve years after Hough’s statement, Burger (2007:19), in his book *Strategic Perspectives on Crime and Policing in South Africa*, similarly recognises crime as a “major threat” to the country’s national security. He further states that the “recognition of crime as a national security threat implies an understanding that crime and its risk factors are multidimensional, and that the state’s efforts to combat it requires more than a police or even criminal justice approach”.

Although the prevalence of crime in South Africa has been identified as a national security threat, initially by academics and opposition parties, and somewhat belatedly in more recent official government pronouncements, it has largely been treated as a threat to individual and societal security, rather than a threat to broader national security, including state security. It therefore appears as if serious crime has not yet been elevated structurally and functionally, to the level of a national security threat, but is in this context still primarily on the level of a law and order threat. Elevating serious crime to the level of a national security threat, would also require a comprehensive national security strategy which clearly positions serious crime as being more than a law and order threat. More detailed research into this issue is therefore required, especially within the developing-country context where South Africa is positioned. The research that will be the focus of this study will be based on the assumption that crime poses a major threat to South Africa’s national security. This study, however, will not consider all types of crime as such, but rather attempt to assess the prevalence of serious crime in South Africa between 1994 and 2009 and will attempt to evaluate the threat it poses to national security. The serious crime categories that will be studied are violent crime and organised crime.

#### **4. IDENTIFICATION AND DEMARCATION OF THE RESEARCH PROBLEM**

The central research problem of this study is whether serious crime is, and can continue to be seen as a threat to South Africa's national security. In answering this question the research will have to consider several other, related questions. These sub-questions are as follows:

- To what extent do national security policies and issues in South Africa correspond to similar issues in developing countries?
- What impact (politically, economically, socially and internationally) has serious crime had on South Africa between 1994 and 2009?
- Why has concern over serious crime increased so drastically if statistics indicate a decrease in certain crime categories?

Pursuant to the research questions, the study will therefore be based on the following assumptions:

- South Africa exhibits many of the national security issues of the developing world, as manifested in predominately internal threats to security.
- Serious crime is one of the main threats to South Africa's national security, and continues to have an extremely negative impact on all spheres of life, especially on the country's social, economic, security and political environments.
- There has been increasing concern over the occurrence of crime, particularly serious crime, in South Africa since 1994, despite certain statistical decreases.

Although an historical overview of serious crime in South Africa in the pre-1994 period is provided, the study will primarily focus on the occurrence and impact of serious crime in the country from 1994 to the end of 2009.

#### **5. METHODOLOGY AND SOURCES**

The approach that the research will follow will be both descriptive and analytic, and partially historic as far as the conceptual framework is concerned. The concept of serious crime will require the study to include several other, related sub-concepts. This will include the description of concepts such as violent crime, organised crime, fear of

crime and crime prevention.

Crime statistics are used on different levels and by different groups of people, including politicians; the strategic and operational management of the police; civil society and the different communities being policed at precinct level. Even though crime statistics cannot be used as the only indicator of the crime situation within a country, they do serve as a base for determining levels of safety and where (nationally and locally) the country's policing resources must be deployed to improve safety and security (Institute for Security Studies, 2012a).

Politicians use crime statistics to determine whether the country's criminal justice strategies are successful in preventing the occurrence of crime in the country. The management of the SAPS uses these statistics to determine where policing resources are needed as different provinces or precincts deal with different crime situations. Civil society uses crime statistics as an evaluation and monitoring tool to determine the SAPS's success or failure to fulfil its mandate in preventing crime, and maintaining the safety of the country's citizens. Communities at a precinct level also use crime statistics to determine where they need crime prevention initiatives to ensure that effective crime prevention takes place within their communities (Institute for Security Studies, 2012a). This differs from community to community. Crimes such as assault GBH, common robbery and rape are more of a security concern in poor areas (such as informal settlements and townships across the country) for example, while crimes such as business robbery, residential robbery, car hijackings and commercial crimes, are a greater security concern in the country's wealthier metropolitan areas. In addition, there are certain criteria that must be considered when assessing crime statistics in South Africa, which include the following:

- When comparing crime statistics (especially between different countries), it is important to use statistics that derive from uniform crime definitions. For example, some countries have different definitions of assault, rape and robbery. This is why organisations such as the UNODC utilise murder statistics as a comparative tool when analysing crime statistics from different countries (Institute for Security Studies, 2012b). The definition of murder as a crime is generally standardised across the world, as this crime category is considered almost impervious to factors such as under- or over-reporting (SAPS, 2009:9). The UNODC (2011:9) supports this by stating that the “indisputable physical consequences manifested in the form

of a dead body also make it the most categorical and calculable” crime of all crime categories.

- The SAPS reflects the official crime statistics as the number of crimes that were reported in a period of one financial year, for instance from 1 April 2008 to 31 March 2009. This chapter will reflect crime statistics for a fifteen year period from 1 April 1994 to 31 March 2009.
- When assessing the country’s crime statistics, it is important to keep in mind that the statistics are usually lower than the actual number of crimes that took place as not all crime is reported to the police. In addition, the crime statistics described in this chapter are also only based on those crimes that were captured on the SAPS criminal record system (Institute for Security Studies, 2012b).
- Crime statistics in South Africa are usually described in two formats: firstly, the actual number of crimes reported annually and secondly, the number of crimes reported in proportion to the size of the population (crime per 100 000 of the population). The total number of crimes reported indicates the actual volume of crimes reported per crime category, nationally, per province or per station. Crimes reported per ratios, considers the differences in the size of the country’s population, as well as geographical characteristics per province or policing precinct or over a period of time, considering population growth over longer periods of time (SAPS, 2004:10 & Institute for Security Studies, 2012b). Both the actual number of crimes reported annually and the number of crimes reported relative to the size of the population, will be used as data sets in this chapter. This is necessitated by the long period of time (fifteen years) covered by the study. The two data sets of crime figures are compared to obtain a better understanding of the magnitude of serious crimes reported in the country during the period in question. This will assist in assessing the increase in serious crime since 1994. It is possible that the incidence of crime per 100 000 of the population could have stabilised or decreased, but the total number of crimes reported with regard to some crime categories, actually increased over the same period of time. Finally, the need to include the actual number of serious crimes reported also relates directly to the ability of the government’s criminal justice system to deal with the volume of serious crimes committed in South Africa (SAPS, 1997:41).
- A factor that could influence the crime statistics is that South Africa has a large, undocumented immigrant community not included in various censuses between 1994 and 2009. This is important to note because these individuals also commit serious crime or are victims of crime themselves. This would subsequently have an

impact on the figures on which the crime-ratio calculations are based (SAPS, 2003:24).

The study will also discuss various criteria when assessing whether a threat can be identified as a national security threat. The traditional view of national security threats during the Cold War was largely based on external security threats, while security issues such as crime and the implications that these could have for national security were not emphasized (Hough, 2002:1). Security threats in developing countries are more of an internal nature than external, as confirmed by Job (1992:13) when he refers to developing states in a security context as “weak states” which lack “social cohesion and state capacities”. He further states that the “security dilemma for the typical Third World state arises in meeting internal rather than external threats” (Job, 1992:13). The broadening of the security agenda after the end of the Cold War, placing more emphasis on non-military threats and threats to the individual and not only to the state, will therefore be described.

The study will utilise a holistic research approach by using both primary and secondary sources to achieve its objectives, including quantitative and qualitative information. Crime statistics and surveys regarding public perceptions of crime will therefore form part of the quantitative component of the study.

The case study chapters will be based on information gathered from sources such as government speeches, policies and legislation, inter-governmental documentation, books, monographs and journals. Examples of these sources are the *White Paper on National Defence for the Republic of South Africa* and the *National Crime Prevention Strategy* (NCPS), books such as *Strategic Perspectives on Crime and Policing in South Africa* (Burger, 2007) and *A Country at War with Itself: South Africa's Crisis of Crime* (Altbeker, 2007) as well as journals such as the *SA Crime Quarterly* and the *Strategic Review for Southern Africa*.

## **6. STRUCTURE OF THE RESEARCH**

The following chapter layout will be followed in the study:

## **Chapter 1: Introduction**

The first chapter is an introduction in which the objectives, research questions, assumptions and methodology of the study are formulated.

## **Chapter 2: Serious Crime and National Security: A Conceptual Framework**

This chapter provides a framework of the different concepts relevant to the study. This will include concepts such as serious crime, violent crime, organised crime, national security and national security threats. Specific attention will be given to the concept of national security in developing countries.

## **Chapter 3: Crime in South Africa: An Historical Overview**

The third chapter will outline the historical background of crime trends in South Africa up to 1994 in order to determine, amongst others, the extent to which the 1994 elections and subsequent developments in South Africa impacted on the occurrence and proliferation of serious crime in South Africa.

## **Chapter 4: The Extent and Characteristics of Serious Crime in South Africa since 1994**

This chapter will assess the current serious crime trends in South Africa. The assessment will consider serious crimes such as murder, rape, assault with the intent to cause grievous bodily harm, robbery with aggravating circumstances, drug trafficking, money laundering and corruption. Official and other crime statistics will be utilised to outline these trends.

## **Chapter 5: South African National Security Policy and Crime Prevention Policies and Strategies**

The fifth chapter will describe and assess South African national security policy and crime prevention policies developed between 1994 and 2009, as well as official views on the severity of crime in South Africa. Through description and analysis, the degree to which serious crime in South Africa has been officially viewed as a national security issue, can be evaluated.



## **Chapter 6: The Fear of Crime in South Africa**

The sixth chapter will focus on the perceptions of both the South African public and those of parts of the international community on serious crime in South Africa and the government's ability to manage this, as well as the consequences of serious crime. Factors such as the correlation of public perceptions with actual crime statistics, emigration, a decrease in tourism and foreign investment, and the increase in private security, will be examined to illustrate the direct and indirect consequences of serious crime in South Africa.

## **Chapter 7: Evaluation**

The final chapter will serve as a synopsis and present the main findings of the study. The assumptions formulated in the introductory chapter will also be assessed in this chapter.

## CHAPTER 2

### SERIOUS CRIME AND NATIONAL SECURITY: A CONCEPTUAL FRAMEWORK

#### 1. INTRODUCTION

The second chapter of this study provides a framework of the different concepts relevant to the study. This will include concepts such as serious crime (violent crime and organised crime), national security, national security threats and human security. Specific attention will be paid to the concept of national security in developing countries.

The chapter begins with a clarification of serious crime. It defines the different concepts that are associated with serious crime, namely violent and organised crime. Subsequently the significant growth of organised crime syndicates in the post-Cold War era is discussed. The section concludes with a discussion on the occurrence of serious crime in the developing world.

The following section of the chapter focuses on the concept of national security. This section commences with an attempt to define national security which is followed by an assessment of the different views on national security that were developed in the past, including the traditional and the post-Cold-War views. The section then provides a description of the different levels of security that have been identified, such as the international, regional and national level, as well as the sub-national levels of security. It includes a brief discussion on the frameworks and theories that describe the development of a national security strategy. As stated above, it once again considers this concept in the context of developing countries.

The last part of the conceptual framework aims to describe the different criteria for identifying national security threats. The criteria described in this section will be utilised later in the study to assess whether the occurrence of serious crime in South Africa can be viewed as a national security threat. The chapter then concludes with a synopsis of the different concepts described in the preceding sections.

## 2. DEFINING SERIOUS CRIME

The term “serious crime” refers to crimes that fall primarily under two crime categories, namely violent crime and organised crime. The following section will describe these two crime categories, while the occurrence and impact of these crimes in South Africa will be assessed further in the study. The first part of the section will focus on violent crime as a phenomenon, followed by organised crime as an international, regional and national trend.

### 2.1 Violent Crime

Bruce (2010:14) states that when assessing unwarranted violence (for instance when an entire family is violently attacked during an armed robbery), it is important to differentiate between two types of violence, namely instrumental violence and expressive violence, which are briefly described as follows (Bruce, 2010:14):

- **Instrumental violence** refers to an act of violence which is directed towards a practical objective, for example when criminals threaten the use of violence during an armed robbery. The instances where criminals actually use physical violence are often practically motivated, such as situations where the criminals have to defend themselves against police arrest or against violent resistance from the victims, or to force the victims to cooperate with them.
- **Expressive violence** refers to acts of violence that have no economic gain for the assailant, but are rather committed with the aim of giving the assailant ‘emotional satisfaction’. This includes violence that is committed to express feelings of hatred and anger, due to sadism or due to the need to gain respect or a sense of control over victims.

Weiner (Weiner & Wolfgang, 1989:36) defines criminal violence as the “actual or threatened, or intentional application of statutorily impermissible physical force by one person directly against one or more persons for the purpose of securing some end against the will or without the consent of the other person or persons”. According to the United States Department of Justice (USDOJ), violent crime is any criminal offense which involves the use of, or even the threat of force or violence. Violent crime in the US, as in most countries across the world, is a broad legal category that includes a range of criminal activities. A violent crime in the US can involve an act whereby

violence is the objective, for example assault, or it can be committed as a means to an end, for instance while committing an armed robbery. Violent crimes include crimes committed with or without weapons. The USDOJ divides violent crime into the following five categories, namely murder, rape or other forms of sexual assault, robbery, aggravated assault and simple assault (Criminal Law Lawyers Source, 2009). On the other hand, the United Kingdom (UK) classifies robbery, sexual offences, assault and murder as violent crimes (UK, 2007a).

Definitions of violent crime vary among countries due to the fact that they not only have different legal statutes related to violent crime, but they also record violent crime statistics differently. Countries such as the US and Canada do not include criminal acts like intimidation, threats and minor assaults in their definition of violent crime, while a country such as New Zealand does. The reason why New Zealand records such minor offences as part of its violent crime statistics, is due to the fact that approximately half of all violent crime committed in that country consists of such crimes. A further difference between New Zealand's definition of violent crime and that of other countries, is the fact that New Zealand does not include sexual offences in its definition of violent crime, whereas the US, Canada, England, Australia and Wales, for example, do. In addition, New Zealand's definition of violent crime differentiates among three levels of severity, namely homicide, robbery, kidnapping and abduction; grievous assaults, serious assaults, minor assaults; and intimidation/threats and group assemblies (for example rioting and participation in criminal gangs) (Segessenmann, 2002:1-3).

The CSVR in South Africa defined violent crime in 2007 as the "application, or threat, of physical force against a person, which can give rise to criminal or civil liability, whether severe or not and whether with or without a weapon. When more severe such violence may be associated with intimate violations of the person or the potential to cause serious physical pain, injury or death" (Centre for the Study of Violence and Reconciliation, 2007:33). Criminologists have developed several explanations why individuals and groups of people commit crimes. These reasons include broad factors such as poverty, communal and peer pressure, greed and financial profiteering (De Kock, 1999:41). In addition, the CSVR describes several factors that may contribute to an increasing degree of violence in particular incidents, which may vary from one case to another and include the following (Centre for the Study of Violence and Reconciliation, 2007:13-14):

- The broad normalisation of violence.
- The presence of firearms or other weapons.
- Group dynamics and peer pressure and susceptibility to these on the part of individuals among a group of perpetrators.
- Prior hostility towards the victims.
- Low self-esteem or other specific types of psychological pathologies or dispositions, the prevalence of which may be linked to factors such as family dysfunctionality and the level of previous exposure to violence.
- A lack of confidence or poor communication skills on the part of the perpetrator.
- Dynamics relating to the specific incident, including perpetrators believing they are being obstructed or lied to, language that provokes them, acts of resistance or defiance by the victim and the mental state of the perpetrators, possibly linked to their use of drugs or alcohol.
- A desire on the part of the perpetrator for notoriety.

Stavrou, as cited in Glanz (1993:4), states that violent crime refers to an event with a criminal objective which subsequently led to one or more persons being physically attacked, threatened with physical attack or with violence of any kind. This definition encompasses a broad understanding of violent crime, which includes the physical, psychological and structural forms of violence. It also does not differentiate between political and other forms of violent crime. A further characteristic of crime, especially violent crime, which needs to be noted, is the negative impact it has on the (psychological) perceptions of individuals and communities regarding their personal safety. The fear of crime refers to the fear of being a victim of crime as opposed to the actual probability of being a victim of crime. This fear of falling victim to acts of crime can have a number of damaging effects on individual and group life, such as negatively impacting on the psychological well-being of communities and their social and economic cohesion. Jackson and Stafford (2009:832) reaffirm the negative impact that the fear of crime has on individuals and communities when they state the following:

The fear of crime remains a topical social and political issue that attracts a wealth of research from a variety of social scientific disciplines. Much of the attention is predicated on the status of the

fear of crime as a significant social problem. Research shows that a relatively large minority of citizens of countries across the world worry about becoming a victim of crime. Resulting anxieties are believed to erode quality of life and well-being, restrict movement, motivate costly precautions, encourage 'flight' from deprived areas, and harm social trust, inter-group relations and the capacity of communities to exercise social control.

Violent crime also affects the country's political environment (for instance the credibility of politicians who publically promise that the government will address issues of serious crime) and the international environment (for instance the decline in tourism numbers due to fear of crime). An example of the impact that crime statistics could have on political processes is the election of the mayor of New York in the US. McIntyre (2005) states that "for New York mayors seeking re-election, crime can be a decisive issue". This was the case when David Dinkins lost re-election to Rudy Giuliani in 1994 due to the increasing violent crime statistics in the city. Subsequently Giuliani easily won a second term as New York Mayor in 1997 on the basis of a sharp decrease in crime in the city. In 1993 there were 1 946 murders reported in New York. By the end of Giuliani's second term at the end of 2001, the number of murders reported in New York for that year had decreased to 714 (McIntyre, 2005).

The next section focuses on the second category of crimes associated with serious crime, namely organised criminal activities.

## **2.2 Organised Crime**

Attempting to understand the functioning of organised crime syndicates has been of significant interest to different role-players such as academics, politicians, the media, the UN and law enforcement agencies across the world since the 1920s. The section below briefly describes the different definitions that have been developed regarding the concept of organised crime.

### **2.2.1 Defining Organised Crime**

Comprehensive assessments of the origin of the concept of organised crime began in the US in the early twentieth century. The first recorded attempt to provide an official

definition of organised crime was by a federal commission set up by President Edgar Hoover in 1929. Hoover was the first president ever to use the term organised crime when he spoke to the Commission prior to the investigations, where he stated that the “American people are deeply concerned over the alarming disobedience of law, the abuses of law enforcement and the growth of organized crime, which has spread in every field of evil doing and in every part of our country” (Standing, 2003:24).

It was not until the 1960s that policy developers in some countries began to place the issue of organised crime on their national security agendas. This occurred after they realised that organised crime was increasingly becoming a threat to the national security of their respective countries. It was primarily the changing approach of policy makers in the US towards organised crime that started an increasing global assessment of the threats that organised crime posed to the security of states. An example of this is when former US Attorney General, Robert Kennedy, while testifying before the Senate Committee hearings in 1963, warned that sophisticated criminals were utilising not only acts of violence and intimidation, but also legitimate business, to increase their criminal networks across the US. The US’s clampdown on organised crime networks in the 1960s was only the beginning as many countries have since then introduced new policies, changed old legislation, and developed law enforcement strategies in an attempt to counter the threats organised criminals posed to their country (Gastrow, 1999:58).

Since then the term organised crime has been used broadly and freely across the world to describe the activities of organised crime syndicates consisting of three or more persons who commit serious crimes over a period of time for profit. Gastrow (2001:29) states that in most countries, police and criminal justice officials have struggled to develop an acceptable definition of organised crime. This is largely due to the fact that the nature of organised crime tends to differ from country to country. Mafia groups in the US, for example, have clear hierarchical structures, which has resulted in the term “structure” being used in definitions of organised crime from that country. Organised crime syndicates in South Africa are, however, likely to operate in networks without clear hierarchical structures. These differences made it difficult to develop a comprehensive and internationally accepted definition of organised crime.

Nevertheless, the General Assembly of the UN finally adopted a definition of organised crime syndicates in 2000 in the UN’s *Convention against Transnational Organised*

*Crime (Resolution 55/25 - also known as the Palermo Convention)*. The *Palermo Convention* (Article 2) defines an organised crime syndicate as “a structured group of three or more persons, existing for a period and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit” (UN, 2000).

The concept of a “structured group” is considered in the *Palermo Convention* to be a group that is not randomly formed for the immediate commission of an offence and that does not need formally defined roles for members, a continuity of membership, or a developed structure. The *Palermo Convention* defines the following activities as serious crimes or offences (UN, 2000):

- participation in an organised crime syndicate;
- the laundering of proceeds of crime;
- corruption; and
- obstruction of justice.

The *Palermo Convention* further states that a criminal activity of organised crime syndicates can be classified as transnational crime if (UN, 2000):

- It is committed in more than one state;
- It is committed in one state but a substantial part of its planning, direction or control takes place in another state;
- It is committed in one state but involves an organized criminal group that engages in criminal activities in more than one state; or
- It is committed in one state but has substantial effects in another state.

In 2004, the UN further stated that “transnational organized crime is a menace to States and societies, eroding human security and the fundamental obligation of States to provide for law and order. Combating organized crime serves the double purpose of reducing this direct threat to State and human security, and also constitutes a necessary step in the effort to prevent and resolve internal conflicts, combat the spread of weapons and prevent terrorism” (UN, 2004:52).



The European Union (EU) took some time to develop a definition of organised crime that was accepted by all its member states due to two reasons. Firstly, the EU members felt that if they adopted a definition that was too expansive, it could include groups that are not necessarily part of actual organised crime syndicates (for instance terrorist groups). Secondly, if the definition was too narrow, it could exclude groups that may not appear to be organised crime syndicates – but in reality are involved in activities associated with organised crime syndicates (for instance groups using legal fronts to launder money from their criminal activities). The EU therefore did not immediately develop a comprehensive definition, but rather defined basic criteria to describe what it saw as organised crime – as outlined in a working paper developed by the organisation’s Drugs and Organised Crime Group in 1994 (EU, 2005).

Four years later, the EU went further with its understanding of organised crime by developing a comprehensive definition of the phenomenon. The EU adopted the *Joint Action* in 1998 with the purpose of establishing an official approach to organised crime. The *Joint Action* made it a criminal offence to belong to any criminal organisation in the member states of the EU. It describes a criminal organisation as “(a) lasting, structured association of more than two persons, acting in concert with a view to committing crimes or other offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, whether such crimes or offences are an end in themselves or a means of obtaining material benefits and, if necessary, of improperly influencing the operation of public authorities” (Gastrow, 1998:7). In 2005, the EU proposed that the definition in the *Joint Action* be ratified to take into account the definition and aspects related to organised crime as outlined in the *Palermo Convention* (EU, 2005).

The US’s Federal Bureau of Investigation (FBI) defines organised crime bodies as “any group having some manner of a formalized 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” (US, 2009a).

The UK’s Serious Organised Crime Agency (SOCA) stated in its 2010 *United Kingdom Threat Assessment* that “defining organised crime in terms of specific threats is a practical way of understanding and tackling it”. The organisation further states that

organised crime syndicates are entrepreneurial and opportunistic by nature, subsequently resulting in these criminal groupings getting involved in not only one, but rather two or more profit-making, criminal activities. SOCA also describes organised crime syndicates as follows: “organised crime groups often consist of a durable core of key individuals, around which there is a cluster of subordinates, specialists, and other more transient members, plus an extended network of disposable associates. Many groups are in practice loose networks of criminals that come together for the duration of a criminal activity, acting in different roles depending on their skills and expertise. Collaboration is reinforced by shared experiences (such as prison), family or ethnic ties, or recommendation from trusted individuals” (UK, 2010a:iv).

SOCA describes the link between violence and serious organised crime syndicates by stating that “violence or the threat of violence is often implicit in the activities of organised criminals, and some are willing to commit or sponsor kidnapping, attacks, and murder, to protect their interests, including the recovery of debts. Violence also stems from personal disagreements and gang-based rivalries. In some instances, violence or intimidation is used to coerce innocent victims into facilitating crime” (UK, 2010a:iv). SOCA is also responsible for determining the different threats serious organised crime activities pose to the UK on an annual basis. For the 2009 to 2010 period SOCA’s assessment included criminal threats such as the manufacturing and distribution of drugs, fraud, human trafficking, money laundering, identity theft, illegal firearms, vehicle crime, armed robbery, intellectual property crime, counterfeiting foreign currency, kidnappings and extortion (UK, 2010b).

Canada defines an organised crime syndicate in its *Criminal Code of Canada* as “a group, however organized” that is “composed of three or more persons in or outside of Canada” and “has as one of its main purposes or main activities the facilitation or commission of one or more serious offences that, if committed, would likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group or by any of the persons who constitute the group”. It further states that the above-mentioned definition of an organised crime syndicate does not include “a group of persons that forms randomly for the immediate commission of a single offence” (Canada, 2007:13).

Some countries have not officially defined organised crime. Argentina, for example, has no legal definition of organised crime, but has identified the existence of organised

crime syndicates by identifying an organised criminal in its penal code in a very general sense as “one who takes part in an association or gang of three or more persons with a view of committing crimes” and one who, “as a member of the association will be punished with imprisonment between three and ten years. For the chiefs or the organizers of the association the minimum of the penalty [will] be five years of imprisonment” (Albanese *et al*, 2003:318).

In Australia, organised crime is seen as an illegal activity that involves three primary elements. Firstly there must be two or more partaking in the crime. Secondly, the use of sophisticated and complex techniques must be visible. Lastly, there must be a “repeated engagement in criminal conduct, including major fraud, importation and distribution of prohibited drugs, corruption of public officials, tax evasion, currency violations, illegal gambling, obtaining financial benefit by vice, and violence (Albanese *et al*, 2003:336-337).

Defining and understanding organised crime have not only been difficult for international and regional organisations and governments across the world, but academics have also struggled to describe the phenomenon comprehensively. Albanese (2004:3-4) states that after years of analysis of the phenomenon of organised crime there is “great consensus in the literature that organized crime functions as a continuing enterprise that rationally works to make a profit through illicit activities, and that it ensures its existence through the use of threats or force and through corruption of public officials to maintain a degree of immunity from law enforcement”.

It is, however, possible to extract several general characteristics from the various definitions of organised crime described in the above section. These general characteristics include the following:

- There is more than one person involved in the criminal activities and they are usually organised or structured in some or other way, usually along the lines of a hierarchical structure.
- The criminal activities include anything from violent crime, such as murder to assault, to sophisticated economic crimes such as money laundering and insurance fraud.
- The organised crime syndicates are primarily motivated by the prospect of material (usually financial) gain.

- Organised criminal offences are usually committed over an extended period of time.
- Many of the organised crime syndicates operate under the cloak of legitimate businesses.
- Organised crime syndicates bribe corrupt government officials not only to avoid prosecution but also to allow their activities to take place across borderlines.
- Organised crime syndicates do not adhere to national and international borderlines as their criminal activities are executed across all borders and continents across the globe.

As mentioned above, organised crime syndicates are usually structured in some or other way. The section below briefly describes the coordinated nature of organised crime syndicates by highlighting the different types of structures associated with organised crime syndicates across the world.

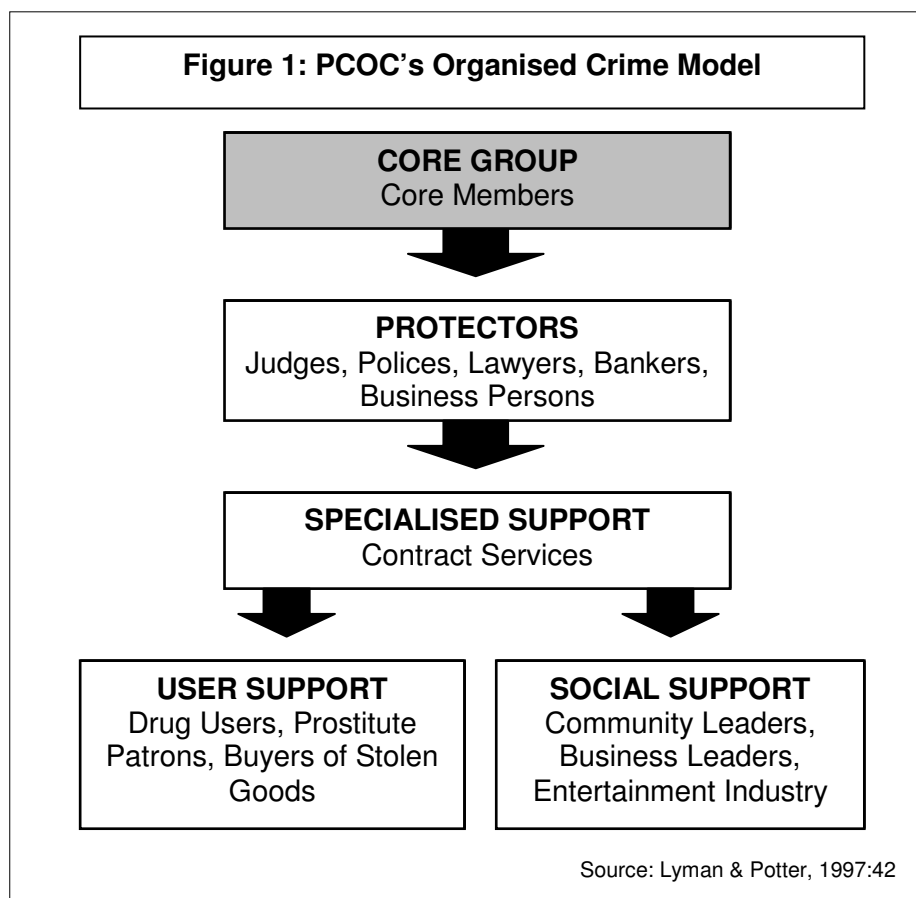
### 2.2.2 Typology of Organised Crime

In 1983 a Presidential Commission on Organised Crime (PCOC) was established in the US (under the Reagan administration). The purpose of the PCOC was to assess the characteristics and level of organised crime in the US and to develop policy recommendations to combat it. In 1986 the PCOC developed a model which outlines the different levels of involvement of members and non-members in organised crime in the US (as illustrated in Figure 1). The levels included the following groupings of people who were involved with the activities organised crime syndicates (Lyman & Potter, 1997:39-42):

- **The Criminal Group:** The top level of the PCOC model represents the core of the organised crime syndicate. The criminal group utilises criminal acts (for example violence and corruption) as a method to accumulate power and profit.
- **The Protectors:** The second level of the PCOC model includes those individuals who protect the business interests of the above-mentioned criminal group. They, for example, include corrupt public officials, law enforcement agents, attorneys, judges and financial advisors.
- **Specialised Support:** The third level of the PCOC model includes individuals who possess and provide organised crime syndicates with specialised skills. These individuals are not directly committed to the objectives of the organised crime

syndicates, but their activities are nevertheless seen as part of the organised crime. They include individuals such as hijackers, chemists, pilots and arsonists.

- **User Support and Social Support:** The bottom level of the PCOC model comprises the user support and social support groupings. The user support group refers to the consumers that utilise the services that organised crime syndicates have to offer (for example people who buy drugs or stolen goods). The social support refers to individuals who support organised crime syndicates with gaining an image of legitimacy. Examples of this include politicians who are supported by organised crime syndicates and community leaders who involve organised crime syndicates in community projects.



One of the factors present in the majority of the above-mentioned definitions of organised crime, is its coordinated nature. In conjunction with the PCOC model outlined above, Standing (2003:3-16) describes four other models of how crime is coordinated by organised crime syndicates, which are briefly outlined below:

- **Hierarchal Model:** This is one of the oldest models of organised crime and includes organised crime syndicates such as the *Cosa Nostra* in the US and Italy. This model is aligned to the principles of a bureaucracy whereby organised crime is seen as a “formal, rational entity based on the division of specific roles”. In this model the profits from criminal activities “flowed up the pyramid and governance flowed down”. The individuals in charge of the criminal hierarchy are more distanced from the actual criminal activities, which gives them some form of safety from prosecution. Globalisation and the growth of transnational crime have allowed regional crime hierarchies to grow into transnational organised crime syndicates.
- **Network Model:** This refers to a criminal network which is characterised by the “interconnectedness between essentially independent entities”. In comparison to the hierarchical model, the unity of the model does not depend on a central authority, but rather on the shared objectives or trust among the members in the criminal network. Where the recruitment of members in the hierarchical model is impartial, it is different in the network model, since networks are “formed through introductions and connections”.
- **Market Model:** This model is based on a system where organised crime syndicates run their criminal enterprises on the basis of competition and not collusion, as is the case of the hierarchical and network models. The market model implies that crime is “co-ordinated on the basis of purely economic considerations” and is therefore “shaped by market forces”. For example, these markets include the narcotic market (which can also be broken down into smaller markets such as the cocaine, marijuana and heroin markets), the weapon smuggling market and the money laundering market. Organised criminal groupings generally use violence to assist them in increasing their share of the market they are involved in. An example of this is the “drug wars” between South American drug cartels that compete for the largest possible part of the lucrative international cocaine manufacturing and distribution market.
- **Clan Model:** The model refers to organised crime syndicates where the character of its membership is aligned to the “classic mafia-type associations”. Membership is based on “ritual kinship, an age-old practice that once dominated social organisations throughout the world”. Examples of such organised crime syndicates based on the clan model are the Chinese Triads, the Japanese *Yakuza* and the Russian *Bratva*. The central co-ordinating mechanism of the clan model is trust and governance is ensured through the ruthless maintenance of norms and traditions.

The characteristics of the four models of organised crime syndicates mentioned above are outlined in Table 1.

<b>Table 1: Characteristics of the Four Models of Criminal Coordination</b>				
	<b>Hierarchies</b>	<b>Networks</b>	<b>Markets</b>	<b>Clans</b>
<b>Coordinating Mechanism</b>	<ul style="list-style-type: none"> <li>– Authority <i>via</i> rules</li> <li>– Surveillance</li> </ul>	<ul style="list-style-type: none"> <li>– Trust</li> <li>– Reputation</li> </ul>	<ul style="list-style-type: none"> <li>– Competition</li> </ul>	<ul style="list-style-type: none"> <li>– Loyalty (organic solidarity)</li> </ul>
<b>Internal Dispute Resolution</b>	<ul style="list-style-type: none"> <li>– Administrative fiat</li> <li>– Supervision</li> <li>– Coercion</li> <li>– Expulsion (i.e. firing)</li> </ul>	<ul style="list-style-type: none"> <li>– Voice</li> <li>– Negotiations</li> <li>– Divorce</li> </ul>	<ul style="list-style-type: none"> <li>– Exit</li> </ul>	<ul style="list-style-type: none"> <li>– Loyalty</li> <li>– Tradition</li> <li>– Expulsion (i.e. outcasting)</li> </ul>
<b>Rewards for Individuals</b>	<ul style="list-style-type: none"> <li>– In line with rank</li> </ul>	<ul style="list-style-type: none"> <li>– Negotiated</li> </ul>	<ul style="list-style-type: none"> <li>– Meritocratic</li> <li>– Competitive</li> </ul>	<ul style="list-style-type: none"> <li>– Shared</li> <li>– Egalitarian</li> </ul>
<b>Recruitment</b>	<ul style="list-style-type: none"> <li>– Based on specialisation</li> <li>– Impartial</li> </ul>	<ul style="list-style-type: none"> <li>– Introductions</li> <li>– Personal contacts</li> <li>– Discriminatory</li> </ul>	<ul style="list-style-type: none"> <li>– Determined by economic barriers to entry</li> <li>– Impartial</li> </ul>	<ul style="list-style-type: none"> <li>– Based on similarities – discriminatory</li> </ul>
<b>Information for Decisions</b>	<ul style="list-style-type: none"> <li>– Rules</li> </ul>	<ul style="list-style-type: none"> <li>– Relationships</li> </ul>	<ul style="list-style-type: none"> <li>– Price</li> </ul>	<ul style="list-style-type: none"> <li>– Norms and traditions</li> </ul>

Source: Standing, 2003:18

However, Standing (2003:20) also points out that a “synthesis” can occur among the above-mentioned models, whereby an organised crime syndicate can possess several characteristics of the different models at the same time. For example, the *Cosa Nostra* and similar organised crime syndicates have illustrated characteristics of all four models. These similarities include these groups having a bureaucratic form of governance (hierarchical model); allowing new members or associates to enter the group’s activities through personal contacts or introductions (network model); competing for a share in the illegal goods market (market model); and having age-old traditions and norms (clan model).

The fact that a “synthesis” has occurred regarding the nature of organised crime models is an indication of the evolving and adaptable nature of organised crime syndicates. The globalisation and modernisation of the world have forced age-old organised crime syndicates to adapt and evolve some of their methodologies and traditions to stay financially competitive. An example of this is the involvement of organised crime syndicates in cyber-crime. The crime prevention and law enforcement tactics of governments across the world have also evolved – which in turn has forced organised crime syndicates to change their tactics to avoid capture and prosecution.

As stated in the above sections, organised crime syndicates (which include all the models described above) are involved in a broad spectrum of criminal activities, which includes violent crime, economic crime, cyber-crime, cross-border criminal activities and environmental crime (for example the theft and smuggling of precious natural resources). Such criminal activities naturally have a negative impact (or “harm” as the UK government refers to it) on the countries and their inhabitants where they are perpetrated. The section below describes the framework the UK government utilises to calculate the harm (negative impact) of organised crime on the UK.

### **2.2.3 The UK Harm Framework**

The UK government identifies and analyses the impact the different threats posed by organised crime has on the country on an annual basis. The government, through SOCA’s “harm” framework, determines the level of “harm” that serious organised crime has on the different levels of its society. This framework (as outlined in Table 2) categorises the harm caused by, or the effects of serious organised crime according to type and scale. As illustrated below, some harms are the direct result of specific, serious organised criminal activities, whereas others are totally or to a certain extent the consequence or long-term effect of such activities (UK, 2010a:iii, 69).



**Table 2: Harms Caused by Serious Organised Crime**

Type of Harm	Levels of Harms		
	Individual/Local	Community/Region	National /International
<b>Physical Harm</b>	Injury, illness or individual death (for example deaths caused by drug abuse or violent robberies).	Incidence of injuries, illnesses or deaths within a specific community or geographical area (for example the total number of drug-related deaths in a community as a result of crime-related violence).	Patterns and numbers of injuries, illnesses and deaths related to serious organised crime within a country or continent or on a global level.
<b>Social Harm</b>	Damage to people through their criminal behaviour and its impact on others (for example tendency to violence, criminal offending resulting from drug addiction and distress and inconvenience caused to the victims).	Damage to the sense of social security in a particular geographical area, or within or between social groups (for example low levels of confidence in local law enforcement and the respective criminal justice system and increased fear of crime and community tension near drug markets).	Damage to a country's society, undermining the belief in the rights of others and respect for the law (for example low-level criminal or non-compliant behaviour, such as personal tax evasion or recreational drug use and unwillingness to support the criminal justice system).
<b>Environmental Harm</b>	Degeneration of physical structure (for example physical damage to a building or a house or other premises used to manufacture or sell drugs, or through its use for prostitution or human trafficking).	Damage to an area (including areas such as an estate, neighbourhood, town). This includes for example the unsafe disposal of chemical waste from drug production and the creation of areas synonymous with drug use or illegal immigrants.	Damage to a country (or its international image) as a whole, or to areas within the country, or to other countries (for example the decline in tourism in a country or region due to increasing crime statistics).

<b>Economic Harm</b>	<p>Economic impact on individuals or families (for example when drug addiction leads to loss of employment and costs from thefts, costs of private security and higher insurance premiums).</p>	<p>Economic impact of serious organised criminal activities on businesses, services and communities in a particular community, town, city or region (for example financial losses due to acts of fraud or robbery).</p>	<p>Direct and indirect economic impact that serious organised criminal activities have on a country. Direct impact includes for example the tax revenue lost due to the smuggling of illegal goods. Indirect impact includes for example the cost of law enforcement operations to combat serious organised crime.</p>
<b>Structural Harm</b>	<p>Damage to individual perceptions of the integrity of government and private institutions and systems. For example the fear people have of using new technology (such as internet services) due to perceived risk of internet fraud. A further example is when individuals lose faith in the ability of government and private organisations to protect them and their property from criminal activities.</p>	<p>Damage to larger community perceptions of the integrity of government and private institutions and systems (for example when local political or business leaders are corrupted by or under the influence of serious organised crime).</p>	<p>Damage to perceptions of a country internationally (for example widespread organised illegal immigration – including activities such as human smuggling and human trafficking) undermining the integrity of a country's border).</p>

Source: UK, 2010a:69

The next section of this chapter briefly focuses on the growth of criminal syndicates (especially international organised crime) across the world after the Cold War.

### 2.3 Transnational Organised Crime in the Post-Cold War Era

After the end of the Cold War, transnational organised crime, also known as global organised crime, international organised crime or, as Martin and Romano (1992:1) refer to it as “multinational systemic crime”, emerged in the early 1990s as a threat to the national security of many nations across the world. Former FBI Director, Louis J. Freeh, defined transnational organised crime as “a continuing criminal conspiracy having a firm organizational structure, a conspiracy fed by fear and corruption. These transnational crimes extend over countries’ borders and include crimes such as extortion, money laundering, drug trafficking, bribery, fraud schemes, and arms smuggling” (Stephens, 1996:1). US Senator John Kerry supported the notion that organised crime became an international security threat in the early years of the post-Cold War period when he stated the following (Kerry, 1997:27):

Crime has been big business for decades, of course, taking its toll in blood and corruption. But a new criminal order is being born, more organized, violent, and powerful than the world has ever seen. Its goals are more malevolent, too: it aims at nothing less than taking over entire governments.

Stephens (1996:1) further states that these “criminal groups have dramatically increased the scope of their activities by taking advantage of many post-Cold War opportunities such as the lowering of economic and political barriers; the end of communist regimes and the founding of fragile new democracies; the increase in legitimate transnational trade; and the advances in technology that facilitate global communication and transport”. It must be noted that the above-mentioned “fragile democracies” include new democracies such as South Africa. In 2000, the US National Security Council issued a report describing the impact that transnational crime had on the US and the country’s international strategic interests. The report stated that transnational organised crime syndicates had learnt to exploit the drastic changes witnessed in the post-Cold War period regarding technology and the global political and economic environment. This exploitation has resulted in these criminal networks operating in a more sophisticated and flexible way than ever before. The report further stated that the occurrence of globalisation has given professional criminals the opportunity to quickly adapt to international, regional and national markets (Zagaris, 2010:145).

The increasing national security and economic risks that transnational organised crime syndicates posed to countries across the globe in the post-Cold War era was highlighted by Robinson (2000: 13) when he stated the following:

Where national objectives were once defined by a government's ability to protect its citizens, territory and borders, they are now characterized by law enforcement's inability to defend those citizens and territories from threats outside those borders. Where power and authority were once defined by political polarities, such as East versus West, they are now defined by the control of, or influence over, markets, such as foreign exchange and essential commodities.

As stated before, the US viewed transnational organised crime as a global security threat since the 1990s (US, 1996a & 1998a). The UN also started focusing its attention on organised crime as a national and international security issue at the beginning of the twenty-first century, as seen from the adoption of the *Palermo Convention* by the UN General Assembly. The *Palermo Convention* illustrates the international community's increasing concern over worldwide organised criminal activities when it states that the member states of the UN are "deeply concerned by the negative economic and social implications related to organized criminal activities, and convinced of the urgent need to strengthen cooperation to prevent and combat such activities more effectively at the national, regional and international levels" (UN, 2000). The UN's 2004 report *A More Secure World: Our Shared Responsibility* also highlights the UN's growing concern with transnational organised crime in the beginning of the twenty-first century (UN, 2004:15).

The view that transnational organised crime poses a threat to the national security of countries across the world has furthermore been maintained by numerous other leading countries (especially developed countries) throughout the first decade of the twenty-first century. For example, in 2007, the UK Ministry of Defence (MOD) stated that (UK, 2007b:36):

[...] criminals and illicit groups will increasingly take advantage of legitimate company structures to conduct or hide their criminal activity, leading to higher levels of global corruption and illicit trade, often involving the use of cyberspace. They will also continue to

exploit ungoverned and uncontrolled spaces, collaborating through business-based relationships with paramilitary/terrorist and insurgent groups as well as weak and corrupt governments. They will exploit growing consumer markets in rapidly growing economies and opportunities wherever they present themselves. Criminals are likely to be more aggressive in defence of their assets and markets and in promoting their interests.

The assets and markets of these transnational organised crime syndicates, as mentioned above, are situated on all continents across the world, including Africa. In the post-Cold War period transnational organised crime syndicates have taken advantage of developing countries' weak political and socio-economic structures, as well as their natural resources, to increase their criminal networks across continents such as Africa, South America and the Far East. These countries are characterised by high levels of environmental, demographic and political instability, which result in issues such as humanitarian crises, mass migration, transnational crime, domestic terrorism and potentially international terrorism. In many cases the on-going internal instability within developing countries, allows transnational criminal and terrorist organisations the opportunity to develop their networks and resources which subsequently increases the security threats they pose to developed states in neighbouring continents such as Europe and North America. The mineral wealth in developing countries, especially in Africa, will continue to ensure their economic importance within the global economy and this in turn will ensure that the more economically influential, developed states will continue to have economic and subsequently political and security interests in those countries (UK, 2007b:61).

The evolving and expanding nature of transnational organised crime syndicates was reaffirmed by UN Secretary General, Ban Ki-Moon, when he stated in 2010 that "organised crime syndicates (are growing) ever more powerful" and that in some areas across the world "police and armies are being out-gunned." He further stated that the UN and other authorities' ability to counter organised criminal activities "is not evolving as quickly as the criminals' skill at evading it" (News24, 2010).

The evolving nature of organised crime syndicates has led to a significant expansion in their illegal activities and financial strength across the world. This fact was reiterated in 2010 when the UN's Office on Drugs and Crime (UNODC) stated that organised crime

syndicates were generating revenues of more than \$120 billion globally every year. The UNODC's head, Yury Fedotov, stated in 2010 that there were fears that globalisation was "extending the reach of crime in unprecedented ways" (News24, 2010).

Fedotov highlighted the increasing market value of the global narcotics trade by revealing that the heroin and cocaine market brought in an estimated \$105 billion of revenue annually for organised crime syndicates. The annual revenue of other illegal activities highlighted by Fedotov included human trafficking and smuggling of migrants worth an estimated \$10 billion a year; illicit trade in firearms worth an estimated \$53 million a year; trafficking in natural resources worth approximately \$3.5 billion a year; counterfeit medicines worth an estimated \$1.6 billion a year and cyber-crime worth approximately \$1 billion a year (News24, 2010).

It is therefore understandable that organised crime syndicates would also use all the means necessary (for instance violence and corruption) to ensure that their expanding illegal markets are secured and not threatened by either competing organised crime syndicates or governmental agencies and policy makers, as these markets are annually worth billions of dollars.

It is important to note that even though organised criminal activities are mainly defined as activities that include crimes such as fraud, corruption and money laundering, as well as transnational crimes such as arms and narcotics smuggling, there is a clear link between violent and organised criminal activities, as these organised crime syndicates also perpetrate violent crimes, for example murder and armed robberies, to achieve their criminal objectives, as evidenced by the large number of violent crimes (for instance business and residential robberies and murder) that are committed by organised crime syndicates.

The next section briefly describes the environment in developing states that has allowed criminal groups to expand their criminal activities without much difficulty.

### **3. SERIOUS CRIME IN DEVELOPING STATES**

It is easy for organised (and violent) criminal groups to exploit the low-risk opportunities that present themselves in developing states, which are often characterised by high

levels of poverty, unemployment, weak state structures and widespread political turmoil. Williams and Brooks (1999:86) support this view when they state the following:

Pressures resulting from poverty often motivate the development of local criminal gangs, while opportunities for enrichment motivate not only political leaders whose conception of civic responsibility and obligation to the citizens is lacking, but also transnational criminal organisations which move in to develop new markets and new trafficking activities. Similarly, desire for military success motivates warlords to use drug trafficking or any other criminal activity that provides contributions to the war chest and contributes to the attainment of political power. Incentives to engage in criminal activity are powerful, and there are few countervailing restraints. Opportunities are provided by state weaknesses that include: lack of legislation against organised crime and money laundering; a lack of legitimacy that results in widespread disaffection and conflict; and a propensity for corruption among elites susceptible to new forms of bribery in the face of a double bind — traditional sources of financial support are in the process of drying up at the very same time that the move to electoral politics imposes new financing requirements.

Illegal networks and organisations (such as terrorist groups and transnational organised crime syndicates) are currently some of the largest and most profitable businesses located in the developing world. This has resulted in organised crime syndicates exercising a major influence on the political and business structures of those developing countries. High levels of government corruption in many developing countries have provided transnational organised crime syndicates with the opportunity to proliferate across those countries. This corruption is not confined to one specific form of corruption, such as bribery, as it can assume many different forms, for example when government officials provide falsified documents to criminals, enabling them to smuggle stolen goods across borderlines, or when a senior government official prevents law enforcement agencies and their officials from acting against suspected organised criminals, subsequently providing them with *carte blanche* to pursue their criminal activities. In addition, developing countries find it difficult to hire or retain the personnel needed to combat organised criminal activities, the reason being that law enforcement officials are usually paid low salaries and the on-going corruption of law

enforcement agencies suggests that officials with advanced technical skills struggle to find advantageous positions in those countries' employment sector (Bryden & Fluri, 2003:303-305).

The fact that organised crime syndicates have broadened their operations in developing countries during times of armed conflict (for instance in Sierra Leone) and in developing states transitioning from conflict/civil unrest (for instance the democratisation of South Africa) – due to the lack of political and law enforcement capacity – has come to the attention of international and regional organisations in recent years. The first example of this, as stated before, is the UN's 2004 report *A More Secure World: Our Shared Responsibility* that described organised crime as a “menace to States and societies” (UN, 2004:52). The second example is when the AU, also in 2004, stated that armed conflicts and crime represent “major obstacles” to security, development and governance (Mcmullin, 2009:75-76).

Organised crime has the potential to expand its illegal networks quickly during periods of political transition and violence, because of the lack of government authority during the transformation period. Transnational organised crime syndicates use periods of armed conflicts or political transition to undermine government and law enforcement agencies in the target countries to avoid government regulation or simply to find new markets to sell their illegal goods or services (for instance weapons, narcotics and human trafficking) (Mcmullin, 2009:86). High crime rates in developing states have also had devastating impacts on investments and economic growth in those countries. Andvig and Fjeldstad (2008:2) state that “countries with high crime rates often find it difficult to attract, retain, and expand private investment. In addition to deterring investments, crime has direct costs on firms (and households) through theft losses and in security-related expenses, which translate into reduced competitiveness and lower investment (sometimes even disinvestments)”.

Even though the majority of African countries have adopted UN protocols related to the prevention of organised crime (for instance the *Palermo Convention*), none of Africa's multilateral institutions, such as the AU and the SADC, have developed their own definitions of organised crime. Table 3 indicates when the different SADC member states signed and ratified the *Palermo Convention*. The AU has, however, developed several policies and conventions addressing crimes that are related to organised crime, including the *AU Plan of Action for Drug Control in Africa 2002-2006* and the AU



*Convention on the Prevention and Combating of Corruption and Related Offences of 2003 (AU, 2002 & 2003).*

<b>Table 3: SADC Members which have Signed and Ratified the Palermo Convention</b>		
<b>Country</b>	<b>Signed</b>	<b>Ratified</b>
Botswana	10 April 2002	29 August 2002
Lesotho	14 December 2000	24 September 2003
Malawi	13 December 2000	17 March 2005
Mozambique	15 December 2000	20 September 2006
Namibia	13 December 2000	16 August 2002
South Africa	14 December 2000	20 February 2004
Swaziland	14 December 2000	-
Zambia	-	24 April 2005 (Accession)
Zimbabwe	12 December 2000	12 December 2007

Source: UN, 2009

For the purpose of this study, the serious crime categories that will be assessed qualitatively and quantitatively will include the primary crimes that are categorised under violent and organised crime, as outlined in Table 4. It must, however, be noted that there may be some overlapping between the two crime categories in question (for example aggravated robbery is also a criminal act committed by organised crime syndicates).

<b>Table 4: Serious Crime Categories to be Assessed in this Study</b>	
<b>Violent Crime</b>	<b>Serious Crime Related to Organised Criminal Activities</b>
<ul style="list-style-type: none"> <li>- Murder</li> <li>- Attempted murder</li> <li>- Rape</li> <li>- Assault causing grievous bodily harm (GBH)</li> <li>- Aggravated robbery, which includes bank, residential and business robberies, cash-in-transit (CIT)</li> </ul>	<ul style="list-style-type: none"> <li>- Commercial crime, including money laundering, embezzlement and fraud</li> <li>- Corruption</li> <li>- Transnational organised crimes, for instance the smuggling of firearms, narcotics, humans, wildlife and other stolen goods such as motor vehicles and cigarettes</li> </ul>

heists and car and truck hijackings	
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The previous sections outline the assumption that serious crime (organised and violent in nature) does have a negative impact on the political and socio-economic environments of all countries across the world, especially developing states. Before attempting to establish its impact on the national security of a state such as South Africa, it is important to analyse the concept of national security. The following section discusses the concept in both its classical and contemporary sense.

#### **4. NATIONAL SECURITY: A CONCEPTUAL FRAMEWORK**

The terms “security” and “national security” are complex concepts with ever-changing functionality among security analysts. Mandel (1994:16) supports this by stating that security is a “multifaceted concept, and for that reason considerable disagreement exists about its meaning”. The term security has also been seen as an ambiguous symbol and the concept of security might not have a precise meaning at all (Buzan, 1991:5).

Zedner (2003:155) confirms the complexity of the concept of security as she describes it as both a “state of being and a means to that end”. Furthermore, as a “state of being”, security can be differentiated according to “objective” and “subjective” conditions. In the objective condition, security can take a number of possible forms. The first form is the theoretical state of absolute security, namely a condition without any threats. The second form is the state of being protected from any threats (the neutralisation of threats). The third form is when danger is avoided (the non-exposure to threats). The subjective condition refers to the emotional perception, namely feelings towards security threats. The subjective condition refers to the individual’s need to feel safe and not to fall victim to emotions of apprehension and anxiety due to feelings of insecurity.

However, some consensus exists that the notion of security stresses a feeling of being free from fear and the experience of a sense of safety. This notion involves both the physical and psychological elements of security. Mandel (1994:21) states that the above-mentioned pursuit of physical and psychological safety is “largely the responsibility of national governments, to prevent direct threats primarily from abroad from endangering the survival of these regimes, their citizenry, or their ways of life”.

Definitions of national security have been influenced by the different political and socio-economic phases that have been witnessed over the past few decades. For example, the definition of national security during the Cold War differed from that of the post-Cold War period. Defining national security is also directly linked to the type of threats that have been identified by governments before developing their own definitions of national security. Not all countries face the same type of security threats. For example, several Western states (for instance the US and UK) have identified international terrorism as one of their primary national security threats, while several developing states are facing continuing political violence within their own borders.

The next section assesses the different views on national security, including the traditional view and the post-Cold War views.

#### **4.1 Different Views of National Security**

Hough (2003:1) states that “various attempts at defining national security have been made, although in certain views there is no universal definition, as it means different things to different countries”. The section below attempts to distinguish among the different views of national security.

##### **4.1.1 Traditional Views**

The traditional view of national security is based on how national security was perceived during the Cold War period. The Cold War turned the leading Western view of security into a bipolar model. Ayooob (1995:6) describes this bipolar model as a “Western concept” of security. “Alliance security” was the term applied to this concept of state security. The security of the major developed states in Europe and North America, the North Atlantic Treaty Organisation (NATO) and the Warsaw Pact became the fundamental focus of the international security structure as a whole (Ayooob, 1995:6).

The vast majority of states across the globe, developed and developing in nature, were influenced politically and economically by the Cold War. Gardner (2005:1) believes that during this period, the US and Soviet Union tactically collaborated in restraining, or “double containing”, the powerful potential and capabilities of both major and minor powers, including developed countries in Europe, like Germany, and developing

countries across the globe. US-Soviet collaboration in this “double containment” was partly a result of the formation of opposing spheres of influence and security, and partly because of the “wall” dividing Europe. In addition, the US and Soviet Union often kept strategically-positioned states in the developing world as weak as possible, by pitting the different sides against each other in violent wars, an example of this being the civil war that took place in Angola during the Cold War period. This had a profound influence on the political, economic and security environments of the developing world, including Africa (Gardner, 2005:1).

This ideological conflict between the West and the Soviet Union therefore had a direct impact on how countries defined national security, as most countries aligned their national security strategies to that of either the US-led alliance or the Soviet Union. Their definitions of national security were also primarily focused on possible military and other external security threats. Such a traditional definition of national security in the early 1980s was seen as “the ability to preserve the nation’s physical integrity and territory; to maintain its economic relations with the rest of the world and reasonable terms; to protect its nature, institutions and governance from disruptions from outside; and to control its borders” (Brown, 1983:4).

When referring to the nation state, the traditional perspective of national security (also known as the narrow concept of security) refers to the experiencing of a condition of freedom from external physical threats, such as war or occupation. Although these threats primarily refer to physical threats (for instance military attack) to the nation state, they also encompass ideological and moral threats (for instance communism versus capitalism). The traditional view on national security implies that a state, under normal circumstances, would be able to identify an external threat, as well as to develop mitigating strategies (national security strategies) to be able to withstand such a threat (Job, 1992:10-11).

The traditional view of security is therefore the idea that threats are mainly of an external nature and military in character. This view of national security (specifically how the US-led alliance viewed it) did, however, include some non-military aspects such as economic and environmental security in its definitions of national security. Nevertheless, this view did not always include internal threats to national security, such as civil war and organised crime (Hough, 2002:1). The traditional view that national security primarily depended on external military threats, was increasingly challenged by

a number of academics and government officials as the Cold War came to an end. Calls were made for the widening of the concept of security and a broadening of the focus, taking into account the ever-increasing interdependence of states (Buzan, 1991:6).

The next section will describe how the military-centred, traditional view of national security was transformed into a broader post-Cold War view of national security, as well as highlighting the emphasis that has been placed on human security in the post-Cold War era.

#### 4.1.2 Post-Cold War Views

Buzan (1991:116-132) broadened the traditional understanding of national security (the Cold War approach) when he widened the type of threats to a country's national security to include the following:

- **Military threats:** The threat of conventional military invasion was the core threat to national security during the Cold War period.
- **Political threats:** The promotion of political ideologies such as communism, capitalism and socialism can be seen as national security threats by certain governments.
- **Societal threats:** This threat includes the conflict between different societies within a country's borders, for instance the conflict between the Jewish and Arab communities in Gaza.
- **Economic threats:** International sanctions adopted against a country and the implications these have for the economy, for instance.
- **Ecological threats:** These include natural and man-made ecological disasters, such as earthquakes, floods, plagues, droughts and the destruction of the ozone layer that may have national security consequences such as mass migrations.

Buzan (1991:133), however, also stated that the “array of military, political, societal, economic and ecological threats does not constitute a static agenda for national security”. Different nations therefore attach different meanings to the concept of national security. After the end of the Cold War, academics and governments alike engaged in criticism of the traditional approach to national security. Hough (2003:2) states that “although the emphasis on security against military attack had already been

questioned during the Cold War period, the demise of the Soviet threat facilitated a re-thinking of the concept of security". The security threats of a bipolar world with two military alliances poised against each other disappeared in the early 1990s with the demise of one of the super powers. However, numerous international and national security threats identified during the Cold War did not disappear entirely after the end of the Cold War. In this regard it has been stated that "the post-Cold War situation has important implications for global security. However, while ideological rivalry and the intensity of the arms race have been significantly reduced, various threats to national and international security remain." These include international terrorism, arms proliferation, fundamentalism and the illegal trading of narcotics (Hough, 1994:35).

Many of the critics of the traditional view of national security believed that the national security approach had outlived its usefulness in the post-Cold War period as many of the threats to the world (for instance terrorism, global warming and international organised crime) were threats that would not be solved by military responses. Academics (such as Buzan and Job), policy makers (such as the authors of the post-1994 South African *White Papers on Defence and Intelligence*), and international organisations (for instance the UN) and non-governmental organisations (NGOs) subsequently argued that the traditional view of national security had to be widened so that it could be replaced with a new people-centred model for security. Furthermore, it was not only the threats that were broadened with the post-Cold War approach to national security, but the referent object regarding national security was also broadened. No longer was the state the only primary referent object, but other entities such as individuals, regional communities and other non-state actors were also viewed as important referent objects. National security has now become less state-centred and more people-centred as it focuses not only on dealing with the threats related to the state but also the individuals within the state (Buzan *et al*, 1998:20-30).

Human security challenged the traditional notion of national security as it emerged as a paradigm for understanding global vulnerabilities in the 1990s. The concept argues that the proper referent for security should be the individual, rather than the state. Human security holds that a people-centred view of security is necessary for national, regional and global stability. The concept emerged from a post-Cold War, multi-disciplinary understanding of security involving a number of research fields, including development studies, international relations, strategic studies and human rights. The United Nations Development Programme's (UNDP) *Human Development Report* of 1994 is considered

a milestone publication in the field of human security, with its argument that ensuring "freedom from want" and "freedom from fear" for all persons is the best path to address the problem of global insecurity. The *Human Development Report's* definition of human security argues that the scope of global security should be expanded to include threats in the following seven areas (UN, 1994:24-33):

- **Economic security:** Economic security is the security that individuals are assured of a basic income. It has been estimated that only about a quarter of the world's people are economically secure. Unemployment problems constitute an important factor underlying security issues such as political tensions, ethnic violence and increasing crime rates.
- **Food security:** This requires that all people at all times have both physical and economic access to basic food.
- **Health security:** Health security aims to guarantee a minimum protection from diseases such as parasitic and infectious diseases.
- **Environmental security:** Environmental security is aimed at protecting people from the man-made threats in nature (for instance global warming), natural disasters, and the deterioration of the natural environment (for instance lack of access to clean water resources).
- **Personal security:** Personal security refers to the protection of people from physical violence, whether from the state (for instance ethnic violence), external actors (for instance military attack) or from individuals (for instance violent crime).
- **Community security:** Community security aims to protect people (particularly minority ethnic groups) from sectarian and ethnic violence.
- **Political security:** Political security is concerned with whether people live in a society that honours their basic human rights and are not threatened by political repression, systematic torture, ill treatment or disappearance by their respective governments or relevant stakeholders.

The UN's Commission on Human Security confirmed the link between national security and human security when it stated the following (UN, 2003:4):

Human security in its broadest sense embraces far more than the absence of violent conflict. It encompasses human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfil his or her own

potential. Every step in this direction is also a step towards reducing poverty, achieving economic growth and preventing conflict. Freedom from want, freedom from fear and the freedom of future generations to inherit a healthy natural environment — these are the interrelated building blocks of human, and therefore national security.

In addition, the UN's Commission on Human Security also stated that the broadening of the security concept to include human security (individual security) is not only necessary due to the changing nature of the international and national security environments, but that the inclusion of human security will “complement state security” in a number of areas (UN, 2003:4-5):

- Its concern is the individual and the community, rather than the state.
- Menaces to people's security include threats and conditions that have not always been classified as threats to state security.
- The range of actors is expanded beyond the state alone.
- Achieving human security includes not just protecting people but also empowering people to fend for themselves.

Furthermore, the widened approach to security was expanded on in the 1990s by members of the so-called *Copenhagen School of Thought*, which conceptualised national security on the basis of the widened approach to national security and not the traditional view of national security. The *Copenhagen School* places particular emphasis on the social aspects of security as these theorists attempted to understand the concept of security itself. In other words, the *Copenhagen School* wanted to know what it implies when something is called a security risk and to understand the interests and motives behind the conceptualisation of security risks. The *Copenhagen School* subsequently developed several concepts related to security and its impact on international relations theories, which includes terms such as *security sectors* and *securitisation* (Buzan *et al*, 1998:20-30).

*Security sectors* refer to the different international security sectors related to security analysis, which include aspects such as the military, political, societal, economic and environmental sectors. Dividing the analysis of security into the above-mentioned sectors assists the examination of international security, as these sectors all have different dynamics and characteristics related to international security. *Securitisation*



refers to the so-called subjective nature of security. This relates to when there is a deliberate move that takes an issue beyond politics and into the realm of special measures, due to the perceived urgency or seriousness thereof. An issue is therefore *securitised* by the manner in which it is taken beyond politics. This means that security risks are not always objectively constructed – but rather subjectively – whereby the interpretation and perception of a threat do not necessarily have to be supported by actual facts to be classified as a security risk. Threats are therefore constructed with varying degrees of subjectivity, depending on the particular threat perception and motives held by any specific person or group. It must also be noted that the success of the *securitisation* of an issue depends directly on the response of the target audience. This means that if the *securitisation* of an issue is accepted by the target audience, the existence of the threats will then also be accepted, for example when governments deliberately construct a threat to become a “security risk” so that they can legitimise extraordinary means to mitigate the threat (Buzan *et al*, 1998:23-30).

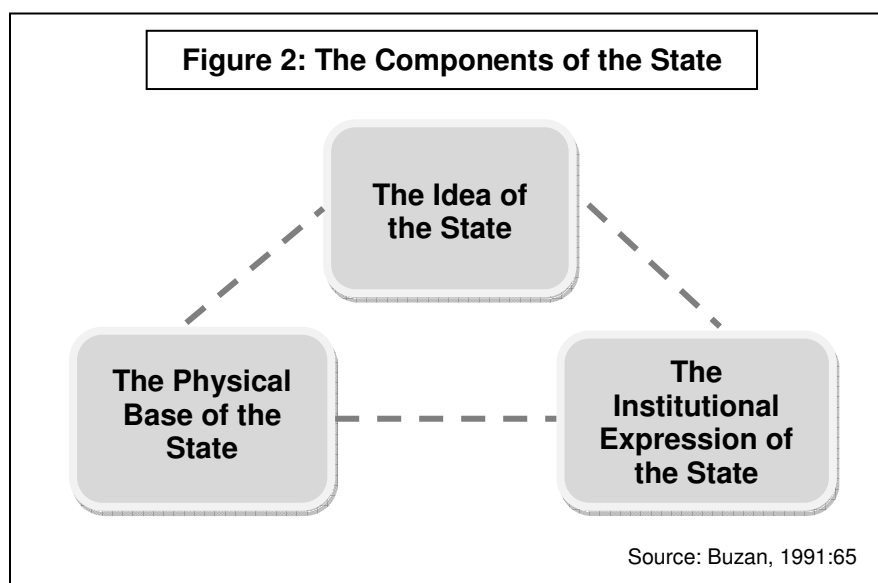
It is not only governments that can construct security threats as non-statutory perspectives of security also play a role in the security environment of a country (for example when members of the Cape Flats in South Africa founded the People Against Gangsterism and Drugs (PAGAD) organisation after they identified gangsterism and the selling of narcotics as a security threat to their community). *Securitisation* does not address security, but rather focuses on how it is perceived and what measures need to be developed to ensure that the threat is mitigated – which includes the development of unconventional measures (Buzan *et al*, 1998:23-30). This means that a state could identify a threat and legalise the use of special measures to counter that threat, for instance when the government declared a state of emergency in South Africa in the 1980s, which gave the security forces certain additional powers.

It must, however, be noted that there are risks associated with the *securitisation* of threats, for example when states *securitise* issues that are related to regime security rather than to national security (including human security). For instance, several political parties and political leaders in developing states have in the past declared the political opposition as national security threats to their respective countries, while on-going poor government services (for example the lack of health services), government corruption and socio-economic degradation in those countries were not identified as threats. Regime security therefore means that a regime (individual/political party that has the political power in a country) wants to prevent political defeat at the polls (loss of

political authority) or aims at protecting their own interests at all costs, even if it is to the detriment of state security and individual security (Hough, 2003:9).

## 4.2 National Security and Buzan's Theory of the Components of the State

The analysis of security at a national level relates to vulnerabilities of the state. The idea of the state in the context of the security challenges it faces, can be divided into three interlinking components, as described by Buzan (1991:65-96). These three components are the idea of the state, the institutional expression of the state and the base of the state (as illustrated in Figure 2).



The idea of the state refers to the principles and values on which the state is not only founded, but also bases its sovereignty. It includes the ideology on which the state's principles and values are based (for instance democracy or communism). The idea of the state is usually shared and adopted by the majority of its inhabiting population as the founding principles and values on which the state is based. These principles and values are usually outlined in a state's constitution and other fundamental government policies such as the Bill of Rights (Buzan, 1991:69).

The institutional expression of the state refers to institutions established (for instance judicial, legislative and executive structures in a government) and institutional processes developed (for instance policy and legislative development) by the state to ensure that the idea of the state is guaranteed and enhanced (Buzan, 1991:82).

The physical base of the state relates to physical elements associated with a state. In general terms the physical base of the state refers to the territorial dimension (geographical location and borderline) and populace dimension (inhabitants) of a state. Furthermore, it also includes aspects such as the infrastructure and resources found within the territory of a state (Buzan, 1991:90). Examples of the threats that organised criminal activities poses to the above-mentioned components of the state are described in Table 5.

<b>Table 5: Vulnerabilities of State Components Related to Serious Crime</b>	
<b>Components of the State</b>	<b>Examples of the Security Threats Posed by Serious Crime</b>
<b>The Idea of the State</b>	The majority of the world's states have developed national constitutions that enshrine the right to safety and security of their populations. Those constitutions (as is the case in South Africa) emphasises that the state has the responsibility to ensure the safety of the population – which includes protection from all acts of serious crime.
<b>The Institutional Expression of the State</b>	It is an indication that serious crime is threatening the institutional expression of the state when the primary institutions of a state fail in their responsibility of safeguarding its citizens (as outlined in the idea of the state) and ensuring the rule of law within the physical base of their respective countries (also as outlined in the idea of the state).
<b>Physical Base of the State</b>	The physical base of the state is the component that is most threatened by serious crime. Firstly, transnational organised crime syndicates do not respect the legitimacy of borderlines as they engage in illegal cross-border activities. Secondly, serious crimes such as violent crimes threaten the safety and security of the inhabitants of all states across the world. Thirdly, serious crime also poses a threat to the resources of countries, for example illicit mining and the poaching of natural resources such as rhinos and abalone.

Since there are significant differences between the national security threats posed to developing states and developed states, the section below will briefly discuss the national security threats posed to developing states in general, due to the fact that South Africa forms part of the developing world.

### 4.3 National Security in Developing Countries

Since the end of colonialism the majority of developing countries have struggled to maintain their security, as they have not been able to effectively enforce legislation and to regulate activities within their borders. The lack of state security in most developing countries has resulted in threats to the autonomy of state institutions, which in turn could be seen not only as a threat to the state as such, but also a threat to the country's inhabitants (individual security) (Hough, 2003:8).

Buzan (1991:96-106) also differentiates between "weak" and "strong" states in relation to the vulnerabilities of the different components of a state and its subsequent security policies to protect these components from any threats. Weak states refer to developing countries, while strong states can refer to developed countries. Table 6 outlines the vulnerabilities that weak and strong states potentially face. The 'power' in the column on the left refers to the traditional distinction among states in respect of their economic and military capacity in relation to each other, while the socio-political cohesion column refers to the stability of the political and socio-economic structures of the respective countries (Buzan, 1991:97).

<b>Table 6: Vulnerabilities and Types of State</b>			
		<b>Socio-Political Cohesion</b>	
		<b>Weak</b>	<b>Strong</b>
<b>Power</b>	<b>Weak</b>	Highly vulnerable to most types of threat	Particularly vulnerable to military threats
	<b>Strong</b>	Particularly vulnerable to political threats	Relatively invulnerable to most types of threat

Source: Buzan, 1991:114

Weaker states which are characterised by ineffective government institutions and processes (power) and which are also characterised by internal socio-economic and security challenges, tend to place emphasis on the internal security of the state (internal stability). Strong states (e.g. developed states), which have effective government institutions and processes and which are also characterised by strong and progressive internal socio-economic structures, place more emphasis on external threats rather than internal threats to the state (Buzan, 1991:102).

The security challenges that developing states faced in the beginning of the post-Cold War period were seen by Job as having to cope with a unique and difficult security environment. He characterises this as an “insecurity dilemma”. He further states that the “insecurity dilemma” found in developing states are due to the following factors (Job, 1992:17):

- Communities in developing countries are often not socially connected with each other as there are numerous communal groups competing for political power and socio-economic resources within the borders of those countries.
- The governing authorities in developing countries often do not have support from a significant segment of their population. This could be due to the fact the governing authorities only represent certain parts of the population either due to cultural, racial or ethnic backgrounds or due to the fact that the country is governed by the military or economic institutions (for instance banks).
- The primary threat is internal and not external in nature. This also includes the security threats that the regime in power poses to the state’s population through for instance repression.
- The state does not have the institutional capacity or authority to ensure that its population can live in a safe and secure environment.

As stated above, developing countries are seen as weak states due to their political and socio-economic vulnerabilities. This is supported by Ayoob’s (1995:189) statement that “the internal vulnerabilities of Third World states are primarily responsible for the high level of conflict in many parts of the Third World”. Developing states can, however, reduce their national security vulnerabilities and the threats they face by developing effective national security policies.

As far as African countries are concerned, they often do not have clearly defined strategies that provide direction on promoting their long-term national security. Those African countries that have identified national security threats and have developed strategies to mitigate the threats, have been able to address those challenges more effectively. Furthermore, when countries are able to identify their national security challenges correctly, they tend to identify a wider range of threats. This wider range of national security threats is likely to focus more on long-term security challenges and is usually focused on threats that are not dealt with through military strategies.

Mohammed (2002:8) describes the threats to the national security of developing countries, real and potential, as follows:

- Actual and potential external threats of force projection (invasion);
- External threats of destabilisation and terrorism;
- Potential sources of conflict with neighbours such as un-demarcated borders or contested natural resource control;
- Violent crime and banditry associated with proliferation of light weapons;
- Potential social unrest associated with economic recession;
- Ethnic, religious and regional cleavages and the incapacity of governance structures to manage disputes peacefully;
- Insufficiently institutionalised constitutional order;
- Weak governance institutions and corruption;
- Mass distress migration due to natural and man-made calamities;
- HIV/AIDS and its impact on institutions and capacities including security services.

Goredema (2004:7) proposes that national security in Africa should be a “precondition for human security”. He agrees with the statement by Mohammed (2002) that even though the “traditional concept” of national security is still being utilised in Africa, a broader concept of “human security” should be utilised when referring to national security. He describes human security as the “security of the individual in his or her personal surroundings and within the community”. National security in an African context can therefore be defined as “being about those governmental institutions that ensure the physical protection and safety of their citizens, their equal access to the law and protection from abuse”. States in Africa therefore have a national security responsibility to provide the people living in the continent with a safe environment from not only external, but also from internal security threats (Goredema, 2004:7).

In the post-Cold War period it has, however, become evident that the state alone (especially in the developing world) cannot ensure the security of the inhabitants it governs. Mlambo, as cited in Muloongo *et al* (2005:230), reaffirms this when he states that “while it remains true that the state is still the major player in providing security, it is also recognised that state security alone is no longer adequate to ensure human peace, security and development”. There is a need for public participation regarding

the objectives that governments in the developing world have set out to achieve related to security and socio-economic development within those states. For example, bribing law enforcement officials contributes to the degradation of the justice systems within those countries.

The conceptual framework has thus far outlined several different definitions, views and characteristics of national security which can be utilised when determining the basic criteria for identifying national security threats. The section below outlines the criteria that will be utilised in this study to determine whether or not serious crime can be identified as a national security threat to South Africa.

## 5. CRITERIA FOR IDENTIFYING NATIONAL SECURITY THREATS

Even though the concept of national security has broadened after the Cold War to include threats other than political and military security risks, the process of identifying threats to national security ultimately remains the responsibility of the political authority of a country. It is also clear from the concepts described in this chapter that there is limited agreement amongst academics and governments on when a threat actually becomes a threat to national security. The actual driving force behind the establishment of a state's security agenda is the way in which it prioritises the different threats as national security threats. Buzan (1991:134) states that the "question of when a threat becomes a national security issue depends not just on what type of threat it is, and how the recipient state perceives it, but also on the intensity with which the threat operates". He further states that the "main factors affecting the intensity of a threat are the specificity of its identity, its nearness in space and time, the probability of its occurring, the weight of its consequences and whether or not perceptions of the threat are amplified by historical circumstances" (Buzan, 1991:135). Table 7 summarises the difference between low- and high-intensity threats.

<b>Low Intensity</b>	<b>High Intensity</b>
– Diffuse	– Specific
– Distant (space)	– Close (space)
– Distant (time)	– Close (time)
– Low probability	– High probability
– Low consequences	– High consequences

– Historically neutral	– Historically amplified
Source: Buzan, 1991:140	

Hough (2003:18) broadens the criteria listed in Table 7 when he presented further criteria that can be utilised to determine whether an issue can be identified as a national security threat:

- Is there a threat to state stability (including the effective functioning of the state), sovereignty or territorial integrity?
- Are any vital national values threatened?
- Are any extraordinary measures required to address the issue?
- Is the threat sporadic or continuous?
- Are there existing wide-spread manifestations that have the clearly foreseeable (not just possible in the vague sense) potential to lead to violence or serious conflict, or an escalation of existing conflict?
- How widespread or localised is the threat?
- To what extent does the threat, or potential threat, involve illegal or unconstitutional activities?
- To what extent does the threat transcend borders, and what type of international reaction does it evoke?

Hough (2003:19) also cautions against the “understating or overstating” of threats to national security as security is defined in a competitive environment, and hence not all threats are national security threats. The above-mentioned criteria developed by Hough (2003) and Buzan (1991), as well as the criteria provided in the conceptualisation in this chapter regarding national security, will be utilised throughout the study as a basis to determine whether serious crime can be identified as a national security threat to South Africa. In addition to (and in support of) the above-mentioned criteria, several of the concepts, models and frameworks discussed in the conceptual framework will not only be utilised to determine whether serious crime can be categorised as a national security threat in South Africa, but will also be used to determine the impact serious crime has on the country. This will include:

- The negative impact of serious crime for the political, socio-economic, security and environmental spheres in South Africa.



- The threat that serious crime poses to the three components of the South African state, namely, the idea of the state, the institutional expression of the state and the base of the state.
- Whether there is a need for the South African government to further “securitize” serious crime to the level of a national security threat.

## 6. CONCLUSION

This chapter has provided the conceptual framework for assessing serious crime as a national security threat to South Africa. Key concepts, including violent crime, organised crime, national security and human security, were discussed in this regard.

Serious crime increasingly became a concern after the end of the Cold War. This event changed the way in which national security was viewed, and the traditional notion of primarily military orientated security, was no longer applicable in a globalised world. The end of the Cold War also allowed transnational organised crime syndicates to expand their operations and influence across the world. This is especially evident in the increasing presence of organised crime syndicates in developing states since the early 1990s. Weak institutional and socio-economic structures in developing states have allowed co-ordinated criminal activities to flourish.

The post-Cold War period thus resulted in states focusing on both external and internal security threats. The latter include threats such as crime, economic instability, insufficient social development, and the degradation of environmental resources. Furthermore, the post-Cold War era included greater emphasis on the security of the individual (human security) rather than the security of the state. The human security dimension of national security has changed the general perception of the concept of security and has had a profound impact on how many governments developed national security policies.

Serious crime has a profound effect on human and state security. For example, the SOCA harm framework outlined the negative impact that organised crime has on a country’s socio-economic, political and environmental spheres. However, not all threats can be viewed as national security threats. Certain criteria were outlined in this chapter, which can be used to assess whether a threat can in fact be identified as a national security threat.

The next chapter will provide crime trends in South Africa from the early 1980s to 1994 in order to determine, amongst others, the extent to which the 1994 election and subsequent developments in South Africa impacted on the occurrence and proliferation of serious crime.

## CHAPTER 3

### CRIME IN SOUTH AFRICA: AN HISTORICAL OVERVIEW

#### 1. INTRODUCTION

This chapter outlines the historical background of crime trends in South Africa between 1980 and 1994 in order to determine, amongst others, the extent to which the build-up to the 1994 elections and subsequent developments in South Africa impacted on the occurrence and proliferation of serious crime in the country. The time period described in this chapter commences in 1980 for the reason that the rest of the study focuses on the first fifteen years after South Africa became a democracy – therefore the historical chapter covers the fifteen-year period before 1994.

The chapter begins with an historical overview of the occurrence of serious crime in South Africa between 1980 and 1989. This section of the chapter focuses on trends, including statistics, regarding violent crime and organised criminal activities in South Africa over this decade. It also includes a brief overview of the history of the South African Police (SAP), the predecessor of the current SAPS, and its response to serious crime during the 1980s. In addition, the section outlines the South African government's responses to serious crime and political violence during the 1980s and concludes with a brief assessment on the occurrence of serious crime in South Africa during the above-mentioned period.

The second section of the chapter provides an overview of the occurrence of serious crime and its impact on the country during the political and socio-economic instability that reigned in South Africa between 1990 and 1994. This section, as is the case with the first section of the chapter, also outlines the different serious crime statistics of the period, and the official and non-official responses to serious crime in South Africa during the early 1990s. The crime statistics of 1994, however, will be used in both Chapters 3 and 4 of the study as democratic elections took place in April 1994. The crime statistics of 1994 therefore have a bearing on both chapters. The chapter concludes with a synopsis of serious crime in South Africa from 1980 to 1994.

## 2. SERIOUS CRIME DURING THE PERIOD 1980-1989

The distinction between political and criminal activities became increasingly blurred during the 1980s as the government's authority was undermined due to intensifying local and international opposition to its race-based policies, which in turn increased the political tension within the country. From the 1950s, the government adopted various internal security laws that were aimed at criminalising behaviour that was often not considered criminal in other countries, such as the prohibition on certain interactions between different races. Widespread political violence witnessed in South Africa, especially during the 1980s, resulted in the country being perceived by the international community as an inherently violent society. This perception was exacerbated by the fact that violent crime increased significantly in South Africa during this period (Schönteich & Louw, 2001).

Before assessing serious crime statistics in South Africa over the above-mentioned period, it is important to note that the available crime statistics for the entire country before 1994 are not always seen as a reliable indication of the crime situation in South Africa, due to various problems related to the crime statistics collected during that period. A reason for this is the fact that South Africa had different policing agencies responsible for different areas across the country. The SAP crime figures did not include crimes statistics reported in the former TBVC states (Transkei, Bophuthatswana, Venda and Ciskei) and KwaZulu-Natal. This means that a significant percentage of crime reported in South Africa before 1994 did not form part of the national crime statistics that the SAP attempted to provide in their annual national crime reports (Schönteich & Louw, 2001).

This is, however, not an isolated occurrence in South Africa. Crime statistics from other countries that changed from authoritarian rule to democratic rule, have also been found to be unreliable, because of the fact that "authoritarian societies are often complicated by the fact that state repression led to a blurring of the boundaries of political and criminal activity and the state itself was often a significant source (although not defined as such at the time) of criminal activity" (Shaw, 2002:3). Notwithstanding the above-mentioned limitations regarding the crime statistics in South Africa prior to 1994, it is still necessary to analyse these. The next section of this chapter therefore provides an overview of the occurrence of serious crime in South Africa from 1980 to 1989.

## 2.1 Serious Crime in the 1980s

Although there was a marked increase in violent crime between 1980 and 1989, high levels of violent crime were already present by 1980.

### 2.1.1 Violent Crime in the 1980s

Violent crime was a significant security issue in most of South Africa by 1980, as high incidences of murder, assault GBH, rape and robbery were reported in the country during that year, as depicted in Table 8. This table also illustrates the significant increase in violent crimes, such as murder, rape and robberies in South Africa between 1980 and 1989.

<b>Period</b>	<b>Murder</b>	<b>Assault GBH</b>	<b>Rape</b>	<b>Robbery</b>
1980	7 220	129 606	14 938	43 250
1981	7 434	123 310	15 318	39 816
1982	8 084	119 898	15 535	39 626
1983	8 573	121 716	15 342	38 229
1984	9 462	125 002	15 785	37 755
1985	8 959	123 100	16 085	39 302
1986	9 913	109 755	15 816	48 533
1987	9 800	120 779	18 145	46 288
1988	10 631	125 571	19 368	45 847
1989	11 750	128 887	20 458	50 636
<b>% Increase/Decrease 1980 –1989</b>	<b>62,7%</b>	<b>-0.5%</b>	<b>36,9%</b>	<b>17,0%</b>

Sources: SAP, 1980-1989

The following can be inferred from the statistics outlined in Table 8:

- There was a significant increase in cases reported annually between 1980 and 1989 (murder (62,7 percent), rape (36,9 percent) and robbery (17 percent)).
- Even though violent crime increased considerably over this period, it must be noted that South Africa was already a violent country by the early 1980s as high

incidences of murder, rape and assault GBH cases were reported as early as 1980 (more assault GBH cases were reported in 1980 than in 1989).

- Notwithstanding the increase in robbery over this period (17 percent between 1980 and 1989), South Africa already witnessed high levels of robberies by 1980.

A further issue regarding the occurrence of violent crime during the 1980s, is the different crime statistics that were reported in terms of race classification. Table 9 outlines violent crime categories reported in 1980 and 1987, differentiated according to race classification.

Crime	White Victims			Non-White Victims		
	1980	1987	Increase	1980	1987	Increase
<b>Murder</b>	140	312	122.8%	7 983	9 487	18.8%
<b>Rape</b>	745	770	3.3%	15 404	17 375	12.8%
<b>Burglary</b>	57 772	140 835	143.7%	31 638	41 406	30.8%

Sources: SAP, 1980 & 1987

The following conclusions can be drawn when assessing the crime statistics contained in Table 9:

- The number of murder victims among the white population in South Africa increased extensively (122,8 percent) between 1980 and 1987.
- Even though the increase in the number of non-white people murdered in South Africa between 1980 and 1987 was less significant (18,8 percent) than that of white people, the number of non-white murder victims was much higher than the total number of white victims.
- The difference between white and non-white victims of rape cases opened in 1980 and 1987 showed a similar trend to the murder cases reported during that period. Both the number of white and non-white rape victims increased between 1980 and 1987 (3,3 percent and 12,8 percent respectively). However, non-white rape victims, as is the case in the murder statistics mentioned above, constituted the vast majority of victims of rape over that period. In 1987, non-white rape victims constituted 96 percent of the total number of rape cases reported, while white victims only constituted 4 percent.

- The trend in burglary cases reported during 1980 and 1987, however, differed from the murder and rape statistics mentioned above. Even though both the number of white and non-white burglary victims increased significantly between 1980 and 1987 (143,7 percent and 30,8 percent respectively), the number of white burglary victims was much higher than that of non-white victims in both 1980 and 1987.

What is, however, evident from the statistics outlined in Table 9 is the fact that crime increased for both the white and non-white population in South Africa between 1980 and 1987. Table 10 outlines the perceptions of crime levels that the South African population held by 1987. It is evident that the majority of South Africans either felt that crime levels had increased in South Africa by 1987 (32 percent) or that the crime situation remained the same (35,6 percent), which was an indication of the public's perception that the state was failing to curb increasing levels of crime in the country at the time.

<b>Response Categories</b>	<b>Asians</b>	<b>Blacks</b>	<b>Coloureds</b>	<b>White</b>	<b>Total</b>
Increased	23.1%	39.3%	30.8%	34.8%	32%
Decreased	16.4%	39.4%	18.1%	3.9%	19.5%
Remained the same	42.4%	15.2%	41.6%	43.0%	35.6%
Do not know/ uncertain	3.3%	3.3%	5.5%	12.6%	6.2%
No crime problem	14.8%	2.8%	3.9%	5.7%	6.8%

Source: Glanz, 1989:17

Another form of serious crime that increased significantly in the 1980s was the activities of organised crime syndicates, which included the proliferation of organised crime syndicates across the country. The section below describes how organised crime became an increasingly important security issue in South Africa during the 1980s.

### **2.1.2 Organised Crime Between 1980 and 1989**

To understand the phenomenon of organised crime in South Africa, it is important to note the historical background of the development of organised crime syndicates in the country during the 1980s. Gastrow (1998:18) states that “street gangs and the more sophisticated criminal syndicates, irrespective of whether they were based in Cape Town, Johannesburg or Durban, had developed many common characteristics by

1980". The "sophisticated criminal syndicates" included international and regional organised crime syndicates that established criminal networks in South Africa. Gastrow also states that the "different social, political and economic factors which influenced their coming into existence meant that some regional characteristics were maintained, but their core business was similar, as was their *modus operandi*" (Gastrow, 1998:18).

The above observation regarding the characteristics shared by local organised crime syndicates in South Africa during that period correlates with those of transnational organised crime syndicates active in other countries. An example of this is the Russian mafia which expanded their networks to the US and UK after the end of the Cold War. They became involved in the same criminal activities (such as drug dealing, prostitution and extortion), and also used the same *modus operandi* (for example intimidation, money laundering and murder) as in Russia.

Furthermore, as has been the case with organised criminal activities in various countries, organised crime syndicates in South Africa became increasingly involved in the drug trade during the 1980s. This is largely due to the fact that the profits from the local and international narcotic trade increased significantly across the world, including South Africa, since the 1970s. The drug-related crime statistics outlined in Table 11 reflect this trend. The need to deal in narcotics resulted in these criminal groupings not only expanding their networks beyond their original regional base, but also forced them to expand across the country and beyond its borders. The trading and distribution of drugs also resulted in increased interaction among organised crime syndicates. A further characteristic of the growth of organised crime syndicates in South Africa was the fact that many young and aspiring criminals first commenced their unlawful activities while being part of local criminal gangs before they moved on to become part of more sophisticated, organised crime syndicates. This transitional phase from local gangs to organised crime syndicates also resulted in organised crime syndicates inheriting some characteristics of the gangs that the criminals came from, for example *modus operandi*, criminal networks and hierarchies (Gastrow, 1998:18).

Available crime statistics from the 1980s (as illustrated in Table 11) show a significant increase in certain crimes related to organised criminal activities in the country. Examples of this include the notable increase in vehicle theft (58,5 percent), white collar crimes (5 404,5 percent) and criminal activities related to precious stones and minerals (680 percent) between 1980 and 1989. Even though the number of vehicles



stolen in the country was increasing significantly, and even though the police were aware of the fact that these stolen vehicles were being smuggled across the South African borderline to be traded for drugs, they continued to attempt countering the problem with conventional methods used to prevent other forms of crime. For example, more detectives were appointed, rather than approaching the problem as an organised criminal activity, which would have required a more sophisticated and comprehensive strategy. This resulted in criminal organisations expanding their criminal networks across the country while adopting a new *modus operandi* to avoid detection or prosecution by the authorities. Organised criminal networks in South Africa during the 1980s therefore took advantage of the fact that the SAP were unable to respond to the growing threat of organised crime (Gastrow, 1998:22).

<b>Period</b>	<b>Drug Related</b>	<b>Vehicle Theft</b>	<b>White Collar/ Economic Crime*</b>	<b>Precious Stones and Metals</b>	<b>Prostitution</b>
1980	34 201	36 762	787	341	***
1981	***	36 558	***	***	***
1982	***	44 483	***	***	***
1983	46 208	44 771	25 439	961	374
1984	41 420	44 372	28 550	***	210
1985	46 241	48 584	30 579	***	174
1986	42 069	67 008	34 072	1 605**	142
1987	47 368	59 936	33 100	2 091**	253
1988	***	57 851	37 032	1 852**	192
1989	***	58 298	43 321	2 660**	209
<b>% Increase 1980 – 1989</b>	-	<b>58,5%</b>	<b>5 404,5%</b>	<b>680%</b>	-

\*Includes criminal acts such as fraud, forgery, embezzlement, money laundering, etc.  
 \*\* Number of persons arrested \*\*\* Crime statistics not available  
 Sources: SAP, 1980-1989

In addition, when assessing the statistics on organised criminal activities in South Africa during the 1980s, as outlined in Table 11, the following can be deduced:

- Crimes associated with other organised criminal activities, such as prostitution, car theft and drug dealing were already prevalent in South Africa in the early 1980s.

- The substantial increase in white collar crimes in South Africa during the 1980s is also an indication of the rapid growth of organised criminal activities in the country during that time period.
- The increase in organised criminal activities outlined in Table 11, especially vehicle theft, drug-related crimes and the crimes related to precious stones and metals, is an indication of the growth of cross-border criminal networks. This is due to the fact that the majority of vehicles and precious stones and metals stolen in South Africa were smuggled out of the country, while drugs manufactured in South Africa and South Africa's neighbouring countries (for example Lesotho and Swaziland) were smuggled into the country and to other countries across the world.

The significant increases in serious crime in the 1980s therefore resulted in a need for government to respond with more effective crime prevention strategies. The section below assesses how the government responded to this increase in serious crime in South Africa.

## **2.2 Government's Response to Serious Crime in the 1980s**

To understand how the SAP operated in the 1980s, it is important to provide a brief overview of the department before 1980, as well as its approach to policing, as outlined in the following section.

### **2.2.1 Brief Historic Overview of the SAP and Policing in South Africa Before 1980**

The police in South Africa had a semi-military nature even before political protests arose in the country in the 1960s. The SAP's policing strategies were founded on the Dutch and British colonial approach, not only with regard to policing the white population in South Africa, but also in an attempt to enforce the country's laws in areas where non-whites lived through an approach of so-called "indirect rule". "Indirect rule" is described as a government policy as having the objective of "keeping Africans as far as possible in rural areas under their traditional or quasi-traditional leaders" (Bayart *et al*, 1999:55).

After the Second World War, the government led by the National Party (NP), developed legislation to broaden the power and responsibilities of the police to enforce its laws regarding the segregation of races. The *South African Police Act* of 1958 increased the

responsibilities of the SAP by giving them additional powers to deal with any form of unrest or insurgency in the country. The SAP were subsequently heavily armed to fulfil the above-mentioned responsibilities (Winslow, 2002). The *South African Police Act* contained the legal framework that facilitated the establishment, organisation and control of the department. The *Act* stipulated the functions of the then SAP as the following (RSA, 1958):

- The preservation of the internal security of the Union
- The maintenance of law and order
- The investigation of any offence or alleged offence
- The prevention of crime

Other legislation, such as the *Police Amendment Act* of 1965, further provided the SAP with the right to infringe on certain human rights (such as privacy) if deemed necessary (RSA, 1965). The SAP was also strengthened in 1973 with the establishment of the Police Reserve, which enhanced the ability to police areas characterised by criminal and political violence in South Africa, especially in and around the black townships (Winslow, 2002).

Large black townships and informal settlements developed in and around the country's cities and industrial areas, as the economy was dependent on the cheap, unskilled and semi-skilled labour that the majority of blacks in the country were providing. It was within these townships and informal settlements that liberation movements prepared and executed their strategies. It was, however, also in these areas where high levels of serious crime became a daily occurrence, due to the fact that the informal settlements were characterised by high levels of unemployment, poverty, alcohol and narcotics abuse, gangsterism and availability of illegal weapons. The government also did not provide the inhabitants of the townships and informal settlements with the same basic socio-economic services (which had a direct impact on the occurrence of socio-economic crimes in those communities) and security services (such as basic crime prevention) as were provided to white communities. The policing of the black areas in South Africa therefore required a different approach to that of the white areas (Bayart *et al*, 1999:55).

Shaw (2002: 2) reaffirms the link between the segregation of races and the occurrence of high levels of crime when he states that the national segregation system acted as a

“generator of criminal victimisation and violence in South Africa through policies which have resulted in massive social dislocation”. He further states that crime increased significantly due to national policies enforcing segregation, such as forced removals and relocation of black communities, which had far-reaching, negative impacts on the social fabric and development of the country. Criminal victimisation during this period also primarily occurred in and around areas where poor black people lived (Shaw, 2002:2).

Even though the SAP’s role in South Africa had exceeded normal policing functions since the 1970s, the size of the police force did not expand in accordance with the population growth in the country. In the 1960s the ratio was 1.67 police members per 1 000 citizens. By 1981 it decreased to 1.5 members per 1 000 citizens. The increase in political violence and the levels of serious crimes that prevailed in South Africa in the mid-1980s, however, forced the police to increase its numbers (Winslow, 2002).

It is therefore clear that before 1980 the SAP did not focus its resources only on crime prevention, as much of it was focused on the security of the state and its institutions and policies. This did not change during the 1980s. The SAP’s role in securing stability would actually intensify during this period as the liberation movements became more radical. The section below focuses on how the government responded to the increasing levels of serious crime and political violence that occurred in South Africa during the 1980s.

### **2.2.2 Official Responses to Serious Crime and Political Violence During the 1980s**

It has been noted that as far back as the 1950s, crime trends in South Africa have been linked to the political developments in the country, for example the increase in crime levels in South Africa during the 1980s, linked to on-going internal political turmoil and instability (US, 1996b). The South African government was therefore at the time facing numerous interlinked internal security issues, which included not only political instability, but also a significant increase in serious crimes across the country.

To understand the government’s approach to crime and political violence in South Africa during the 1980s, it is necessary to outline the security policies that were underpinning the government’s response at the time. The country’s internal and

external national security policy for the 1980s was based on the *White Paper on Defence* of 1977. It was in this *White Paper* that the then Minister of Defence, Mr PW Botha, outlined the government's "total strategy" to defend the country from communist-supported liberation movements such as the African National Congress (ANC). The total strategy is referred to in the *White Paper* as the "comprehensive plan to utilise all the means available to the state according to an integrated pattern in order to achieve the national aims within the framework of the specific policies". The total strategy was therefore applicable to all the functions of the state, including the SAP. In addition, the *White Paper on Defence* empowered the SAP to play a supporting role in the countering of national security threats, which enhanced the role the SAP played as a para-military security institution. The government used the total strategy as a primary driving force underlying all its strategic security policies during the 1980s (RSA, 1977a).

In addition, the SAP expanded their reserve force in 1981 by allowing unpaid civilians to perform certain police duties. The SAP also increased the use of part-time specialised constables in and around the country's townships as political violence increased in those areas in the 1980s. These specialised constables did not receive the same training as the permanent SAP members, and were subsequently responsible for many of the violent incidents between the SAP and township communities. This resulted in the weakening of police-community relations in those areas (US, 1996c).

Issues relating to the increase in violent and organised crime were therefore not the government's primary security concern when compared to its efforts in ensuring state stability, institutions and policies. Gastrow (1998:67) supports this notion by stating that "the exposition of organised crime during the 1980s clearly indicates that a rapid expansion of this phenomenon occurred in South Africa during the decade. Key to this expansion were two factors: extraordinary profits derived from drug-trafficking and the relatively low risks involved as a result of the police prioritising national security issues over crime prevention and crime combating".

It was therefore evident during the 1980s that criminal networks and their activities became a bigger problem for the police to deal with than was previously anticipated by the government. Even though gangs were committing organised criminal activities by the early 1980s, there was no database containing any information on the occurrence of gang-related criminal activities in South Africa. This, however, changed in the mid-

1980s when the SAP started collecting information on such activities. Police stations affected by gang-related crimes were instructed to start profiling the relevant criminal gangs. The police stations collecting the information on the gangs, however, did not always share the information with other stations in their region, and the information was not fed into a national database. The police's approach was also insufficient as they only noted the occurrence (incidents) of gang-related crime and not the phenomenon (manifestation) thereof. Incidents were recorded in a demographic area, whereas the phenomenon took place on a much larger scale than just policing precincts (Gastrow, 1998:19).

Regarding the investigation and prosecution of organised crime syndicates in South Africa during the 1980s, the police faced numerous challenges, including the following (Gastrow, 1998:22-23):

- As stated above, there was no central database on organised crime syndicates in South Africa during this period.
- Even though countering the majority of the transnational criminal activities that took place in South Africa over that period was the responsibility of the police, they primarily focused their attention and resources on the individuals directly involved in the criminal activities, rather than syndicates behind the criminal activities.
- The police did not focus on asset forfeiture regarding the proceeds of organised criminal activities in the country.
- They did not consider transnational organised crime a criminal activity that warranted a specialised investigative capacity or resources in the police. The only specialised police unit that was focusing on organised criminal activities during the 1980s was the South African Narcotics Bureau (SANAB).
- Police detectives investigating transnational organised crime did not officially receive any assistance from law enforcement agencies from other countries. Firstly, South Africa was isolated internationally due to the government's segregation policies. Secondly, South Africa was not a member of Interpol before the 1990s. The fact that South Africa was isolated from international co-operation allowed transnational organised crime syndicates to expand their networks across Southern Africa without being successfully investigated or prosecuted by the SAP, for examples drug smuggling networks that expanded from South America, the US and the Far East to South Africa.

Organised crime, especially transnational organised crime, only became a major issue for law enforcement in the Southern African region at a much later stage than in other regions of the world. It was only during the early 1990s that the police in South Africa started paying attention to the phenomenon as a serious security threat to the country. The occurrence of, and the government's response to organised crime in South Africa in the early 1990s, are discussed later on in this chapter.

The next section provides a number of observations regarding the increase in serious crimes in South Africa in the 1980s.

### **2.3 An Assessment of Serious Crime in South Africa in the 1980s**

When assessing the crime statistics, crime trends and responses to serious crime in South Africa in the 1980s, as outlined in the section above, the following observations can be made:

- Serious crime increased significantly across South Africa in the 1980s.
- Even though serious crime increased significantly in the 1980s, the country was already witnessing alarming high levels of serious crime by 1980.
- The South African government's primary security focus was not on the reduction of serious crime, but rather on the security of the state and its policies. This is supported by the fact that the SAP was used in many cases as a para-military structure, rather than a crime-prevention structure.
- The SAP was not prepared for the growth of organised crime syndicates and activities in South Africa during the 1980s and did not implement the correct strategies to prevent such a growth.
- Many violent criminal acts were given political justification, such as the political violence that occurred in the black townships in the 1980s.

The following section considers the occurrence of serious crime in South Africa over the period 1990 to 1994.

## **3. SOUTH AFRICA'S TRANSITIONAL PERIOD 1990-1994**

Numerous countries that experienced a transition to democracy have struggled to counter significant increases in crime. Those countries, as was the case with South

Africa, were characterised by national policing strategies aimed more at protecting the political system than crime prevention. The new-fledged democracies faced numerous challenges in governing an unstable society with the same policing methods and resources that were used by the previous rulers (Shaw, 1998a). Examples of such countries include the previous communist regimes of Central and Eastern Europe (such as Bulgaria, Bosnia and Croatia); Latin American countries that moved from military to civilian rule (such as Brazil and Columbia); and several countries from Africa (such as Mozambique, Zimbabwe and Nigeria) (Shaw, 2002:1). The following section discusses the occurrence of serious crime and its impact on South Africa during a phase of significant political and social transition.

### **3.1 Crime and States in Transition: The South African Situation**

The majority of the countries that experienced significant increases in crime during a transitional period (and in many cases also during their post-transitional period) did not expect and were not prepared for the drastic increase in serious crime. The governments of these transitional countries therefore turned their attention to the increased criminal activities only after they became a significant problem, since their attention was primarily focused on the transition of the country's political, economic and social structures (Shaw, 2002:1).

Governments tend to focus their attention during (and after) the transitional phase on reforming the security structures, such as law enforcement agencies and the military, into structures that are more representative of the population of the country. However, reforming such security structures cannot prevent factors such as the weakening of socio-economic structures within the transitional country, which have a direct contributing impact on the increasing levels of violent crime (Shaw, 2002:2). The increase in serious crime during South Africa's transitional period was therefore no surprise to some political and security analysts, as similar developments were recorded in other countries under similar circumstances.

The political transformation in South Africa commenced around the mid-1980s and accelerated when FW de Klerk became President of the country in 1989. The South African government subsequently relaxed its approach towards restricting political organisations and related activities, such as political protests and public demonstrations. This also resulted in the weakening of the country's security structures



(such as the military and police structures), as the need for these structures decreased significantly over that period of time. The weakening of the security structures in the country, coupled with the unbanning of political organisations, contributed to a considerable increase in political-related violence across South Africa during the 1990 to 1994 period. It has been estimated that around 10 000 people were killed as a result of political violence during that time (Gastrow, 1998:32). The increase in political violence over the above-mentioned period also resulted in a significant increase in acts of vigilantism across the country. Individuals who were either accused of, or found guilty by so called “peoples courts”, were publically executed for allegedly assisting opposing political factions (Harris, 2001).

Rauch (1993) refers to this transition period from 1990 to 1994 as a “protracted and bloody period of transition” during which “spiralling social violence” resulted in the policy makers highlighting the need for effective and comprehensive policing strategies and reform. However, Shaw (1997:7) warns that it would be a mistake to attribute the increased levels of serious crime during South Africa’s political transition to a democracy as solely a consequence of this transition. The transition is only one of the primary reasons for the increased crime levels. The previous government’s racial segregation policies and their consequences for the country’s political, security and socio-economic structures must also be noted as one of the primary reasons for the high levels of crime in South Africa since the mid-1980s. The social, economic and political changes that the country witnessed during its political transition only exacerbated the number of serious crimes being committed in the country.

The CSVR completed a study in 2009 on why South Africa had witnessed such on-going, high levels of violent crime since the 1990s. The study pointed out that some of the reasons for the high rates of violent crime in this period originated during the period before the 1990s. The CSVR study stated that the “legacy of apartheid continues to be relevant to understanding violence in South Africa”. The reasons identified include the following (Centre for the Study of Violence and Reconciliation, 2009:5-7):

- **The culture of violence in South Africa:** The country witnessed high levels of violence throughout the twentieth century, including violent crime, political violence, state-sponsored violence in and around black townships and the country’s involvement in numerous wars. South Africa’s cities have also had a problem with violent crime as far back as the 1920s. The industrialisation of cities and the mining

industry lead to a rapid growth in informal urban areas, resulting in high levels of poverty and violent crime. South Africa therefore developed a culture of violence that has been duplicated from one generation to the next.

- **Apartheid and its impact on education:** Since the country's industrial and mining sector attracted many unskilled labourers from rural areas, their families were often left under the supervision of only a mother or a distant family member. These families often lived in poverty, under circumstances where alcoholism and violence were prevalent and schools non-existent or sub-standard. There were therefore generations of children, especially in the non-white communities of South Africa, which were not only subjected to poverty, violence and other societal ills, but who also never had the opportunity of a basic education. This subsequently led to those youths turning to either unskilled labour as an avenue of income, or to violent crime.
- **The issue of seperatism:** The institutionalisation of separate development as an official policy resulted in the non-white communities developing a sense of inferiority. Research on violence from other countries has identified a link between this sense of inferiority and people's inclination to violence.
- **Non-policing of black township areas:** As stated before, during the Apartheid years the primary crime prevention role of the SAP was executed in and around areas where the white population worked and stayed. Crime prevention in and around black townships was inferior to that in white areas. This resulted in black townships becoming a breeding ground for violent and organised criminal elements.
- **The availability of firearms:** The previous government allowed the white population of the country to arm themselves as a form of personal safety. In addition, the on-going political conflict during the 1980s and 1990s saw arms being smuggled into the country from neighbouring countries experiencing conflict. The large number of weapons acquired in South Africa, legally and illegally, became a tool for violent and organised crime syndicates to target communities in South Africa in the post-1994 era.

The unbanning of the liberation movements and the subsequent political deliberations between the previous government and the liberation movements in the early 1990s had a profound impact on the political and security situation in the country. The next section focuses on the extent and impact of serious crime in South Africa during the period 1990 to 1994.

### 3.2 Serious Crime Between 1990 and 1994

This section is divided into two sub-sections. It commences with a brief overview of violent crime reported in South Africa between 1990 and 1994, which highlights the significant increase in violent crime over the above-mentioned period. The second part of this section describes how organised crime syndicates and activities grew considerably in South Africa between 1990 and 1994.

#### 3.2.1 Violent Crime in the Early 1990s

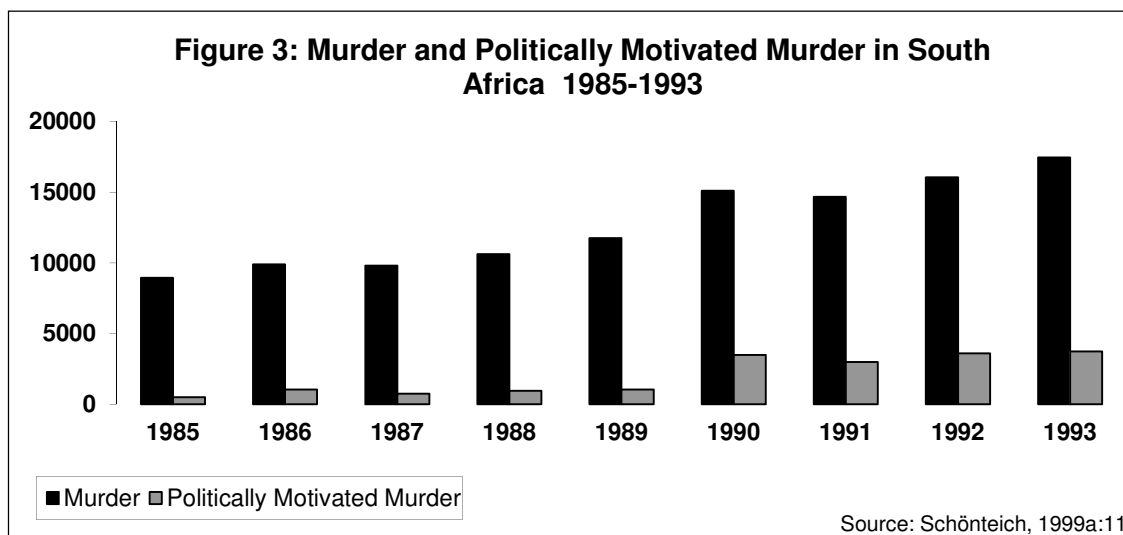
Table 12 indicates the significant increase in serious crimes such as murder (77,6 percent), assault GBH (69,5 percent), rape (112,6 percent) and aggravated robbery (38,7 percent) that the country witnessed between 1990 and 1994.

<b>Period</b>	<b>Murder</b>	<b>Assault GBH</b>	<b>Rape</b>	<b>Aggravated Robbery</b>
1990	15 109	124 030	20 321	61 132
1991	14 693	129 626	22 761	68 936
1992	16 067	136 332	24 360	78 677
1993	17 467	144 662	27 056	87 116
1994	26 832	210 250	43 216	84 785
<b>% Increase 1990 – 1994</b>	<b>77,6%</b>	<b>69,5%</b>	<b>112,6%</b>	<b>38,7%</b>

Sources: SAP, 1990-1993

It is, however, important to note the distinction between murder and politically motivated murder in South Africa during the early 1990s. While assessing the occurrence of violent crime during the 1980s and 1990s, Schönteich (1999a:11) distinguished between the number of murders and politically motivated murders that took place during the period 1985-1994. Figure 3 indicates that political murders did account for a significant proportion of the murders over that period. Figure 3 not only shows a significant increase in murders in South Africa between 1985 and 1993, but also a substantial increase in politically motivated murders, especially between 1990 and 1993. This trend could be explained by the fact that there was an increase in political violence between several political groupings in South Africa from 1990

onwards, when the government unbanned political movements such as the ANC and the Pan Africanist Congress (PAC). The on-going political violence between members of the ANC and the Inkatha Freedom Party (IFP) in and around labour hostels situated in Johannesburg and other parts of the country was a typical example.



Hermanus Kriel, the then Minister of Law and Order, stated in 1992 that there were several factors leading to the increase in serious crime and political violence during the early 1990s. These factors included the following (Kriel, 1992:4-16):

- **Political factors:** Firstly, the country was witnessing increasing power struggles between the liberation movements, especially between the ANC and the IFP. Secondly, the country did not possess a “culture of democracy”.
- **Security situation in South Africa:** Three main factors were influencing the security situation in the country in a negative way, namely violence was used for the political intimidation of certain communities; there were high numbers of illegal firearms available in the country, and the growth in private and politically connected para-military structures operating in the country was of concern. These included structures such as the Azanian People’s Liberation Movement (APLA), self-defence units (SDUs) and the *Boerekommando’s*.
- **The effectiveness of the SAP:** The SAP did not have the manpower or means to deal with the increasing levels of serious crime and political violence in the country effectively. The majority of people in South Africa, especially the non-white communities also did not trust the SAP as they were previously used by the government to enforce its segregation policies.

The significant increase in crime levels during South Africa's transition is, however, not a phenomenon restricted to this country alone. As previously stated, there are several international examples where countries witnessed significant increases in their crime levels while evolving from authoritarian to democratic rule. Shaw (1998a) states that such an increase in crime levels is essentially a characteristic of democratic processes and is due to the fact that the dramatic changes that take place in those societies during the transition, usually weaken the state's ability to ensure socio-economic security, which subsequently leads to an increase in crime levels.

The following sub-section examines the occurrence of organised criminal activities in South Africa between 1990 and 1994. It will include statistics on these activities, the manifestation of organised crime syndicates in the country, and the significant increase in cross-border criminal groups.

### 3.2.2 Organised Crime in South Africa in the Early 1990s

Organised crime, especially transnational organised crime, became a major law-enforcement issue in the Southern African region at a much later stage than in other regions of the world. It was only during the 1990s that authorities from the SADC countries identified the threat that organised crime syndicates were posing to the security of the region (Gastrow, 2003a:viii). Available crime statistics from the early 1990s (as illustrated in Table 13) show a significant increase in certain crimes related to organised criminal activities in South Africa during that period. Examples of this is the notable increase in vehicle theft statistics (51,9 percent), white collar crimes (26 percent) and prostitution (145,4 percent).

<b>Period</b>	<b>Drug Related</b>	<b>Vehicle Theft</b>	<b>Economic Crime*</b>	<b>Prostitution</b>
1990	**	68 649	49 644	185
1991	**	71 120	55 280	190
1992	60 630	71 532	58 576	210
1993	52 919	77 875	55 890	454
1994	47 323	104 302	62 581	**
<b>Decrease/ Increase</b>	<b>21,9% decrease</b>	<b>51,9% increase</b>	<b>26% increase</b>	<b>145,4% increase</b>

\*Includes criminal acts such as fraud, forgery, embezzlement, money laundering, etc. \*\* Crime statistics not available  
Sources: SAP, 1990-1993

Even though the 1980s saw local organised crime syndicates expanding their criminal networks and activities across South Africa, the country also witnessed a significant growth in transnational organised crime syndicates in the early 1990s. Shaw (1998b) differentiates among the following transnational organised crime syndicates that became active during this period:

- **Nigerian organised crime syndicates:** The growth of Nigerian organised crime syndicates in South Africa during the early 1990s was “phenomenal”. Even though government assessments have shown an increasing presence of Nigerian organised criminal activities in South Africa since the early 1990s, there have been very few arrests and successful prosecutions since then. City centres, especially those of Johannesburg and Pretoria, saw a significant increase in the presence of Nigerian and other Central African “drug lords”.
- **Chinese Triads:** The police have been of the opinion that the growth of the Chinese Triads (transnational Chinese organised crime syndicates) in South Africa has been proportional to the number of Chinese illegal migrants entering the country since the early 1990s. Although the Chinese Triads in South Africa have been implicated in general organised criminal activities such as murder, prostitution, blackmail and drug dealing, they have also been associated with the smuggling of endangered-species products, such as abalone and rhino horn.
- **Russian Mafia:** The Russian mafia has been connected with several criminal activities in several Southern African countries since the early 1990s. These countries include South Africa, Mozambique, Botswana, Swaziland, Angola and Namibia. Their activities included numerous organised crimes, especially the smuggling of weapons.

By 1994, there were 278 criminal syndicates operating in the country, of which many had links to transnational organised crime syndicates (Hough, 1995:65). Major General Wouter Grové, the then head of the SAP’s Specialised Units, stated in 1994 that the significant increase in the distribution, selling and usage of drugs in South Africa in the late 1980s and early 1990s, resulted from numerous factors. Firstly, stricter legislation, better crime-prevention initiatives and improved customs control at airports and harbours in other countries, especially in the Americas and Europe, forced organised crime syndicates to expand their networks to countries such as South Africa and its

neighbours in the region. Secondly, internal issues in South Africa, such as on-going political conflict; high living costs; insufficient border management; high levels of unemployment; and insufficient public awareness of issues related to drug abuse, resulted in the country becoming a prosperous market for organised crime syndicates dealing in illegal narcotics (Grové, 1994:5).

The significant growth in organised criminal activities and networks in South Africa in the early 1990s, coupled with the substantial increase in serious crime levels over the same period, is partially an indication that the government did not respond effectively to the security concerns related to these increases. This is, however, not surprising as the country went through far-reaching political and social changes during this period, which resulted in the government shifting its focus from issues related to serious crime, to attempts to facilitate a peaceful transition of political power.

The next section is divided into several sub-sections and assesses how the government, the ANC, the SAP and the public responded to the high levels of serious crime during the early 1990s.

### **3.3 Official and Other Responses to Serious Crime in the Early 1990s**

Glanz, as cited in Dixon and Van der Spuy (2004:xix), stated in 1992 that the South Africa of the early 1990s, where the transition of political power was the primary focus of all role-players in the country at that stage, was characterised by “unparalleled social and political change and apparently enormous differences of opinion”. Glanz (Dixon & Van der Spuy, 2004:xix) further commented on the state of the South African society during that period of transition by confirming that “there is one aspect of our society that most of us would probably agree about, and that is the unprecedented increase in crime that has taken place over the past few years and the intolerable levels that crime has reached.”

Both the government and the ANC admitted in the early 1990s that levels of serious crime had become a significant security issue in the country. The sub-section below discusses some of the responses by government to the above-mentioned security issue.

### 3.3.1 Official Responses to Serious Crime in the Early 1990s

In his address at the opening of Parliament on 1 February 1991, former President FW de Klerk outlined the government's *Manifesto for the New South Africa*. In this manifesto, the President identified the different commitments the government would make to steer the country towards a democracy during the transitional period, namely (Du Plessis & Hough, 1992:15):

- The protection of, and respect for life, liberty and property shall be a first principle;
- The peaceful settlement of political and other disputes between groups and individuals shall form the foundation of a democratic society;
- Violence and intimidation shall not be tolerated as tools to attain political ends;
- The State shall be charged with the duty to ensure the maintenance of stability in a peaceful and orderly society;
- The application of the powers of State shall be limited to the minimum necessary for the maintenance of a peaceful and orderly society, and shall be governed by the law.

In addition, a further indication of how the government (and the ANC) viewed issues regarding crime and policing in South Africa was contained in the *National Peace Accord*, which was signed by 23 political organisations and the government in 1991. The proposed principles regarding policing outlined in the *National Peace Accord* included the following (African National Congress, 1991):

- The police are accountable to the South African public.
- The police have the responsibility to protect all the people living in South Africa from all forms of criminal activities.
- The police must attempt to prevent all forms of crime as well as arrest suspects and investigate and prosecute all suspected criminal activities.
- The police will use minimum force as they are expected to show constraint during violent situations.
- The police must attempt to build their relationship with the South African public as this will strengthen the police's crime prevention initiatives.
- The police must enforce a high standard of conduct by their members.



In the early 1990s President de Klerk highlighted the need for government to address the issue of crime and violence in South Africa on numerous occasions. In February 1991, during the opening of Parliament, he stated that “on the part of Government, everything possible will be done as a matter of high priority to make our police force more effective and prepared”. He further stated that “in respect of crime in general, the Minister of Law and Order has already announced that the Police are launching a special campaign. The cumulative effect of the increase in the number of police officers, the optimal utilisation of manpower and special actions and campaigns, should have the result, in terms of all reasonable expectations, that crime will be combated more effectively”. On 2 February 1991, President de Klerk also stated in Parliament that he wished to “emphasize that the maintenance of law and order dare not be jeopardised. The Government will not forsake its duty in this connection. Violence from whichever source, will be fought with all available might” (Du Plessis & Hough, 1992:23-25).

The need to increase the manpower of the SAP by the early 1990s, was evident as the police could not fulfil its crime prevention mandate effectively, also being responsible for combating and monitoring the increasing political violence and protest action (which also turned violent in many cases) which was taking place at the time. The resources invested in the SAP to increase their capability to ensure law and order, are evident from Table 14. Government increased the budget allocated to the SAP by 46,3 percent between 1990 and 1993. This meant that thousands of police officers were recruited during this period. By 1992, the SAP had an operational manpower capacity of 100 724 police officers, which meant that there were nearly five policemen for every 1 000 people in the country (Kriel, 1992:12).

<b>Period</b>	<b>Budget Allocation</b>
1990/1991	R3 027 690 000
1991/1992	R4 631 833 000
1992/1993	R5 645 143 000
<b>Increase 1990-1993</b>	<b>46,3%</b>

Source: Kriel, 1992:12

It was also evident in the early 1990s that should there be a democratic election in the country, the ANC would win the election as its support base constituted the majority of

the population of the country. The ANC subsequently prepared certain policies and strategies which highlighted the direction the organisation would take once it was in power. The next sub-section focuses on the ANC's response to serious crime, national security and policing in the country before the 1994 election.

### **3.3.2 The ANC's Response to Serious Crime and Policing Before 1994**

The ANC outlined the organisation's different policy objectives shortly before the first democratic election in South Africa, in its 1992 policy document, *Ready to Govern*. In this document, the ANC claimed that the security policies of the previous government were the primary reason behind the significant increase in crime levels in the country since the 1980s, when stating that "the effects of this approach to security are evident: high levels of violence and crime, economic decline, regional arms races, destabilisation and perpetual insecurity throughout the sub-continent" (African National Congress, 1992).

The ANC also stated that it recognised the complexity of crime and violence and that the high levels of crime in South Africa could only be significantly reduced through improved socio-economic development in the country. In addition, the organisation outlined its position on national security issues as follows (African National Congress, 1992):

Underdevelopment, poverty, lack of democratic participation and the abuse of human rights are regarded as grave threats to the security of people. Since they invariably give rise to conflict between individuals, communities and countries, they threaten the security of states as well... National security and personal security shall be sought primarily through efforts to meet the social, political, economic and cultural needs of the people.

Rauch (1993), however, states that even though the SAP had "professional, technical and intellectual capacity on the subject of policing", the ANC and other democratic forces were under-resourced and not prepared when they had to commence with the process of police reform in the country. The following factors contributed to this situation (Rauch, 1993):

- There was a perception that the issues South Africa faced regarding policing and crime were linked to the political issues in the country at the time. It was therefore believed that in a democratic South Africa the policing structures would be re-established to create an efficient and credible national crime-prevention entity.
- The liberation movements that fought for democracy in the country, especially the ANC, did not realise the need to train enough of its members in policing skills and law enforcement policy during the years they were in exile. Many of the ANC members, however, received military and intelligence training in countries across Eastern Europe, Russia and in several African countries, but this military training did not prepare the ANC for the task of managing the policing structures in South Africa.
- The ANC's approach to policing was also influenced by the violence that erupted between the ANC and the IFP during the early 1990s. This violence exposed the ANC to certain policing strategies used by the government with the aim of preventing community based violence and protests (which was evident in the ANC's approach to policing in the early stages of the country's democracy).

The escalating criminal and political violence in the early 1990s posed an even greater challenge to the police than in the 1980s, as they were also now responsible for maintaining law and order in a country that was undergoing drastic political and social changes. The fact that violence shifted from anti-government activity to include political rivalries and factional clashes, made the above-mentioned task even harder for the police.

In addition, many South Africans did not trust the police as they were blamed for some of the criminal and political violence witnessed during the late 1980s. The beginning of the police transition into a representative law enforcement agency in the 1990s, was therefore a challenging task. The following section describes some of the changes that the police underwent during the early 1990s.

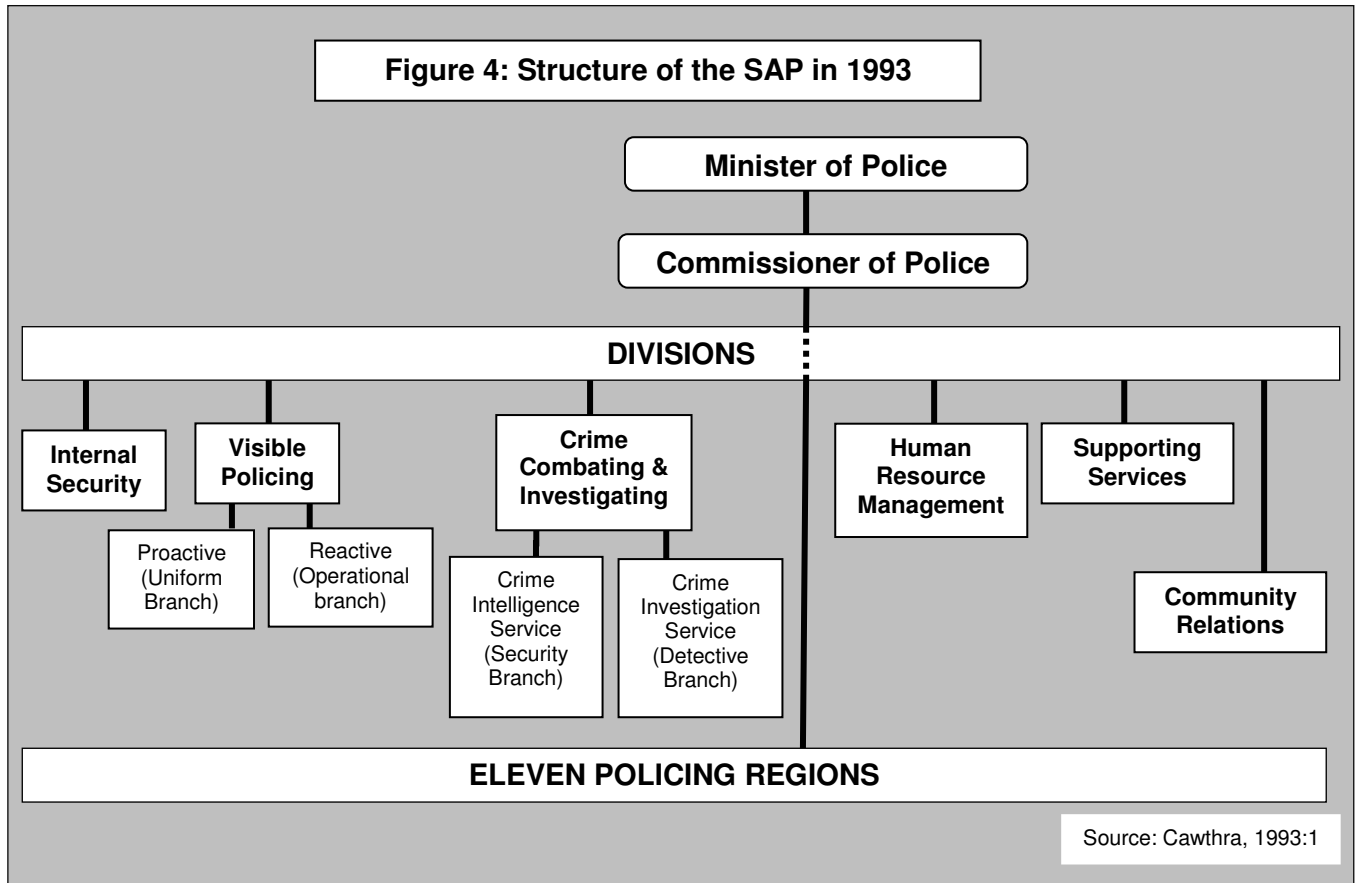
### **3.3.3 Police Transition in South Africa in the Early 1990s**

The restructuring process in the police commenced between 1990 and 1991. One of the five divisions which were established was the Crime Combating and Investigation Division (CCI), which was a merger of the previous Criminal Investigation Division (CID) - also known as the Detective Branch - and the former Security Branch. The newly established CCI had two primary objectives, namely the investigation of crimes

and the gathering of crime intelligence with the aim of successfully prosecuting criminals. It was the first time in the SAP's history that organised crime was identified as a policing priority in South Africa that required a specialised method, namely the need for crime intelligence gathering, to successfully counter the phenomenon. The police's Organised Crime Unit (OCU) was subsequently established (Gastrow, 1998:29-30). Kriel stated in 1992 that the SAP had taken numerous steps since 1990 to ensure that they would be able to adapt to a "new political and social environment" in the country. These initiatives included the following (Kriel, 1992:14-15):

- A South African Police Code of Conduct, which derived from the *National Peace Accord*, was accepted, as well as the police's involvement in regional dispute resolution committees.
- As stated above, the SAP started to restructure their detective and security branches into so-called crime combating and investigation services.
- Police-community relations improved through public participation in police-related matters.
- Professional consultants were appointed to assist the SAP in increasing its efforts in becoming more professional and impartial and developing an apolitical work-ethic.
- An internal stability division was established which was aimed at preventing public unrest (especially during mass actions).
- A Police Board was introduced, which was tasked to look at improving issues related to training, accountability and efficiency.
- Complaint investigation units were established, which were responsible for investigating complaints against the police.
- An independent investigative body was established which would be responsible for investigating any alleged serious crimes committed by police members (this would be a predecessor of the civilian oversight structures investigating alleged police involvement in serious crime, such as the Independent Complaints Directorate).

By 1993, the SAP had been restructured into several divisions and regions, as illustrated in Figure 4:



When assessing issues regarding crime prevention in South Africa during the 1980s and the early 1990s it is also important to note the growth of the private security industry in the country. The next section assesses the link between the increasing levels of serious crime and the significant growth of the private security industry during the period in question.

### 3.3.4 Public Responses to Serious Crime in the Early 1990s

Hough (1995:65) stated that the “increase in especially serious crime in South Africa since 1990, adds to the argument that it is one of the main causes of a feeling of insecurity in South Africa”. Table 15 depicts how the perceptions of South Africans changed on the issue of crime in 1992 when the country was in the transitional phase (Glanz, 1994:11).

**Table 15: Perceptions of the Increase/Decrease in Crime in South Africa in 1992**

Response Categories	Asians	Blacks	Coloureds	White	Total
Increased	52.5%	50.1%	31.3%	53.4%	<b>48%</b>
Decreased	16.7%	20.2%	18.4%	4.2%	<b>16.5%</b>
Remained the same	24.2%	9.7%	28.1%	34.3%	<b>18.8%</b>
Do not know/ uncertain	2.0%	5.2%	5.2%	4.5%	<b>4.7%</b>
No crime problem	4.6%	14.8%	17.1%	3.7%	<b>12.0%</b>

Sources: Glanz, 1994:11

It should be noted that even though more whites perceived crime levels to have increased in 1992 than the other racial groups, whites only constituted a small part of those falling victim to violent crime in South Africa in 1991, as illustrated in Table 16.

**Table 16: Racial Classification Regarding Crimes Reported in 1991**

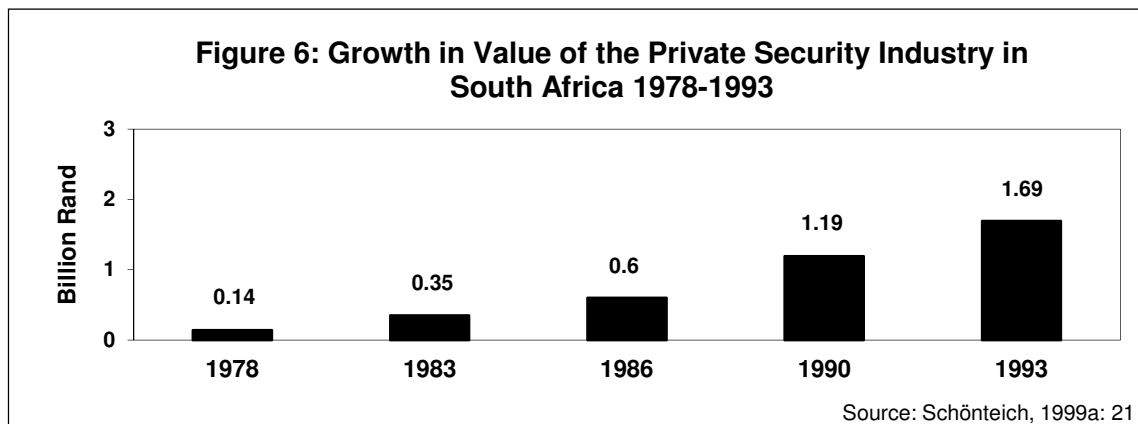
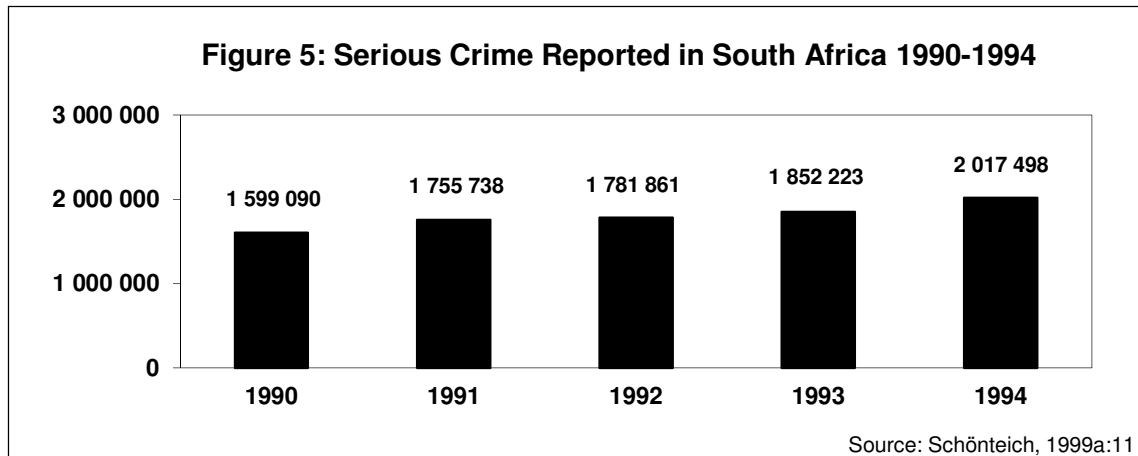
Crime	Victims	
	White Victims	Non-White Victims
<b>Murder</b>	488	14 205
<b>Rape</b>	1 156	21 609
<b>Burglary</b>	122 487	63 425

Source: SAP, 1991

It was stated in 1995 that the “results of public opinion surveys clearly indicate that crime is one of the major concerns both for the general public as well as for the decision-makers” (Hough, 1995:67). Since it was evident that the SAP was failing to curb the growing levels of serious crime during the early 1990s, the public increasingly turned to private security to increase their personal sense of security. This was seen as a natural response by the South African public due to the fact that “when state capacity is lacking and a country’s legitimate security forces are unable to provide security, alternative security structures must be put in place” (Gumedze, 2007:77).

Minnaar (2007:128-129), supports the notion that the private security industry grew significantly in South Africa during the early 1990s due to the police’s inability to prevent or reduce the increasing levels of serious crime. He states that “the growth in the private security industry was seen as necessary to fill the perceived ‘vacuum’ in policing services and to provide the public with a feeling of being secure and safe,

especially in the view of continued high levels of crime”. The data illustrated in Figures 5 and 6 also shows the correlation between the increasing levels of serious crime reported in South Africa and the growth of the private security industry in the country during the early 1990s.



#### 4. CONCLUSION

The ANC publically stated in the early 1990s that the advent of democracy would bring increased security to those communities in South Africa that witnessed high levels of violent crime during the 1980s and early 1990s. What is evident, however, is that the organisation was not properly prepared for the task of managing not only the SAPS, but also developing and implementing the necessary strategies to reduce the escalating serious crime levels in the country post-1994 (the development of such strategies is discussed in Chapter 5 of the study). As a political organisation with a military and intelligence foundation, the ANC did not recognise the need to capacitate

its ranks with the skills required to solve the country's problem of high levels of serious crime.

Crime levels, linked to high levels of violence and social-economic instability, increased significantly during South Africa's political transition. Furthermore, the following can be concluded when assessing the serious crime situation in South Africa in the period 1980 to 1994:

- The policing structures were unprepared to deal with the increasing levels of serious crime that the country witnessed during this transition.
- During the period of the government's total strategy, the SAP was functioning as a security apparatus of the state, rather than primarily a law enforcement agency. The South African police resources were therefore used to enforce the government's segregation policies, rather than provide a crime prevention service.
- South Africa had witnessed high levels of violent crime before the country commenced with its transitional period.
- White and non-white communities alike became victims of escalating serious crimes observed in the country during its transitional period.
- An upsurge in serious crime led to growing uneasiness caused by a perceived lack of safety in South Africa during its political transition period, which subsequently impacted on the growth of the private security industry.
- Transnational and local organised crime syndicates established and broadened their criminal networks in South Africa during the transition period.
- Law enforcement in South Africa only started focusing its attention on organised crime in the early 1990s.

The increase in serious crime in the post-1994 era is assessed in the next chapter where serious crime trends in South Africa in the period 1994 to 2009 are discussed. This will include crimes such as murder, rape, and assault GBH, robbery with aggravating circumstances, drug trafficking, money laundering, and corruption. Official crime statistics will be analysed to reflect these trends. It will also be indicated how political stability did not bring about a reduction in serious crime and how serious crime levels in South Africa in the post-1994 era, characterised the country as one of the most criminally violent countries in the world.



## **CHAPTER 4**

# **THE EXTENT AND CHARACTERISTICS OF SERIOUS CRIME IN SOUTH AFRICA SINCE 1994**

### **1. INTRODUCTION**

This chapter assesses serious crime trends in South Africa between 1994 and 2009. It commences with an overview of serious crime statistics reported by the SAPS on an annual basis in South Africa between 1994 and 2009. This will include statistics on serious crimes such as murder, attempted murder, rape, assault GBH, aggravated robbery, commercial crime and drug-related crimes. The section also briefly outlines the link between violent crime and organised crime as serious crime categories in South Africa.

The second section discusses the general trends associated with serious crime in South Africa between 1994 and 2009. This includes trends in serious violent crimes, such as murder, assault GBH and aggravated robbery, and the growth of organised crime as a further form of serious crime that proliferated in South Africa after 1994. The focus will be on trends regarding organised criminal activities such as drug trafficking, money laundering, fraud and corruption, as well as transnational organised crimes such as the cross-border smuggling of cigarettes, humans and stolen goods.

The third section assesses the causes of serious crime in South Africa. The link between public sector corruption and serious crime in South Africa will also be discussed in more detail. Finally, an assessment of the occurrence of serious crime in South Africa between 1994 and 2009, is provided.

### **2. SERIOUS CRIME STATISTICS IN SOUTH AFRICA 1994-2009**

Within the first few years of democracy in South Africa it became evident that the country was experiencing some of the highest levels of serious crime when compared to other countries (Ratele, 2010:19, Institute for Economics and Peace, 2009:11, Van

Niekerk *et al*, 2008:19 & Centre for the Study of Violence and Reconciliation, 2009:3-4).

As stated in Chapter 2 of this study, the serious crime categories to be assessed qualitatively and quantitatively, will include the primary crimes that are categorised under violent crime and organised crime, which include murder, attempted murder, rape, assault GBH, aggravated robbery, drug-related crimes, cross-border crimes (for instance the smuggling of firearms, narcotics and humans), commercial crimes and corruption. As stated before, there may be some overlapping between violent crime and organised crime (for example aggravated robbery as a violent crime committed by organised crime syndicates). The link between violent crime and organised crime is discussed in more detail further in this section. In addition, it is important to note how serious crime statistics were categorised by the SAPS between 1994 and 2009. This is done for the following reasons:

- To provide an understanding of how the SAPS categorises serious crimes.
- To elucidate the fact that the SAPS categorises numerous non-violent crime categories under the ambit of serious crime.
- To indicate that the SAPS also includes organised crime activities, such as drug-related crimes and commercial crimes, under serious crime.

The next sub-section briefly outlines the different serious crime categories that will be assessed in this chapter.

## **2.1 Categorisation of Serious Crime in South Africa**

The SAPS refers to violent crimes as “contact crimes” due to the physical contact between criminal elements and their victims when these crimes are committed. Therefore murder, rape, attempted murder, assault GBH, common assault, indecent assault, common robbery and aggravated robbery are categorised as contact crimes. Aggravated robbery, as described in the South African *Criminal Procedure Act* of 1977, is a robbery entailing (RSA, 1977b):

- (i) the wielding of a fire-arm or any other dangerous weapon;
- (ii) the infliction of grievous bodily harm; or

(iii) a threat to inflict grievous bodily harm, by the offender or an accomplice on the occasion when the offence is committed, whether before or during or after the commission of the offence [...].

As stated above, the SAPS also groups other, non-violent crime categories under the ambit of serious crime, including the following (SAPS, 2009:2-22):

- **Violent-related crimes**, which comprise the crimes of arson and malicious damage to property. These, for example, include individual acts of arson or large groups of people causing damage to public infrastructure during industrial action.
- **Property-related crimes**, which include crimes such as burglary at residential and non-residential premises, theft of motor vehicles and motorcycles, theft from motor vehicles and stock theft. The vast majority of these crimes take place without the victims of the crimes being present at the time. However, even though these are crimes that are not accompanied by acts of violence, they still have a significant impact on community perceptions regarding personal and material safety.
- **Other serious crime** includes all forms of theft not mentioned elsewhere, as well as commercial crime and shoplifting.
- **Crimes heavily dependent on police action for detection**, which include the illegal possession of firearms, drug-related crimes (including the use, possession of and dealing in drugs) and driving under the influence of alcohol or drugs.

Violent crime can be categorised into 12 forms, as outlined in Table 17. When any of these 12 forms are reported in crime statistics or processed by the country's criminal justice system, which includes police investigations and prosecutions in the courts, they are identified as cases of murder, attempted murder, culpable homicide, assault common, assault GBH, common robbery, aggravated robbery, rape or attempted rape, indecent assault or public violence and the illegal pointing of a firearm. Any of these forms of violent crime may be fatal or non-fatal. Where the forms of violent crime are fatal, the case will be classified as a case of murder. Therefore, each of the forms of violence (for example categories A, B and C) has a category of murder related to it (for example Murder A, B and C). A fatality relating to criminal negligence would, however, lead to a charge of culpable homicide rather than murder (Centre for the Study of Violence and Reconciliation, 2007:57-58).

**Table 17: Forms of Violent Crime in South Africa**

Category	Type of Violence	Characteristics
A	Assault related to arguments, domestic violence and other circumstances (includes Murder A).	Interpersonal violence of various degrees of severity, often related to arguments or anger or part of a pattern of coercive and controlling behaviour.
B	Robbery and other violent property crime (includes Murder B).	Violent property crime. In addition to robberies includes some burglaries where the burglars are disturbed while the crime is in progress and respond with violence.
C	Rape and sexual assault (includes Murder C).	Sexual offences.
D	Violent child abuse (includes Murder D).	Violence or sexual abuse generally within domestic context or guardianship role intended to coerce or control children or for gratification of one kind or another.
E	Violence involving groups or individuals, involving disputes over territory, markets or power, or other perceived threat which they present (Murder E).	Includes taxi violence or other violence between groups or individuals involved in licit or illicit economic activity over markets, conflict between gangs over territory or markets, or between political rivals over territory or constituencies.
F	Excessive force by public or private police or security, torture and vigilantism (includes Murder F).	Civilians or police or private security taking the law into their own hands. Witch killing could possibly be included as part of this category.
G	Violence to resist law enforcement intervention (includes Murder G).	Main category of killings of police but may also include violence against private security or person carrying out citizen's arrest.
H	Violence against state and economic institutions, including protest violence and terrorism (includes Murder H).	Oppositional violence targeted at institutions, often directed at change of one kind or another.
I	Serial killing (includes Murder I).	Title speaks for itself.
J	Other violence (Murder J).	Includes some premeditated and planned

		murders, such as some spousal killings, and some killings or murders that may be premeditated or more spontaneous, such as family killings and other suicide murders. May add premeditated racist attacks or other hate crimes that are not better classified under other categories.
K	Kidnappings (Murder K).	Title speaks for itself.
L	Culpable homicide and other negligent actions that have the potential to cause physical injury.	These are killings related to negligence (includes many road deaths).
Source: Centre for the Study of Violence and Reconciliation, 2007:57		

The SAPS defines aggravated robbery as the “unlawful and intentional forceful removal and appropriation under aggravating circumstances of movable tangible property belonging to another” (SAPS, 2003:39). According to the SAPS, robbery with aggravating circumstances includes robbery at residential premises (house robbery); robbery at non-residential premises (business robbery); carjacking; truck hijacking; CIT heists; and bank robbery. Other forms are generally reported under the common robbery crime category and are also known as street robbery (SAPS, 2008:4).

As stated before, the link between violent crime and organised crime has to be clarified before attempting to describe the phenomenon of serious crime in South Africa. For example, the SAPS and senior government officials have since 2006 been referring to aggravated robberies, such as robbery at residential or business premises, carjacking, truck hijacking, bank robbery and CIT heists, as forms of “violent organised crime”. This is because a large part of these crimes originate from organised crime syndicates that either commit and/or fund the crimes (providing resources and payment to robbers), or purchase the goods stolen during the robberies. In addition, most of the aggravated robberies are committed by groups of people in a co-ordinated manner (SAPS, 2008:4-5). The notion that armed robberies, such as residential robberies, in South Africa have become a form of organised crime has been stated as follows (Newham, 2008:10-11):

It is also becoming apparent that a significant proportion of residential robberies are the work of criminal syndicates. Often the perpetrators will immediately transport the stolen property to a ‘receiver’ who will

exchange the goods for cash. A network of people belonging to the syndicate will then be responsible for storing, repackaging, transporting and reselling the stolen property as new or 'second hand' goods and laundering the money that is made. A proportion of the stolen property is transported to other provinces or across the national border.

Therefore a direct link between the occurrence of organised crime and violent crime in South Africa seems to exist, as some forms of violent crime are perpetrated by organised crime syndicates. In addition, violent crimes such as murder, attempted murder, rape and assault GBH, may be committed by organised crime syndicates, for example when eliminating their criminal competition. Violent crimes are also associated with other organised criminal activities such as trading in narcotics, which, for example, results in high levels of gangsterism in the Western Cape, and with prostitution and human trafficking where rape and sexual assault are commonplace.

South Africa's official view of the concept of organised crime was set out in the *Prevention of Organised Crime Act (POCA)* of 1998 and the *South African Police Service Act* of 1995 (RSA, 1995b & 1998a). *POCA* defines a criminal gang as "any formal or informal on-going organisation, association or group of three or more persons, which has as one of its activities the commission of one or more criminal offences, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity" (RSA, 1998a). The *South African Police Service Act* refers to organised crime as "any enterprise or group of persons who have a common goal in committing crimes in an organised manner". There is also reference to the national interest of the country as an imperative to investigate and prevent organised crime, since organised crime: "takes on such proportions or is of such a nature that the prevention or investigation thereof at national level would be in the national interest" (RSA, 1995b).

The SAPS in 2000 defined organised crime as the "systematic commissioning of crimes motivated by a craving for profit and/or power". This definition included organised crime syndicates with "exclusive identities" as well as those with "loosely-knit, criminal coalitions" (Gastrow, 2001:32). This definition, however, was not seen as sufficient for the SAPS to investigate and prosecute organised crime syndicates in South Africa. They, therefore, developed criteria for organised crime syndicates. An

organised crime syndicate and its activities had to comply with at least six of the characteristics mentioned below, including the first four, before the SAPS would investigate and prosecute it (and its activities) as an organised crime syndicate (Standing, 2003:42):

- There are three or more people involved in the crime.
- One or more serious criminal offences were committed.
- The quest for profit or power was the motive of the crime.
- The offences were committed over a prolonged or indefinite period of time.
- The criminal group has the characteristics/structure of a legitimate business.
- There is a separation of labour within the criminal group.
- The majority members of the criminal group are subjected to disciplinary control by the group's leaders.
- Violence, intimidation, extortion, corruption and blackmail are used by the criminal group to achieve its objectives.
- Money the criminal groups earn through criminal activities is laundered in some or other way.
- The criminal groups have attempted to/or succeeded in exerting political influence to assist them in achieving their objectives.
- The criminal groups defy national and international borderlines while committing their criminal acts.

In the past, the SAPS had also utilised the definition developed by the International Police Organisation (Interpol) regarding organised crime, whereby an organised crime syndicate is defined as “any group of criminals that have a corporate structure, whose primary objective is to obtain money and power through illegal activities, often surviving on fear and corruption” (Standing, 2003:43).

According to the *POCA* of 1998, the criminal act of money laundering is defined as being perpetrated when “any person who knows or ought reasonably to have known that property is or forms part of the proceeds of unlawful activities” either “enters into any agreement or engages in any arrangement or transaction with anyone in connection with that property, whether such agreement, arrangement or transaction is legally enforceable or not” or “performs any other act in connection with such property, whether it is performed independently or in concert with any other person”. In addition, *POCA* also states that money laundering has (or usually has) the effect of “concealing

or disguising the nature, source, location, disposition or movement of the said property or the ownership thereof or any interest which anyone may have in respect thereof” or “enabling or assisting any person who has committed or commits an offence, whether in the Republic or elsewhere”. This assistance can either be in the form of avoiding prosecution or by removing any property that is directly or indirectly gained through illicit activities (RSA, 1998a). In addition, the SAPS (2007:223) clarifies the above-mentioned definition of money laundering by stating that it often takes place “through the acquisition of expensive vehicles, fixed property and jewellery”. The next subsection will consider the serious violent crime statistics reported in South Africa between 1994/5 and 2008/9.

## **2.2 Serious Violent Crime**

The CSVR stated that “available evidence indicates that levels of violent crime, as measured by the murder rate, are exceptionally high in South Africa as compared to other countries” (Centre for the Study of Violence and Reconciliation, 2009:3). This was particularly evident in the first few years after the 1994 election, when the country saw a significant increase in the number of murders during that period. A year after South Africa became a democracy an average of 79 murders were committed on a daily basis.

### **2.2.1 Murder and Attempted Murder**

Figure 7 illustrates that the average murder rate in South Africa exceeded twenty thousand reported murders annually until 2004, when the country witnessed a decrease to below that number for the first time since 1994. The data in Figure 7 also shows that an average of 60 murders a day were committed in South Africa during the first fifteen years since 1994. This means that a total of 330 227 people were murdered in South Africa between 1994 and 2009. It represents an 81.4 percent increase in the total number of murders committed in South Africa when compared to the previous fifteen years, during which a total of 181 994 murders were committed. Even organisations outside South Africa remarked on the high murder rate. The Geneva Declaration Secretariat (2008:67) stated that “countries such as South Africa, Jamaica, and El Salvador suffer from extremely high recorded levels of homicide, with more deaths each year than in many contemporary wars”. However, even though the country



was still witnessing high levels of murder by 2009, Figure 7 does show a significant decrease in the number of murders reported annually since 1997.

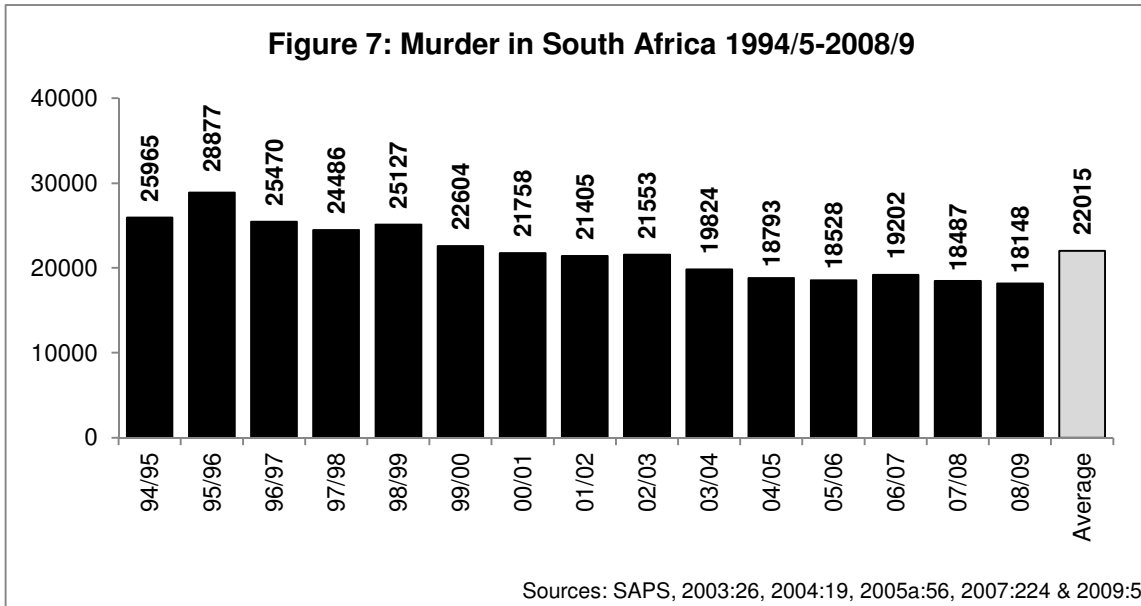
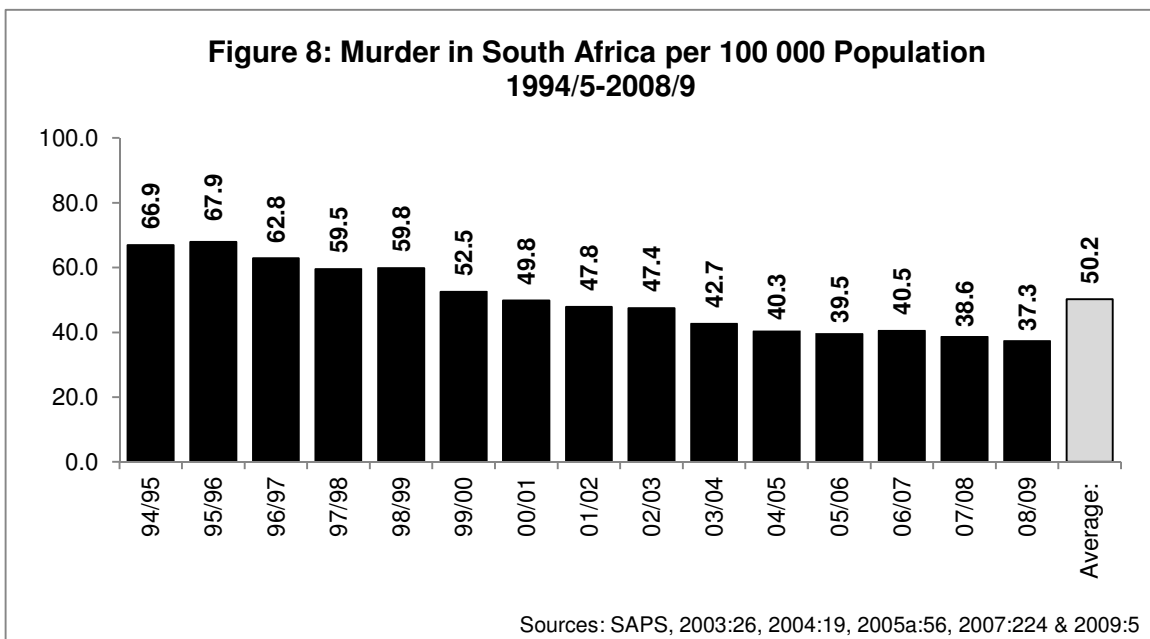


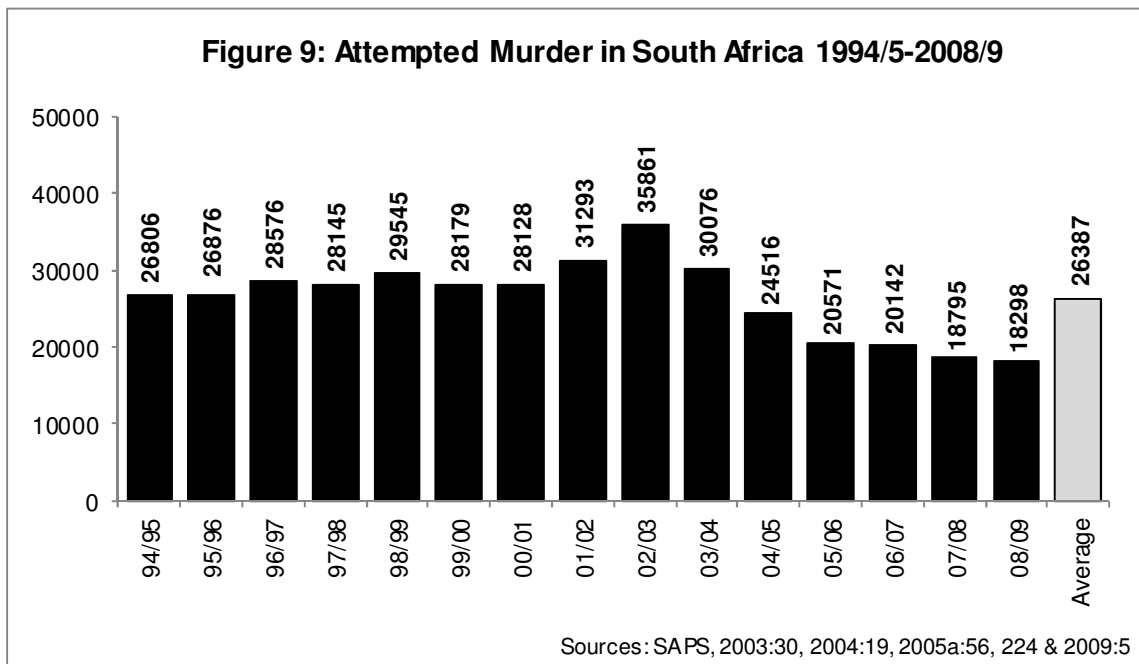
Figure 8 confirms the trend shown in Figure 7 of both the high levels of murder and the decrease in the number of murders reported in South Africa since 1997, by illustrating that the murder rate in South Africa increased during 1995/6 to nearly 68 murders per 100 000 and subsequently decreased to approximately 37 murders per 100 000 in 2009.

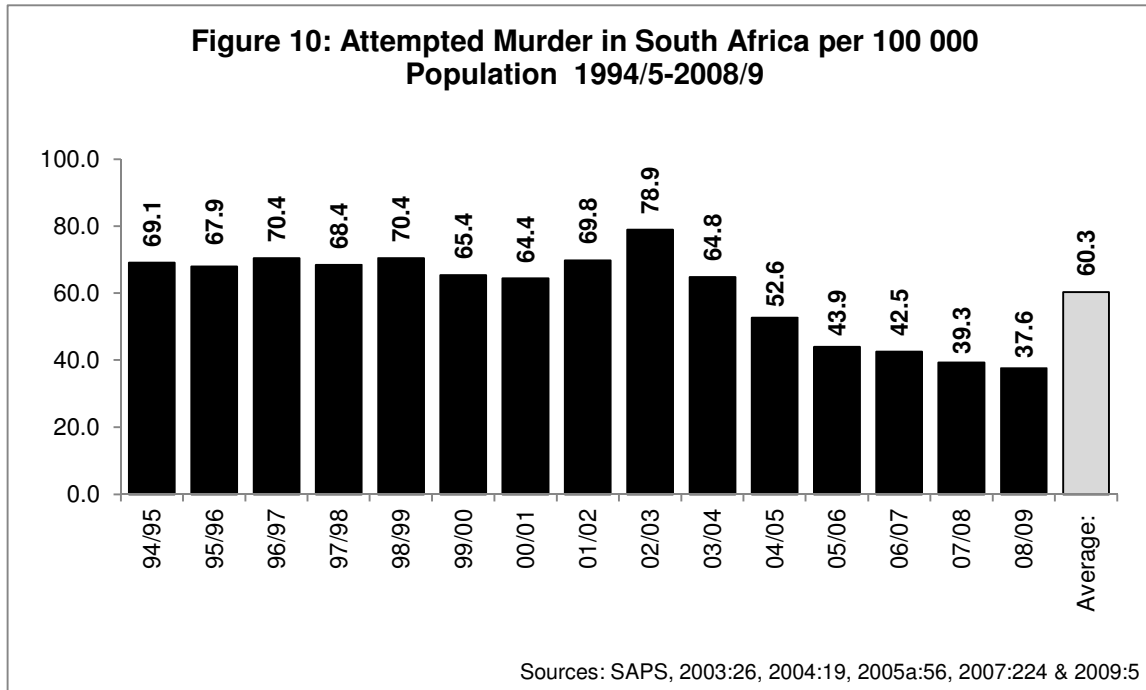


A comparison between Figures 7 and 9 shows that, as with the murder rate mentioned above, the country also experienced high levels of attempted murder since 1994. An average of 26 387 attempted murders were reported annually between 1994 and 2009, meaning that an average of 72,2 attempted murders were reported daily during the above-mentioned fifteen year period (12,2 more incidents daily than the murder statistics depicted above).

In addition, between 1994 and 2009, a total of 395 807 attempted murder cases were reported, which means that a combined total of 726 034 murder and attempted-murder cases were reported over this period.

Figure 10, like Figure 9, illustrates that the attempted murder rate in South Africa increased significantly during 2002/3 with nearly 79 attempted murders per 100 000 of the population and subsequently decreased to approximately 38 attempted murders per 100 000 of the population in 2009.





As was the case with murder and attempted murder considered above, high numbers of rape and sexual assault cases were also reported between 1994/5 and 2008/9 as illustrated in the next sub-section.

### 2.2.2 Rape and Sexual Assault

It has been stated that a woman born in South Africa has a greater chance of being raped than learning to read (Dempster, 2002). In 2003 the UNODC highlighted the serious problem South Africa was facing pertaining to the high numbers of rape and other forms of sexual assault that were reported in the country by stating that “the situation appears at its worst in South Africa, with the reported rates of rape among the single highest in the world...” (UNODC, 2003:11). The number of rape cases reported by the SAPS over the thirteen year period between 1994 and 2007 supports the UNODC’s concern about the situation, as depicted in Figure 11. Between 1994 and 2007 an average of 51 998 rape cases were reported to the SAPS annually. This means that on average, 142 people were raped per day in South Africa over the first thirteen years of democracy. The number of rape cases that were reported during the above-mentioned period totalled 675 974 (SAPS, 2007:224).

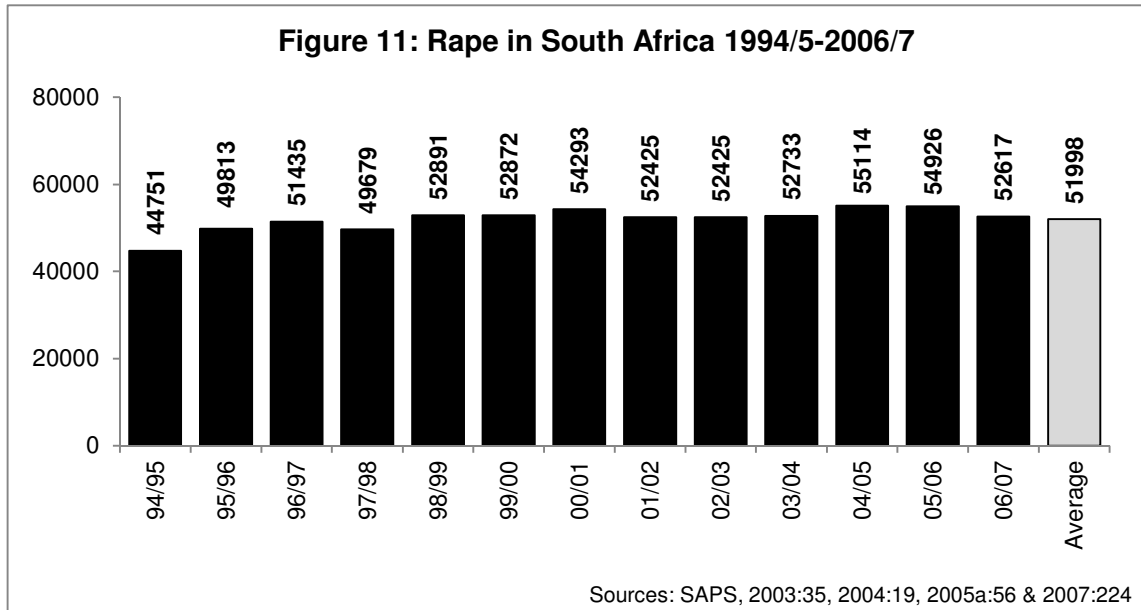
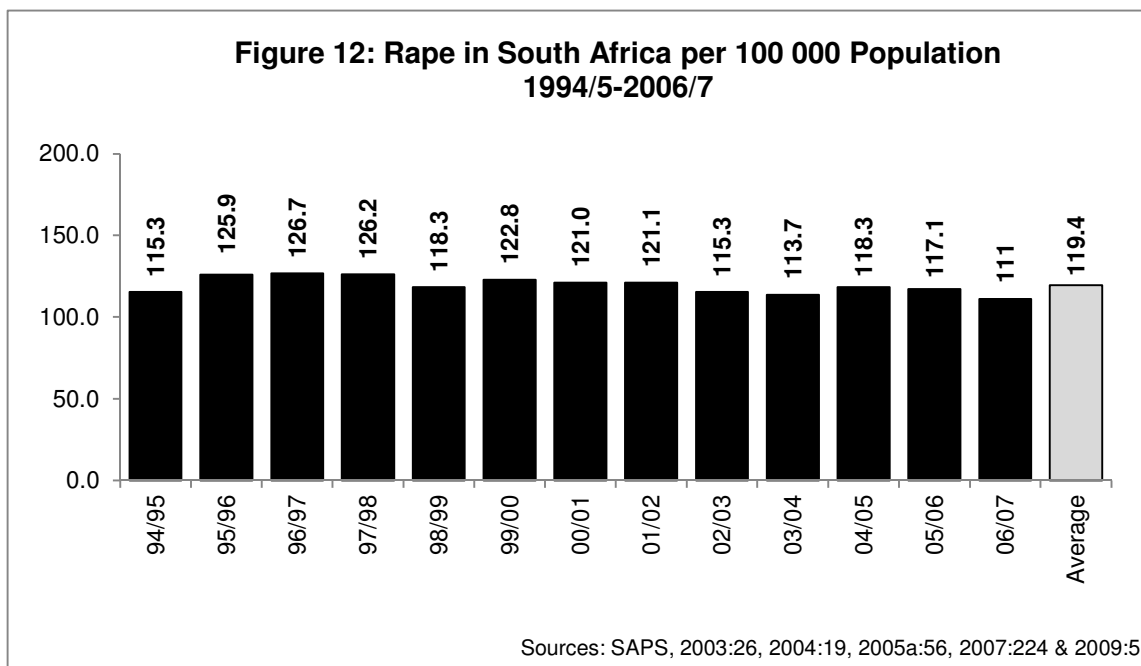
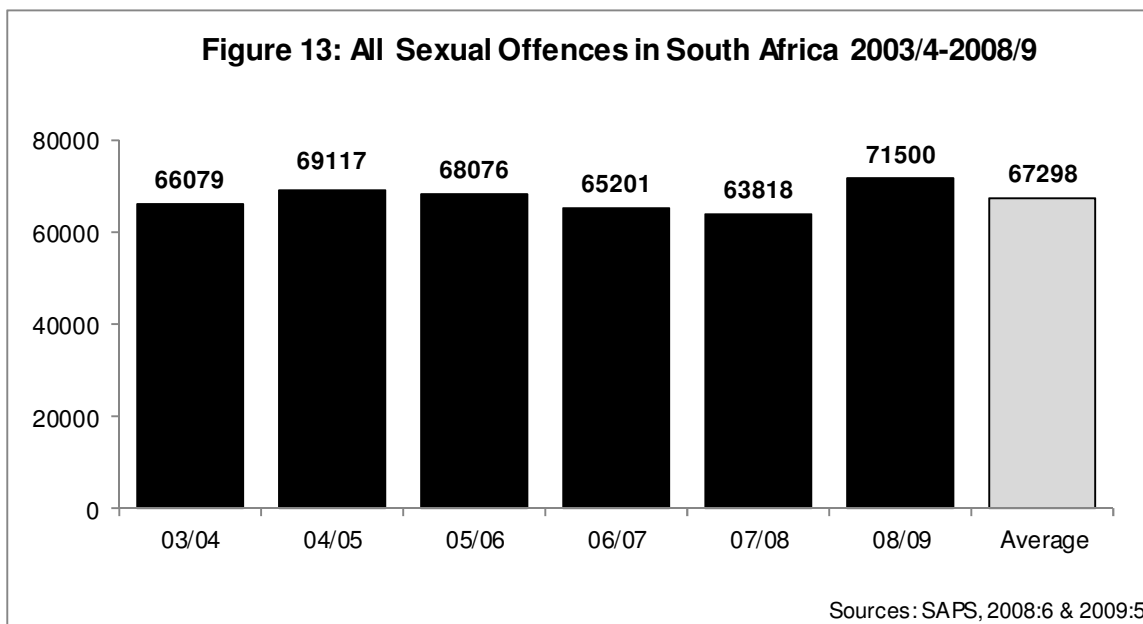


Figure 12 confirms the statistics of Figure 11 on the high levels of rape cases reported in South Africa since 1994, by illustrating that an average of 119.4 rape cases were reported per 100 000 of the population in South Africa between 1994 and 2007.

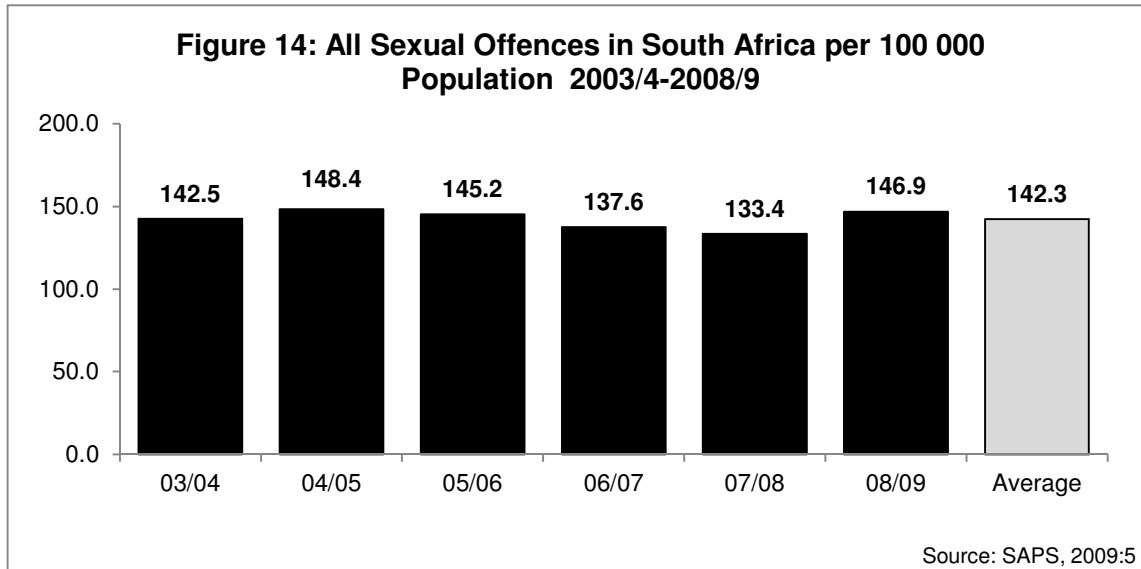


It must, however, be noted that rape and other forms of sexual assault are seen as some of the most under-reported crimes in criminal justice systems across the world (UK, 2005:13). It is therefore probable that the rape statistics illustrated above would be significantly higher if all rape victims reported the crime to the SAPS.

Due to the fact that South African legislation concerning these crimes changed in December 2007, the SAPS altered its approach to statistics on the reporting of rape and other sexual assault. The *Criminal Law (Sexual Offences and Related Matters) Amendment Act* of 2007 changed the definition of rape and other forms of sexual assault. For example, the new *Act* now included rape of men and the sexual penetration of various body orifices in its definition of rape. In addition, sex-related offences such as human trafficking and prostitution were also included in the new legislation (SAPS, 2008:9). The SAPS subsequently grouped all these sexual offences, including rape, into one crime category, namely “sexual offences”. Figure 13, when compared to the data in Figure 11, shows the extent to which the problem of sexual offences in South Africa is even greater when all forms of sexual assault and other sexual offences are combined with rape statistics. An average of 67 298 sexual offences were reported annually in South Africa between 2003 and 2009. This not only means that an average of 184 sexual offences occurred in the country on a daily basis over that period of time, but also that the country witnessed a total number of 403 791 sexual offences that were reported in the six years between 2003 and 2009.



The number of sexual assault cases reported per 100 000 of the population, as illustrated in Figure 14, confirms both the high levels of these cases reported, and their subsequent significant increase in 2008/9, as outlined in Figure 13. An average of 142.3 sexual offence cases were reported per 100 000 of the population per year in South Africa between 2003 and 2009.



The prevalence of physical violence in the form of assault has become another characteristic of the increasing levels of violence witnessed in the country since 1994, and has had a direct bearing on the level of safety and security experienced by South African citizens. The next sub-section will show how assault GBH has become a common occurrence in South Africa since 1994.

### 2.2.3 Assault GBH

The most violent cases of assault are reported under the assault GBH crime category. This category is considered a serious crime as the perpetrator/s was/were intending to cause severe injury to the victim/s. The intent, however, was not murder, as this would have changed the criminal charge from assault GBH to attempted murder. In some cases, even though the perpetrator only intended to injure the victim severely, the assault leads to the victim's death and the crime thus changes to one of murder. There is therefore a close relationship between murder, attempted murder and assault GBH. Figure 15 confirms that high levels of physical violence occurred between 1994 and 2009, even though there was a significant decrease in assault GBH cases reported since the 2005/6 period. An average of 238 575 cases of assault GBH were reported annually by the SAPS. This means a total of 3 578 632 assault GBH cases occurred during the above-mentioned fifteen year period, with a daily average of 654 cases. In addition, a total of 3 422 466 common assault cases were reported to the SAPS over this period, which constituted an annual average of 228 164 and a daily average of 625 common assault cases. This means that a total of 7 001 098 assault (assault GBH and

common assault) cases were reported in South Africa between 1994 and 2009 (SAPS, 2003:30 & 2009:5).

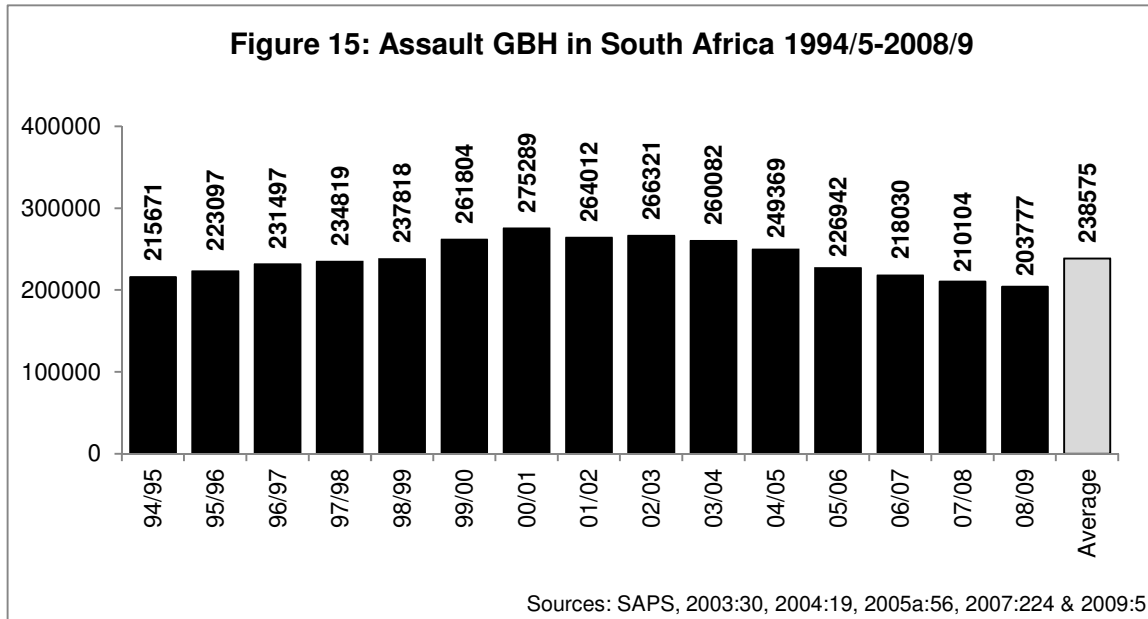
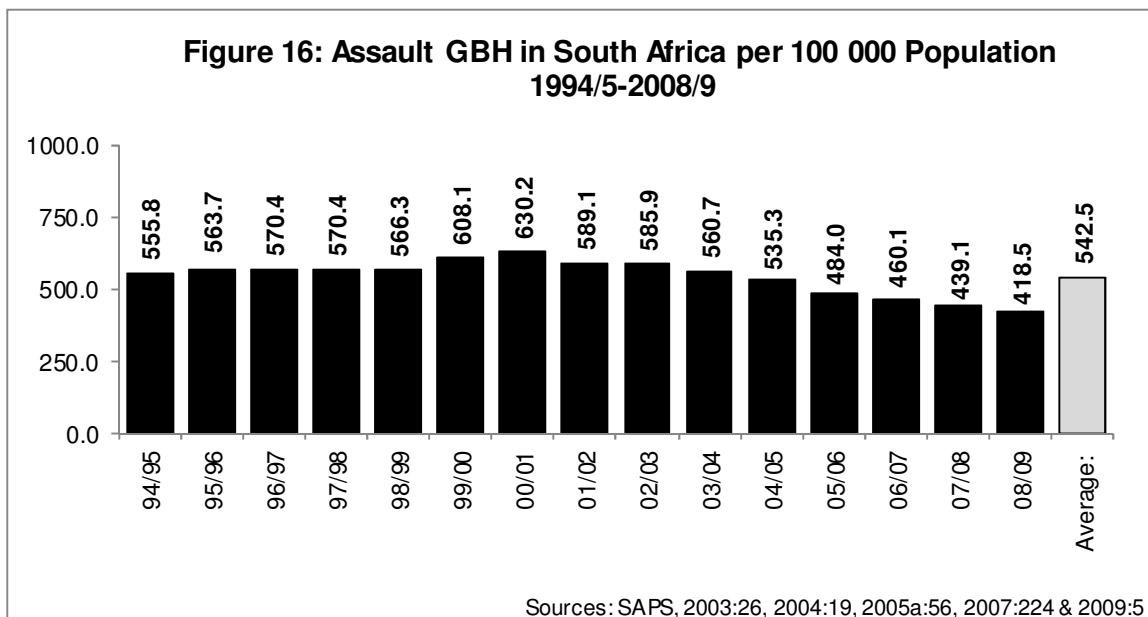


Figure 16 corresponds to Figure 15 when indicating the high levels of physical violence that occurred (especially between 1994/5 and 2004/5). Even though the number of assault GBH cases reported per 100 000 of the population decreased significantly after 2005/6, an average of 542,5 assault GBH cases per 100 000 of the population were still reported in South Africa between 1994 and 2009.



The next sub-section on serious crime focuses on the occurrence of aggravated robbery in South Africa between 1994 and 2009.

### 2.2.4 Aggravated Robbery

Before assessing aggravated robbery, it is necessary to briefly consider the levels of common robberies that take place in South Africa, as this is an indication of how the most basic form of robbery influences the safety and security of people’s daily lives in communal areas such as streets, parks, train and bus stations and shopping centres. More than a million common robberies took place in South Africa between 1994 and 2009, constituting an annual average of 70 805 and a daily average of 194 for that period of time (SAPS, 2005a:57 & 2009:5). As stated before, aggravated robbery is one of the violent crime categories that also has organised crime characteristics, as many of the aggravated robbery categories described below are executed by organised crime syndicates. This is due to the fact that aggravated crimes such as residential and business robberies, bank robberies and CIT heists require precision planning and specific skills. Figure 17 does not only depict the number of residential robberies that were reported in South Africa between 2002, when the SAPS started to categorise residential and business robberies as a form of aggravated robbery separately, and 2009, but also reveals the significant increase in residential robberies since 2004. A total of 83 658 such robberies took place in the country between 2002 and 2009, which constitutes an annual average of 11 951 and a daily average of 33 residential robberies over that period.

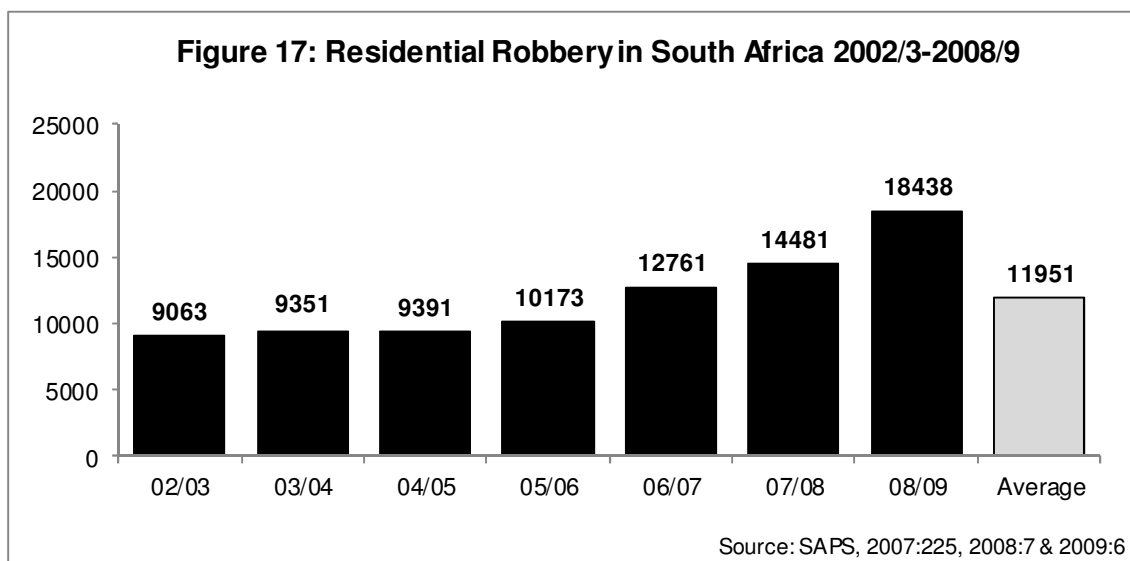
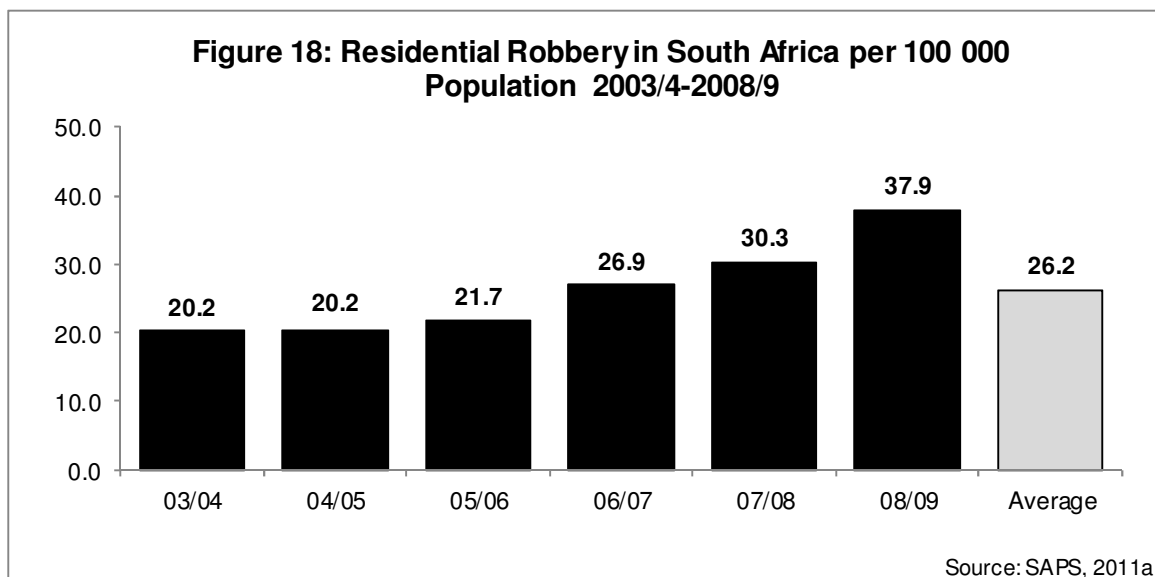
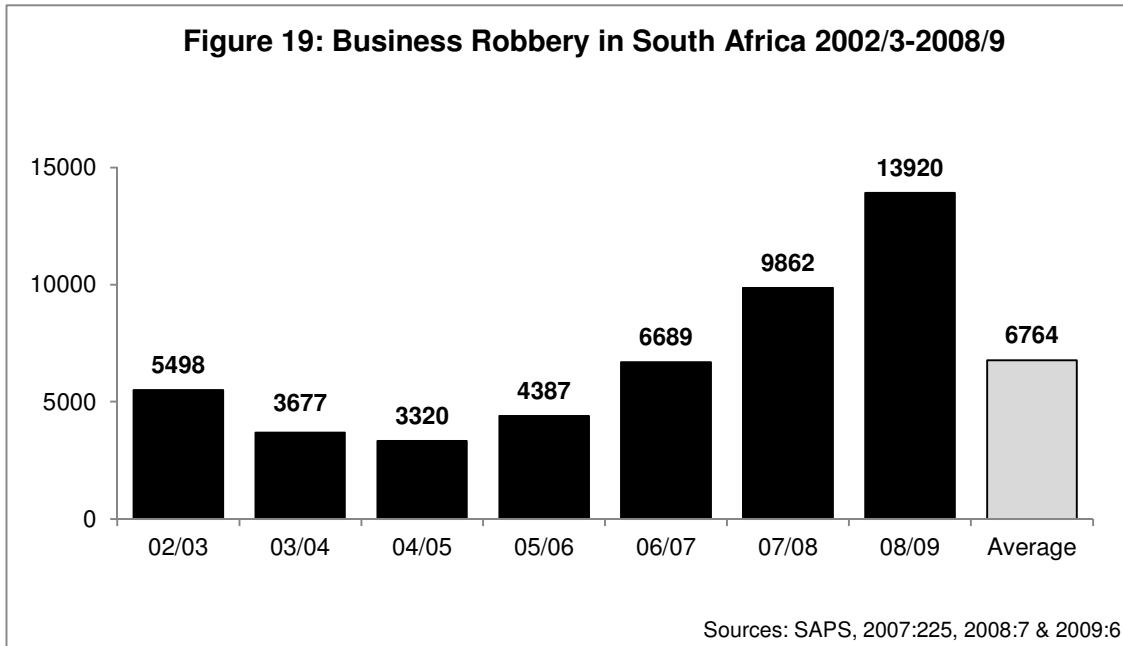




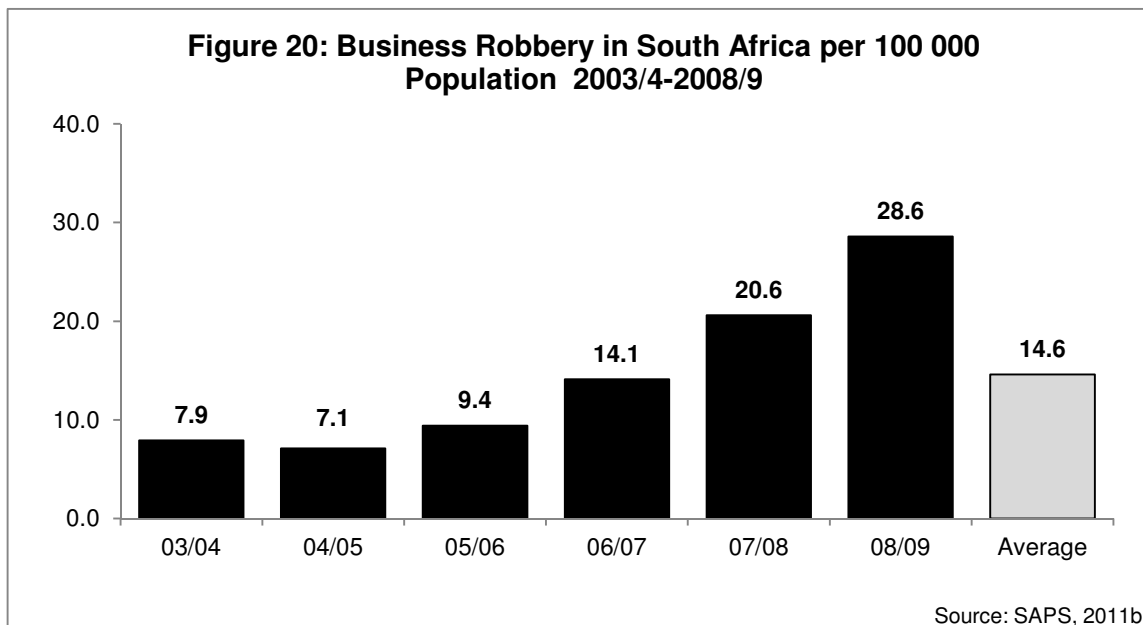
Figure 18 shows this increase in residential robberies in South Africa as the number of residential robberies reported in the country per 100 000 of the population between 2003/4 and 2008/9, when compared to the statistics illustrated in Figure 17. It must be noted that the levels of residential burglary in South Africa have a direct impact on the perceptions of safety and security of South African citizens. In addition, some residential robberies began as burglaries and then turned into robberies when the residents arrived home during the burglary. More than four million residential burglaries were reported in South Africa between 1994 and 2009. The residential burglary rate increased significantly during the beginning of twenty-first century and then decreased again towards 2009. An annual average of 269 228 burglary cases were reported in South Africa in the first fifteen years since 1994, which meant that on average 738 residential burglary cases were reported on a daily basis in the country over the above-mentioned period (SAPS, 2005a:57 & 2009:5).



In addition to the fact that South African citizens were being targeted in their own residences, armed robbers in the beginning of the twenty-first century increasingly focused on business premises, which led to business robbery being identified as a separate violent-crime category in 2002. Even though business robberies decreased significantly between 2003 and 2005, as shown in Figure 19, they increased drastically towards 2009, with a 65 percent increase between 2004/5 and 2008/9. A total number of 47 353 business robberies were reported in South Africa between 2002 and 2009 which constituted a national annual average of 6 764 and a national daily average of 19 business robberies.



As is the case with residential robberies, business robbery per 100 000 of the population statistics, as illustrated in Figure 20, confirms the significant increase in this crime category in the beginning of the twenty-first century (as illustrated in Figure 19). An annual average of almost 15 business robberies per 100 000 population was reported in South Africa between 2003/4 and 2008/9.



Other forms of aggravated robbery have also had a profound impact on the levels of violent crime and on the perceptions of safety and security of South African citizens

since 1994. These included car hijackings, truck hijackings, bank robberies and CIT heists.

Car hijackings have become one of the most common forms of aggravated robbery witnessed in the post-1994 period. As shown in Figure 21, an annual average of 14 164 car hijackings (a daily average of 39) were reported in South Africa between 1996 and 2009, which meant that a total of 184 143 car hijackings were reported over that period of time. Car hijackings are also identified as one of the most violent forms of armed robbery in South Africa, as most of the car hijackings are executed with the use of firearms, and in many cases the perpetrators use their firearms to either murder or severely injure the victims.

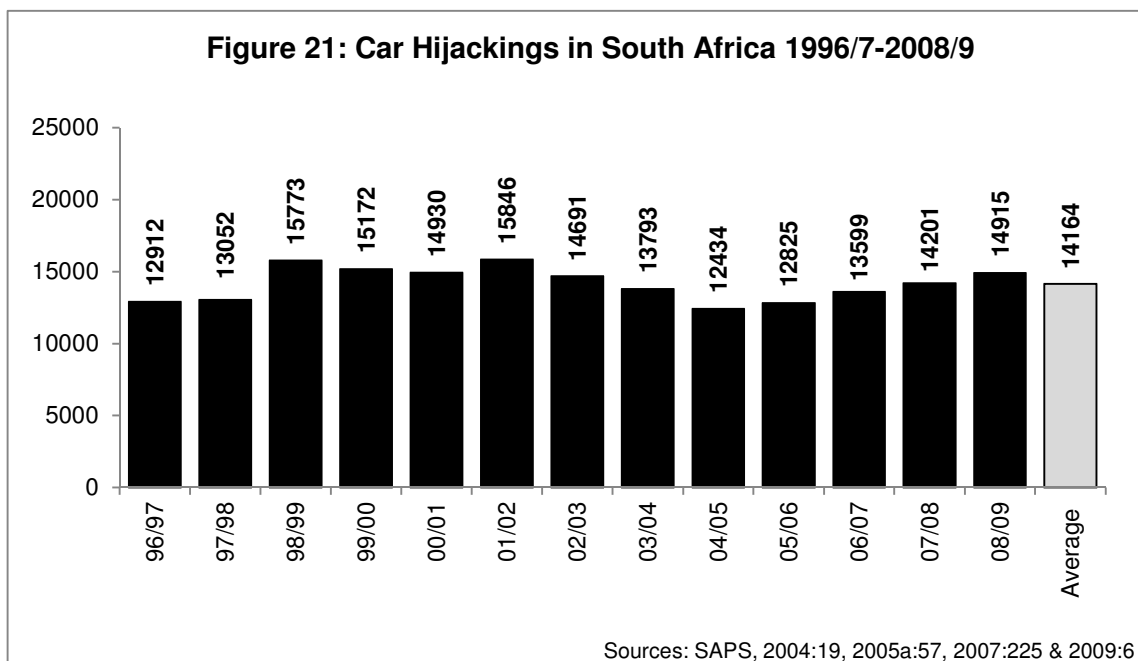


Figure 22 also confirms the high levels of car hijacking that were reported in South Africa between 1996 and 2009, with an average of 31.6 car hijackings per 100 000 of the population reported annually in South Africa between 1994 and 2009.

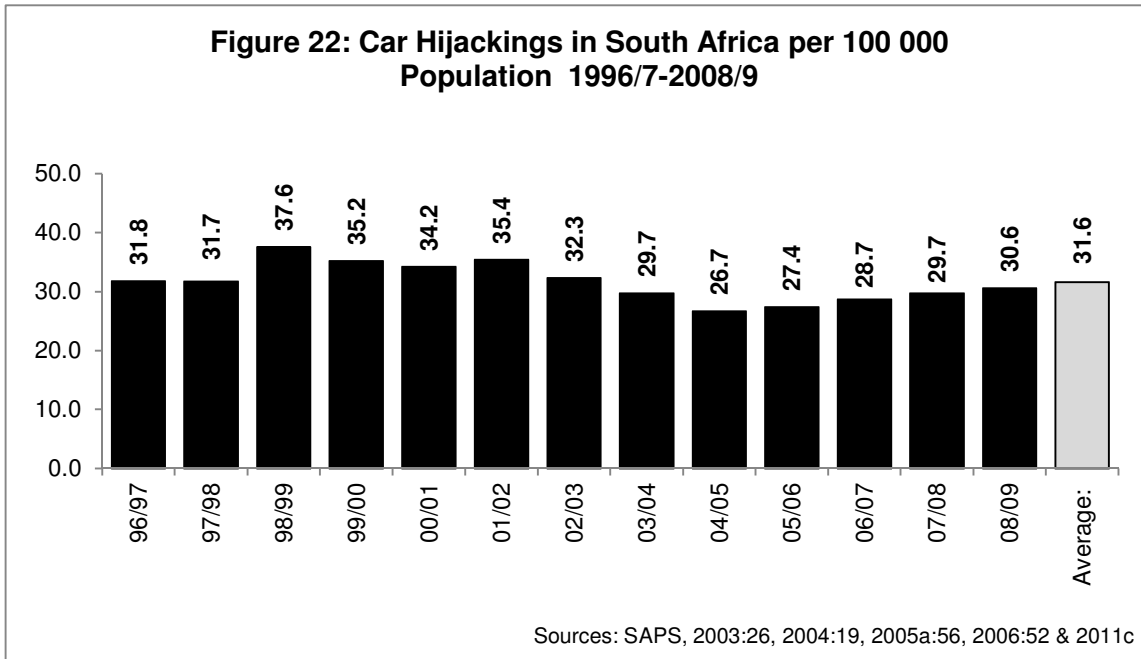
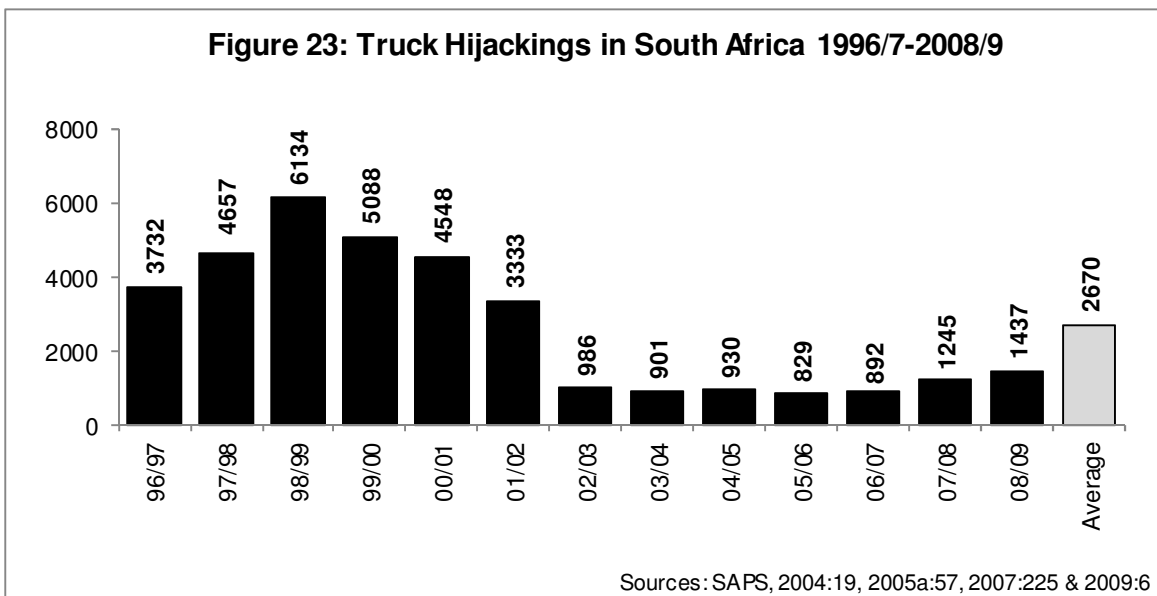
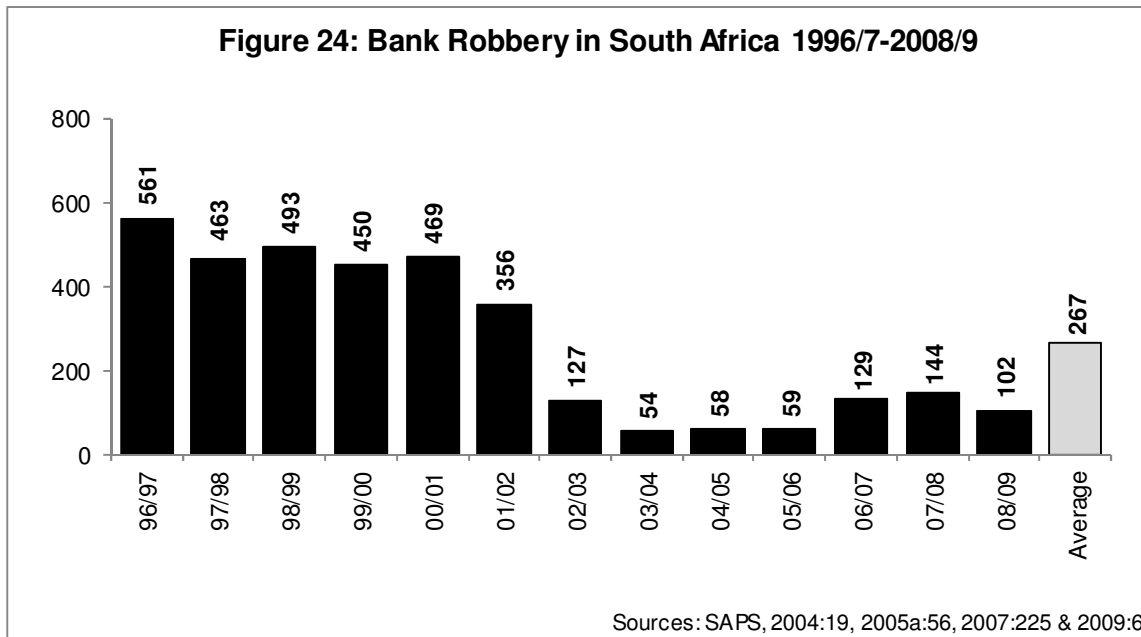


Figure 23 shows how truck hijackings escalated in South Africa during the late 1990s and the beginning of the twenty-first century and then subsequently decreased, with a small increase noted between 2007 and 2009. A total of 34 712 truck hijackings were reported in South Africa between 1996 and 2009 (an annual average of 2 670 truck hijacking between 1996/7 and 2008/9).

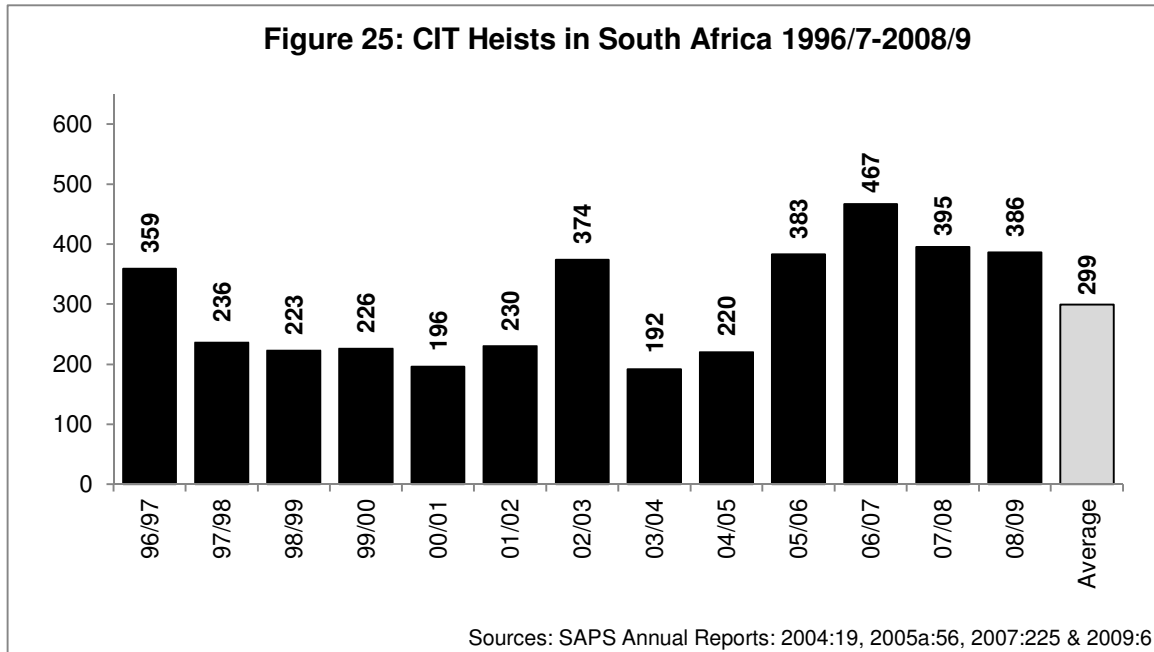


Bank robbery statistics were also at their highest during the late 1990s, then fell significantly in the beginning of the twenty-first century, to increase again towards 2009, as illustrated in Figure 24. On average 267 bank robberies occurred in South

Africa between 1996 and 2009 and a total of 3 465 bank robberies occurred in the country over the same period.



A CIT heist is a “robbery of cash whilst in-transit, and is the unlawful, intentional and violent removal and appropriation of cash-in-transit while under the control of the security company. This could also include incidents inside or outside a bank and/or other premises, as well as the removal and appropriation of cash under threats of violence” (Coetzer, 2007:48). An average of 299 CIT heists were reported in South Africa annually between 1996 and 2009, as illustrated in Figure 25. The statistics reveal a significant increase in heists that were reported in 2002/2003 and again during the four-year period between 2005 and 2009. A total of 3 887 CIT heists were reported between 1996/7 and 2008/9.



The section below briefly outlines other serious non-violent crime statistics, which include drug-related crimes and commercial crimes.

### 2.3 Other Serious Crime Statistics

Legget (2002:3) stated that “after 1994, the country experienced an influx of chemicals that international isolation during apartheid years had kept out” and that drugs such as cocaine and heroin showed “dramatic increases in popularity, since the first democratic elections”. The number of drug-related crimes reported in South Africa between 1994/5 and 2008/9, as depicted in Figure 26, confirms this trend.

Figure 26 shows a significant increase in these crimes since the beginning of the twenty-first century, with the 2008/9 period having the highest number of cases reported. A total of 975 650 drug-related cases were reported in South Africa between 1994 and 2009, which means that an annual average of 65 043 and a daily average of 178 were reported.

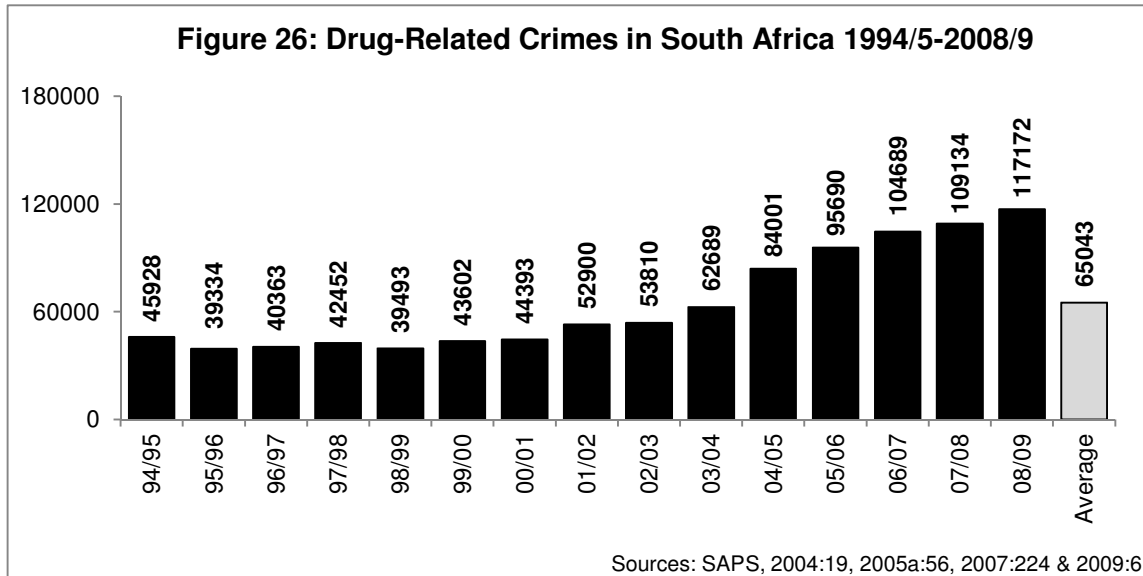
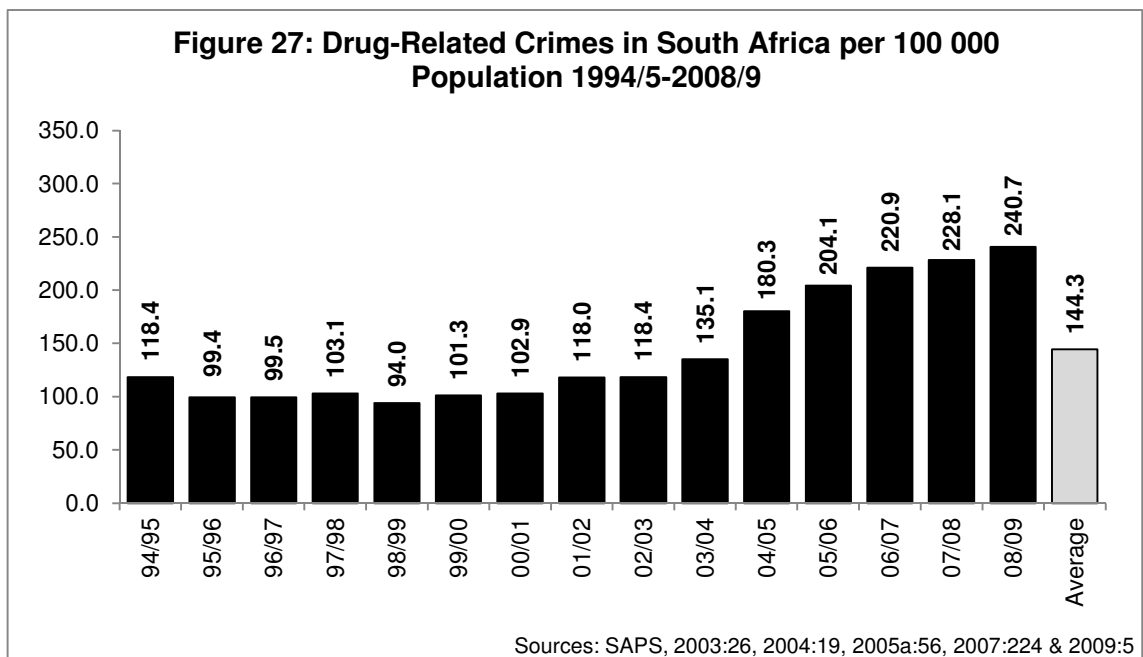


Figure 27 confirms that drug-related cases increased from 118.4 cases per 100 000 of the population to almost 241 cases per 100 000 of the population by 2009.



Another non-violent form of serious crime that was extensively reported from 1994 is that of commercial crime. The commercial crime category includes all economic crimes such as fraud, money laundering, forgery and uttering, embezzlement and misappropriation (SAPS, 2009:21). Figure 28 shows that consistently high levels of commercial crimes were reported annually between 1994 and 2009, with an annual average of 62 031 cases being reported and a daily average of 170.

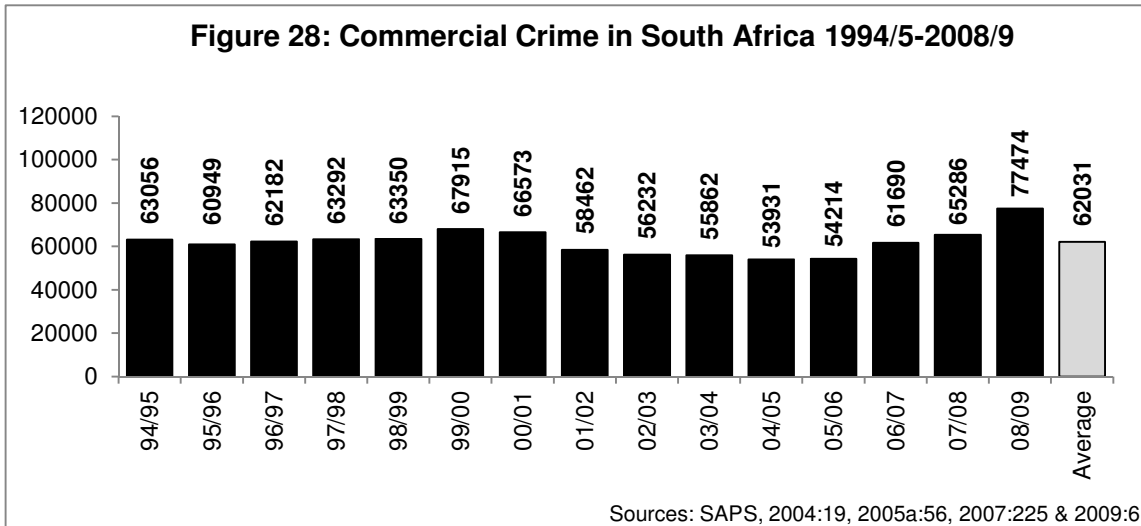
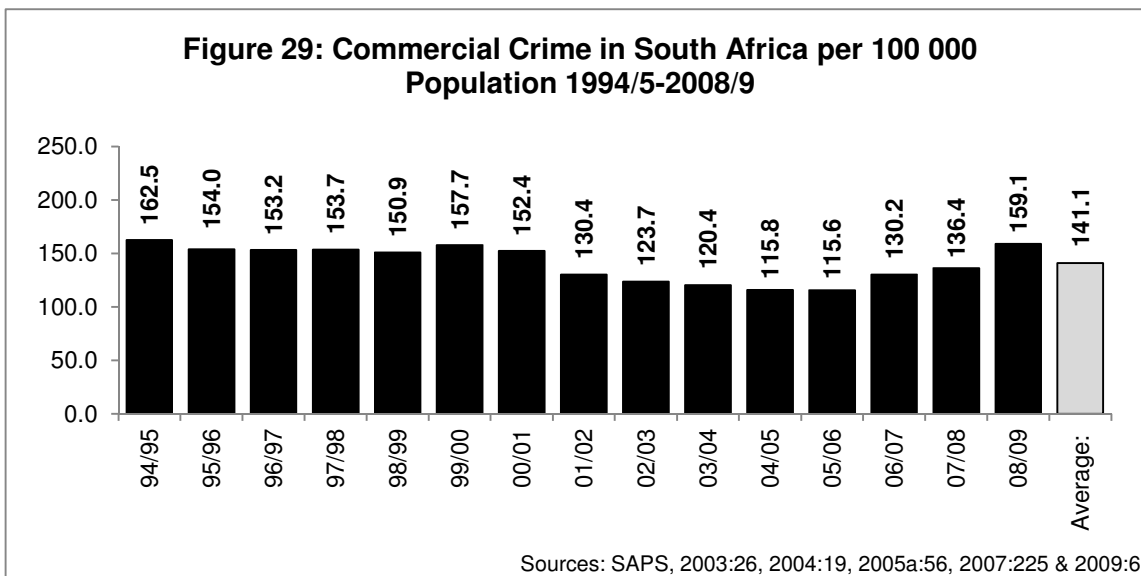


Figure 29 illustrates the number of commercial crimes reported in South Africa per 100 000 of the population between 1994 and 2009. As is the case in Figure 28, even though commercial crime decreased in the beginning of the twenty-first century, it subsequently increased towards 2009 to the reporting levels of the late 1990s.



Even though the sub-sections above describe the different statistical trends of serious crimes reported in South Africa between 1994 and 2009, they do not give a comprehensive indication of whether serious crime actually increased or decreased in the country over that period. The next sub-section briefly clarifies this point.



## 2.4 Increases and Decreases in Serious Crime Since 1994

As stated in the statistical methodology of this chapter, there are several reasons why there is a need to compare both data sets of crime (actual number reported and the number reported in proportion to the size of the country's population). Table 18 indicates whether the serious crimes discussed in the previous sub-sections increased or decreased over their respective reporting periods.

<b>Crime Category</b>	<b>Period</b>	<b>Total Crimes Reported</b>	<b>Crimes per 100 000 Population</b>
Murder	1994/5-2008/9	30.1% decrease	44.2% decrease
Attempted Murder	1994/5-2008/9	31.7% decrease	45.5% decrease
Rape	1994/5-2006/7	17.6% increase	3.7% decrease
All Sexual Offences	2003/4-2008/9	8.2% increase	3.7% increase
Assault GBH	1994/5-2008/9	5.5% decrease	24.7% decrease
Residential Robbery	2002/3-2008/9	103.4% increase	90.4% increase
Business Robbery	2002/3-2008/9	153.1% increase	136.3% increase
Car Hijackings	1996/7-2008/9	15.5% increase	3.8% decrease
Drug Related Crimes	1994/5-2008/9	155.1% increase	103.29% increase
Commercial Crimes	1994/5-2008/9	22.8% increase	2.1% decrease

Sources: SAPS, 2003:26-27, 2004:19-20, 2005a:56-57, 2007:224-225 & 2009:5-6

An assessment of the data in the table, indicates the following:

- In certain cases crimes may have increased regarding the total number of crimes reported, but had decreased when compared to population growth over a prolonged period of time. Examples of this include rape (17.6 percent increase in total numbers reported versus a 3.7 percent decrease when compared to the population size), car hijackings (15.5 percent increase in total numbers reported versus a 3.8 percent decrease when compared to the population size) and commercial crimes (22.8 percent increase in total numbers reported versus a 2.1 percent decrease when compared to the population size). This means that even though the total number of the above-mentioned crimes increased over certain prolonged periods, these crimes actually either stabilised or decreased over the same period in terms of population growth.

- Both statistical data sets indicate that certain serious crimes in South Africa had decreased significantly since 1994. These include murder (a 30.1 percent decrease in total numbers reported and a 44.2 percent decrease when compared to the population size); attempted murder (a 31.7 percent decrease in total numbers reported and a 45.5 percent decrease when compared to the population size); and assault GBH (a 5.5 percent decrease in total numbers reported and a 24.7 percent decrease when compared to the population size).
- Both statistical data sets, however, show that certain serious crimes increased significantly in South Africa in the beginning of the twenty-first century. These included residential robbery (a 103.4 percent increase in total numbers reported and a 90.4 percent increase when compared to the population size), and increases of over 100 percent in both data sets for business robbery and drug-related crimes. The fact that these types of crimes increased considerably, supports the claim that organised crime grew significantly in South Africa in the post-1994 period. This is discussed in more detail further in the chapter.
- All sexual offences increased marginally between 2003 and 2009 in both data sets.

Even though violent crime such as murder, attempted murder and assault GBH decreased between 1994 and 2009, these crimes still constituted a large part of the total number of serious crimes reported over that period. The next sub-section briefly discusses violent crime in post-1994 South Africa when compared to other crime categories between 1994 and 2009.

## **2.5 Violent Crime Compared to Other Crimes in Post-1994 South Africa**

The previous chapter described serious crimes that were reported in South Africa before 1994. Most South Africans, including the newly established democratic government, expected that violent crime would drastically decrease after the 1994 elections, but this did not occur. Even though overall crime statistics stabilised during the first three years after 1994, violent crime statistics increased significantly. While 618 000 incidents of violent crime were reported in 1994, these increased to 751 000 in 1999, which constitutes a 21.5 percent increase over a five year period. Violent crime was also not the only crime category that increased over this period as categories such as property-related crime (15 percent), arson and malicious damage to property (7 percent) as well as commercial crime (7 percent) all witnessed significant increases during the country's first five years of democracy (SAPS, 2003:24-44). It was also

noticeable that by 1999, a third of all serious crime reported in South Africa constituted violent crime, a trend that continued up to 2009 (see Table 19). This is significant because in countries such as the UK and the US, violent crime is much less prevalent than other crime. Violent crime only constituted six percent off all crime reported in the UK in 1999 and 15 percent of all crime reported in the US in that year (Schönteich & Louw, 2001:2-4).

**Table 19: Serious Crime Reported in South Africa**

Category	Types of Crime	1994/1995	1999/2000	2003/2004	2008/2009
<b>Violent Crime</b>	Murder, all sexual offences, assault GBH, common assault, aggravated robbery & common robbery	31.4%	33%	34.0%	32.7%
<b>Violent-Related Crimes</b>	Arson & malicious damage to property	6.6%	6.1%	6.4%	6.7%
<b>Crimes Dependent on Police Action</b>	Illegal possession of firearms & ammunition, drug-related crime & driving under the influence of alcohol or drugs	4.1%	3.6%	4.0%	8.9%
<b>Property Related Crimes</b>	Burglary at residential and non-residential property, theft of motor vehicles and motorcycles, theft out of motor vehicles & stock theft	32.4%	30.6%	27.2%	25.4%
<b>Other Serious Crimes</b>	All theft not mentioned elsewhere, commercial crime & shoplifting	25.5%	26.7%	28.4%	26.3%
<b>Total Number of Serious Crimes Reported</b>		<b>2 022 899</b>	<b>2 359 270</b>	<b>2 594 443</b>	<b>2 098 229</b>

Sources: SAPS, 2003:24-44, 2005a:56 & 2009:2-6

An assessment of the data in Table 19 indicates the following (SAPS, 2003:24-44, 2005a:56 & 2009:2-6):

- Violent crime constituted the majority of crimes reported during the fifteen years since 1994.

- A high incidence of violent crime has been reported in South Africa on an annual basis. In 1994/5 a total of 634 894 violent crimes were reported, which indicates that an average of 1 739 violent crimes were committed per day in the country during that period. In 1999/2000 a total of 777 132 violent crimes were reported (a daily average of 2 129). In 2003/4 these increased to 882 168 violent crimes reported (daily average of 2 416), with a decrease to a total of 685 185 (daily average of 1 877 violent crimes) in 2008/9. This means that by 2009, fifteen years after South Africa became a democracy, the country witnessed more acts of violent crime on a daily basis than it did in 1994. Even though this could be due to the increase in the country's population at the time, it is also significant in light of the number of national crime prevention initiatives that the government initiated unsuccessfully over that period.
- Even though a 22.3 percent decrease in violent crimes was reported between 2004 and 2009, this decrease did not meet the government's target of reducing violent crime in the country by seven to ten percent per annum, as from the 2004/5 reporting period.
- The high incidence of crimes "dependent on police action" (such as drug-related crimes) is significant in relation to the occurrence of violent crime in the country. This results from the fact that high levels of violence (crimes such as murder, rape, assault GBH) occur in areas where alcohol and drug abuse is prevalent, as evidenced by the high levels of violent crime witnessed in areas such as the Cape Flats in the Western Cape and the informal settlements and townships in and around Gauteng.

It must also be noted that there are links between violent crimes and property-related crimes. The CSVr describes numerous factors that link the two serious crime categories. Firstly, it is estimated that approximately 15 percent of property crimes turn violent in some form or another. Secondly, most of the perpetrators involved in vehicle thefts or residential burglaries are not only armed, but prepared to use violence if confronted during the criminal act (violent crimes such as murder and assault GBH often start as burglaries and end as serious violent crimes). Thirdly, some disputes that lead to violent acts such as common assault or assault GBH start as an argument over some type of property. The levels of violent crime in the country are therefore directly influenced by the occurrence of property-related crime (which constituted a large part of serious crime reported over the fifteen-year period between 2004 and 2009, as illustrated in Table 18). The factors driving property crime could therefore also be seen

as contributing factors to the high levels of violent crime in South Africa (Centre for the Study of Violence and Reconciliation, 2007:48-49).

The next section of the chapter assesses serious crime trends in South Africa between 1994 and 2009.

### **3. SERIOUS CRIME TRENDS IN POST-1994 SOUTH AFRICA**

The previous section of this chapter illustrated the increase in certain serious crimes such as murder, rape, assault GBH, aggravated robbery, drug related crimes and commercial crimes. The next section describes the trends and characteristics related to serious crimes, such as serious violent crimes and crimes related to organised crime.

It firstly focuses on serious violent crimes, such as murder, rape, assault GBH and aggravated robbery in South Africa after 1994.

#### **3.1 Serious Violent Crime: Trends and Characteristics**

The occurrence of violent crime is not unique to South Africa as numerous countries are experiencing high levels of violent crime. What sets the country apart from other countries with similar levels of violent crime, is the extent of violence used by criminals during their criminal acts. This has a direct impact on the perception of safety and security of communities in post-1994 South Africa.

The extent of violence used by criminals during their illegal activities is illustrated by the following examples (Centre for the Study of Violence and Reconciliation, 2007:102-103):

- Numerous incidents of torture have been reported during residential robberies, with heated irons and boiling water, for example, being used as tools of torture against victims.
- In various cases of armed robbery (especially during residential robberies and car hijackings) victims were shot and killed or severely injured even though they did not threaten or resist the criminals during the armed robbery.
- Residential robberies are often aggravated by the rape of victims.

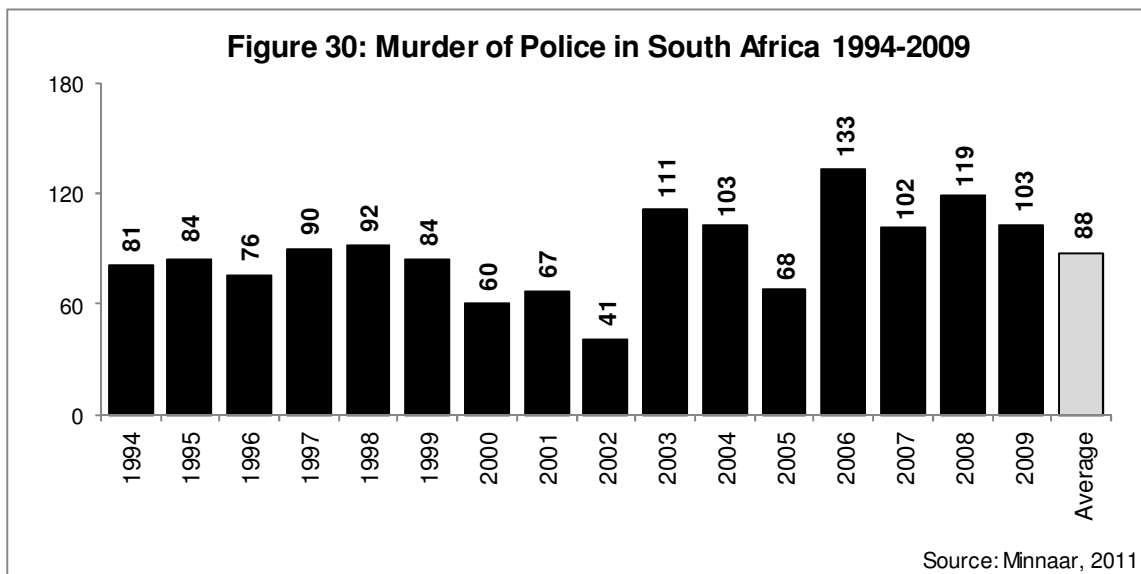
- Brutal forms of violence have been used by criminals to punish victims for not having the expected valuables to make their crime profitable.
- On-going physical violence over long periods of time (such as assault and even rape in some cases), are characteristic of many domestic violence cases reported to the SAPS.
- Many cases of severely cruel treatment (including physical violence and sexual assault) of children are reported annually, often committed by either violent criminals during a criminal act or by family members (in some cases over extended periods).
- Numerous “family murders” where a person kills members of his or her family before committing suicide are reported in the country annually.
- In some incidents the victims are repeatedly attacked (shot, stabbed, assaulted, etc.) even after the victim had ceased resisting the attacker or even after the victim was already dead.
- Many cases of violent vigilantism have been witnessed in the country since 1994 where mobs of people assault or kill individuals. Examples of this are the nationwide anti-foreigner attacks that took place across the country in 2008, and the many cases where community members attack and kill suspected criminals in the country’s townships and informal settlements.
- Members of the SAPS have also been found guilty of brutality and unnecessary acts of violence when dealing with the public.

An outstanding example of the brutality associated with violent crimes in South Africa is the incident whereby four security guards were burnt to death when their vehicle was set alight during a CIT heist in Limpopo in 2006 (Louw-Carstens, 2006). Some analysts state that the high levels of violence that has accompanied crime in South Africa between 1994 and 2009, can be categorised as a form of domestic terrorism, or rather so-called “criminal terror”. Hough (2007:1) explains this notion:

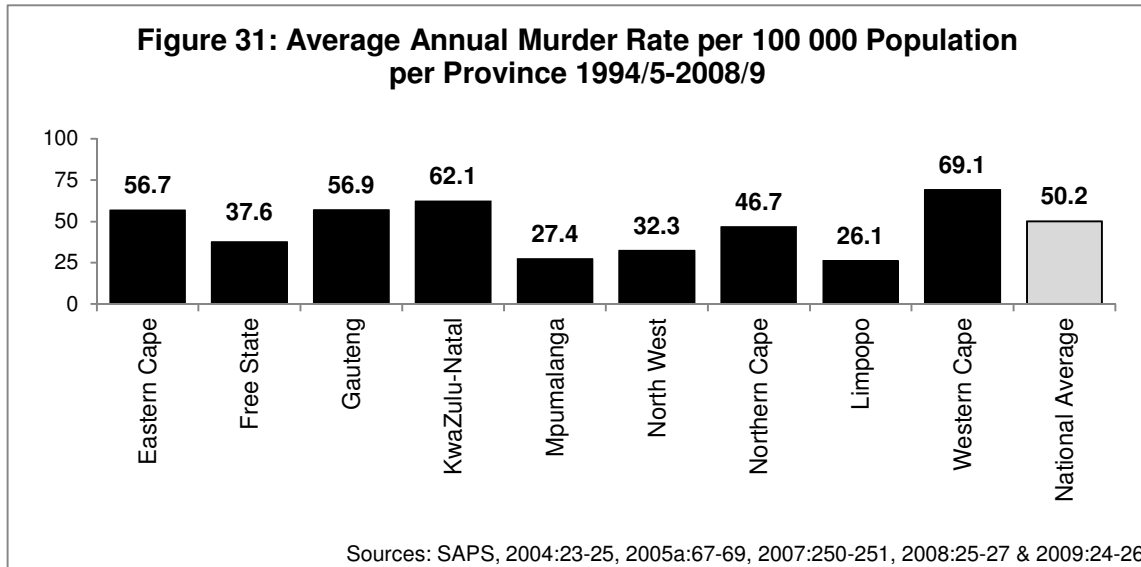
In the case of South Africa, the extreme violence accompanying many crimes and the use of a combination of guerrilla and terror tactics in for instance cash-in-transit robberies, raise the question whether violent crime especially, has not resulted in a situation of ‘criminal terror’. Evidence that some of the violent crimes are committed in military-style fashion by larger groups armed with automatic weapons and who are thought to, or known to have had

previous military training, is one of the factors that point in this direction.

Another significant indication of the extent of violent crime in a country is the readiness of criminals to turn to violence, to protect themselves from being arrested, for instance. Figure 30 depicts the number of police members who were murdered while on duty between 1994 and 2009. The statistics shows that a total of 1 414 police members were murdered over a sixteen-year period, which constitutes an annual average of 88.



Newham (2011) stated that the majority of police officials who were murdered while on duty were either attempting to make an arrest, or were murdered while criminals were executing a planned attack with the purpose of either stealing their firearms or assisting in the escape of a person from police custody. It must, however, be noted that the high levels of violent crime that were reported in South Africa were not applicable to all the policing areas of the country equally. Seventy percent of all murders reported, for instance, derived from only approximately 250 of the 1 100 police stations in the country (Centre for the Study of Violence and Reconciliation, 2008:2). Certain provinces, such as Gauteng, KwaZulu-Natal, the Eastern Cape and the Western Cape have witnessed much higher levels of murder since 1994 than provinces such as the North West, Limpopo and the Free State, as depicted in Figure 31.



The fact that provinces such as Gauteng, KwaZulu-Natal, the Eastern Cape and the Western Cape have witnessed much higher levels of murder since 1994 could be due to the following reasons:

- Higher population density in those provinces due to urbanisation of its metropolitan and industrial areas.
- A higher level of physical violence witnessed in those provinces, which includes violent crime such as rape, common assault and assault GBH (all crimes that potentially end in murder).
- Cultures of violence, drug- and alcohol abuse and infighting and clashes among political parties, that have been present for a long time in some areas of those provinces. Examples of these include the on-going gangsterism found in and around the coloured neighbourhoods of Cape Town; the high levels of physical violence witnessed in the informal settlements and townships in Gauteng, and the political violence that has occurred in the rural areas of KwaZulu-Natal.
- Those provinces, especially in and around their urbanised areas and city centres, also witness high levels of armed robbery, with the potential for murder.

As stated above, aggravated robbery is often linked to violent crimes such as murder, attempted murder and assault GBH. This is largely due to the fact that a noticeable percentage of aggravated-robbery victims are either killed or seriously injured during these robberies, as firearms are used in more than 70 percent of aggravated robberies (SAPS, 2007:215). The robbers fire at the police, victims or other civilians to prevent possible acts of retaliation. As a result, robbery often leads to charges of attempted



murder or murder, as the robbers are prepared to kill their victims to protect themselves (SAPS, 2008:4).

As the statistics have shown in the previous section of the chapter, one of the most prevalent forms of aggravated robbery that took place in South Africa between 1994 and 2009 was that of residential robbery. Not only did this form of violent crime increase significantly since 2005/6 (as illustrated in both Figures 17 and 18), but it also had a direct impact on the perception of safety and security of home-owners and families living across the country. This sense of safety and security is described by Newham (2008:7) when he states that “a person’s home is usually considered a sanctuary, a safe haven from the rest of the world. To suddenly be confronted at home by armed and hostile strangers whose intention is to threaten violence and steal valuables and property, is an experience that leaves most people deeply traumatised”. As is the case with residential robbery, other forms of aggravated robbery in South Africa also require specific skills and planning by criminals before they are executed, for example:

- **Car hijackings:** Hijacked vehicles that are not altered are often used to serve as either a getaway vehicle from scenes of crime or as transport for a short period of time or to move stolen goods or narcotics. However, the majority of vehicles that are hijacked are either smuggled across the South African border to neighbouring countries; dismantled for spare parts or scrap metal; or they are “cloned” which allows the hijacked vehicle to enter the national vehicle registration system illegally with a fake identification record (SAPS, 2008:14-15).
- **Truck hijackings:** Some of the above-mentioned specialised skills include the people who physically hijack the trucks (so-called runners); drivers to replace the legal drivers; technicians to disconnect any security or tracking devices installed in the hijacked trucks; people who organise warehouses to store the stolen trucks and their freight; people who arrange for the stolen goods to be sold, and people who distribute the stolen goods to the relevant buyers (SAPS, 2008:15).
- **CIT heists:** Perpetrators plan heists beforehand to ensure that they are executed with precision, usually in and around public areas and roads. Heists are executed by large groups, most of the time with military precision, and often high-powered military weapons are used during the heists, with elevated levels of force. Hough (2007:7) confirms the military precision of CIT heists when he states that “the *modus operandi* followed in cash-in-transit robberies (larger groups of up to ten or more

robbers, using guerrilla-style ambushes and attacks, often armed with automatic rifles) approximate the use of “conventional” terror tactics, now used by criminals. In fact, there are indications that in some cases, the attackers had received prior military training, either in South Africa or in neighbouring countries”.

The section above again highlights the link between serious violent crime and organised crime. The next sub-section discusses the phenomenon of organised crime in South Africa since 1994 in more detail.

### **3.2 Organised Crime in South Africa Since 1994**

The previous chapter indicated how organised crime syndicates and activities proliferated across the country during the late 1980s and early 1990s. Organised crime increased significantly in South Africa after the advent of democracy in 1994. Stricter border control in most European states and North America, coupled with the fact that South Africa relaxed its border controls after 1994, resulted in a new and lucrative market for the international illicit trade sector (Shaw, 1998b). By 1997, South Africa, together with countries such as Colombia and Russia, was already ranked by the World Economic Forum as one of the nations most affected by organised crime (Standing, 2006:36). This included the proliferation of transnational organised crime syndicates in the country deriving from regions such as East Asia, West Africa and Eastern Europe, which subsequently expanded their transnational criminal networks by linking up with local organised crime syndicates.

The next sub-section describes the types of organised crime syndicates that proliferated in South Africa after 1994.

#### **3.2.1 Types of Organised Crime Syndicates**

As stated in Chapter 3 of the study, 278 organised crime syndicates were identified in the country by 1994 (Hough, 1995:65). This number had decreased notably by 1999. Dr Chris de Kock of the SAPS Crime Information Management Centre stated in 1999 that the SAPS was aware of 192 organised crime syndicates and 1 903 primary suspects operating in South Africa by the end of the 1990s. Of these 192 syndicates the majority were involved in drug trafficking (96 syndicates); vehicle-related crimes (83 syndicates); and commercial crime (60 syndicates). Many of the syndicates were also

involved in more than one form of organised crime, including corruption, prostitution, gang-related crimes, dealing in counterfeit money and the smuggling of precious stones and metals. In addition, of the 192 organised crime syndicates identified by the SAPS, 150 operated within the SADC region and at least 32 were operating even further afield (De Kock, 1999:46-48).

Between 1999 and 2004 the number of organised crime syndicates in South Africa had again grown significantly. By 2004 the SAPS identified 341 organised crime syndicates that primarily dealt in drug-related crime, hijacking and theft of motor vehicles and trucks (the hijacking of trucks subsequently decreased significantly after 2004), corruption, fraud and the smuggling of precious stones and metals. Table 20 depicts the number of criminal groups that were involved in the above-mentioned crime types (SAPS, 2004:42-43).

<b>Criminal Groups</b>	<b>Quantity</b>
Number of groups identified and infiltrated	341
Drugs	98
Vehicle theft	51
Armed robbery/Hijacking	20
Corruption	16
Fraud	37
Precious metals	10
Precious stones	9
Non-ferrous metals	11

Source: SAPS, 2004:42

In addition, the link between illegal foreign nationals, such as Nigerians, Zimbabweans and Chinese, and organised crime in South Africa has been commented on by law enforcement agencies, other government role-players and research institutes across the world. For example, the US State Department stated in 1997 that “South African enforcement authorities are establishing working links with their Brazilian counterparts to help break up the Nigerian trafficking groups responsible for most of the cocaine flow into South Africa...” (US, 1998b:10). Zimbabweans have been found to be involved in organised criminal activities, such as the smuggling of illicit cigarettes and liquor, as well as stolen vehicles, dealing in counterfeit money and armed robberies in various

Southern African countries, including South Africa (Hübschle, 2010:16-47). Not only has the socio-economic situation in Zimbabwe forced segments of its population to become involved in criminal activities in the SADC region, but the fact that many Zimbabweans received military training also allowed them to use those skills in a criminal manner. Hübschle (2010:48) supports this view when she states that “Zimbabweans are usually recruited to execute the physical part of the robbery (some are believed to be military veterans and therefore trained in special operations)”.

Chinese Triads have also proliferated in the country since the early 1990s, even though evidence suggests that their networks were established in South Africa before then. The police already confirmed links between the Chinese Triads and criminal activities in the country in 1992. Since then the Triads have established significant organised crime syndicates involved in the under-declaration of imported goods; dealing in counterfeit goods; cheque fraud; smuggling of protected wildlife products like rhino horn, abalone and shark fin; smuggling of precious metals and stones, such as gold and diamonds; copyright infringements; drug smuggling (mainly heroin and mandrax); smuggling of stolen goods like vehicles; and kidnappings (Gastrow, 2003b:78-96). The Triads have been described as “well-structured and organised and are difficult to penetrate for investigative purposes” (Coetzee & Horn, 2007:78).

Other foreign, transnational, organised crime syndicates involved in South Africa include Russian, Pakistani and Israeli networks. Russian organised crime syndicates are involved in theft and the smuggling of weapons, drugs and advanced technology, illegal gambling, money laundering, racketeering, prostitution and human trafficking. Pakistani organised crime syndicates in South Africa have been found to be involved in drug smuggling, smuggling of counterfeit goods, fraud, telephone scams, human trafficking and people smuggling, as well as money laundering and documentation fraud, while Israeli organised crime syndicates in South Africa are known for their involvement in the transnational smuggling of diamonds and drugs (Gastrow, 2003b:88-101). The proliferation of organised crime activities in South Africa also led to a significant increase in cross-border smuggling of illicit goods to and from South Africa between 1994 and 2009. The next sub-section of the chapter describes the different smuggling networks that proliferated in the country over the above-mentioned period.

### **3.2.2 Smuggling Networks**

The fact that South Africa became a lucrative market for organised crime syndicates to smuggle illicit goods to and from the country led to the rapid proliferation of smuggling networks across the country. These networks were responsible for smuggling stolen goods, natural resources and drugs.

#### **3.2.2.1 The Manufacturing, Smuggling and Use of Drugs in South Africa**

Drug smuggling, either to or through South Africa, became one of the most prominent forms of transnational, illicit trade that proliferated after 1994 as the country became one of the major role-players in the manufacturing, transporting and use of narcotics in Africa and across the world. It is one of the five African countries that produce the bulk of cannabis that is seized internationally on an annual basis. The other four African countries are Nigeria, Tanzania, Kenya and Malawi. South Africa is also used as a transit country for smuggling. Heroin is smuggled from Pakistan and Afghanistan to the East African coast, through countries such as Ethiopia, Kenya, Tanzania, and Mozambique, and then to Europe and the US through South Africa. Together with Nigeria and Angola, South Africa has been identified as a major route for the smuggling of cocaine from South America to Europe and the US. Apart from playing a transit (heroin and cocaine) and production (cannabis) role, South Africa also provides a lucrative market for the selling of drugs. The use of crystal meth has become a significant law enforcement and social issue in South Africa, especially in areas around the Western Cape and Gauteng, since the early twenty-first century (UNODC, 2005:31-33).

The large quantities of drugs seized by police since 1994 confirm the above-mentioned claims. In 2002, for example, the SAPS discovered large quantities of cocaine, cannabis, ecstasy, mandrax and chemicals for the manufacture of mandrax (worth an estimated R2.7 billion) in Johannesburg. In 2004 the SAPS seized mandrax worth millions of Rand in cities such as Pretoria and Cape Town (Goredema, 2004:3). Furthermore, between April 2006 and March 2007 the SAPS raided 52 illegal drug laboratories and reportedly confiscated 46kg of methaqualone, 17kg of heroin, 295kg of cocaine and 958kg of amphetamine-type stimulants (Mail & Guardian, 2007).

As elsewhere in the world, a link between drugs and violent crime has been established in South Africa. Research has shown that a significant number of criminals use drugs before committing acts of violent crime. For example, research completed by the South African Arrestee Drug Abuse Monitoring Project (SA-ADAM) in 2002 showed that 46 percent of criminals arrested for violent crimes such as murder, rape and assault GBH in Cape Town, Johannesburg and Durban over a two-year period tested positive for one or more illegal substance (Legget, 2002:21). In addition, the growing drug market in South Africa after 1994 had a profound impact on the gangs in the country, especially those located in areas in the Western Cape that are underdeveloped and characterised by poverty. Drugs are the primary source of income for these gangs that are known for their involvement in violent and organised criminal activities. The SAPS (2007:262-263) confirms this when stating that “drugs are also the primary substance fuelling organised crime and causing turf wars among gangs”. Kinnes (2007:3) describes this socio-economic impact by stating that the “gangs have undergone a major transformation with the advent of democracy in 1994. Early on, the farsighted sections of the gang leadership saw the opportunities that would result from political freedom and the opening up of borders. They started setting up drug outlets and have become deeply involved in a number of crimes, with drugs supply as their chief criminal activity”.

Another organised criminal activity that the Western Cape is notorious for is the poaching and smuggling of abalone. Abalone, however, is just one of the natural resources of the country targeted by organised crime syndicates after 1994.

### **3.2.2.2 The Transnational Smuggling of Natural Resources**

The proliferation of organised crime syndicates in South Africa after 1994, led to an escalation in the smuggling of natural resources that could be sold on the illegal market in other parts of the world, such as rhino horn, abalone and ivory, as well as precious metals and stones.

It was clear by the beginning of the twenty-first century that the poaching and smuggling of the country’s wildlife resources (primarily rhino horn, ivory and abalone) had become a security concern for the government. In 2003, the SAPS reported that between April 2002 and March 2003, fifty cases of wildlife crime were investigated, which resulted in the arrest of 62 people. Smuggled wildlife resources worth more than

R23 million were seized by the police over the above-mentioned period (SAPS, 2003:62).

The poaching and smuggling of abalone from South Africa to foreign markets, primarily in Asia, predate the advent of democracy in 1994. Nevertheless, subsequent to this development the illegal dealing in abalone increased dramatically. By 1999 the police estimated that the illegal harvesting and smuggling of abalone created a R500 million industry annually (Gastrow, 1999). By 2009 the government estimated that about 1 500 groups were involved in abalone poaching (Hübschle, 2010:30).

The involvement of foreign nationals, especially Chinese, in the poaching of abalone has also been documented since 1994, while it is stated that the Triads have a “stranglehold” on the illicit abalone trade across the world. Several examples exist of the involvement of Chinese nationals in the smuggling of abalone in South Africa. In 2006, eleven men, some of whom were Chinese nationals, were arrested in the Western Cape on charges of the possession of abalone valued at approximately R34 million. Two Chinese nationals and a South African were arrested in 2007 in the Western Cape for possession of abalone valued at R7,9 million (Matheza, 2007). The transnational link between abalone poaching in South Africa and the drug trade in China has also been established. Chinese Triads smuggle crystal methamphetamine (commonly known as the drug “Tik” in South Africa) from Asia to the Western Cape, where they barter with local drug dealers for poached abalone. The abalone is then smuggled to Asia and the drugs are sold across communities in the Western Cape (Hübschle, 2010:30).

The increasing demand for ivory in the Asian market since the 1990s resulted from various factors. Firstly, the notable development of the economic sector in East Asia in the 1990s led to an increasing presence of East Asians in Africa involved in development and other investment projects across the continent. Secondly, the lack of effective law enforcement and border management, as well as the lack of regulation over the ivory market in Africa, resulted in the illegal ivory trade flourishing. Chinese criminal syndicates have now been identified to be behind the illegal poaching and trading of ivory in SADC countries such as South Africa, Malawi, Zambia, Zimbabwe, Kenya and Tanzania. This is confirmed by the fact that numerous Chinese nationals were arrested or were linked to at least 126 ivory seizures in 22 African states between



1998 and 2006, when approximately 14,2 tons of ivory were seized (Gossmann, 2009:51-64).

South Africa, with its advanced transport system, especially when compared to other SADC countries, and its exit points to other parts of the world, is also used as a transit country to smuggle ivory poached in other SADC countries to East Asia. In 2002 ivory that was seized in Singapore had been poached in Zambia, then smuggled by road to Durban through Malawi and Mozambique. From Durban harbour it was smuggled to Singapore. In other cases ivory poached in other SADC countries, such as Zimbabwe, Tanzania and Mozambique, was smuggled to China through South Africa by air (Gossmann, 2009:51-64).

Even though the poaching of elephants for their ivory decreased in South Africa during the beginning of the twenty-first century, the poaching of rhino horn became a significant environmental security issue. On average, 14 rhinos were poached annually in South Africa between 1990 and 2005 (Milliken & Shaw, 2007:79). These numbers increased drastically after 2005 and by 2008 an annual total of 82 rhinos were poached in the country (Animal Rights Africa, 2009:2). The increase in rhino poaching has primarily been attributed to the increasing demand for rhino horn that is used for supposed medicinal purposes in East-Asia. Between 2002 and 2007, for example, there were numerous Vietnamese medical journals and documents that highlighted the medicinal qualities purportedly found in rhino horn (Milliken & Shaw, 2007:15).

Due to South Africa's considerable resources of precious metals and stones, such as gold, platinum and diamonds, it increasingly became a target for organised crime syndicates. By 1996 the government estimated that it was losing approximately R300 million annually in revenue from the smuggling of gold out of South African mines by transnational organised crime syndicates (Milliken & Shaw, 2007:78). Research published in 2001 stated that the mines and the police recovered gold to the value of R157 197 185 (annual average of R31 439 437) between 1994 and 1998. Between 2000 and 2004 gold worth an estimated R22 871 503 (annual average of R4 574 300) was reportedly recovered. Platinum worth approximately R60 million (annual average of R15 million) was recovered between 1995 and 1998 and between 1999 and 2004 platinum worth R79 953 990 was recovered (Coetzee & Horn, 2006:v-vi).



The local organised crime syndicates involved in the theft and smuggling of South African stolen precious metals, are connected to larger transnational organised crime syndicates which allow them to smuggle their stolen goods abroad. It has been established that most of the gold and platinum stolen in South Africa is laundered through Switzerland to other illegal markets across the world. Organised crime syndicates in South Africa involved in the smuggling of precious metals and stones have also been linked to transnational organised crime syndicates consisting of Germans, Nigerians, Indians and Russians (Coetzee & Horn, 2006:v-vi, 43).

As with gold, the government and mining companies across the country have lost revenue of millions of Rand annually since 1994, due to the theft and smuggling of diamonds. Most of the diamonds are stolen by mine workers, who are either permanently employed by organised crime syndicates or who commit theft on an *ad hoc* basis. The stolen diamonds are then cut and smuggled out of the country by transnational organised crime syndicates that have access to corrupt customs officials (Gastrow, 2003b:79).

The SAPS reported in 2003 that during 2002/3 alone, 1 665 persons were arrested for the theft of, possession of and dealing in uncut diamonds and unwrought precious metals. The estimated value of the diamonds and precious metals recovered during the above-mentioned financial year was R24 561 691 (SAPS, 2003:61).

South Africa is also used as a transit country to the broader international market when illegal diamonds are smuggled from countries in the SADC region, such as Angola, the Democratic Republic of the Congo (DRC) and Zambia to Europe and Asia (News24, 2006, Cilliers & Dietrich, 2000:330-331). Numerous foreign transnational criminal syndicates which originate from countries such as Portugal (Gastrow, 1999), Russia (Shaw, 1998b), Nigeria and China (Gastrow, 2003b:87, 95), are also involved in the theft and smuggling of illegal diamonds from South Africa and other SADC countries.

Drugs and natural resources were not the only goods smuggled to and from South Africa since 1994, as the country experienced increased levels of not only weapons smuggling, but also the smuggling of other goods such as stolen vehicles and illegal cigarettes.

### 3.2.2.3 Smuggling of Weapons and Other Illicit Goods

A form of smuggling that has prevailed in the SADC region since the 1990s is the smuggling of weapons. The region had experienced several armed conflicts since the 1970s, and this resulted in a large supply of weapons being available in the region for smugglers to take advantage of. The situation was exacerbated by the fact that criminal networks could exploit the porous borderline between South Africa and its neighbouring countries (especially Zimbabwe, Swaziland and Mozambique) to smuggle arms easily. Thousands of weapons, many of them military weapons such as AK-47s, have been confiscated since 1994 by government authorities responsible for border management at the above-mentioned borderlines (Institute for Security Studies, 2000a). Schroeder & Lamb (2006:71) describe the ease with which weapon smuggling occurs in the African context (including the SADC region) when they state that “small arms are lightweight, concealable and durable, the ways in which they can be smuggled are nearly limitless. Long, porous and poorly patrolled land borders facilitate the illicit transfer of small arms on foot or by truck. Some of this trafficking is large-scale and systematic”.

The smuggling of arms into South Africa has also been linked to the high levels of violent crime (Gastrow, 2003b:80). This is supported by Hübschle (2010:17) when she states that “huge numbers of illegal firearms are in circulation in Southern Africa. In many cases, they are remnants from border wars and liberation struggles. Illicit guns are often used in the perpetration of violent and organised crime”.

An example of the large number of illegal weapons available in South Africa was the 1 534 handguns, 4 786 sub-machine guns, 25 838 rifles, 204 light/heavy machine guns, 343 mortars and 13 503 grenades the SAPS confiscated and destroyed between 1995 and 2002 (SAPS, 2003:65). Even though the SAPS has been successful in destroying vast quantities of weapons since 1994, the government has still not been able to rid the country of the high numbers of illegal weapons still in circulation, and which were used during acts of serious crime or were smuggled across borderlines by transnational organised crime syndicates. This situation was exacerbated by the fact that South Africa, as is the case with many other African countries, continued to experience an increasing number of weapons being stolen from government officials or armouries, sold by corrupt officials or stolen from private owners (Schroeder & Lamb, 2006:69). An example of this is the 2 759 police weapons that were either lost or stolen in South Africa during the 2008/09 financial year, which constituted a 240 percent

increase in the number of lost or stolen weapons in South Africa since 2001 (Mail & Guardian, 2010).

Even though the smuggling of stolen vehicles across the South African border to neighbouring countries had been reported since the 1980s, it increased drastically since 1994. Irish (2005) states that “over the past decade, trafficking in stolen or illicitly acquired vehicles across South African borders has become a concern for police officials, not only in South Africa, but also within the Southern African Development Community (SADC) as a whole”. As is the case with abalone and Tik, stolen vehicles from South Africa were used by organised crime syndicates to barter for other illicit goods in other SADC countries, such as precious metals, diamonds and drugs. Interpol indicated in 2001 that the theft of vehicles in South Africa accounted for between 96 percent and 99 percent of all vehicles stolen in the SADC region (Gastrow, 2003b:75).

Stolen vehicles are not the only illicit goods that are smuggled across the South African borderline in large quantities. Hübschle (2010:13) shares the view that “the smuggling and illegal importation of goods and of counterfeit commodities is one of the most prevalent organised criminal activities in the region. Smuggling of commodities involves their illegal transportation across borders in order to evade taxes. Organised crime exploits the differential tax regimes of commodities such as cigarettes, alcohol and petroleum”.

It is especially the smuggling of cigarettes to South Africa since the beginning of the twenty-first century that has become a multi-billion Rand illicit trade in the Southern African region. It was estimated in 2005 that the government was losing nearly R2 billion in taxes annually due to this illicit industry (Eliseev, 2006a). Three types of cigarettes are smuggled across the SADC region. Firstly, authentic, branded cigarettes are smuggled from lower-tax countries to countries with higher taxes. Secondly, counterfeit cigarettes are smuggled into the region (primarily from China) without any tax payments or quality-control measures. Finally, cigarettes produced in the Southern African region are smuggled across borderlines without any taxes having been paid. This primarily involves cigarettes manufactured in Zimbabwe which are then smuggled to neighbouring countries such as Mozambique, Botswana and South Africa (Hübschle, 2010:15).

The smuggling and trafficking of human beings into and from South Africa, also became a security issue in the country after the advent of democracy in 1994. The next sub-section briefly outlines the extent and characteristics of the human smuggling and trafficking industry in the country between 1994 and 2009.

### **3.2.2.4 Human Smuggling and Trafficking to and from South Africa**

Human smuggling and human trafficking are related as both the terms entail the movement of humans across the border. However, human trafficking involves, an intention by the trafficker to profit from the forced exploitation (for instance, through sex, servitude or slavery) of the person taken illegally or clandestinely across a border. Smugglers, in contrast, generally do not exploit their clients once they have crossed the border. Examples of exploitation include the traffickers forcing their victims into prostitution and drug dealing. However, it is important to recognise that, like human trafficking, human smuggling often involves fraud, force and coercion and the violation of human rights (RSA, 2010:119).

South Africa's higher levels of economic growth since 1994 have led to many foreign nationals from poorer and conflict-stricken countries migrating, in most cases illegally, to the country. Foreign nationals are smuggled into the country in two ways. They are either smuggled directly through a port of entry or across the country's borderline where there is little or no border management by authorities (for example through dry riverbeds and farms). When using ports of entry the smuggling syndicates bribe corrupt government officials to either allow entry to the illegal foreign nationals without the required documentation, or to provide the foreign nationals with fraudulent documentation to facilitate their passage through the border post. When crossing the borderline, smuggling syndicates use guides to cross the borderline and taxis to transport the foreign nationals to safe houses (Forced Migration Studies Programme, 2009:33-37). After entering the country illegally, the foreign nationals tend to enter the country's informal market where they open small shops or informal outlets (locally known as spaza shops) in and around city and town business districts, townships and informal settlements.

High levels of corruption and mismanagement regarding migration processes and documentation in post-1994 South Africa also resulted in foreign nationals being smuggled through South Africa to other, mostly developed, countries. There are

numerous examples where either Pakistani nationals were smuggled to Britain or Chinese nationals to the US through South Africa (Eliseev, 2006b). Foreign nationals linked to terrorist organisations or terrorist attacks have also travelled (illegally) through South Africa using fraudulently acquired South African identification documents. The case of a British citizen named Haroon Rashid Aswat, who was linked to the London terror attacks of 2005 and who travelled through South Africa using fraudulent documentation, is an example (Solomon, 2011:1).

Research by the National Prosecuting Authority (NPA) has shown that there are primarily five types of human trafficking flows that can be associated with South Africa: firstly, people being trafficked to South Africa from other continents, primarily Europe and Asia; secondly, people being trafficked from other African countries, which includes countries such as Zimbabwe, Lesotho, Mozambique, Uganda and Nigeria; thirdly, people being trafficked within South Africa, for example when women are trafficked from one city to another and then forced into prostitution; fourthly, South Africans being trafficked to countries outside its border, for example when a South African woman is trafficked to Europe and then also forced into prostitution; and finally, when the country is used as a transit country, for example when girls from other African countries are trafficked to Europe through South Africa (RSA, 2010:13-17).

The US State Department confirms these human trafficking flows by stating that “women are trafficked within South Africa and from other African countries (specifically Angola, Zimbabwe, Lesotho, Swaziland, Zambia, Cameroon, Malawi, and Rwanda), Asia (specifically Thailand and Taiwan), Eastern Europe, Russia, and the New Independent States. South Africa is also a transit point for trafficking operations between developing countries and Europe, the United States, and Canada” (US, 2001:68). In addition, evidence exists that men and children are also being trafficked to, through or from South Africa. The children are lured from poor rural areas and are then trafficked to the country’s cities such as Cape Town, Durban and Johannesburg where they are coerced into activities which include prostitution, begging and committing crimes. After being trafficked, the men will be forced into labour on farms or in factories (US, 2009b).

A characteristic that organised crime activities such as human smuggling, human trafficking, drug smuggling, rhino poaching and diamond smuggling all have in common, is the fact that criminals need to launder the money that they earn from these

crimes. Apart from extensive involvement in money laundering, organised crime syndicates are also linked to other forms of commercial and white collar crimes, which include fraud, embezzlement and forgery.

### 3.2.3 Commercial Crime in South Africa

Commercial crime, which is also linked to organised crime, was prevalent between 1994 and 2009. By 1996 the SAPS was investigating commercial crime with an estimated value of more than R7 billion, of which approximately 80 percent consisted of cases of fraud (Camerer, 1997). By 2009 it was estimated that approximately 60 percent of all South African companies were victims of economic crimes, which is double the international standard of 30 percent of companies (Gould & Lancaster, 2010). The statistics in Table 21 highlight the magnitude of commercial crimes, such as cheque fraud, credit card fraud, advance fee fraud, theft, forgery and corruption in post-1994 South Africa by demonstrating that in just one financial year (2003/4), over R4 billion worth of commercial crimes were reported to the SAPS.

<b>Description of Crime</b>	<b>Number of Cases</b>	<b>Rand Value</b>
Internet fraud	358	47 272 178
Counterfeit credit cards	124	3 926 767
Stolen credit cards	372	145 120 925
Other cards	340	11 737 871
Violations of the Prevention of Counterfeiting of Currency Act, 1965	117	2 446 918
Violations of the SA Reserve Bank Act, 1989	204	28 867 385
Stolen cheques	1 654	215 351 111
Cloned cheques	1 031	46 632 667
419 scams (advance fee fraud)	132	1 303 521 480
Black dollar scams	37	871 683
Kite-flying	36	6 470 625
Other fraud	5 213	1 525 946 012
Theft	867	152 524 399
Forgery and uttering	562	259 769 929
Violations of the Corruption Act, 1992	292	75 038 354
Violations of the Exchange Control Amnesty and	23	10 553 194

Amendment of Taxation Laws Act, 2003		
Violations of the Insolvency Act, 1936	40	40 912 755
Violations of the Companies Act, 1973	43	29 235 921
Violations of the Close Corporations Act, 1984	12	7 552 013
Violations of the Usury Act, 1968	29	225 759
Violations of the Magistrates' Courts Act, 1944	21	186 645
Violations of the Counterfeit Goods Act, 1997	548	130 716 868
Violations of other statutes	260	27 340 600
<b>Total</b>	<b>12 320</b>	<b>4 072 222 059</b>
Source: SAPS, 2004:44		

However, even though the above-mentioned commercial crime statistics show high levels of financial crimes in the country, they are still below the actual number of commercial crimes being committed, due to high levels of non-reporting by financial institutions, the reason being that, according to the SAPS (2007:261), “many companies, particularly those in the financial sector which are entrusted with safeguarding the financial interests of their clients, do not want it to become publicly known if they have a number of rotten apples in their own baskets. They will consequently investigate cases internally and even deal with culprits in their own ways (e.g. by way of dismissal, forcing them to pay back defrauded sums and transfers)”.

Nonetheless, what is evident is the negative impact that the high level of commercial crime has on the country’s economy. Gould and Lancaster (2010) explain that “while commercial crime is not as traumatic or fear inducing as robbery, it certainly has a significant impact on our economy and thereby our ability to tackle social problems”. Another form of financial crime that has become a significant economic and security issue for the South African government since 1994 is that of money laundering. Syndicates involved in drug trafficking in South Africa are for instance also involved in money laundering. They are forced to launder their proceeds from trafficking and selling drugs, as it is primarily a cash-for-product type of business. According to Goredema (2004:4), most of the organised criminals involved in the drug trafficking industry launder their illegally gained profits through the purchasing of motor vehicles, legitimate businesses, front companies and residential properties.

The next section outlines some of the causes of serious crimes in post-1994 South Africa.



## **4. CAUSES OF SERIOUS CRIMES IN SOUTH AFRICA**

Although government departments, research institutes and international organisations have all attempted to find an explanation for especially the violent nature of crime in post-1994 South Africa, they remain divided. The next sub-section of the chapter discusses some of the reasons provided for the high levels of violent crime in post-1994 South Africa.

### **4.1 Causes of High Levels of Violent Crime in Post-1994 South Africa**

While some theories state that the violent history and the impact of the previous race-based segregation policies are the reason for the high levels of violent crime in the country, others blame weak socio-economic structures and high levels of unemployment and poverty. Some propose that, rather than the high unemployment levels as such, it has actually been the clear divide between the wealthy and the poor that has fuelled the occurrence of violent crime in the country.

High levels of poverty in South Africa have resulted in segments of the country's population not being able to fulfil basic needs such as food, shelter and security. The socio-economic inequality in South Africa has therefore not only been linked to the high levels of violent crime in the country, but also to the psychological well-being of the "have-nots" (financially weak) when compared to that of the "haves" (financially strong). Violent crime in some cases has become an "alternate form of reasserting power and authority" by the impoverished over the financially stronger segment of the population (Shabangu, 2011:8-10). It is, however, impossible to identify one specific factor as the cause of the high level of violent crime in South Africa as research has shown that the high level of violent crime is a "product of a variety of factors". These factors include, for example, poverty, unemployment, proliferation of firearms, the presence of organised crime syndicates, government corruption, and the country's violent past. Even though these factors are not unique to South Africa, their combination must be noted in the context of the country's pre- and post-1994 periods and in its position in the Southern African region, to fully understand why it has experienced such high levels of violent crime since 1994 (Centre for the Study of Violence and Reconciliation, 2009:10).



It must also be noted that in addition to the above-mentioned factors, insufficient and ineffective policing in post-1994 South Africa also had a direct impact on the increasing levels of serious crime over that period. This is largely due to the fact that South Africa’s criminal justice system could not only not deter increasing crime levels after 1994, but also struggled to arrest and prosecute the perpetrators of serious crime. This notion is discussed in more detail in Chapter 5 of the study.

Chapter 3 described how the prevalence of firearms in South Africa contributed to the high levels of violent crime that was perpetrated in South Africa before 1994. This continued to be a contributing factor in the occurrence of violent crime in South Africa in the post-1994 period. The government acknowledged in 1996 that the abundance of firearms, both legally and illegal obtained, continued to be a primary reason for the elevated levels of violent crime in the country (RSA, 1996a). This situation has not changed by 2007 as the daily use of firearms, including automatic rifles, during acts of violent crime across the country continued to remain a “serious concern” (Hough, 2007:10). Figure 32 provides some indication of illegal weapons that were available in South Africa between 1994 and 2009. An average of 14 222 cases of illegal weapons and ammunition were reported by the SAPS annually during that period.

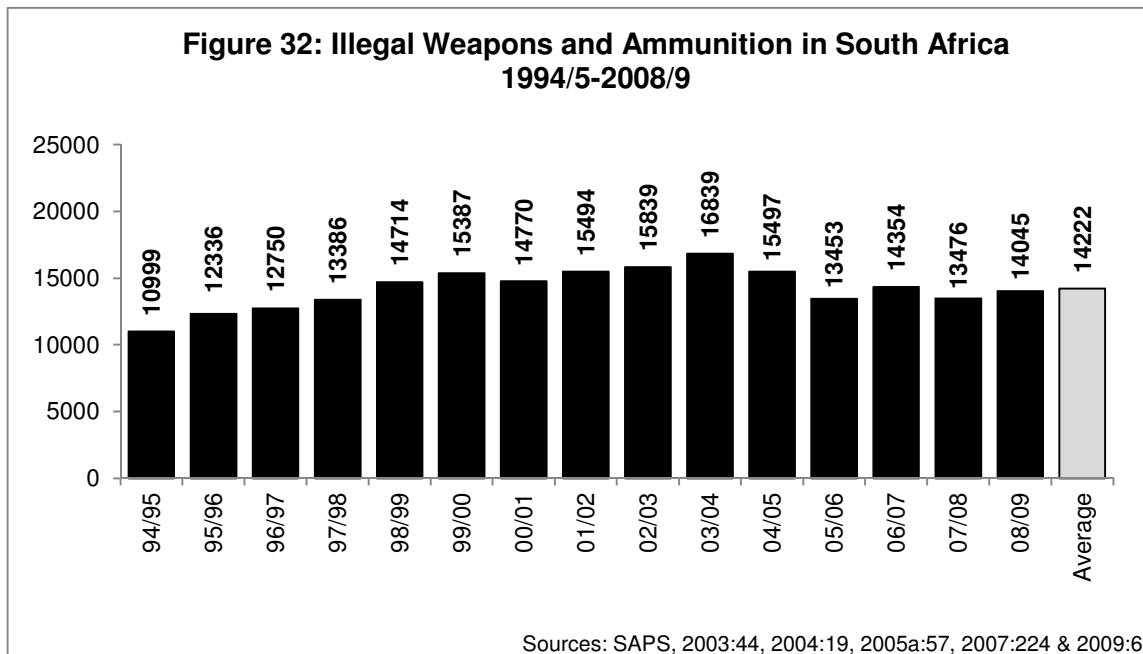
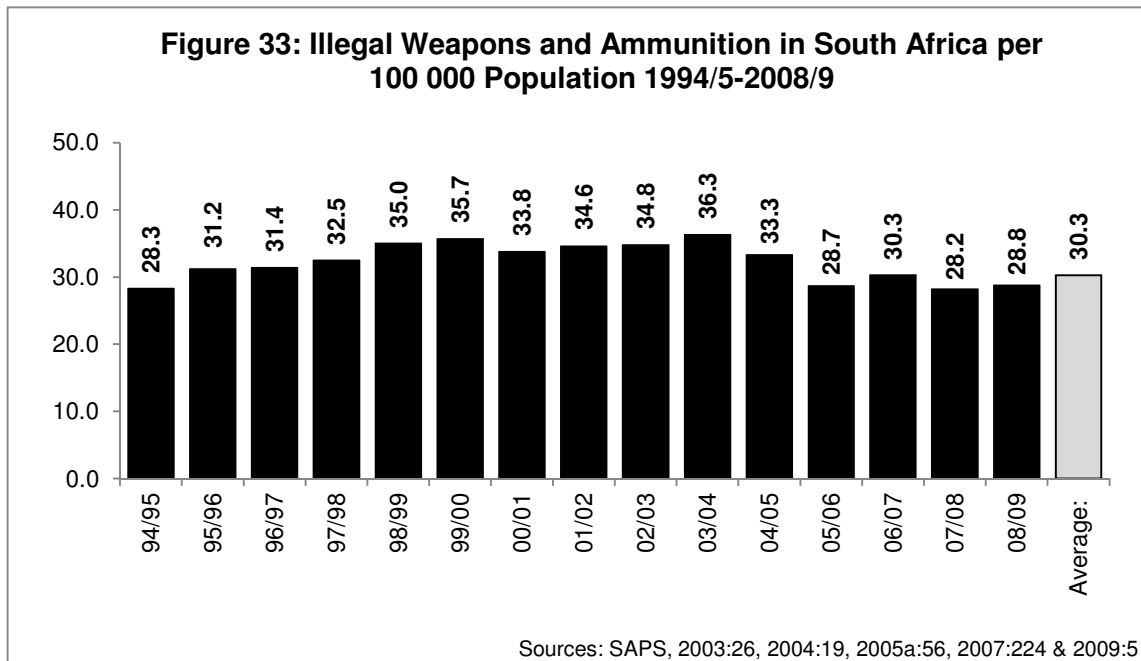


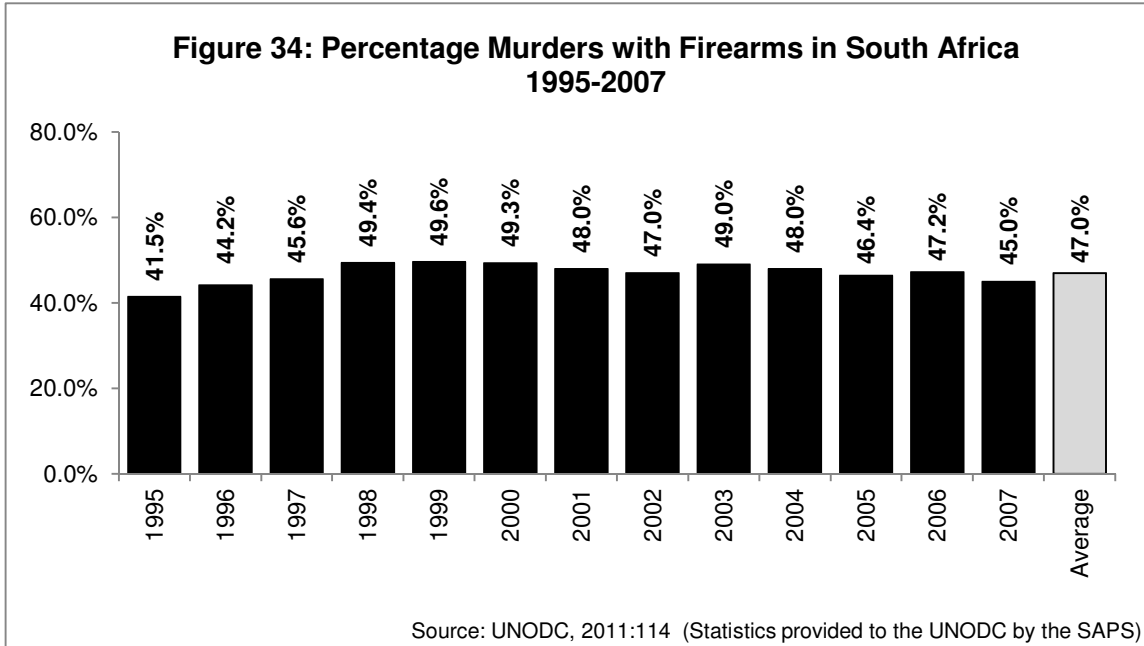
Figure 33 also confirms the increase in cases of illegal weapons and ammunition per 100 000 of the population reported in South Africa in the late 1990s and the subsequent decrease in the latter part of the first decade of the twenty-first century. An

annual average of 30.3 cases per 100 000 of the population was reported between 1994 and 2009.



Incidents of violence in which guns are used are far more likely to result in death than other incidents of violence. Most violent crime is associated with firearms as criminals use these to coerce victims into conceding to their demands (for example during residential robberies and car hijackings), although other weapons, such as knives, or even no weapons at all, could be used in some incidents. Most violent criminals, however, prefer the use of firearms as they provide them with a sense of “coercive power” over their victims (Centre for the Study of Violence and Reconciliation, 2007:63). The majority of murders committed in South Africa are the result of two types of events; firstly as a consequence of physical violence such as assault, or during an argument between two or more individuals, or secondly, they take place while another crime is being committed, such as robbery, burglary or rape (Centre for the Study of Violence and Reconciliation, 2007:61).

Although Figure 34 illustrates that although less than 50 percent of all murders committed in South Africa between 1995 and 2007 were caused by a firearm, this remains the biggest single cause of death in murder cases. This is confirmed by the South African Medical Research Council (MRC) that analyses the mortality rate in the country. It utilises a system called the National Injury Mortality Surveillance System (NIMSS) which investigates how people died in the country over a period of time.



The NIMSS's differs from the SAPS as it does not use quantitative data (number of cases reported at police-station level), but rather data collected at mortuaries across the country. Table 22 depicts information the NIMSS collected on the cause of death related to murder in the country over a five year period between 2000 and 2004.

**Table 22: NIMSS - Cause of Death in South Africa 2000-2004**

Cause Of Death	2000	2001	2002	2003	2004	Total	%
<b>Firearms</b>	4 372	6 104	5 572	5 387	3 953	25 388	<b>53%</b>
<b>Sharp force</b>	2 547	3 168	3 151	3 220	2 992	15 078	<b>31%</b>
<b>Blunt force</b>	1 135	1 414	1 246	1 461	1 310	6 566	<b>14%</b>
<b>Strangulation</b>	86	184	153	199	157	779	<b>2%</b>
<b>Burn</b>	63	55	48	67	57	290	<b>0,6%</b>
<b>Total</b>	8 203	10 925	10 170	10 334	8 469	48 101	(100%)

Source: Centre for the Study of Violence and Reconciliation, 2007:63

When assessing the data from the NIMSS in Table 22 regarding the cause of death as a result of murder, and when comparing SAPS data for the five year period from 2000 to 2004 only, as provided in Figure 34, it is evident that even though the percentage of murders caused by firearms are slightly higher in the NIMSS data (53 percent versus an average of 48.3 percent), it still confirms that firearms were the leading cause of murder in the country. Furthermore, the NIMSS data also represents other methods or weapons used to commit murder, which include the use of sharp objects (such as

knives) and blunt objects (such as sticks and stones). Sharp objects accounted for 31 percent of the causes of death and blunt objects for 14 percent.

In addition, the SAPS stated in 2007 that most violent crimes that involve physical violence, including all forms of assault, murder and rape, are linked to specific social behaviour patterns, such as alcohol and drug abuse, and geographical areas (informal settlements, townships, rural areas and other poverty stricken areas). These violent crimes are also usually committed among people who know each other. Through criminal-docket analysis, the SAPS reported that 89 percent of both assault GBH and common assault cases; 76 percent of rape cases; 59 percent of attempted murder cases; and 82 percent of murder cases, involved people known to one another (SAPS, 2007:215, 221).

Research conducted by Zinn, as cited in Newham (2010:1-4), which was based on in-depth interviews with 30 criminals incarcerated for aggravated robbery, highlighted the fact that the primary motivation for criminals involved, who in this case were mostly young males, was financial gain. Zinn's research also highlighted the following causal factors and trends (Newham, 2010:1-4):

- 97 percent committed robbery for “economic gain”.
- Only 20 percent completed high school (none had a tertiary education).
- 76 percent were unemployed when they committed the crime.
- Some left employment to make more money through robbery.
- 80 percent had not received any form of military/security training.
- All committed other crimes before starting to commit aggravated robbery.
- 65 percent of the proceeds of their crimes were spent on valuables such as cars and clothes and substances such as alcohol and drugs.
- 35 percent of goods that were stolen and sold for cash were used to buy food or pay rent.
- Factors such as race or culture did not play any part in decisions of the criminals to target specific residences and businesses.
- Many of the criminals interviewed had role models in their communities who not only became wealthy through criminal activities, but who were respected members of those communities.
- Aggravated robbery was their crime of choice as it was perceived to be more profitable and less risky than other forms of crime.

- All started with non-violent property crimes such as theft before committing violent crimes such as robbery.

The link between aggravated robbery and organised crime has already been discussed in this chapter. The high number of aggravated robberies that took place in South Africa after 1994 is one indication of the increasing levels of organised crime experienced by the country over the same period. The next sub-section discusses some of the reasons that have been provided for the increase in organised crime in South Africa after 1994.

#### **4.2 Reasons for the Increase in Organised Crime in Post-1994 South Africa**

In 2003 the SAPS outlined several factors that had contributed to the significant growth in organised crime in South Africa during the 1990s and the beginning of the twenty-first century, which include the following (SAPS, 2003:26):

- The country possesses valuable resources that are bought, smuggled and sold by organised crime syndicates (inside and outside the country). These include gold, diamonds, abalone, rhino horn, ivory, narcotics (cannabis grown in the country), cigarettes and luxury vehicles. The high levels of unemployed youth contribute to human trafficking.
- There is a flourishing market for illicit goods and services in the country, such as drugs, illegal cigarettes, prostitution and money laundering.
- South Africa is a country with porous borders and ineffective border management. These have allowed smuggled goods and people to exit and enter the country easily since 1994.
- Organised crime syndicates have found numerous methods to launder the money earned from their illegal activities in the country.
- South Africa has advanced and well-developed communication systems, transport networks and banking systems, all with strong international links. Organised criminals have used these transport networks to smuggle illicit goods, the internet to commit crime (cyber-crime) and the banking system to launder money.

In addition to organised crime syndicates active in South Africa, Africa as a whole also saw a significant increase in transnational organised crime syndicates being established across the continent since the end of the Cold War. African countries were

not only being used as transit routes to move drugs destined for other markets such as Europe and the US, but several countries, including South Africa, developed significant consumer bases for illicit goods within their own borders. Human trafficking increased for purposes of sexual exploitation or cheap labour in the continent's agricultural and industrial industries. Human smuggling also increased drastically as many Africans and Asians are attracted to South Africa with the objective of finding employment and a better life. The smuggling of natural resources such as minerals, petroleum, timber and wildlife (ivory and rhino horn) to other markets such as Europe and Asia has also increased significantly since the 1990s (UNODC, 2005:xi). Furthermore, after 1994, South Africa witnessed a substantial increase in foreign nationals, primarily from African and Asian countries, entering South Africa mostly illegally (Stratfor, 2008). This is noteworthy, as the link between foreign nationals and organised crime in South Africa was described earlier in the chapter.

One of the forms of serious crime linked to the economic growth in post-1994 South Africa is the increasing drug abuse in the country. The US State Department identified South Africa as a prominent shipment country in the international drug trade when it stated that "South Africa's emergence from international isolation and its transition to democracy and toward a free-market economy have been accompanied by the increased use of its territory for the transshipment of contraband of all types, including narcotics" (US, 2000). The number of people susceptible to drug abuse who also had the necessary disposable income, increased significantly after 1994. In turn this resulted in an increase in people seeking help for drug addiction at relevant clinics across the country (Mail & Guardian, 2007). The link between serious crime and public sector corruption has become a substantial security issue in post-1994 South Africa. The next sub-section describes public sector corruption as one of the reasons for the high levels of serious crime in post-1994 South Africa.

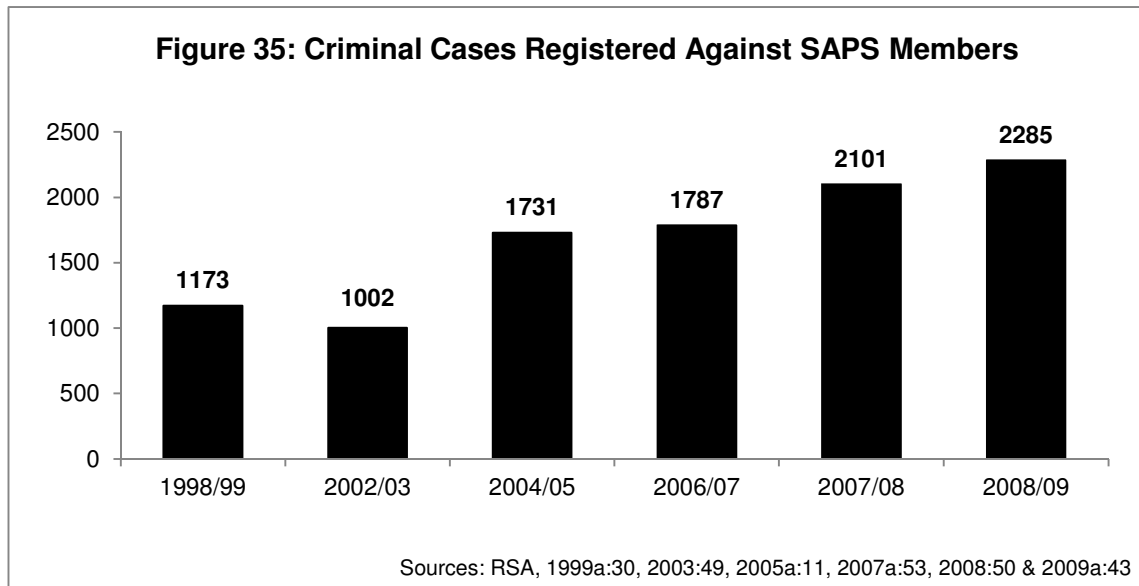
### **4.3 The Link between Corruption and Serious Crime**

The SAPS (2007:223) emphasises the link between crime and corruption by stating that "corruption/blackmail is used to procure the cooperation of people in positions of authority or able to facilitate matters for the criminals involved". Corrupt government employees include either politicians who are in a position of power or officials working for departments such as the SAPS, the NPA, the Department of Home Affairs (DHA),

the Department of Correctional Services, the South African Revenue Service (SARS) and other departments in national, provincial and local structures.

It is important to note the involvement of corrupt police officials in all forms of serious crime, as this has contributed to the high levels of the phenomenon. Corrupt police officials primarily assist criminals in the following ways (Gastrow, 2003b:120 & Omar, 2009):

- **Looking the other way:** Government officials such as SAPS members and DHA and SARS officials are paid to ignore criminal activities when discovered.
- **Involved in crime themselves:** Investigations by the former Independent Complaints Directorate (ICD), now known as the Independent Police Investigative Directorate (IPID), since the 1990s have led to the conviction of high numbers of police officers who were involved in serious criminal acts such as murder, rape, CIT heists and drug trafficking. Figure 35 depicts the number of criminal cases against police officers that were registered annually between 1998 and 2009 by the ICD. The figure shows that the ICD increasingly had to investigate the involvement of police officers in serious crimes since the beginning of the twenty-first century.



- **Destroying evidence and case dockets:** Corrupt police officials are paid to either destroy relevant evidence or make the case dockets disappear. Under both circumstances the criminal cases against the suspected criminals will then be unsuccessful. This approach became evident when the Minister of Police, Nathi

Mthethwa, reported to the South African Parliament in 2009 that a total of 688 case dockets went missing from police stations across South Africa during the 2008/9 financial year.

- **Providing information:** Organised crime syndicates pay corrupt police officials to provide them with warnings on aspects such as police action and plans against their criminal activities, as well as information on state witnesses to be used in the prosecution of the members of the criminal syndicates.
- **Fraudulently registering stolen vehicles:** Corrupt police officials, especially those working for traffic management services and metropolitan police departments, assist organised crime syndicates with re-registering stolen vehicles and providing fraudulent vehicle registration documents.
- **Extortion rackets:** Corrupt police officers extort money, for example from apprehended criminals, in exchange for releasing them or from illegal immigrants who pay them to avoid arrest and deportation.

The UNODC (2005:xi) describes the link between organised crime and public sector corruption and its impact when it states that organised crime cannot take place without the assistance of corrupt officials and that the corrupting of government officials could be seen as the most damaging consequence of organised criminal activities. Examples that can be used to illustrate the link between organised crime and government officials involved in corruption in South Africa since 1994 are described below:

- Transnational organised crime syndicates as well as international terrorist organisations, have taken advantage of high levels of corruption in the DHA with the purpose of fraudulently obtaining South African travel and identification documents. British authorities, for example, recovered boxes with thousands of forged South African passports in 2004 in London, while investigating organised crime syndicates (Stratfor, 2008). Another example dates from 1994 when DHA officials were bribed by Chinese criminals with expensive gifts to provide them with stolen DHA documents (Gastrow, 2003b:116).
- After recovering 13 stolen vehicles in 2008, the SAPS realised that the country's vehicle registration database indicated that the vehicles in question had 'left' the country a few weeks before. Subsequent investigations showed that corrupt police officials provided criminals with police clearance certificates before the vehicles were smuggled out of the country (Hübschle, 2010:35).



- It was estimated that SARS had lost over R450 million during 2000 due to customs duty evasion and money that was taken out of the country illegally (Gastrow, 2003b:123).
- The widely-publicised Travelgate scandal of 2006 exposed South African politicians' involvement in acts of corruption. Politicians serving in Parliament were found to be using officials' travel warrants fraudulently to cover other personal benefits (Hübschle, 2010:85).

In addition, the link between money laundering and the involvement of government officials in corruption also needs to be noted. This manifests in two ways. Firstly, government employees either facilitate the laundering of money from organised criminal activities, for example through trade unions, pension funds or government financial institutions, or those government employees responsible for the prevention of money laundering are bribed to ignore the activity. Secondly, corrupt government employees launder the money that they earned through corrupt activities. It has been reported that South Africa has become a haven for such laundering activities by officials from the SADC region since 1994. The former Zimbabwean Minister of Finance, Chris Kuruneri is one such example. He faced charges of violating foreign currency control laws by withdrawing foreign currency worth R5.2 million from a Harare bank and transferring it to South Africa where he used it to invest in the residential property market in Cape Town. In addition, the purchasing of several upmarket properties in Johannesburg and Cape Town have been traced to former or currently serving government ministers from the DRC and Angola (Goredema, 2004:4)

## **5. CONCLUSION**

This chapter not only emphasised the fact that serious crime became a significant security issue in post-1994 South Africa, but also that the country was identified as one of the most criminally violent countries in the world during the first fifteen years of its democracy. Crime statistics presented in this chapter indicated that high levels of violent crime, such as murder, attempted murder, rape, all forms of assault and all forms of aggravated robbery, as well as other forms of serious crime such as drug-related and commercial crimes occurred in the post-1994 period. In addition, it was not only high levels of violent crime that were reported in post-1994 South Africa, but organised crime also became a substantial security issue over the same period, as indicated by both the actual number of crimes reported and the number of crimes

reported in proportion to the size of the population in South Africa since 1994. The following can be concluded when assessing the serious crime situation in South Africa for the period from 1994 to 2009:

- The high levels of serious crime in post-1994 South Africa were not the only indication that the country could be characterised as lacking security. High levels of other forms of crime reported over the same period, such as common robbery, common assault and house burglaries, are also an indication of this situation.
- The decrease in murder and attempted murder statistics during the beginning of the twenty-first century was, however, overshadowed by three factors. Firstly, the country still had more murders annually than most countries across the world. Secondly, the high levels of sexual assault and assault GBH persisted. Finally, the country experienced a significant increase in certain aggravated robbery categories, including residential and business robberies, over the same period. All three these factors contributed to the increasing levels of insecurity felt by communities during the same period (South African society's perception of safety and security between 1994 and 2009 is described in more detail in Chapter 6 of the study).
- Linked to high levels of serious crime in post-1994 South Africa, was the proliferation of transnational and local organised crime syndicates in the country and in the SADC region. This was the result of various factors. As stated in Chapter 3 of this study, local, organised crime syndicates predated the political changes of 1994. However, due to the lack of effective law enforcement and border management in post-1994 South Africa, access for organised criminal elements was facilitated. Large numbers of illegal foreigners with links to transnational organised crime syndicates subsequently arrived in the country and entered the illicit trade market. High levels of public sector corruption and mismanagement of certain government functions (for example border management) also resulted in the development of a situation in the country conducive to organised criminal activities.
- Newly identified types of organised crimes, such as rhino poaching and human trafficking and smuggling, became security issues in post-1994 South Africa.
- Post-1994 South Africa was increasingly used as a transit country for transnational organised crime syndicates to transport illegal goods such as drugs and stolen natural resources and goods, from either South America or Asia to Europe and the US, or from SADC countries to other continents, especially Asia. In addition, criminal groups located in South Africa increasingly smuggled stolen goods and other illegal commodities from South Africa to other SADC countries.

- The country's extensive and modern infrastructure, communication structures and banking systems, when compared to other developing countries, also assisted organised crime syndicates to establish vast cross-border smuggling operations. In addition, the country possesses a wealth of commodities, including natural resources (such as rhino horn and abalone) and luxury items (such as expensive vehicles) that attracted organised crime syndicates.
- From a crime prevention point of view, the market in South Africa for illegal goods such as drugs, poached natural resources and stolen goods increased exponentially after 1994. In addition, the demand from foreign markets for illegal goods originating from South Africa, also increased significantly after 1994.
- The high levels of commercial crime in post-1994 South Africa became a significant economic burden on the country. The manufacturing and smuggling of counterfeit goods, such as cigarettes and clothing, have resulted in the government losing billions of Rand of revenue since 1994. Furthermore, criminal groups have attempted to launder the proceeds of crime over the same period.

In addition, the country's socio-economic environment, which included high levels of unemployment, poverty and substance abuse, created an environment conducive to crime. The fact that the majority of armed robbers arrested and prosecuted in South Africa were said to be young men who were unemployed and uneducated before they became involved in serious crime, is an indication of the link between the socio-economic ills in the country and serious crime.

Research undertaken by the South African Institute of Race Relations (SAIRR) estimates that the statistics described in this chapter might not even reveal the actual situation, since it found that up to 1.7 million crimes (which included crimes such as murder, house robbery and car hijackings) went unreported to the SAPS in 2011 (South African Institute of Race Relations, 2013:730). Even though this does not correspond to the time framework of crime statistics assessed in this study (1994-2009), the finding is important to note for two reasons. Firstly, it indicates that crime figures were probably much higher in the years preceding 2011. Secondly, the fact that such a high number of crimes were not reported to the SAPS in a single year, indicates that by 2011 the South African public did not have much confidence in the SAPS's ability to investigate crime and make subsequent arrests.

The high levels of serious crime reported in post-1994 South Africa support the

assertion made in Chapter 3 of this study, that evidently the ANC was not properly prepared for the task of not only managing the SAPS, but also developing and implementing the necessary strategies to significantly reduce the increasing serious-crime levels in the country.

The next chapter will discuss South African national security policy and crime prevention policies developed between 1994 and 2009, as well as official views on the gravity of crime in South Africa. This will indicate the degree to which serious crime in South Africa was officially viewed as a national security issue in the period under discussion.

## CHAPTER 5

# SOUTH AFRICAN NATIONAL SECURITY POLICY AND CRIME PREVENTION POLICIES AND STRATEGIES

### 1. INTRODUCTION

This chapter describes and assesses South Africa's current national security policy and crime prevention strategies, as well as official views on the seriousness of crime in South Africa. In this manner the extent to which serious crime in South Africa is officially viewed as a national security issue, can be evaluated.

The first section of the chapter focuses on the South African government's position on national security between 1994 and 2009, although brief references will also be made to subsequent developments. This section describes how the traditional view of national security as being primarily military-dominated, changed into an approach that was more aligned to the concept of human security. It briefly sets out the national security policy framework that was developed during the above period and also contains official statements on the incidence of serious crime in South Africa and its impact on the country's national security.

The subsequent section of the chapter describes the different role-players involved in crime prevention in South Africa after 1994, including their respective roles and responsibilities as outlined in the country's crime prevention legislation and policies. This section also highlights the amalgamation after 1994 of the country's law enforcement agencies, intelligence agencies and defence forces, as well as the establishment of new government security structures, such as the metropolitan police services and police secretariat. A brief description of government's attempts to regulate the country's large private security industry is also included in this section.

The third section of the chapter outlines the different crime prevention policies and strategies that were developed in South Africa between 1994 and 2009. The section also highlights the fact that government established specialised structures to combat organised crime in the country, as well as significantly increased policing resources during the early twenty-first century.

The chapter then concludes with an assessment of the government's approach and initiatives regarding national security and crime prevention over this period.

## **2. OFFICIAL SOUTH AFRICAN VIEWS ON NATIONAL SECURITY AFTER 1994**

Chapter 2 of the study described how most countries changed their conceptualisation of national security after the end of the Cold War, from traditional military-orientated national security policies towards those that increasingly regarded human security as a priority for the state. South Africa followed suit after 1994. Hutton (2009:15) supports this claim when stating that national security-related policies developed in South Africa after 1994 “argued for a shift away from a state-centric approach to security in favour of a national perspective premised on the notion that the objectives of security policy must go beyond ensuring the security of the state. It should, in fact, encompass the pursuit of democracy, sustainable economic development and social justice”. The next subsection describes how the post-1994 government viewed national security.

### **2.1 The Change in Threat Perception**

As a developing country, South Africa's post-1994 government realised that it could not focus its security resources on external military threats alone, as the country was facing increasing socio-economic disparities and issues such as on-going high levels of serious crime. The *White Paper on Intelligence* of 1995 supports the broadened approach to security by stating that “in recent years, there has been a shift away from a narrow and almost exclusive military-strategic approach to security. Security in the modern idiom should be understood in more comprehensive terms to correspond with new realities since the end of the bipolar Cold War era. These realities include the importance of non-military elements of security, the complex nature of threats to stability and development, and the reality of international interdependence” (RSA, 1995a). Furthermore, the *White Paper* states that “the implication is that security policy should deal effectively with the broader and more complex questions relating to the vulnerability of society. National security objectives should therefore encompass the basic principles and core values associated with a better quality of life, freedom, social justice, prosperity and development”. The *White Paper* identifies the following key features of the new view of security (RSA, 1995a):

- Security is conceived as a holistic phenomenon and incorporates political, social, economic and environmental issues.
- The objectives of security policy go beyond achieving an absence of war to encompass the pursuit of democracy, sustainable economic development and social justice.
- Regional security policy seeks to advance the principles of collective security, non-aggression and peaceful settlement of disputes.
- The national security doctrine must promote the creation of a societal environment that is free of violence and instability. It must engender, within the context of a transformed judicial system, respect for the rule of law and human life.

The *White Paper's* approach towards national security is broadly based on the principles that govern national security in South Africa, as outlined in the country's *Constitution*, which states that (RSA, 1996b):

- National security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life.
- The resolve to live in peace and harmony precludes any South African citizen from participating in armed conflict, nationally or internationally, except as provided for in terms of the Constitution or national legislation.
- National security must be pursued in compliance with the law, including international law.
- National security is subject to the authority of Parliament and the national executive.

The *White Paper on National Defence for the Republic of South Africa* also indicated that, by 1996, the government had identified the high levels of violent crime in the country as one of the primary threats to the country's population. It further proclaims that (RSA, 1996c):

In the new South Africa national security is no longer viewed as a predominantly military and police problem. It has been broadened to incorporate political, economic, social and environmental matters. At

the heart of this new approach is a paramount concern with the security of people. Security is an all-encompassing condition in which individual citizens live in freedom, peace and safety; participate fully in the process of governance; enjoy the protection of fundamental rights; have access to resources and the basic necessities of life; and inhabit an environment which is not detrimental to their health and well-being. At national level the objectives of security policy therefore encompass the consolidation of democracy; the achievement of social justice, economic development and a safe environment; and a substantial reduction in the level of crime, violence and political instability. Stability and development are regarded as inextricably linked and mutually reinforcing.

In addition, the millennium intelligence priorities set by the South African Ministry for Intelligence Services in 2000, identified threats to security in more detail. These were outlined as follows (Hough & Du Plessis, 2000:93):

- Attempts to destabilise the constitutional order, subversion, sabotage and terrorism, and in particular urban terrorism;
- Corruption;
- Crime;
- Espionage;
- Poor protective security within the state;
- Regional security dynamics;
- Continental stability issues;
- International economic and technological threats and opportunities as they relate to South Africa;
- Ensuring an environment conducive for free and fair local government elections;
- Extremism and terrorism;
- Addressing arms smuggling with a special focus on drug dealers;
- Taxi violence; and
- Involvement of foreign and South African security companies in African conflicts.



The Cabinet also approved the establishment of a National Security Council (NSC) in 2000, which would serve as an “integrated, multi-departmental” national security co-ordination structure. The primary responsibilities of the NSC were to ensure that the country’s values and institutions were defended against any threat and to promote the safety of its citizens; sustainable economic development; a stable and conflict-free region and international environment; as well as successful diplomatic relations within the international community. Issues that were identified as “high” impact issues by the NSC would be elevated to national security status as they would require an “extraordinary” reaction from government, which would include an “urgent, concerted and co-ordinated response at a national level”. The key features of issues that would require intervention at a national level would include the following (Hough & Du Plessis, 2000:58):

- High impact on quality of life.
- High impact on South Africa’s international standing.
- High impact on South Africa’s values and interests.
- The use of threat of force.
- The non-routine nature of the event or issue.
- The urgency of an issue.
- High impact on regional security.

One of the issues repeatedly raised in the official views on security threats, has been the prevalence of crime in South Africa after 1994. The next sub-section discusses the extent to which crime was identified as a security threat by the post-1994 government.

## **2.2 Crime as a Security Threat in Post-1994 South Africa**

The post-1994 government soon identified crime and criminal violence as one of the biggest threats that the country faced. In his first *State of the Nation Address* in 1994, President Nelson Mandela stated that “we must combat such social pathologies as widespread poverty, the breakdown of family life, crime, alcohol and drug abuse, the abuse of children, women and the elderly and the painful reality of street children”. He further stated that the new democratic government of South Africa (and its security structures) had to ensure the safety and security of all citizens and their property (RSA, 1994). President Mandela also compared the high levels of serious crime in the country in his second *State of the Nation Address* in 1995 as a “crime wave” and that the

government had to take “all necessary measures” to win the “war” on crime (RSA, 1995c).

The *White Paper on National Defence for the Republic of South Africa* of 1996 stated that “South Africa is characterised by endemic crime and criminal violence which affects all sectors of society and is exacerbated by the proliferation of small arms in private hands” (RSA, 1996c). One of the first steps the new government took in admitting that crime was posing a major security threat to the country was the development of the NCPS in 1996. In this document it was stated that (RSA, 1996a):

High levels of crime pose a serious threat to our emergent democracy. Violent crime often leads to a tragic loss of life and injury, and the loss of possessions and livelihood due to crime is incalculable. Crime results in the deprivation of the rights and dignity of citizens, and poses a threat to peaceful resolution of differences and rightful participation of all in the democratic process. Crime casts fear into the hearts of South Africans from all walks of life and prevents them from taking their rightful place in the development and growth of our country. It inhibits our citizens from communicating with one another freely, from engaging in economic activity and prevents entrepreneurs and investors from taking advantage of the opportunities which our country offers. The rights and freedoms which the constitution entrenches are threatened every time a citizen becomes a victim of crime.

By 1998, the government not only acknowledged that South Africa was increasingly becoming a target for both domestic and transnational organised crime syndicates that established networks in the country, but that the government was not yet in a position to prevent this from happening. The then Minister of Safety and Security, Sydney Mufamadi, acknowledged that (RSA, 1998b):

[...] South Africa is increasingly getting exposed to the threats posed by organised crime. Although South African crime is still inchoate in its level of organisation, the reintegration of our country into the “global village” has accentuated the prospect of local criminals linking up with elements who have been at the centre of the transitional

dimension of organised crime. South Africa provides an environment which allows the changing trends of organised crime to play themselves out. It has a relatively advanced industrial base and a communication network as well as an advanced banking sector. However, the investment in preventative strategies necessary to protect our banking sector and our economy generally from the illicit activities of sophisticated criminals, were not made in the past.

In 1999, the then Minister of Safety and Security, Steve Tshwete, stated in Parliament that “the criminals have obviously declared war against the South African public” (RSA, 1999b). In addition, Tshwete also emphasised the link between socio-economic development, crime prevention and national security in South Africa by stating that the government would not be able to address the issue of violent crime without implementing a national security policy which must effectively address both the issues of crime and socio-economic development in a coherent manner (RSA, 2000a).

In 2005 the government continued to acknowledge the serious threat that crime was posing to the domestic security of the country. Former Minister of Safety and Security, Charles Nqakula, for example, stated that serious crime threatened not only the physical safety of the country’s population, but also the country’s democracy (RSA, 2005b). In 2007, Nqakula also stressed the fact that government was struggling to ensure the safety and security of its citizens and that there was an urgent need for the government to find solutions to mitigate the threat that serious crime was posing to the country and its citizens (RSA, 2007b).

The link between the country’s weak socio-economic structures and the fact that the government was not able to mitigate the underlying factors contributing to high levels of crime, was acknowledged by the Minister of Police, Nathi Mthethwa, in 2009 when he stated that if the quality of life of the country’s inhabitants was to be improved it would subsequently increase the levels of safety and security across the country, due to the fact that the high levels of poverty had created an environment conducive to crime (RSA, 2009b). The then Deputy Minister of Police, Fikile Mbalula, also pointed out in 2009 that the government had a constitutional obligation towards its citizens to prevent all forms of serious crime as the population had the right to live “free” from crime (RSA, 2009c).

Kgalema Motlanthe, the then President of South Africa, during his *State of the Nation Address* in 2009, pointed out that high levels of crime were still a significant problem as it continued to be a “major source of insecurity” for people across the country – in both impoverished and affluent neighbourhoods and classes. Motlanthe also highlighted the on-going loss of much needed resources – both publically and privately – due to the prevalence of corruption in the country (RSA, 2009d). The SAPS additionally in 2009 not only identified the persistent negative impact that serious crime had on the physical and psychological well-being of the country’s inhabitants, but also on the national economy (SAPS, 2009:2-3). The increasing security threat that high levels of transnational organised crime and corruption was posing to the country was also acknowledged in 2009 by the Minister of State Security, Siyabonga Cwele (RSA, 2009e). Furthermore, President Jacob Zuma confirmed government’s perception that serious crime posed a threat to the country’s national security when he stated the following (RSA, 2009f):

The threat to national security is changing. Individual nations constitute less of a threat while criminal and terrorist organisations show high levels of belligerence, are powerful and violent. We must also bear in mind that Government has identified five priorities, education, health care, creation of decent and sustainable jobs, the fight against crime and rural development.

The high levels of serious crime experienced in South Africa after 1994, resulted in the government establishing numerous new law enforcement and other security-related structures in an attempt to counter crime. Other institutions, such as the South African National Defence Force (SANDF), were also deployed in an attempt to assist police in achieving their goals.

### **3. SOUTH AFRICA’S POST-1994 CRIME PREVENTION INSTITUTIONS**

Wide-ranging changes took place in South Africa’s security structures after 1994. Mufamadi stated in 1998 that the government’s approach to improving safety and security in the country after 1994 was primarily informed by, firstly, the need to establish a representative police service which could effectively implement safety and security policies and strategies developed by the government, and secondly, to mobilise communities across the country to assist the police in their crime prevention

responsibilities (RSA, 1998b). In addition, the *White Paper on Safety and Security of 1998* confirms the above by stating that the first responsibility the government had after 1994 regarding safety and security in the country was to oversee the amalgamation of the different pre-1994 policing structures into one police agency and the effective transformation of the new police service into a representative and community-based police agency (RSA, 1998c).

Many challenges had to be overcome during this transformation of the country's security structures, including the transformation of the SAPS from the previous SAP. These challenges also had a direct bearing on the SAPS's capability to ensure effective service delivery to the public of the country. They included issues such as the lack of resources, continuous and cumbersome restructuring processes and a significant decrease in personnel numbers (Schönteich *et al*, 2004:39). The following sub-section describes the role and responsibilities of the country's Parliament and police secretariats regarding crime prevention in the country. It indicates that the high levels of serious crime witnessed in the country from the early 1990s resulted in the government establishing civilian oversight structures to ensure that the law enforcement agencies were effectively reducing crime (as they were mandated to do). It also indicates that the involvement of the national and provincial political leadership of the country in matters of crime prevention reflects the government's concern about the increasing crime levels (especially violent crime) in South Africa after 1994.

### **3.1 Parliament and Police Secretariats**

The Parliamentary Portfolio Committee on Policing is responsible for oversight of the country's policing structures and relevant legislation and policies. The Committee's responsibilities include the following (Hendricks & Musavengana, 2010:141-142):

- To evaluate relevant legislation and develop new legislation.
- To monitor and evaluate the actions and services provided by the country's law enforcement structures and other relevant agencies, which include the Department of Police (formerly the Department of Safety and Security), the ICD and the Private Security Industry Regulatory Authority (PSIRA).
- To ensure that public participation occurs regarding policing matters in the country.
- To ensure that objectives are reached pertaining to the country's involvement in relevant international treaties and protocols.

There are several other government structures that play an oversight role over the SAPS, including the South African Human Rights Commission; the Auditor-General's Office; and the Office of the Public Protector (Hendricks & Musavengana, 2010:142). In addition, the South African *Constitution* states that the National Minister of Police (previously known as the Minister of Safety and Security) and the Secretariat for Safety and Security (now known as the Civilian Secretariat for Police) are responsible for all elements related to policing in South Africa, including civilian oversight over the police, the development of policies and strategies and the different policing needs and priorities of the different provinces across the country. On a provincial level, a Member of the Executive Committee (MEC) is also appointed as the provincial cabinet member responsible for the monitoring and evaluation of law enforcement activities within those respective provinces (RSA, 1996b). In addition, the former ICD (now known as IPID), also plays an oversight role regarding the SAPS as it is their responsibility to investigate alleged criminal offences committed by members of the SAPS (RSA, 2011).

### **3.2 The South African Police Service**

The *South African Police Service Act* of 1995 confirmed the amalgamation of the previous SAP and the 10 independent state and homeland police agencies into the SAPS (RSA, 1995b). The South African *Constitution* and the *White Paper on Safety and Security* of 1998 state that the objectives of the SAPS are not only to prevent and investigate crime, but they also have the responsibility of ensuring public order across the country; to ensure that the laws are enforced; and to protect the population and their property from any possible threats (RSA, 1996b & 1998c).

The *White Paper on Safety and Security* of 1998 stated with regard to the resources and activities of the SAPS that the focus of the National Commissioner of the SAPS from 1998 should be on three major policing priorities, namely criminal investigations, crime prevention through visible policing and service delivery regarding the victims of crime (RSA, 1998c). The mission of the SAPS was set out as follows (SAPS, 2002:6 & 2005c:8):

- Prevent anything that may threaten the safety or security of any community;
- Investigate any crimes that threaten the safety or security of any community;

- Ensure criminals are brought to justice; and
- Participate in efforts to address the root causes of crime.

In accordance with the country's *Constitution*, the SAPS fell under the civilian authority and political control of the national Department for Safety and Security (which was renamed the Department of Police in 2009). The Department has a monitoring and evaluation responsibility for the SAPS and all police-related activities in the country. In 2003, the Department identified the following key objectives for the medium term regarding policing in South Africa (SAPS, 2003:3):

- To provide a proactive policing service to reduce the incidence of all crime, but especially serious and violent crime, organised crime and crimes committed against women and children.
- To police South Africa's ports of entry and exit to prevent drug trafficking and the illegal trade in goods and people.
- To manage disorderly crowds and incidents of unrest at public gatherings.
- To investigate crime and to gather all evidence required by the prosecuting authority to prosecute criminal cases.
- To gather, collate and analyse intelligence to generate reports that can be used to neutralise crime threats.
- To protect foreign and local prominent persons in order to prevent security breaches.

In addition, the Department also chaired the interdepartmental committee on issues of safety and security in South Africa, namely the Justice, Crime Prevention and Security (JCPS) Cluster, which coordinates joint crime prevention initiatives in the country. Other relevant departments such as the SANDF, intelligence services, social development services and correctional services also form part of the JCPS. In 2003, the JCPS Cluster prioritised strategic interventions in the following government programmes (SAPS, 2003:3):

- Development and Transformation of Cluster Departments
- Security
- Intelligence and Counter-Intelligence
- Organised Crime and Border Control

- Crime Prevention and Combating
- Detention
- Coordination and Cooperation
- Communication

By 2005 the activities of the Department for Safety and Security (including the SAPS) were organised into five programmes with their own key measurable objectives. This would allow government to assess the impact of these different programmes, as indicated in Table 23 (SAPS, 2005a:16).

<b>Key Departmental Programmes and Sub-programmes</b>	<b>Measurable Objective</b>
<b>Programme 1 – Administration</b> <ul style="list-style-type: none"> <li>– Minister</li> <li>– Deputy Minister</li> <li>– Management</li> <li>– Corporate Services</li> </ul>	To provide for the development of departmental policy and the management of the department, including administrative support.
<b>Programme 2 – Visible policing</b> <ul style="list-style-type: none"> <li>– Crime Prevention</li> <li>– Border Policing</li> <li>– Specialised Interventions</li> </ul>	To discourage all crimes occurring by providing a proactive and responsive policing service that will prevent the priority crime rate from increasing annually.
<b>Programme 3 – Detective Services</b> <ul style="list-style-type: none"> <li>– General Investigations</li> <li>– Specialised Investigations</li> <li>– Criminal Record Centre</li> <li>– Forensic Science Laboratory</li> </ul>	To contribute to the successful prosecution of crime by investigating and gathering all related evidence, thereby preventing the detection rate from decreasing annually.
<b>Programme 4 – Crime Intelligence</b> <ul style="list-style-type: none"> <li>– Crime Intelligence Operations</li> <li>– Intelligence and Information Management</li> </ul>	To contribute to the neutralisation of crime by gathering, collating and analysing intelligence information, which will lead to an actionable policing activity.



<p><b>Programme 5 – Protection and Security Services</b></p> <ul style="list-style-type: none"> <li>– VIP Protection Services</li> <li>– Static and Mobile Security</li> </ul>	<p>To minimise security violations by protecting foreign and local prominent people and securing strategic areas to ensure a safer South Africa.</p>
<p>Source: SAPS, 2005a:16</p>	

The post-1994 period also saw the establishment of policing structures in the country that operated independently from the SAPS, namely the metropolitan police services, which are described briefly in the next sub-section of the study. This indicates the government's attempts to reduce the high levels of crime in the country after 1994.

### 3.3 Metropolitan Police Departments

The growing concern about crime levels in the late 1990s and public frustration about the inability of the SAPS to prevent crime in the major cities of the country led to the establishment of municipal police services (also known as metropolitan police departments) in several cities across the country. The concept of municipal policing became popular in post-1994 South Africa for the following reasons (Rauch *et al*, 2001:10):

- Increased pressure was placed on local government structures to ensure improved levels of safety in those metropolitan areas.
- Metropolitan municipalities were unable to influence the activities, resourcing and priorities of the policing structures (SAPS) within their constituencies. This resulted in those municipalities not being able to deliver on safety issues highlighted by their constituencies.
- The metropolitan municipalities did not have much experience regarding crime prevention initiatives beyond policing (such as the impact that spatial design has on crime levels within city centres and suburbia). The establishment of metropolitan policing structures therefore became an option to deal with high levels of crime.

The *South African Police Service Act* of 1995; the *South African Police Service Amendment Act* of 1998; and the *Local Government Systems Act* of 2000, provided the legal framework for the establishment of municipal police services in South Africa. Six such services were subsequently established in major metropolitan areas of the country, namely Johannesburg, Ekurhuleni, Tshwane, Durban, Cape Town and Nelson

Mandela Bay. All of the above-mentioned municipal police services are funded by, and accountable to, their respective local or city governments. They also have some accountability to the National Commissioner of the SAPS and the MECs responsible for safety and security in their respective provinces. The different metropolitan police departments have three primary functions, namely traffic policing, the policing of municipal bylaws and crime prevention (RSA, 1995b, 1998d, 2000b & Rauch *et al*, 2001:11-12). Civilian oversight of the municipal police departments is the responsibility of the relevant public safety committees, which comprise local government councillors and civilians. Research, however, highlighted the fact that oversight of the metropolitan police departments by these public safety committees and other provincial structures was weak, and that the metropolitan police departments were crippled by issues of integrity with high levels of corruption being reported (Newham, 2004:8, 2006:5 & Faull, 2009:7). By 2009 the amalgamation of the municipal police departments into the SAPS was being debated within the political structures of the country.

Other security structures related to the prevention of crime, especially organised crime activities, include the different intelligence services of the country.

### **3.4 Intelligence Services**

The *White Paper on Intelligence* of 1995 determined the policy framework for the establishment of the country's intelligence structures in the post-1994 period. This included the institution of domestic (National Intelligence Agency) and foreign (South African Secret Service) intelligence agencies (both agencies now form part of the State Security Agency which was established after 2009); military intelligence; and crime intelligence bodies (also known as SAPS-CI), as well as the establishment of national structures for the coordination of intelligence (National Intelligence Coordinating Committee) and civilian oversight of these intelligence structures (Inspector General of Intelligence) (RSA, 1995a).

According to the *White Paper on Intelligence*, the purpose of the country's intelligence structures is to support the government in achieving its objectives in relation to stability, security and development. The intelligence services, especially the civilian intelligence services, would assist the government in its objective through the gathering, collating and dissemination of intelligence to identify all possible security threats to the country and its citizens. The *White Paper* also acknowledged that crime is one such threat and

that the government, including the country's intelligence services, had to ensure the effective implementation of crime prevention policies and strategies (RSA, 1995a). In 2000, former Intelligence Minister Joe Nhlanhla not only indicated the role that the country's civilian intelligence services (in conjunction with law enforcement agencies) played in the prevention of serious crime in South Africa, but also conceded that the high levels of serious crime necessitated these structures to be involved in its prevention, especially regarding the prevention of transnational organised criminal activities in the country (RSA, 2000c).

Even though the high levels of serious crime, especially the proliferation of organised crime after 1994, necessitated the country's civilian intelligence services to become involved in government programmes to help prevent those crimes, it primarily remains the responsibility of the police's intelligence structures to gather intelligence related to crime prevention. The *National Strategic Intelligence Amendment Act* of 2002 states that it is the responsibility of the SAPS's crime intelligence structures to "gather, correlate evaluate, co-ordinate and use crime intelligence in support" of the SAPS's objectives (RSA, 2002).

The *White Paper on Intelligence* states that the primary objective of the intelligence structures is maintaining and promoting national security in South Africa and that intelligence should be used to achieve this objective (RSA, 1995a). The increasing involvement of the intelligence structures, including the civilian intelligence services, in government crime prevention initiatives, is an indication of the seriousness with which the government viewed the threat that serious crime posed to the country after 1994. A further indication is the allocation of military resources to crime prevention initiatives after 1994, as is briefly described in the sub-section below.

### **3.5 South African National Defence Force**

The SANDF only plays an indirect role in the prevention of crime in the country through its border control mandate (prevention of cross-border crimes) and support role to the SAPS during times of instability. The *White Paper on National Defence for the Republic of South Africa* of 1996 defines this concept by stating that "the primary function of the SANDF is to defend South Africa against external military aggression. The other functions are secondary." The *White Paper* highlights the support role that the SANDF provides to the SAPS by stating that "these activities include disaster relief; the

provision and maintenance of essential services; search and rescue; evacuation of South African citizens from high threat areas; protection of maritime and marine resources; and regional defence co-operation” (RSA, 1996c).

The SANDF has primarily co-operated with the SAPS in three major areas since 1996, namely borderline management; rural protection; and combating serious crime, which included the stabilisation of areas characterised by high levels of violence, such as the KwaZulu-Natal Midlands; the prevention of urban terrorism in the Western Cape in the late 1990s and early twenty-first century; and the safeguarding of major local and international events (such as elections or the 2010 Soccer World Cup) (Hough & Du Plessis, 2003:130). The fact that the SANDF was deployed to assist the SAPS between 1994 and 2009 therefore indicates that the government acknowledged that the SAPS did not have enough capacity to prevent crime effectively and to ensure domestic security. It also indicates that the government acknowledged the level of threat that serious crime posed to the country as military resources were allocated to reduce the threat, although military resources are generally used to protect a country from external rather than internal threats.

Chapter 3 of the study highlighted the growth of the private security industry in pre-1994 South Africa. The growth of this sector in South Africa was even more significant in post-1994 South Africa than before, as the industry grew to unprecedented levels over this period. By February 2010 there were 1.4 million security officers registered in South Africa and the industry had an annual turnover of over R40 billion (Berg & Gabi, 2011:5). It is, therefore, important to identify the government’s official policy regarding the significant growth of the private security industry as it had a direct impact on the prevention of serious crime in the country in the post-1994 period. The link between the growth of the security industry in post-1994 South Africa and the fear of serious crime is described in more detail in Chapter 6 of the study.

### **3.6 The Private Security Industry**

The purpose of the *Private Security Industry Regulation Act* of 2001 is “to provide for the regulation of the private security industry; for that purpose to establish a regulatory authority; and to provide for matters connected therewith”. The *Act* outlined the legal framework for the establishment of the country’s PSIRA authority as a state entity with the aim “to regulate the private security industry and to exercise effective control over

the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself” (RSA, 2001a).

The significant role that the private security industry plays in crime prevention in the country needs to be outlined. Irish (1999:7) describes the growing role that the private security industry played in crime prevention in post-1994 South Africa, by stating that “(p)ivate security companies are increasingly performing functions previously performed by the police. This has, and will continue to have, a significant influence on the functioning of the criminal justice system as a whole”. Irish (1999:8-9) argues, however, that the private security industry cannot replace the police as they have different objective and roles, which she outlines as follows:

- The SAPS’s main objective is to protect the public while private security companies’ main objective is protection of their clients’ interests.
- Private security companies are less accountable to the public than the SAPS is.
- Private security companies are employed to reduce the risk that crime poses to their clients, while the SAPS attempts to deter “future crime by punishing criminals after they have committed a crime”.
- The private security industry does not have the powers that the SAPS has as it receives its powers from its clients, meaning that these companies “have no special powers beyond those of ordinary citizens”, hence the SAPS’s increased powers increase its accountability to the ordinary citizens.

Minnaar and Mistry (2004:39), reaffirm the expanding role that the private security industry plays in crime prevention in post-1994 South Africa by stating that “within the context of the growth of private security, and the potential for filling the so-called “policing gap” with private security resources, proposals were developed which saw the private security sector either assist the SAPS in its policing functions, or advocate for outsourcing certain policing functions to the private security industry”. The significant growth in the private security industry after 1994 and the government’s attempts to regulate it, indicate that the SAPS could not effectively ensure the safety and security of the country’s citizens, as those who could afford it, turned to private security. It also indicates that the increasing growth of the private security industry after 1994 illustrates the threat that serious crime posed to the security of the country. In addition, government also acknowledged that the private security industry was not only fulfilling

part of a mandate that the SAPS was responsible for, but that there was a need to regulate its role in the country.

The post-1994 government developed numerous crime prevention strategies with the objective of not only reducing the high levels of serious crime, but also to address the factors contributing to these high crime levels. The next section of the chapter describes the most significant of these strategies since 1994.

#### **4. SOUTH AFRICA'S CRIME PREVENTION STRATEGIES BETWEEN 1994 AND 2009**

As previously mentioned, the first step the new government took in the post-1994 period to reduce the high levels of serious crime, was the drafting of a long-term crime prevention strategy, namely the NCPS of 1996. The NCPS is one of the only government strategies developed between 1994 and 2009 that attempted to outline an approach by government regarding domestic security, especially since the country did not have a comprehensive national security strategy. The NCPS is “not the equivalent of a comprehensive national security policy or strategy, although as comprehensive programme to prevent and combat crime, it forms a building block in the formulation of – primarily domestic – national security policy and strategy” (Hough & Du Plessis, 2003:202).

##### **4.1 The National Crime Prevention Strategy of 1996**

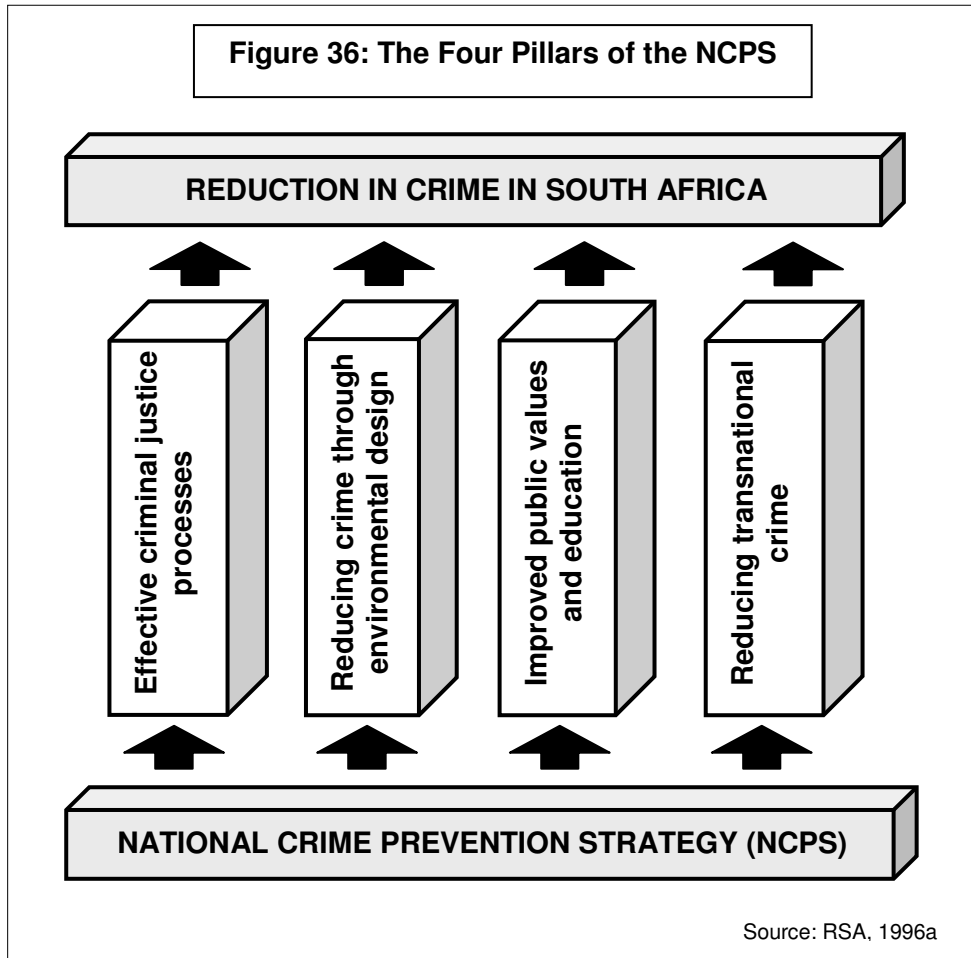
The primary objective of the NCPS was to serve as a national long-term strategy that would address the root causes of crime, which in turn would lead to a significant reduction of crime. The NCPS also had to outline new, more effective ways in which the issue of crime could be dealt with by all relevant government and non-governmental role-players. The objectives of the NCPS were as follows (RSA, 1996a):

- The establishment of a comprehensive policy framework which will enable government to address crime in a coordinated and focused manner which draws on the resources of all government agencies, as well as civil society.

- The promotion of a shared understanding and common vision of how we, as a nation, are going to tackle crime. This vision should also inform and stimulate initiatives at a provincial and local level.
- The development of a set of national programmes which serve to kick start and focus efforts of various government departments in delivering quality service aimed at solving the problems leading to high crime levels.
- The maximisation of civil society's participation in mobilising and sustaining crime prevention initiatives.
- Creation of a dedicated and integrated crime prevention capacity which can conduct on-going research and evaluation of departmental and public campaigns as well as facilitating effective crime prevention programmes at provincial and local level.

The NCPS subsequently proposed a new approach to crime prevention in the country, comprising four categories (which were referred to as "pillars" in the strategy), which are described in more detail and depicted in Figure 36 (RSA, 1996a):

- **The criminal justice process:** improving the effectiveness and efficiency of the criminal justice system. The criminal justice system must not only be a deterrent, but must also ensure that criminals do not become repeat-offenders.
- **Reducing crime through environmental design:** ensuring that there are limited environmental or situational opportunities for crime. In addition, ensuring that safety and crime prevention considerations are applied not only during the planning of new developments, but also during the re-design and upgrading of existing infrastructure.
- **Public values and education:** ensuring community participation and involvement in crime prevention. In addition, ensuring a positive impact on the way the country's communities engage with and respond to crime.
- **Transnational crime:** ensuring that cross-border crime (especially those committed by transnational organised crime syndicates) is reduced through improved border management, anti-corruption measures and improved regional co-operation.



The NCPS also identified several crime categories that are of concern to the government, such as crimes involving firearms; organised crime; white-collar crime (economic crime); gender violence and violence against children; violence associated with intergroup conflict; vehicle theft and hijacking; and corruption within the criminal justice system (RSA 1996a). These categories include all the serious crime categories that were discussed in Chapter 4 of the study. This highlights the fact that the post-1994 government changed its strategic approach to crime prevention priorities when compared to the country's policing priorities of the pre-1994 period. The fact that organised crime, corruption and violence against women and children were now elevated to a national policing priority is an example of this change.

In addition, both the NCPS and the *White Paper on Safety and Security* of 1998 also advocated the need for a significant improvement in the relationship between the country's security forces and the communities they serve. The SAPS subsequently adopted the policy of "community policing" and as the basis of its approach to crime prevention. As quoted by Burger (2007:52), community policing has been defined as



“policing that emphasises cooperative approach between the police and other citizens focusing on solving community problems and improving the quality of life in the community”.

Even though the NCPS was regarded as a sound strategy, Burger (2007:79) identified two primary reasons for this failure. Firstly, leadership in government did not understand the complicated connections between the prevalence of serious crime and its underlying causes. Secondly, this lack of understanding resulted in government departments (and their management structures) not fulfilling their responsibilities as set out by the NCPS due to a lack of political will and commitment by those departments.

There were, however, several positive outcomes regarding the development of the NCPS. The most significant was the strategic change in the government’s approach to crime prevention in the country. Government changed its crime prevention strategies from short-term, reactionary strategies to more long-term strategies with clear objectives, which included preventative measures rather than just reactionary measures to reduce the levels of crime in the country (Pelser, 2002:23). A further positive outcome of the new crime prevention policies developed in post-1994 South Africa was the fact that the police started moving towards a more community-related approach to policing (so called community policing) (Pelser, 2002:140-141).

## **4.2 The White Paper on Safety and Security of 1998**

The NCPS was followed by the *White Paper on Safety and Security* of 1998, which was developed in accordance with the strategic direction that the NCPS advocated. Mufamadi confirmed this when stating in the foreword of the *White Paper* that “in keeping with the approach outlined in the National Crime Prevention Strategy, the White Paper advocates a dual approach to safety and security – effective and efficient law enforcement and the provision of crime prevention programs to reduce the occurrence of crime”. The *White Paper* had three primary objectives. Firstly, it aimed to outline the strategic priorities to deal with crime in the country. Secondly, it described the roles and responsibilities of various safety and security role-players in the country. Finally, the role of the then Department of Safety and Security within the Constitutional framework was described. The *White Paper* identified four focus areas of the government’s attempts to reduce crime, namely crime and policing in the country’s new

democracy; government anti-crime initiatives; developing new policies; and strategic areas for intervention (RSA, 1998c).

As depicted in Table 24, the *White Paper* stated that in order to achieve an effective crime prevention framework in South Africa, government intervention was required in two key areas, namely law enforcement and social crime prevention (RSA, 1998c).

<b>Law Enforcement</b>	<b>Social Crime Prevention</b>
Reduces the opportunity for crime by making it more difficult, more risky or less rewarding to commit crimes. Effective law enforcement creates a strong deterrent to crime.	Reduces the socio-economic and environmental factors that influence people to commit crimes and become persistent offenders.
<b>How is it Achieved?</b>	<b>How is it Achieved?</b>
<ul style="list-style-type: none"> <li>– Justice system acts as a deterrent</li> <li>– Law enforcement</li> <li>– Rehabilitation and reintegration</li> <li>– Active visible policing</li> <li>– Successful investigations</li> <li>– Victim empowerment</li> </ul>	<ul style="list-style-type: none"> <li>– Designing out crime</li> <li>– Education</li> <li>– Promoting social cohesion</li> <li>– Supporting youth, families and groups at risk</li> <li>– Breaking cycles of violence</li> <li>– Promoting individual responsibility</li> <li>– Socio-economic interventions to undercut causes of crime</li> </ul>
<b>Who is Responsible</b>	<b>Who is Responsible</b>
<ul style="list-style-type: none"> <li>– All levels of Government</li> <li>– All Government departments, particularly those engaged in the National Crime Prevention Strategy</li> <li>– South African Police Service</li> </ul>	<ul style="list-style-type: none"> <li>– All levels of Government</li> <li>– Government departments such as Housing, Education, Welfare and Health</li> <li>– Municipalities</li> <li>– National Crime Prevention Strategy</li> <li>– Organisations of civil society</li> <li>– Citizens and residents of South Africa</li> </ul>
Source: RSA, 1998c	

Regarding the improvement of law enforcement in the country, the *White Paper* suggested three focus areas, namely improving the police's ability to investigate crime; increasing visible policing across the country; and providing better services to the victims of crime. The government's objective to develop an effective social crime prevention strategy featured in the *White Paper* through two proposals, namely the coordination and evaluation of social crime prevention at national, provincial and local level; and coordination to ensure that the criminal justice system is transformed into an integrated justice system. In addition, the *White Paper* stated that there was a need for government to pay attention to the factors that led to the occurrence of crime and that the development and implementation of effective social crime prevention strategies would mitigate those factors (RSA, 1998c).

The *White Paper on Safety and Security* of 1998 faced the same challenges as the NCPS. The *White Paper* was regarded as a sound guideline but not implemented as was intended. Even after the tabling of the *White Paper*, the SAPS still had to assume almost all of the responsibility for crime prevention in the country. Burger and Boshoff (2008:11) state that even though the NCPS and the *White Paper* provided the government with policy directions on crime prevention, the "core problem" was that "public safety was still commonly viewed as solely a security issue and consequently as the responsibility of the criminal justice system – specifically of the police".

New crime prevention policies, such as the NCPS and the *White Paper on Safety and Security*, primarily became the responsibility of the SAPS rather than, as was intended, the responsibility of other relevant government departments that could have had a positive impact on the social causes of crime. Rauch (Pelser, 2002:13) supports this when stating that the fact that the NCPS gave "the Department of Safety and Security the responsibility for the implementation and coordination of a strategy with a long-term focus on socio-economic causes of crime demonstrated an inability to think of crime prevention in strategic terms. Strategically, it would have made much more sense to place primary responsibility for such a strategy with those government departments primarily responsible for these matters".

The NCPS and the *White Paper on Safety and Security* were not the only crime prevention strategies developed in post-1994 South Africa. Other significant crime prevention strategies and initiatives that were developed by the government after 1994 are briefly described in the next section. They illustrate that, in addition to the NCPS

and the *White Paper on Safety and Security*, the government developed several other, specific strategies to attempt to enhance its capability to safeguard domestic security.

### **4.3 Other Post-1994 Governmental Crime Prevention Strategies and Initiatives**

In April 2000, the Department of Safety and Security launched the National Crime Combating Strategy (NCCS). According to the SAPS, the objective of the NCCS was to improve the country's law enforcement agencies' ability to prevent serious crime by informing and directing operations at police station level. In terms of the multidisciplinary geographical approach, police resources would be focused on identified high-crime areas and stations identified for special attention by the President (SAPS, 2003:5). The Department of Safety and Security and the SAPS subsequently identified and prioritised approximately 145 police station areas out of almost 1 200 nationally which accounted for more than 50 percent of all serious crime in the country. The NCCS identified four operational priorities for the SAPS in reducing and preventing serious crime in South Africa. Firstly, the combating of organised crime needed to be prioritised, focusing on organised crime-related activities such as vehicle theft and hijacking; smuggling and selling of drugs; firearms trafficking; commercial crime; and corrupt officials assisting organised crime syndicates. Secondly, reducing the high levels of violent crimes in the country by countering the proliferation of firearms; improving safety and security in high-crime areas; combating "specific crime generators" (for example taxi and gang violence) and ensuring security at key public events. Thirdly, strategies needed to be developed regarding the reduction of violent crimes against women and children. Finally, the improvement of service delivery at police stations needed to be prioritised (Legget *et al*, 2003:20-22 & Burger, 2007:116-118).

The planned implementation time framework of the NCCS spanned a twenty year period (2000-2020) and was subdivided into three simultaneous phases with their own priorities, objectives, roles and responsibilities. First was the short-term stabilisation phase (2000-2003), followed by the medium-term normalisation phase (2000-2005). Both these phases were seen as the primary responsibility of the SAPS in conjunction with other role-players. The objectives of these two phases were not only to reduce the levels of serious crime significantly, but also the fear of crime in the country. In addition, the two phases had to create an environment in South Africa which would allow for

effective socio-economic development to take place. The third and last phase of the NCCS was the long-term socio-economic development phase (2000-2020), which would be the primary responsibility of the government departments responsible for socio-economic development in the country (Burger, 2007:117-118).

It was not only on a national level that new crime prevention strategies were launched in the post-1994 period. Specific provincial or municipal crime prevention strategies were also developed during this period. The purpose of these strategies was to mitigate specific types of crimes in specific geographic areas or communities – crimes that were either geographically isolated or witnessed a major increase in those communities.

The first example is the *Gauteng Aggravated Robbery Strategy* which was developed in 2006 by the Gauteng Department of Community Safety in conjunction with the Gauteng Provincial Office of the SAPS. Its purpose was to reduce the incidence of residential robbery in the province as the authorities became concerned about the significant increase in this crime (Newham, 2008:7). The second example is the *Western Cape Strategy against Gangsterism*, which was aimed at improving the coordination of anti-gang initiatives and providing a sustainable response among relevant state departments, law enforcement agencies and the communities affected by gangsterism in the Western Cape (Kagee & Frank, 2005:18). Finally, the *Johannesburg City Safety Strategy* was developed by the Johannesburg metropolitan council and was aimed at reducing not only the incidence of crime in the city, but also the fear it caused. The strategy also looked at reducing the negative impact crime had on both the economic and social sectors of the city (City of Johannesburg, 2007:8).

The national government also developed several strategies and established various crime-combating structures for the prevention of organised crime, which was shown in Chapter 4 of the study to have increased significantly in post-1994 South Africa. The next sub-section briefly describes some of the most significant steps the government took in this regard after 1994.

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

As was stated in Chapters 3 and 4 of this study, one of the reasons for the increase in organised crime syndicates and related activities in the country during the 1980s and

early 1990s, was the fact that the government did not prioritise the phenomenon as a serious security threat. One of the first steps the newly elected government took to rectify this issue was to develop several laws to assist the state in the investigation and prosecution of organised crime syndicates, including the *National Strategic Intelligence Act* of 1994 (establishing national structures for the coordination of intelligence supplied by all intelligence structures in the country); the *International Co-Operation in Criminal Matters Act* of 1996 (allowing for foreign assistance in the investigation and prosecution of criminal offenders); the *Proceeds of Crime Act* of 1996 (providing for the recovery of the proceeds of crime); the *Extradition Amendment Act* of 1996 (providing for the designation of states to which extradition may be effected in the absence of formal extradition agreements); and the *National Prosecuting Authority Act* of 1998 (allowing for the establishment of specialised investigative directorates) (Schönteich, 1999b).

It was only with the *POCA* of 1998, however, that comprehensive legislation relating to the combating of organised crime in South Africa was adopted. The aim of the *Act* was as follows (RSA, 1998a):

To introduce measures to combat organised crime, money laundering and criminal gang activities; to prohibit certain activities relating to racketeering activities; to provide for the prohibition of money laundering and for an obligation to report certain information; to criminalise certain activities associated with gangs; to provide for the recovery of the proceeds of unlawful activity; for the civil forfeiture of criminal assets that have been used to commit an offence or assets that are the proceeds of unlawful activity...

The *Act* was the foundation for the establishment of several government agencies, which had the objective of either preventing organised crime or to forfeit its proceeds. This included the establishment of the Asset Forfeiture Unit (AFU) in 1999; the Directorate for Special Operations (DSO) in 2001; and the Financial Intelligence Centre (FIC) in 2002. According to the NPA, the AFU, which is based in the Office of the National Director of Public Prosecutions of the NPA, was established to focus on the implementation of relevant sections of the *POCA* related to the forfeiture of assets that were gained through organised criminal activities. This in turn would assist the government's attempts at preventing the perpetration of crimes as the primary objective

of all organised crime syndicates is to gain or create wealth through their illicit activities (National Prosecuting Authority, 2013).

According to the *Financial Intelligence Centre Act* (FICA) of 2001, the FIC was established “in order to combat money laundering activities” and “to impose certain duties on institutions and other persons who might be used for money laundering purposes” (RSA, 2001b). The FIC also has two other objectives. Firstly, it assists other government institutions (such as the SAPS, intelligence services and SARS), by collecting financial intelligence on the organised crime syndicates being investigated by those authorities. Secondly, the FIC exchanges information with similar financial intelligence units in foreign countries regarding money laundering activities in South Africa and those countries (De Koker, 2002:21).

The DSO (also known as the Scorpions) was a specialised unit, located within the NPA and operated independently from the SAPS. The primary purpose of the DSO was to investigate and prosecute organised crime syndicates and corrupt government officials involved in related activities (Redpath, 2004:7). In 2006 the Khampepe Judicial Commission recommended that the DSO should be disbanded and be merged with the SAPS. The commission investigated issues related to overlapping functions between the DSO and the police regarding the the investigation of organised crime and between the DSO and the National Intelligence Agency regarding domestic intelligence gathering (RSA, 2006:6-11). The DSO was subsequently disbanded and a new, specialised unit combating organised crime, called the Directorate of Priority Crime Investigation, also known as the Hawks, was established within the SAPS. According to the SAPS, the primary functions of the newly established Directorate of Priority Crime Investigation was “to prevent, combat and investigate priority crimes, including serious organised crime, serious commercial crime and serious corruption” (SAPS, 2009:x).

In addition to the structures mentioned above, the SAPS also established its own specialised units after 1994 to combat organised crime-related activities, which included the Organised Crime Unit and the Commercial Crime Unit of the SAPS (Redpath, 2002 & Shaw, 1998b).

The establishment of all of the above-mentioned policing structures was in line with the significant increase in policing resources that the government allocated from the early twenty-first century. The section below describes the policing shortage experienced in



the country by the end of the 1990s and how the government subsequently increased its policing capacity during the beginning of the twenty-first century.

#### 4.5 Policing Resource Allocation in South Africa Between 1994 and 2009

A lack of resources, especially relating to the availability of sufficient manpower to ensure effective visible policing and crime detection (detective services), has been an issue for the SAPS since its inception in 1994. There were two primary reasons why a manpower crisis occurred in the SAPS after 1994. Firstly, many white police members left the service as they felt that they had no future in the new policing structures of the post-1994 era. Many of them joined private security companies. This resulted in the SAPS losing skilled police officers with many years of experience, which in turn created a skills vacuum. Secondly, only a few new recruits were employed in the late 1990s due to a hiring moratorium in the SAPS over most of this period (Institute for Security Studies, 2000b).

Table 25 depicts the decrease in police personnel by indicating that the number of SAPS officials shrunk by 13.7 percent between 1995 and 2000. This is important in view of the fact that the South African population grew significantly after 1994, while the police lost essential resources and skills, and high and often increasing levels of serious crimes were being reported over the same period.

<b>Period</b>	<b>Financial Expenditure</b>	<b>Number of Personnel</b>
July 1995	-	143 800
April 2000	-	124 160
2001/2	-	± 120 000
2001/2	R17 000 000 000	119 560
2002/3	R19 713 544 000	131 560
2003/4	R21 967 925 000	135 406
2004/5	R24 572 903 069	148 970
2005/6	R28 480 503 000	156 060
2006/7	R32 521 230 000	163 497
2007/8	R35 917 470 000	173 241
2008/9	R41 492 309 000	182 754

Sources: Burger & Boshoff, 2008:15, Institute for Security Studies, 2000b & SAPS, 2003:4-16, 2004:5, 2005a:16-17, 2006:189-191, 2007:186-188, 2008:59-68, 2009:45-54

By the late 1990s it had become clear to the SAPS senior management that they were facing a serious shortage of specialised skills regarding the policing of certain crimes,



especially those related to organised crime (Schönteich *et al*, 2004:41-42). The issue of police resources became more evident as the police started rolling out their new community-based crime prevention strategies (so called community policing). The SAPS subsequently embarked on an expansion programme from 2000/1 with the objective of bolstering its personnel numbers from approximately 120 000 members to over 200 000 by 2011. Table 25 also depicts the SAPS expansion programme, indicating that the number of SAPS personnel grew from 119 560 in 2002 to 182 754 in 2009 (a 52.9 percent increase in personnel). In addition, the table also illustrates the significant increase in the budget allocation to the SAPS (an increase from R17 billion to over R41 billion during an eight year period), which was in line with the police's spending on new personnel and equipment. However, resource allocation problems continued to exist (Burger & Boshoff, 2008:15).

## 5. CONCLUSION

This chapter discussed the approaches that the South African government adopted after 1994 regarding national security and crime prevention. Several pieces of legislation and policies were developed that indicated certain changes compared to the situation prior to 1994, not only regarding the way in which national security was officially viewed, but also how the government was planning to attempt to reduce and prevent the high levels of serious crimes that were being committed in the country on an annual basis. This new direction regarding national security and crime prevention in post-1994 South Africa was contained in legislation and policies such as the *Constitution*, the *White Papers on Intelligence; Safety and Security and the National Defence of the Republic of South Africa*; the NCPS; and the *POCA*. In addition, the establishment of new policing structures, such as the metropolitan police departments and the DSO, is a further indication of the post-1994 government's attempts to increase its capacity to prevent crime in the country. The following can therefore be concluded when assessing the country's national security agenda and crime prevention initiatives in the period from 1994 to 2009:

- The country's national security agenda changed from the traditional Cold War concept of a military orientated policy to an agenda that focused on the elements related to the so-called "human security" agenda. As a result, issues such as education, health, poverty, unemployment, safety and security and sustainable development were identified as priorities for the country's national security agenda,

rather than issues such as its capability to defend itself against foreign military invasion.

- The post-1994 government identified crime as one of the primary threats to South Africa's national security in numerous official policies, including the *White Papers on Intelligence, Defence and Safety and Security*.
- The post-1994 strategy that was developed with the aim of mitigating the threat that crime posed to the country's national security, the NCPS, failed to do so. This was not due to the NCPS being an ineffective strategy, but rather to the fact that in some cases it was either not implemented or implemented incorrectly by certain stakeholders.
- The NCPS and the *White Paper on Safety and Security* officially changed the South African government's approach towards crime prevention, when compared to the crime prevention policies prior to 1994. The government emphasised the need to reduce the socio-economic causes of crime and stressed that the country's policing structures could not be held solely responsible for crime prevention in the country. The effective implementation of these crime prevention policies was, however, hampered by the fact that other government departments, also failed to assume their responsibilities as was expected from them in terms of those policies.
- The post-1994 government did not develop a national security strategy with the aim of addressing all the different threats, including crime, that the country had been facing. This is in spite of the senior leadership of the government and experts from civil society highlighting the urgent need for a national security strategy.
- Nevertheless, the government's post-1994 initiatives to prevent crime did result in certain positive outcomes. Firstly, the fact that the government acknowledged that there was a need to address the socio-economic causal factors of crime and that other government agencies, apart from the SAPS, have a direct role to play regarding the prevention of crime. Secondly, the fact that transnational organised crime was posing an increasing threat to the country was acknowledged, and the government subsequently developed numerous specific policies to attempt to deal with this. In addition, the establishment of agencies such as the AFU and the FIC, was also seen as a positive step in the combatting of organised crime. Thirdly, strategies were introduced which improved the relationship between the country's policing structures and many communities compared to the pre-1994 period. Finally, police resources were increased significantly in the early twenty-first century to implement the crime prevention strategies developed in the country in the late 1990s.

- By 2009, however, the government still faced numerous issues regarding its attempts at effectively preventing crime in the country. These included the fact that the SAPS continued to face certain resource shortages (including the necessary specialised skills), and to experience high levels of corruption.

Even though some serious crime categories (such as murder) in South Africa decreased significantly after 1994, the fact that high levels of violent and organised crime were still being reported in the country by 2009, is a further indication that government's crime prevention initiatives after 1994 failed to ensure a more secure environment. This is further confirmed by the rapid growth in the private security industry after 1994 when those who could afford it, turned to private security companies to ensure their safety while poorer communities often became involved in acts of vigilantism as they did not trust the ability of the country's criminal justice system to protect them.

The next chapter focuses on the perceptions of both the South African public and selected views of the international community on serious crime in South Africa. Factors such as the correlation between public perceptions and actual crime statistics; emigration; decreases in tourism and foreign investment; and the increase in private security in South Africa, will also be examined to illustrate the direct and indirect consequences of serious crime in the country.

## CHAPTER 6

# THE FEAR OF CRIME IN SOUTH AFRICA

### 1. INTRODUCTION

This chapter discusses and assesses the consequences of serious crime in South Africa between 1994 and 2009. These include the increasing levels of fear of crime, both domestically and internationally, and the negative impact of crime on the socio-economic development of the country over the period in question.

The first section of the chapter focuses on the perceptions of safety and security in post-1994 South Africa. It describes how the fear of crime increased significantly at the time, and how the public's confidence in the government's ability to reduce the high levels of crime eroded over the same period. Data from national perception surveys is used to substantiate this. This section also describes selected international perceptions of safety and security in South Africa. It then correlates the domestic and international perceptions with the actual levels of crime in South Africa.

The subsequent section of the chapter describes the different practical responses to the high levels of serious crime in South Africa after 1994. The consequences of the fear of crime are discussed, including the significant growth of the private security industry; increased levels of vigilantism and mob justice; and increases in the number of skilled citizens leaving the country after 1994. Following these, the social and economic consequences of serious crime in South Africa after 1994 are considered.

The chapter concludes with an assessment of the different consequences of serious crime in South Africa after 1994, and how these relate to the national security of the country.

## 2. PERCEPTIONS OF SAFETY AND SECURITY IN POST-1994 SOUTH AFRICA

Perceptions of safety and security held by South Africa's citizens since 1994 have been dominated by the fear of becoming a victim of a crime. This fear is a psychological phenomenon which has been witnessed in numerous countries across the world and particularly in Africa, due to significant increases in crime levels since the early 1990s. The UNODC (2005:xiii) supports this notion by stating that "(s)urvey data show that African people feel more afraid walking alone at night than people of any other region, and this poses a serious problem on a continent where walking may often be the only means of transport. African small business people regard crime as a more serious impediment than those of other regions".

Research institutions have found that between 1994 and 2009 the levels of fear of crime in South Africa have increased continually. Even though this fear was caused by various factors, the high levels of serious crime in the country after 1994 is seen as the primary cause (Institute for Democracy in South Africa, 2009, Mattes, 2006 & Pharoah, 2008a & 2008b). In this regard it has also been stated that after 1994 a public perception of a "crime explosion" in the country developed due to the rising levels of serious crime in the country and the view that the government was unable to stop criminal networks from breaking the law with "impunity" (Minnaar & Mistry, 2004:38). In addition to high levels of serious crime, other factors that fuel the fear of crime include the role that the media plays; whether a country's criminal justice system is effective; the levels of lawlessness in a country; acts of vigilantism; and public statements made by politicians and other government officials and non-government role-players (Bezuidenhout, 2008).

Governments and research institutions use public perception surveys to measure views and attitudes. A number of surveys on issues related to safety and security, and crime and law enforcement were conducted in the period under discussion. Such surveys are significant due to the fact that they not only provide an understanding of what the public's perception of safety and security in the country is, but also describe the levels of fear of crime in the country (Mistry, 2004:17). Surveys also provide the authorities with a better understanding of crimes that are not reported to the country's law enforcement agencies. Public surveys on crime are therefore used by both government

and civil society to complement police statistics to enhance their understanding of the actual crime situation in the country.

## 2.1 Public Perception Surveys on Safety and Security in Post-1994 South Africa

Legget (2003:25) explains the importance for a government of being concerned if its citizens express negative opinions regarding their own safety and security and the government's ability to protect them. Negative public opinion in this regard can result in the public taking the law into their own hands; not reporting crime to the authorities; and not being willing to co-operate with the police in crime-prevention initiatives.

The ISS conducted three victims-of-crime surveys between 1994 and 2009. The first was conducted in 1998, the second in 2003 and the third in 2007. The primary objective of these surveys was to gather information on the public's perceptions and experiences of crime and the criminal justice system (Pharoah, 2008b:1). One of the first questions posed to respondents was whether they had experienced crime in the 12 months preceding the survey.

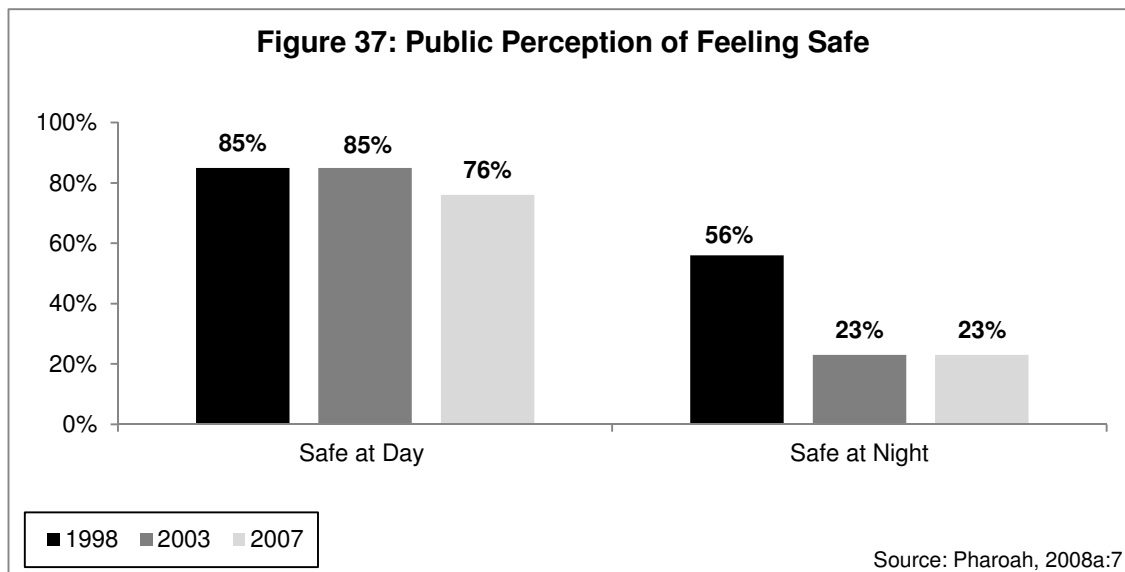
Table 26 indicates the responses to the above victims-of-crime surveys. The data supports the claims of the SAPS that crime had generally stabilised since the beginning of the twenty-first century and indicates that certain crime categories have even decreased over the same period. However, the data also highlights the fact that by 2007 South Africans still had more than a 20 percent chance of becoming a victim of some form of crime, and that the reduction of crime did not meet the target set by government in the beginning of the twenty-first century.

<b>Type of Crime</b>	<b>1998 Survey</b>	<b>2003 Survey</b>	<b>2007 Survey</b>	<b>Increase/Decrease between 1998 -2007</b>
Any crime	24.5%	22.9%	22.3%	2.2% decrease
Housebreaking	7.2%	7.5%	7.2%	Remained the same
Theft of personal property	4,8%	4,7%	3,0%	1.8% decrease
Robbery	2,4%	2,0%	2,1%	0.3% decrease
Assault	4,2%	2,2%	1,3%	2.9% decrease
Car theft	1,2%	1,0%	1,3%	0.1%increase
Car hi-jacking	1,4%	0,5%	0,4%	1.0% decrease

Murder	0,5%	0,2%	0,4%	0.1% decrease
Fraud	3,0%	0,8%	0,2%	2.8% decrease
Sexual assault/rape	0,4%	1,0%	0,2%	0.2% decrease

Source: Pharoah, 2008a:4

The impact of crime on the perceptions of safety in South Africa has also been determined by asking the public whether they felt safe walking alone in their usual environment during the day and after dark (Mistry, 2004:19). Figure 37 depicts the data collected on the public's response to this question.



An assessment of the data in Figure 37 indicates the following:

- 15 percent of the public claimed not feeling safe during the day in polls covering the period 1998 and 2003. This figure increased to 24 percent by 2007, which means that almost a quarter of the country's population by then felt unsafe during the day.
- In the 1998 poll, 44 percent of the public felt unsafe at night. This figure increased significantly as 77 percent of the country's population claimed to feel unsafe at night in polls conducted in 2003 and 2007.
- Despite the fact that certain crime rates had either decreased or stabilised since the beginning of the twenty-first century, South Africans felt less safe in 2007 than they did in 1998.

Perceptions of safety and security in South Africa also vary among the different races in the country. This is largely due to the fact (as indicated in previous chapters of the study) that violent crime levels have always been much higher in predominately non-

white communities (such as townships and informal settlements) than in predominately white communities. In addition, both politicians and government officials expressed the opinion after 1994 that the negative perception of safety and security was primarily a “white issue”. The then President, Thabo Mbeki, in 2004 publically criticised people who were of the opinion that serious crime in South Africa was out of control. Mbeki claimed that the only people in the country who felt that crime was out of control were white racists who wanted to see the government fail (Taipei Times, 2004).

However, even though the perceptions of safety and security differed among races in South Africa, the perception of insecurity in post-1994 South Africa was not a “white issue” alone. The ISS’s victims-of-crime survey of 2007, for example, showed that 97 percent of Indian respondents; 80 percent of black respondents; 79 percent of coloured respondents; and 73 percent of white respondents, reported feeling unsafe walking around their neighbourhood at night (Pharoah, 2008a:8). The finding that more white respondents felt safer than other races could largely have been due to the fact that more white people could afford private security services; security measures at their homes (such as electrified fences); and to live in more secure neighbourhoods than other races in the country.

IDASA’s national surveys on the social, economic and political situation in South Africa (also known as the Afrobarometer surveys) conducted between 1994 and 2008 (ten surveys in total), also showed that there are disparities among the different races regarding their perception of what the biggest challenges in the country are (such as crime, poverty, unemployment, corruption or AIDS). The Afrobarometer surveys all showed that South Africans of all race groups consistently identified unemployment, crime and security, AIDS, and housing and poverty, as the top five issues in the country. The difference among the various races was that they ranked the importance of these issues differently. For example, the 2006 Afrobarometer survey showed that white respondents saw crime as the second biggest threat in the country while black respondents felt that it was only the fifth biggest. This is largely due to the fact that issues such as poverty, unemployment, housing and health (AIDS) were less of a priority for white communities in South Africa at the time, as they were financially more secure than other racial groupings (Mattes, 2006:10).

It has also been stated by political analysts and opposition parties that claims made by senior government officials in the beginning of the twenty-first century that serious



crime was either not a major issue in the country, or that it was only a problem for the “previously advantaged”, were in fact an attempt to distract the public’s attention from the government’s inability to reduce or prevent the high levels of crime effectively. For example, the former leader of the DA, Tony Leon, in response to statements made by Thabo Mbeki, stated in 2007 that “on the three overriding crises that have occurred on his presidential watch - HIV/Aids, crime and Zimbabwe - the president's steadfast refusal to take necessary action is traceable to a blinkered attitude towards race” (News24, 2007).

Even though by international standards the SAPS had adequate resources by 2008, it was viewed by significant segments of the population as ineffective in relation to the levels of serious crime that were being experienced in the country. Data from the Afrobarometer surveys of 2003, 2006 and 2008, as depicted in Figure 38, support the claim that a large part of the country’s citizens had the perception that the government was unable to adequately and effectively deal with crime in the country.

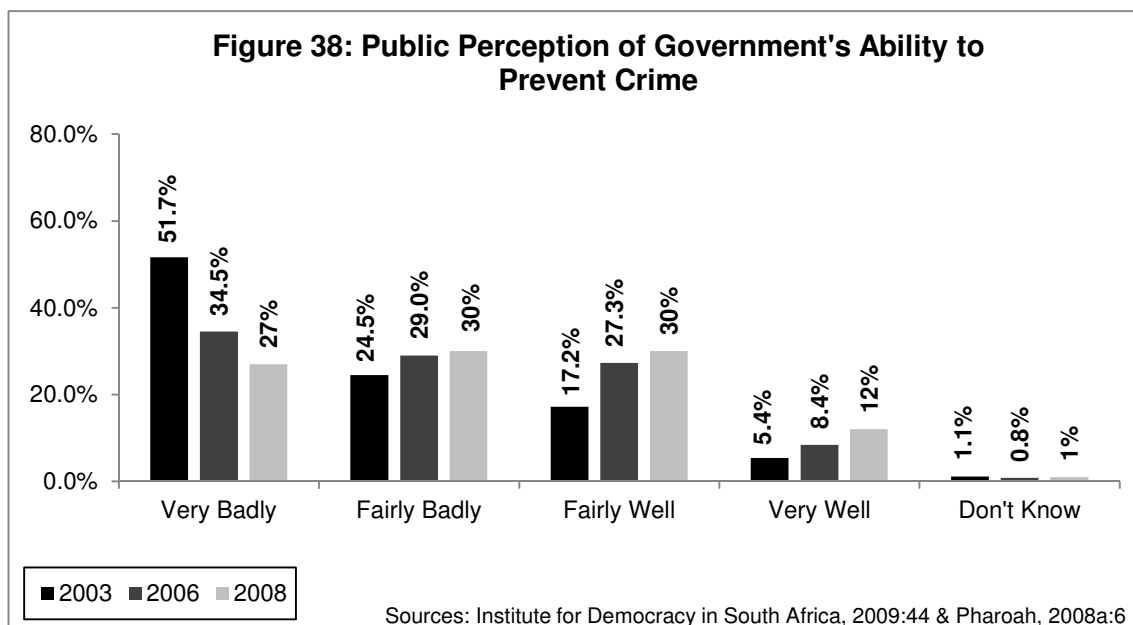


Figure 38 indicates that even though the public’s perception improved regarding the government’s ability to prevent crime (a 12.8 percent increase between 2003 and 2008 in the “fairly well” category and a 6.6 percent increase in the “very well” category), by 2008, the majority of the people in the country still believed that the government was not performing well (27 percent felt that government was doing “very badly” and 30 percent felt they were doing “fairly badly” – a total of 57 percent) (Pharoah, 2008a:6 & Institute for Democracy in South Africa, 2009:44).

The data from different public surveys on safety and security in South Africa therefore highlighted the fact that large parts of the public had felt unsafe since 1994, and that they also did not think the government was doing enough to ensure their right to security, as outlined in the country's *Constitution*. This perception, however, was not only limited to the South African public, but especially developed countries have warned since 1994 that South Africa is a dangerous place to visit due to the high levels of serious crime in the country.

The following sub-section focuses on the perceptions of certain countries and international institutions on the issue of safety and security in post-1994 South Africa. A brief comparison between the levels of serious crime reported in South Africa and the rest of the world, is also made.

## **2.2 Foreign Perceptions of Crime in South Africa**

The high levels of serious crime in post-1994 South Africa resulted in a number of countries officially warning their citizens of this risk when travelling to the country. The US State Department for example stated in 2010 that (US, 2010):

[...] visitors should be aware that criminal activity is prevalent throughout the country and can be violent. The South African government has in place a number of strong anti-crime initiatives, but violent crimes, such as armed robbery, carjacking, mugging, "smash-and-grab" attacks on vehicles, and other criminal acts are still common and do affect visitors and resident U.S. citizens. Visitors and residents are advised of on-going criminal activity involving organized crime gangs targeting individuals and commercial businesses at shopping centers and other public places. Once a victim has been identified, he/she may be followed back to his/her residence or hotel and robbed. Robberies often involve weapons; the use of force is used from the moment of attack and generally escalates greatly for those offering some form of resistance.

The New Zealand government also warned its citizens to be "conscious of personal safety at all times" when visiting South Africa due to the high levels of violent crime (New Zealand, 2011). Another example is the following warning that the Embassy of Ireland in South Africa issued (Ireland, 2012):

South Africa has a high-level of crime, including violent crime, rape and murder. While most cases occur in townships or in areas away from normal tourist destinations, nowhere is completely safe and visitors should exercise caution when travelling in both urban and rural environments, including city centre areas at night (city centres are usually referred to as Central Business Districts or CBDs in South Africa).

Interpol crime statistics from 110 countries in 2000, showed that South Africa had the highest rates of murder and rape; the second highest rates of robbery and violent theft; and the fourth highest rates of serious assault and sexual offences in the world (Schönteich, 2000). Even though certain crimes, especially murder, decreased after 2000, the fact that the country was one of the most criminally violent countries in the world, had not changed by 2009. The Institute for Economics and Peace (IEP) in Sydney also found that by 2009 South Africa remained one of the least peaceful societies in the world as the country was ranked 123<sup>rd</sup> out of 144 countries surveyed (Institute for Economics and Peace, 2009:11). Factors that resulted in the low ranking included the negative perceptions, internally and externally, that people had of the levels of safety and security within the country; the high rate of murder and other forms of violent crime perpetrated on an annual basis; the high number of violent protests, and other forms of internal conflict, including the 2008 national wave of attacks on foreign nationals in South Africa. Ratele (2010:19) commented on this ranking by stating that the IEP's findings confirmed other similar studies that found that South Africa continued to be one of the most criminally violent countries in the world even though murder statistics in the country had decreased since the beginning of the twenty-first century.

Other international organisations have also released reports comparing violent crime statistics from different countries from the early twenty-first century. These include the UNODC's report titled *Global Study on Homicide: Trends, Contexts*, the Geneva Declaration Secretariat's report titled *Global Burden of Armed Violence* and the European Institute for Crime Prevention and Control's report titled *International Statistics on Crime and Justice*. According to the Geneva Declaration Secretariat, an estimated 490 000 intentional murders were committed worldwide in 2004 with an international average of 7,6 murders per 100 000 of the population (Geneva Declaration Secretariat, 2008:1, 71). South Africa's murder rate in the 2004/5 period

was 40.3 murders committed per 100 000 of the population, which meant that according to the *Geneva Declaration Secretariat Report*, the country's murder rate was 430 percent higher in 2004 than the international average (SAPS, 2005a:56).

Table 27 indicates the most violent countries in the world in 2000 and 2008 regarding the number of murders reported in relation to their respective population sizes. The data depicted in this table highlights the fact that South Africa was still one of the high crime risk countries in the world in 2000 and 2008, in spite of a significant reduction in murder rates during the early twenty-first century. This has led to a categorisation of South Africa as a “high-risk” country internationally. It must, however, be noted that the data in Table 27 is limited due to the fact that only these countries were able to provide official crime statistics over those periods.

2000		2008	
Country	Rate per 100,000 Population	Country	Rate per 100,000 Population
Swaziland	88.6	Honduras	60.9
Colombia	62.7	Jamaica	59.5
<b>South Africa</b>	<b>51.4</b>	Venezuela	52
Jamaica	33.7	El Salvador	51.8
Venezuela	33.1	Guatemala	43
Guatemala	25.5	Trinidad and Tobago	39.7
Russia	19.8	<b>South Africa</b>	<b>37.3</b>
Mexico	14.1	Lesotho	36.7
Paraguay	12.0	Colombia	33
Estonia	10.4	Brazil	22

Sources: Allison, 2011, Alsema, 2009, Altbeker, 2005:1, Institute for Security Studies, 2012c & SAPS, 2009:5

Another contributing factor to South Africa's image as a “high-risk country” is that it has one of the highest levels of rape in the world (Harrendorf *et al*, 2010:38-39). As a result, the local and international media branded the country as the ‘rape capital’ of the world (News24, 2004 & BBC, 2009). In addition to the high murder and rape rates in South Africa between 1994 and 2009, the country has also been identified as one of the top five most violent countries in world in terms of the occurrence of common assault and

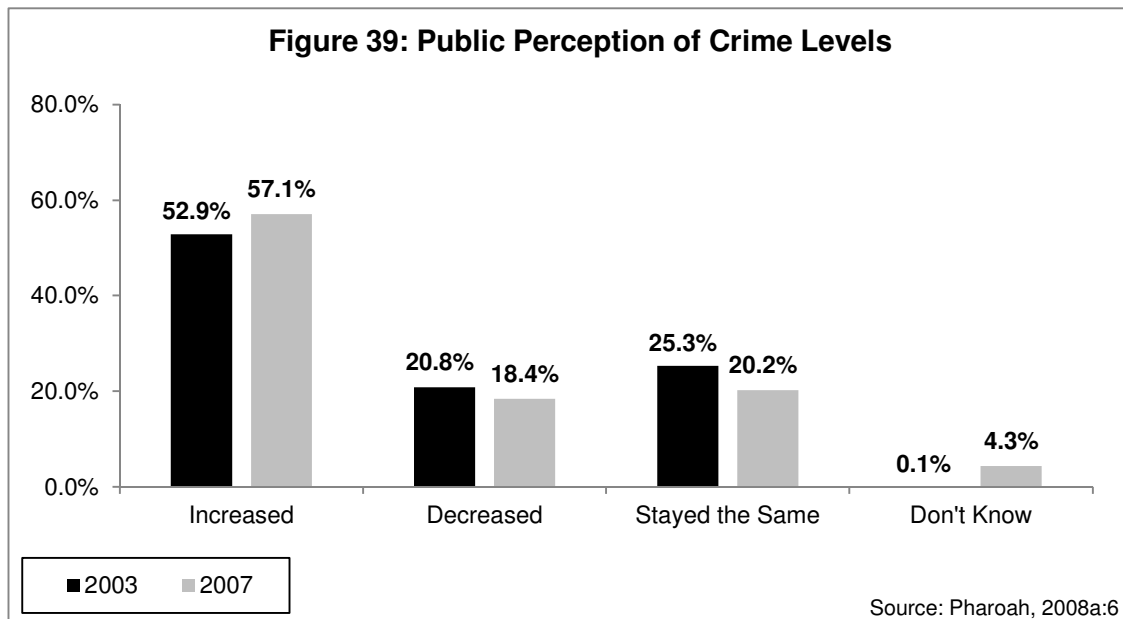
assault GBH. Post-1994 South Africa has in addition, been identified as a country that experienced some of the highest levels of violent robberies in world over that period (Harrendorf *et al*, 2010:36-41).

Both the high levels of insecurity and the negative international perception regarding safety and security can, therefore, largely be attributed not only to the actual high levels of serious crime, but also the excessive violence which accompanied many of the crimes perpetrated in South Africa between 1994 and 2009. It is, nevertheless, important to note that the fear of crime in South Africa increased during the beginning of the twenty-first century (both domestically and internationally), despite certain apparent statistical decreases.

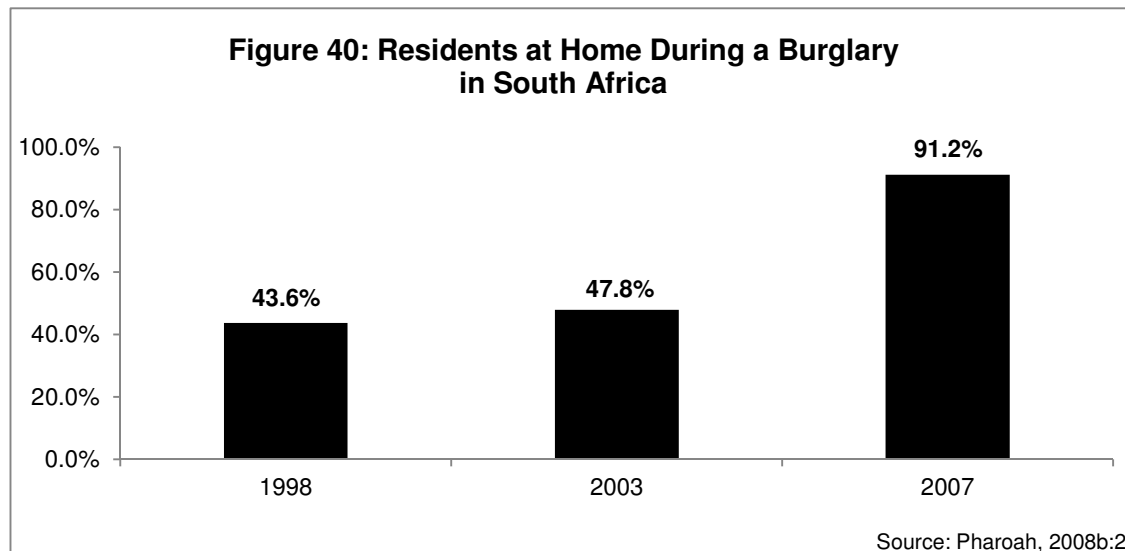
### **2.3 Actual Crime Situation as Opposed to Perceptions of Safety and Security**

Chapter 4 of this study indicated how certain serious crime categories, including murder, attempted murder and assault GBH decreased between 1994 and 2009 according to official crime statistics, while other serious crimes, such as commercial crimes, car hijackings and sexually related crimes, stabilised over the same period. Victims-of-crime surveys of both 2003 and 2007, however, indicate that the majority of the public had the opposite perception. Figure 39 indicates that in 2003 almost 53 percent of the public thought that crime was increasing rather than decreasing. This percentage increased to 57 percent by 2007.

Pharoah (2008a:7) states that the public's perception of an increase in crime in the country while there was actually a reduction of crime statistics, points to their "anxieties about the extent of crime, their feelings on the adequacy of the government's response, and whether enough is being done to address their concerns". The fact that a large part of the public, as indicated in Figure 38, doubted the government's ability to prevent crime, subsequently contributed directly to their perception that crime was increasing rather than decreasing.



There are also other factors that have led to an increase in perceptions of insecurity in the country during the beginning of the twenty-first century. Firstly, as was stated in Chapter 4 of the study, the extent of violence used by criminals during their criminal acts sets the country apart from other countries with similar levels of violent crime. Stone (2006:4) explains that the “distinctive feature of crime in South Africa is not its volume but its violence”. Secondly, it was also indicated in Chapter 4 of the study that residential and business robberies in South Africa increased by more than 100 percent in the six year period between 2003 and 2009. This has had a direct impact on public perceptions of a deterioration in security, as many of these robberies were also accompanied by acts of violence, including murder, attempted murder and rape. It therefore became a general perception across the country that victims of aggravated robberies (especially residential robberies) were not only likely to lose valuable property during the robberies, but that they would also stand a good chance of being assaulted, murdered or raped without provocation. Figure 40 indicates that there was a 109 percent increase in residents who were at home during a burglary between 2003 and 2007. The 2007 ISS victims-of-crime survey indicates that almost 91,2 percent of burglaries occurred while there was someone at home. This subsequently had a profoundly negative impact on the perception of safety and security in the country, as most people tend to see their homes as a “safe-haven” from criminal activities (Newham, 2008:7).



The increased levels of violence during aggravated robberies also resulted in an increased public awareness of the abuse of victims during those robberies (Mistry, 2004:24). There was a notable increase in the public's feelings of insecurity in 2006 after widespread media coverage of numerous violent robberies in South Africa, which resulted in the victims either being murdered or raped, or both in some cases. A significant example of this was the well-publicised shootout between police and approximately 24 criminal syndicate members in Johannesburg in June 2006 during which 12 people died, including four police officers (Louw, 2006:1).

Politicians and civil society have, however, also expressed their dismay with the country's media as they feel that that the media at times contribute to an increase in the public's perception of insecurity, by either exaggerating certain crimes, or focusing only on those crimes that are associated with high levels of violence, as this would subsequently increase sales figures. In addition, it has also been noted that there are several institutions that have actually benefited from the increasing perception of insecurity (and the actual high levels of crime) in South Africa after 1994. These include the following (Baghel, 2010:80-82):

- **The government:** the perceptions of insecurity are used as a way of exercising social control over its citizens. It has also resulted in the public's attention being diverted from other socio-economic issues such as unemployment and poverty.
- **The police:** the increased perceptions of insecurity have resulted in a significant increase in resources being allocated to the SAPS.

- **The private security industry:** the increased perceptions of insecurity have resulted in a significant growth in this industry in South Africa after 1994.
- **The insurance industry:** the increased perceptions of insecurity have led to insurance companies charging higher insurance premiums and increasing their sales.
- **Certain South African communities:** the perceptions of insecurity have provided certain communities with justification to position themselves in an exclusive stratum (for example, only the wealthy can afford private security– which means that being secure has become a socio-economic issue rather than a basic human right).

Even though the perception of insecurity has not always been in accordance with the actual crime situation in the country, it has resulted in significant consequences for the country's political, social and economic structures. The next section of the chapter describes some of the consequences of the high levels of serious crime in South Africa after 1994.

### **3. PRACTICAL CONSEQUENCES OF SERIOUS CRIME IN POST-1994 SOUTH AFRICA**

In 2008, the SAPS acknowledged the severe, negative impact that serious crimes such as rape and assault GBH, have on the victims. The impact of these crimes on the victims is usually one or a combination of the following (SAPS, 2008:3):

- Death as an immediate or delayed result of the degree of violence employed (some deaths even occurring years after the original crime had been committed).
- Injuries of various degrees, including permanent, disabling injuries.
- Psychological trauma, which is in many cases also of a permanent nature.
- Loss of and/or damage to property, which could under certain circumstances have serious repercussions for (particularly poorer) victims.

As would be expected, the most severe consequence of all forms of serious crime is loss of life and physical injuries to the victims of those crimes. As shown above, serious crime has impacted on the county both directly and indirectly. High levels of serious



crime have had a detrimental impact on the psychological well-being of South Africans through their perceptions of insecurity, which in turn has had a direct impact on other factors such as the growth of the private security industry; people emigrating to other parts of the world; and the public taking the law into their own hands.

### **3.1 Psychological Consequences**

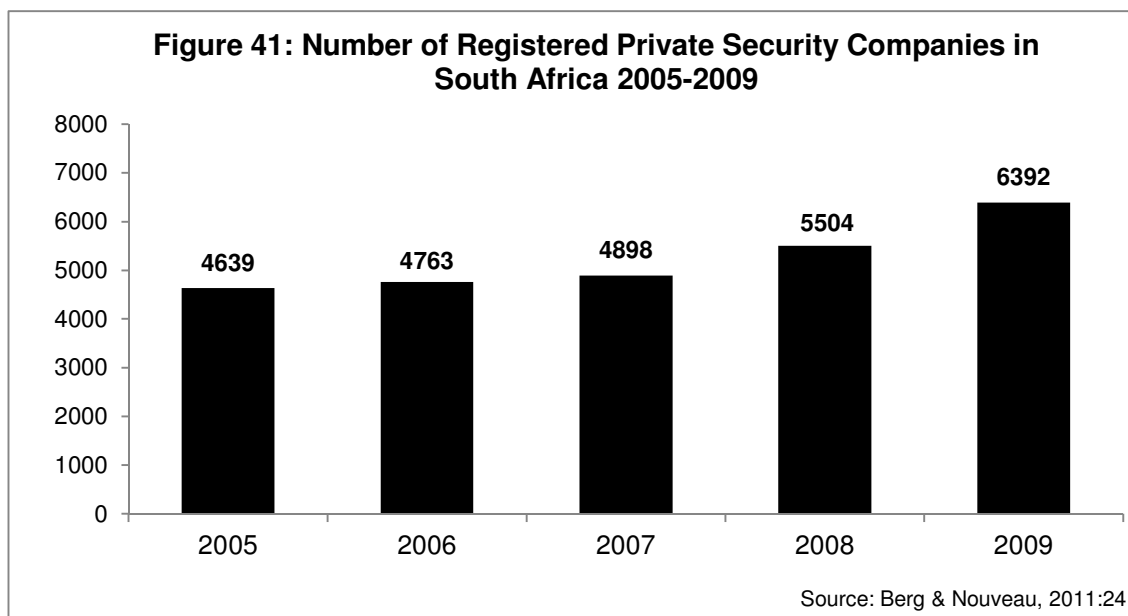
The psychological consequences of serious crime have primarily affected the public in South Africa in two ways. Firstly, the unremitting high levels of serious crimes in the country before and after 1994 have resulted in some people accepting crime as part of their life so that it has become a “normal” situation. The second psychological impact of serious crime is more severe and incalculable than this indifference. Many South Africans who were victims of serious crime suffer from post-traumatic stress syndrome. This in turn has resulted in them becoming desensitised to their environments; experiencing low self-esteem; and becoming increasingly fearful. It has also been shown that victims of serious crime often abuse substances to numb the emotional and psychological damage caused by those crimes. Furthermore, serious crime (and the fear thereof) has a direct impact on the psychological well-being of the country’s youth, which could result in them becoming incorrigible, alienated and desperate. This has also led to an increased involvement of the youth in serious crime activities (Bezuidenhout, 2008).

### **3.2 Significant Growth of the Private Security Industry in Post-1994 South Africa**

When assessing issues of safety and security in post-1994 South Africa, the growth of the private security industry since the early 1990s is significant. As explained before, large parts of the public felt that the government’s crime prevention initiatives were ineffective and that crime levels were getting out of control in the early twenty-first century. This resulted in the growth of the private security industry over the same period, as those segments of the public (especially the financially well-off) who could afford private security turned to that industry to fill a void they felt the SAPS had left (Bearak, 2009). Minnaar and Mistry (2004:38) support the above-mentioned perception when stating that factors such as the lack of policing resources and the deterioration in policing in the country led to an increasing perception among the public that the police could not protect them from criminal elements and that the private security industry was

needed to fulfil the police’s law-and-order mandate. This argument was also supported by the significant increase in the private security industry (and the resources available to it) after 1994.

Even though the private security industry in South Africa already grew in the late 1980s and early 1990s, as described in Chapter 3 of the study, it was only after 1994 that it saw exponential growth. By 1999 it was estimated that there were approximately 3 200 security companies in South Africa (Irish, 1999:1). Figure 41 indicates that by 2009 there were 6 392 private security companies registered with the PSIRA.

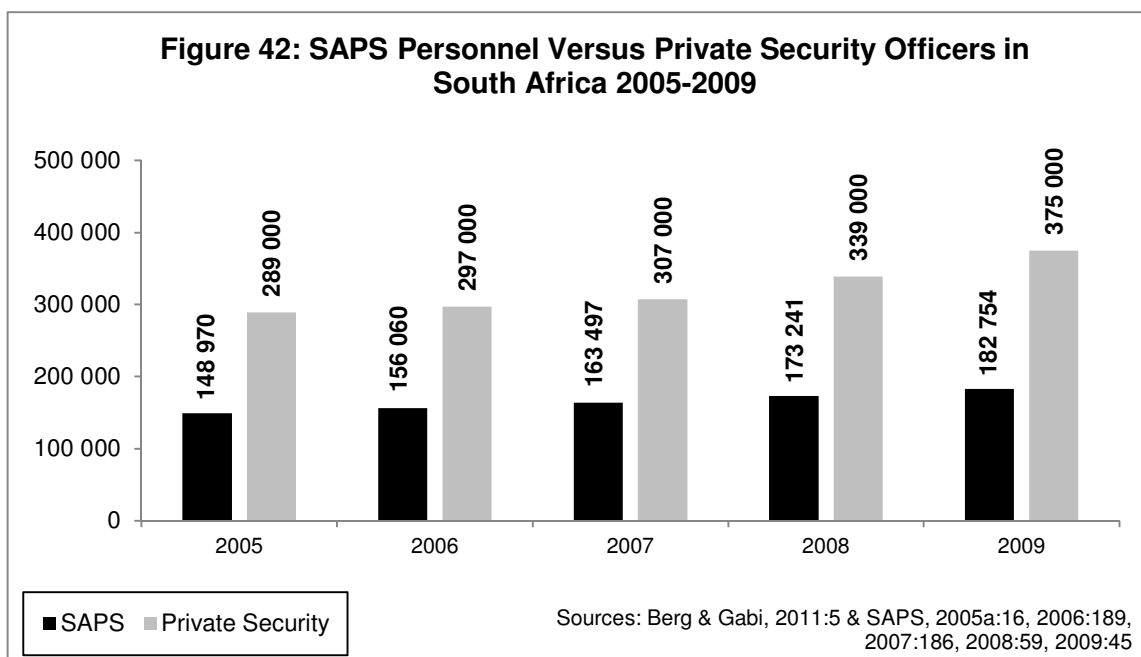


It has been estimated that the private security industry in South Africa is the largest in the world in terms of its contribution of approximately 2 percent to the country’s total Gross Domestic Product (GDP). By 2008 the private security industry in South Africa had an estimated annual turnover of approximately R40 billion. In addition, this also meant that over and above the fact that the SAPS cost the taxpayers in South Africa over R40 billion in 2008, a further R40 billion was spent on security through the private security industry, leading to taxpayers spending over R80 billion for security (Berg & Nouveau, 2011:23).

Another indication of the significant growth of the private security industry in South Africa since 1994, is the number of private security officers. In 1997 there were 115 331 registered security officers, which almost equalled the SAPS personnel contingent. By the end of 2009 this number had increased to 375 000 security officers

(a 225 percent increase over a 12 year period). It should be noted that there were also just under a million registered but “inactive” security officers in addition to the 375 000 mentioned above, which meant there were over 1.3 million active and inactive security officials registered with PSIRA by 2009 (Berg & Gabi, 2011:5).

The number of private security officers in the country therefore increased significantly faster than the personnel growth of the SAPS since 1994, as indicated in Figure 42. In addition to the growth seen in the private security industry, the sector also saw significant increases in the number of vehicles used, which stood at more than 70 000 response vehicles by 2007, far exceeding those of the SAPS (Minnaar, 2007:129-130).



The private security industry’s growth in post-1994 South Africa was not the only consequence of the growing public perception that government was unable to ensure their safety and security. The public also increasingly started taking the law into their own hands.

### 3.3 Vigilantism and Mob Justice in South Africa

As stated before, many South Africans who could afford it, turned to the private security industry after 1994 to protect themselves from serious crime. Some South African communities that could not afford private security and who did not trust the authorities to protect them, subsequently turned to acts of vigilantism, also known as mob justice (Sekhonyane & Louw, 2002). In 2009, President Jacob Zuma admitted that South

Africans' frustration with serious crime and the government's inability to deal with it led to high levels of vigilantism when stating that "(i)f citizens get hold of criminals they must not be blamed to have taken the law into their own hands. They must be supported in such action, because police should act. Police should act with communities to get rid of criminals" (Mbanjwa, 2009).

Acts of vigilantism have become a common occurrence primarily in and around poverty stricken townships and informal settlements in the country. This is due to several factors. Firstly, some of those communities do not have access to the same level of policing and private security resources that the more well-off communities have. Secondly, those areas are characterised by high levels of violent crime, which in turn increase the communities' fear of crime and their frustration and mistrust towards the SAPS and relevant criminal justice processes. Thirdly, those communities often do not understand the country's criminal processes because of a lack of education. They will therefore think that a suspect out on bail has been "set free" and might subsequently attack the suspected criminal in an act of reprisal. Finally, many of those communities' members have grown up with a culture of violence where such acts were seen as a solution to a problem, especially during the pre-1994 period. This meant that they would solve a violent problem (crime) with a violent solution (mob justice) (Sekhonyane & Louw, 2002). An example of this is the many suspected criminals who were either murdered or seriously injured by community members in Diepsloot, a part-township, part-informal settlement in Johannesburg, since the late 1990s (Bearak, 2009).

Another significant example of communities in South Africa turning to vigilantism was the establishment of PAGAD in the Western Cape in the 1990s. PAGAD resorted to acts of vigilantism, amongst others, between 1994 and 2000 as part of its campaign to rid the communities of organised crime syndicates. PAGAD's activities started off as an anti-crime (especially anti-drugs) drive (including so-called neighbourhood watches) but then turned violent, for example the public killing of drug lord Rashaad Staggie, in 1996 (Hübschle, 2004:10-11).

A further consequence of the perceptions of insecurity in South Africa after 1994, was the increasing emigration of South Africans to other countries.

### 3.4 Emigration as a Result of Crime in Post-1994 South Africa

There is enough evidence that the high levels of crime in South Africa have had a negative impact on the country in the form of an emigration wave (Stone, 2006:9). Since 1994, many skilled South Africans have left the country due to the fact that they were either victims of a serious crime or that they feared for their safety. The UNODC (2005:xii) describes the link between the movement of people and the fear of crime (especially in certain Southern African countries such as South Africa, Lesotho, Swaziland and Zimbabwe) as follows:

Fear of crime can restrict movement and deter accumulation of assets. When living conditions become difficult, those who are able to emigrate do so, and the World Bank estimates that some African countries have lost as much as one third of their skilled workers. While the links between crime and human movement in Africa are unclear, crime contributes to the poor social conditions that are a recognised “push” factor behind emigration.

As is the case with the use of private security for protection, only those that could afford to emigrate, did so. The growing fear of crime in South Africa after 1994 resulted in members of the white population especially, both English- and Afrikaans-speaking, emigrating to developed countries such as the UK, Australia, New Zealand, Canada and the US, as they did not “want to raise their children in a crime-ridden society” (Horowitz & Kaplan, 2001:11). It was estimated that an approximate 840 000 whites emigrated from the country between 1995 and 2005 (Van Aardt, 2006).

Emigration had a significant impact on the country's economic growth after 1994, as the majority of those who left were not only skilled professionals, but also contributed a considerable amount to the country's tax base. This was confirmed by former Deputy President Phumzile Mlambo-Ngcuka in 2006 when she described the skills shortage as a national crisis obstructing the economic growth of the country (Williams, 2006). Although emigration is not the only reason for this, an example of this has been the increasing shortage of skilled staff in the civil service. It was estimated that in the beginning of the twenty-first century about half a million posts were vacant in the public service as too few South Africans had the skills required to do those jobs. Another example is the large number of local doctors, dentists, engineers, accountants and

information technology (IT) specialists who left South Africa after 1994 to practise their professions in other countries (Economist, 2008).

Research in 2009 showed that 79 percent of all doctors who left the country since 1994 identified the high levels of serious crime as one of the primary reasons for their relocation (Bezuidenhout *et al*, 2009:211). By 2006, large voids existed in the population profile of whites between the ages of 25 and 35 and young children, which meant that the segment of whites that would have contributed to the country's economic future, were leaving the country in large numbers (Williams, 2006).

Nevertheless, it has not only been white South Africans who have emigrated due to the socio-economic problems (including crime) the country has faced since 1994. Increasing numbers of black professionals have also been leaving the country to work in North America, Europe and the Middle East. In addition, since the beginning of the twenty-first century, the desire to leave the country among individuals from all racial groupings, who could afford to do so, has also increased significantly. For example, research in 2007 showed that 42 percent coloureds, 38 percent blacks, 30 percent Indians and 41 percent whites stated in a survey that they would leave the country if they could do so. The research also showed that violent crime was the primary factor cited by all respondents when they were asked why they wanted to leave (Economist, 2008).

In addition to the fact that serious crime in South Africa led to an increasing perception of insecurity, it has also impacted on the country's social and economic structures.

### **3.5 Social Consequences of Serious Crime in South Africa**

The UNODC (2005:xii) describes the negative impact that crime has on a country's society by remarking that "crime undermines social and human capital by destroying the trust relations between citizens on which functioning societies are based". The South African government's NCPS of 1996 also acknowledged the detrimental impact that violent crime had on the country (RSA, 1996a):

Violent crime often leads to a tragic loss of life and injury, and the loss of possessions and livelihood due to crime is incalculable. Crime results in the deprivation of the rights and dignity of citizens, and

poses a threat to peaceful resolution of differences and rightful participation of all in the democratic process.

In addition to the negative impact that crime has on the emotional well-being of the citizens of a country, it also has a direct impact on the livelihoods and physical welfare of the people living in that country. Physical harm is not the only negative impact of violent crime as medical costs and the loss of income (crime victims for example who cannot work or the loss of a breadwinner due to violent crime) also have a negative impact on families and communities, especially those from impoverished areas (UNODC, 2005:xii).

Research conducted nationally in 2006 indicated that three out of five young people in South Africa have experienced incidents of violence within their community, and one out of five youths also experienced domestic violence incidents in their own homes. This meant that violent crime in South Africa after 1994 became a “normal” way of life. This in turn has had a severe impact on youth development in the country as violence not only became an acceptable method for the youth to fulfil their aspirations, but it was also used to resolve disputes or conflicts (Burton, 2006:5-6). It has even been claimed that violence has become “entrenched” in many communities across South Africa (Leoschut, 2006:10). The high levels of serious crime in especially the country’s impoverished communities, also led to the youth becoming a base for organised crime syndicates to recruit from (Frank, 2005:11). In addition, international research has shown that when segments of a country’s youth are exposed to continued high levels of serious crime at a young age, it will significantly increase the probability of those youths taking part in serious criminal activities later in their lives (World Health Organisation, 2002:103).

The social link between poor communities and criminal networks has also been identified as many of the people living in those communities depend on criminal activities for their financial survival. For example, organised crime syndicates in the Western Cape employ large numbers of people in certain impoverished areas, which leads to these criminal syndicates becoming essential for those communities’ financial survival. In many cases these syndicates would also provide social services by supplying money, food and clothes and financially assisting with issues such as healthcare and education. This has resulted in many communities in poor areas in

South Africa allowing organised crime syndicates to operate in their areas by “looking the other way” (Irish-Qhobosheane, 2007:194).

Serious crimes related to organised crime, such as drug trafficking and human trafficking, have also had negative consequences. Research has shown that increasing numbers of women and children across South Africa are being taken from their communities and homes to be abused as either sex slaves, forced labour or for organ trafficking (Legget, 2004:1-3). Both human trafficking and drug trafficking in South Africa have led to the breakdown of social structures within communities and families. Increasing levels of drug and alcohol abuse within schools have also been reported since 1994, which subsequently led to an increasing number of youth either being treated for alcohol and drug addiction, or dying as a result of drug overdoses (Zulu, 2006).

Another link between crime and the social system in the country has manifested in the increasing number of criminal syndicates that have defrauded the social grant system. This criminal activity has cost the country billions of Rands since the 1990s. The former Minister for Social Development, Zola Skweyiya, stated in 2006 that approximately 400 000 citizens illegally received government social grants and that the country was paying an estimated R1,5 billion annually to people who were defrauding the government’s social grant system (Daniels, 2006). This situation was further exacerbated by the fact that citizens from South Africa’s neighbouring countries were also illegally accessing some of the social grants. It was estimated in 2007 that approximately 1 000 citizens from Swaziland crossed the border into South Africa on a monthly basis to obtain government grants unlawfully (Da Costa, 2007).

Serious crimes not only have a negative impact on the social fabric of a country, but also on its economic development. This is described in more detail in the next section.

### **3.6 Economic Consequences of Serious Crime in South Africa**

The World Health Organisation stated in 2002 that violent crime not only resulted in billions of US dollars of health care costs, but also placed an “enormous economic burden on societies in terms of lost productivity and increased use of social services” (World Health Organisation, 2002:3, 102).



Stone (2006:11) states that the negative impact that crime has on the country's economic growth can be categorised into two broad groups. Firstly, the negative impact that actual crime has on the country's economy, which refers to the impact that crime such as theft, fraud, corruption, destruction of property and violent attacks against people has on the country's economy. These crimes have direct and indirect cost implications for businesses, the loss of resources, profits and deterring of investment, which can lead to business failures in the short or longer term. Secondly, the negative impact that the perception of crime (fear of crime) has on the economic growth of the country. The fear of crime in post-1994 South Africa has, for example, led to a reduction in local and foreign investment; increased costs to companies and individuals regarding the protection of their assets; and had a negative impact on the country's tourism industry. The above-mentioned notion is supported by Demombynes and Özler (2002:2) when they state the following:

...crime also has less direct costs. The threat of crime diverts resources to protection efforts, exacts health costs through increased stress, and generally creates an environment unconducive to productive activity. Additionally, the widespread emigration of South African professionals in recent years is attributable in part to their desire to escape a high crime environment. All of these effects are likely to discourage investment and stifle long-term growth in South Africa.

It was estimated in 1996 already that the national cost of crime to business in South Africa was R15,8 billion per annum (Nedcor, 1996:46). By 2005, the World Bank found that serious crime was one of the four major constraints on enterprise and growth in the country since 1994. The World Bank's *Investment Climate Report: South Africa of 2005*, indicated that 30 percent of all the enterprises surveyed during the period covered, identified crime as a major issue. The research also indicated that direct losses due to crime and the cost of private security were higher in South Africa than in middle-income countries such as China, Poland, Brazil and Russia (World Bank, 2005:12, 90). Follow-up research conducted by the World Bank in 2010, found that even though the return of investment was higher in South Africa than other countries in Asia, South Africa attracted less investment than those countries due to the international community's perception of insecurity in South Africa. The research showed that crime levels in South Africa were a major contributing factor to the country

attracting not only less investment, but also experiencing a decline in employment and production in certain sectors of the economy (World Bank, 2010:vi-viii).

The World Bank's research findings were supported by the findings of a 2008 study commissioned by the South African Presidency on the impact that crime had on small business in South Africa. The study found that crime had a "devastating effect" on the financial well-being of the small business sector in South Africa and that the cost of crime for larger firms in the country was "disturbingly high". It indicated that costs of crime to business in South Africa included for example the value of goods stolen from those companies; damage caused to their property during acts of crime; high levels of staff absenteeism, and significant increases in the cost of insurance and private security (Small Business Project, 2008:42). The research also indicated the following (SAPS, 2008:20):

- 70 percent of employees felt vulnerable to crime while being at their places of employment.
- 54 percent of the businesses surveyed had experienced at least one incident of crime during the past year, while 30 percent experienced crime twice and 20 percent experienced it three or more times. Of those crimes, more than 60 percent were burglaries and armed robberies.
- It was estimated that small businesses could statistically lose approximately 20 percent of their annual turnover to crime, which could have severe economic consequences as only 50 percent of them could afford insurance.

The SAPS also confirmed the negative impact of high levels of commercial crimes on the economy when acknowledging the detrimental influence that commercial crime has not only the economy, but also the level of sustainable development within the country (SAPS, 2005b:44). It has also been stated that commercial crime may not be as prevalent in South Africa as other forms of serious crime (such as violent crime), but that its negative impact on the country and the economy is far reaching (Hübschle, 2010:v).

High crime levels in South Africa have also had a direct impact on the insurance industry due to the large amounts of compensation paid out. This in turn has had a negative impact on the premiums for short-term insurance cover paid by the public and the business sector. It was also estimated in 2009 that 30 percent of the costs of all

vehicle insurance claims in South Africa were crime-related (Auto & General, 2009). Fraudulent insurance claims have also become a major problem for the insurance industry as more than 21 000 fraudulent insurance claims worth over R1,3 billion were detected between 2003 and 2008 (IOL, 2008).

Another industry that has been negatively affected by the high levels of crime in South Africa after 1994, is tourism. It was estimated in 2005 that the country had lost approximately twenty-two million foreign tourists between 2000 and 2005 due to negative perceptions of safety and security (Cole, 2005). This was confirmed by the chief executive officer of the South African Tourism Agency (SATA), Moeketsi Mosola in 2008, when he stated that “(c)rime continues to be the achilles heel of the tourism industry in this country” and that “there is no question that we are losing a lot of people ... due to the perception of safety and security”.

Another sector suffering from the consequences of serious crime is the mining industry, which is one of the largest employers in South Africa, second only to the agricultural sector. The theft of precious metals and mining equipment can potentially erode the profitability of marginal mines to such an extent that they would have to cease production and lay off some of their workforce (Coetzee & Horn, 2006:v-vi).

#### **4. CONCLUSION**

This chapter discussed the consequences of serious crime in South Africa, with particular focus on the rising levels of fear of crime manifesting after 1994. Other consequences described in this chapter include the growth of the private security industry; vigilantism and emigration; as well as the negative impact that serious crime has had on the country's socio-economic development since 1994. In addition, it was also emphasised that even though certain serious crime categories decreased since the beginning of the twenty-first century, the country was seen (both domestically and internationally) as a dangerous place due to the high levels of serious crime. The following can therefore be concluded when assessing the different consequences of serious crime in South Africa in the period from 1994 to 2009:

- The majority of South Africans, including all race groups, felt less secure about their safety by 2009 than they did in 1994.

- The majority of South Africans felt that the government’s initiatives to prevent crime and make the country safer, were not successful.
- The levels of serious crime between 1994 and 2009 had a severely negative impact on the country’s social and economic development over this period of time.

It was stated in Chapter 3 of the study that the main factor underlying the establishment of a state’s security agenda is the way in which it views different threats. Buzan (1991:134), as previously stated, suggests that it does not only depend on what type of threat it is, but also on how a state perceives a threat and the intensity at which the threat operates, before a threat can be defined as a national security threat. In addition, as described in Chapter 5 of the study, the South African government stated on numerous occasions that human security should be an important part of the country’s national security agenda. The fact that serious crime has had a negative impact on the country’s social and economic development is an indication that human security has in that context, deteriorated since 1994. The consequences of serious crime since 1994, including the increasing levels of insecurity, are also in direct contrast to the South African citizens’ constitutional right to live “free from fear” (RSA, 1996b). In addition, serious crime, especially in the form of organised crime, also has implications for state security and stability.

## CHAPTER 7

### EVALUATION

#### 1. SUMMARY

In the first chapter of this study the research theme, research questions, research methodology and assumptions were outlined. It included a literature review of the main official and other information available on the topic of serious crime and national security in South Africa. In addition, the study's three research objectives were outlined, namely, to locate national security issues in a developing-country context; to assess the political, socio-economic and international consequences of serious crime in South Africa since 1994, and to illustrate the increasing concern over the occurrence of crime, especially serious crime, in South Africa since 1994, despite certain apparent statistical decreases. The chapter concluded with a section on the structure of the study, including the layout of the different chapters.

The second chapter provided a conceptual framework for the study. This included concepts such as serious crime, violent crime, organised crime, national security and national security threats. The concept of national security in developing countries was also discussed. After the end of the Cold War, views on national security were broadened, and the traditional notion of predominately military orientated security was no longer applicable in a globalised world. The end of the Cold War also allowed organised crime syndicates to expand their operations and influence across the world. This was especially evident in the increasing presence of organised crime syndicates in developing states since the early 1990s. The post-Cold War period also resulted in states focusing on both internal and external security threats. These increasingly included threats such as crime, economic instability, a lack of social development and the degradation of the environment. Furthermore, the post-Cold War era saw more emphasis on the security of the individual (human security), rather than the security of the state only. The human security dimension of national security has changed the general perception of the concept of security, and has had a profound impact on the way in which many governments developed national security policies.

The fact that “weak” governance and institutional structures found in developing countries allowed organised crime syndicates to develop comprehensive criminal networks across those countries was also discussed. Transnational crime flourished in the globalised post-Cold War arena where borderlines and law enforcement agencies could not deter organised criminals from establishing global criminal syndicates. It was also noted that not all threats can be identified as national security threats. Certain criteria were outlined in this chapter, to be used later on to assess what constitutes a national security threat.

The third chapter outlined the historical background of crime trends in South Africa up to 1994. The aim was to determine, amongst others, the extent to which the 1994 elections and subsequent developments in South Africa impacted on the occurrence and proliferation of serious crime in South Africa. This chapter highlighted the link between political, economic and social instability, and the increase in serious crime in the country during the 1980s and early 1990s. It also described the direct impact that the political situation in the country before 1994 had on the occurrence of serious crime after the advent of democracy in 1994. It was also indicated that the ANC was not properly prepared for the task of managing the SAPS, as well as developing and implementing the necessary strategies to reduce the escalating serious crime levels in the country in the post-1994 period. Furthermore, it was also shown that crime levels, linked to high levels of violence and socio-economic instability, increased significantly during South Africa’s political transition.

The fourth chapter assessed serious crime statistics in South Africa between 1994 and 2009, which included crimes such as murder, rape, assault GBH, aggravated robbery, drug trafficking, money laundering, corruption and other relevant, serious crime categories. The chapter commences with a section describing the statistical methodology that was followed in the study, including the use of official and other crime statistics. An assessment of whether there was an increase or decrease in serious crime between 1994 and 2009 was subsequently done. In addition, the chapter described the causes of serious crime in South Africa after 1994.

The fifth chapter described and assessed South Africa’s national security policy and the crime prevention policies developed between 1994 and 2009, as well as official views on the seriousness of crime in South Africa. This was done with the aim of evaluating the extent to which serious crime was officially viewed as a national security

issue. The chapter also outlined the new approaches, which included several pieces of legislation and policies, that the South African government adopted after 1994 regarding national security and crime prevention. This new direction was contained in documents and Acts such as the *Constitution*, the *White Papers on Intelligence; Safety and Security*; the *National Defence of the Republic of South Africa*; the NCPS; the POCA and several amendments to the *Criminal Procedure Act*. In addition, the establishment of new policing structures, such as the metropolitan police departments and the DSO, which was a further indication of the post-1994 government's attempts to increase its crime-prevention capacity, was also discussed in the fourth chapter.

The sixth chapter focused on the perceptions of both the South African public and certain role-players in the international community on serious crime in South Africa and the government's ability to manage this, as well as on the consequences of serious crime. Indicators such as the correlation between public perceptions and actual crime statistics; emigration; the decrease in tourism and foreign investment; increasing levels of vigilantism being reported; and the increase in private security in South Africa, were analysed to illustrate the consequences of serious crime in South Africa. Particular emphasis was placed on the rising levels of fear of crime reported after 1994 as a consequence of serious crime. In addition, it was emphasised that even though certain serious crime categories had decreased between 2000 and 2009 (most notably murder), the country was both domestically and internationally still seen as a high crime risk.

## **2. ASSESSMENT OF ASSUMPTIONS**

A number of assumptions were formulated in the introductory chapter of this study, for assessment in the final chapter. These are as follows:

- South Africa exhibits many of the national security issues of the developing world, as manifested in predominately internal threats to security.
- Serious crime is one of the main threats to South Africa's national security and continues to have an extremely negative impact on all spheres of life, especially on the country's social, economic, security and political environments.
- There has been increasing concern over the occurrence of crime, particularly serious crime, in South Africa since 1994, despite certain statistical decreases.

## **2.1 South Africa exhibits many of the national security issues of the developing world, as manifested in predominately internal threats to security.**

It was clear from the study that despite some similarities, there are nevertheless significant differences in the national security threats to developed and developing countries. This notion is supported by Buzan (1991:96-106) when he distinguishes between developing states (so-called weak states) and developed states (so-called strong states) in relation to the vulnerabilities of the different components of a state, and the subsequent security policies. Developing states are often characterised by ineffective government institutions and processes (power) and internal socio-economic and security challenges, which result in an emphasis on the internal security of the state (internal stability). Developed states in contrast, tend to have effective government institutions and processes and strong internal socio-economic structures, subsequently placing more emphasis on external, rather than internal threats to the state (Buzan, 1991:102).

The internal threats to the national security of developing states that were described in this study included internal political conflict and violence; serious and especially violent crime (which is associated with the proliferation of illegal weapons); social unrest associated with economic recession/high levels of poverty; ethnic, religious and regional conflicts; insufficiently institutionalised constitutional order; and weak governance institutions and corruption. It was made clear that the primary threat to the national security of developing states is internal and not external in nature (Ayoob, 1995, Buzan, 1991, Hough, 2003 & Job, 1992). It was, however, also noted that developing and developed countries do face certain national security threats that are similar, including threats such as international terrorism, border disputes, transnational organised crime and corruption, which pose a threat to the national security of all countries across the world.

In the post-1994 period, the South African government acknowledged that the country was increasingly facing internal threats, which included socio-economic disparities and on-going high levels of serious crime. For example, the *White Paper on Intelligence* of 1995 highlighted the need to mitigate non-military threats to the country's "stability and development" (RSA, 1995a). Another example is the *White Paper on National Defence for the Republic of South Africa*, which stated that "socio-economic problems like poverty, unemployment, poor education, the lack of housing and the absence of



adequate social services, as well as the high level of crime and violence” were recognised by the government as some of the greatest threats (RSA, 1996c). These threats were also linked to individual security specifically. In addition, the NCPS and the *White Paper on Safety and Security*, as well as statements made by senior government officials during that period, supported the notion that South Africa’s national security agenda was primarily focused on internal rather than external threats. Serious crime was subsequently identified as one of the primary security threats to the country (RSA, 1996a, 1998c, 1999b, 2000a, 2005b, 2007b & 2009f).

Furthermore, South Africa, as a developing country, faced similar political and socio-economic challenges as other developing countries in relation to the internal security situation. These challenges include the high levels of fear of crime (Institute for Democracy in South Africa, 2009 & Mattes, 2006); high levels of poverty and unemployment and the link to serious crime (De Kock, 1999 & Williams & Brooks, 1999); high levels of alcohol and substance abuse (Centre for the Study of Violence and Reconciliation, 2007 & SAPS, 2007); community mistrust in the government’s law enforcement agencies and their ability to mitigate internal security challenges (Bearak, 2009 & Pharoah, 2008a); significant growth in the private security industry (Berg & Nouveau, 2011 & Minnaar, 2007); an increase in the number of acts of vigilantism (Hübschle, 2004 & Mbanjwa, 2009); an international perception that the country is deemed to be unsafe (Geneva Declaration Secretariat, 2008 & Ratele, 2010); large numbers of citizens who fear for their own safety and are therefore emigrating (Stone, 2006 & Van Aardt, 2006); and the negative impact that internal instability (including high levels of serious crime) has on the country’s social and economic development (SAPS, 2008 & World Bank, 2005).

The above-mentioned assumption can therefore be confirmed as the study has indicated that the majority of South Africa’s national security threats are predominately internal threats (such as social, economic and political instability), rather than external threats (for example a military invasion), which are similar to the internal issues faced by other developing countries across the world.

**2.2 *Serious crime is one of the main threats to South Africa's national security, and continues to have an extremely negative impact on all spheres of life, especially on the country's social, economic, security and political environments.***

The study's conceptual framework outlined several different definitions, views and characteristics of national security which are applied when determining the basic criteria for identifying national security threats. For example, the determination of what a national security threat is, not only depends on the type of threat, but also on a state's perception of a threat and the intensity with which the threat operates (Buzan, 1991:134). It is therefore important to assess how the South African government viewed the threat posed by crime after 1994 before determining whether it could be classified as a national security threat.

As discussed in the study, the South African government stated on numerous occasions between 1994 and 2009 that crime posed a major security threat to the country, its inhabitants and its socio-economic development. For example, former President Mandela, as early as 1994, not only identified crime and other socio-economic challenges related to human security, such as poverty and substance abuse, as some of the primary security threats to the country, but also indicated that there was a clear correlation between crime and the lack of socio-economic development (RSA, 1994). In addition, numerous other official documents published after 1994, such as the NCPS and the *White Paper on Safety and Security*, not only supported the notion that crime was posing a major security threat to the country, but also indicated that the high levels of crime in the country after 1994 were hampering the socio-economic development of the country as a whole (RSA, 1996a & 1998c).

Certain criteria, as described in the study's conceptual framework, that can be utilised to determine whether an issue can be identified as a national security threat have been developed by for instance Hough (2003:18) and Buzan (1991:65-96). Table 28 analyses these in relation to the occurrence of serious crime in South Africa between 1994 and 2009.

<b>Table 28: Serious Crime as National Security Threat in South Africa 1994-2009</b>	
<b>Criteria</b>	<b>South African Case Study</b>
<b>Did serious crime pose a threat to state stability (including the effective functioning of the state), sovereignty or territorial integrity?</b>	The study indicated that the occurrence of high levels of serious crime in post-1994 South Africa posed a threat to the stability of the state. This notion is supported with the fact that the government could not prevent transnational organised crime syndicates from establishing cross-border smuggling networks in South Africa (threat to territorial integrity); that high levels of government corruption were reported after 1994 (threat to state integrity and its processes); and that the state was unable to effectively mitigate the security threat that serious crime posed to the country between 1994 and 2009.
<b>Did serious crime threaten any vital national values?</b>	Serious crime in post-1994 South Africa threatened some of the country's national values as set out in the <i>Constitution</i> , including citizen's rights to human dignity, to live in peace and to be free from fear, as well as government accountability to ensure the rule of law.
<b>Did the government's attempt to address the issue of serious crime require any extraordinary measures?</b>	The government acknowledged that the prevention of high levels of serious crime in post-1994 South Africa required the establishment of new and specialised law enforcement structures, such as the metropolitan police departments, AFU, FIC and the DSO, as well as the development of specific policies, such as the NCPS and the <i>White Paper on Safety and Security</i> . The study also indicated that the government used its civilian intelligence and military structures (non-policing structures) to improve its ability to reduce serious crime levels.
<b>Was the threat that serious crime posed sporadic or continuous?</b>	Even though certain serious crime categories (such as murder) decreased during the early twenty-first century, the annual average number of serious crimes reported between 1994 and 2009 in all categories continued to be high – especially when compared to other countries across the world. For example, an average of 22 015 murder cases and 238 575 assault GBH cases were reported annually over this period.
<b>How widespread or localised was the threat</b>	Serious crime occurred across the country as the study indicated that all nine South African provinces reported high levels of serious

<b>of serious crime in South Africa?</b>	crime over the 1994 to 2009 period.
<b>To what extent did the threat of serious crime transcend borders, and what type of international reaction did it evoke?</b>	The study indicated that transnational organised crime syndicates proliferated in the country (and in the SADC region) after 1994. Numerous developed countries, such as the US and the UK, indicated after 1994 that transnational organised crime in the SADC region had become a security threat to them as illicit goods and humans were smuggled through the region (especially South Africa) to their countries.

Furthermore, the study assessed the intensity of the threat that serious crime posed to the country by not only describing the extent of serious crime that occurred between 1994 and 2009, but also the impact it had on the country's social, economic, security and political environments. It was clear from the assessment of the information used in the study that serious crime did not only have a significantly negative impact on these environments, but that the high levels of serious crime in the country after 1994 indicate that both human and state security and hence national security deteriorated after 1994. As also indicated in Chapter Two of the study, the negative impact that serious crime has had on the country can be determined by using the criteria of the harm framework developed by the UK's SOCA, which is outlined below (UK, 2010a:iii):

- **Physical Harm:** Crime statistics used in this study indicated that high levels of physical violence and harm were reported in South Africa between 1994 and 2009, which included 330 227 murder cases, 395 807 attempted murder cases, 3 422 466 common assault cases, 3 578 632 assault GBH cases and more than a million sexual assault cases (including rape) (SAPS, 2003:26, 2004:19, 2005:56, 2007:224 & 2009:5). In addition, the study compared selected international statistics on serious crime and found that South Africa was one of the most criminally violent countries in the world between 1994 and 2009, with some of the highest levels of murder, assault, rape and aggravated robbery being reported (Geneva Declaration Secretariat, 2008:1, 71, Harrendorf *et al*, 2010:38-39 & Schönreich, 2000).
- **Social Harm:** The frequency of the involvement of young people in South Africa in acts of serious crime, either as perpetrators or victims, were described in the study. The negative impact of serious crime on the social development of individuals,

families and communities across the country was also identified (RSA, 1996a & UNODC, 2005:xii). Several national perception surveys showed that by 2009, the majority of South African citizens and communities did not believe that the government was able to mitigate the risk that serious crime posed to their own safety and to the country as a whole. Furthermore, high levels of fear of crime were reported between 1994 and 2009 across the country by all race groups (Pharoah, 2008a:6 & Institute for Democracy in South Africa, 2009:44). The study also indicated that serious crime had a substantially negative impact on the social fabric of South Africa after 1994, which violated human rights and the basic right of citizens to be safe, as set out in the country's *Constitution*. The high levels of serious crime in South Africa after 1994, therefore, largely undermined the belief in the rights of others and respect for the law across the country (RSA, 1996b & SAPS, 2008:3).

- **Environmental Harm:** The study indicated that high levels of poaching and theft of the country's natural resources – such as wildlife and precious metals and gems – occurred after 1994 (SAPS, 2003:62). The majority of these goods were then smuggled out of the country. An example of this was the increasing involvement of the Chinese Triads in the poaching and smuggling of abalone and rhino horn from South Africa to the Far East after 1994. Numerous communities, especially from impoverished areas which are characterised by high levels of unemployment, became involved in the poaching of the country's natural resources. These were then sold to transnational organised crime syndicates from regions such as the Far East and Eastern Europe. This resulted in organised crime syndicates establishing networks in communities across the country (Coetzee & Horn, 2006:v-vi, Gastrow, 1999, Gossmann, 2009:51-64 & SAPS, 2003:61), such as those involved in rhino poaching in and around the Kruger National Park and abalone poaching in the Eastern Cape. The increasing levels of poaching of the country's wildlife after 1994 (especially during the beginning of the twenty-first century) also had a negative impact on the international perception of the country's ability to protect its wildlife resources (Animal Rights Africa, 2009).
- **Economic Harm:** High levels of serious crime in South Africa had a negative impact on the economic situation of many South Africans after 1994 (Stone, 2006:11). The direct impact of the high levels of serious crime included medical costs (due to violent crime); the loss of income (for example when a breadwinner is murdered);

and the loss of personal goods (theft and robbery) (World Health Organisation, 2002:3, 102). The indirect impact on individuals or families included the increasing costs of private security and insurance (Auto & General, 2009). The study also indicated that the business sector in South Africa, including both the micro-economic and macro-economic sectors, was adversely affected by the high levels of serious crime after 1994, which included the billions of Rand that were lost due to fraud and theft and the increasing cost of private security and insurance to the business sector after 1994 (SAPS, 2008:20 & World Bank, 2005:12, 90). The government also lost revenue due to goods being smuggled in and out of the country without the payment of taxes and duties, and the theft of the country's natural resources. Serious crime also had a negative impact on various sectors, such as tourism and agricultural and mining industries (SAPS, 2005b:44). Finally, a decrease in foreign investment due to the prevalence of serious crime in post-1994 South Africa, was also noted (Banda, 2008 & Cole, 2005).

- **Structural Harm:** The study indicated that the government did not have the ability to mitigate the security threat that serious crime posed to the country after 1994. Furthermore, the majority of the population from all race groups felt less secure about their safety by 2009 than they did in 1994. The majority of South Africans also felt that the government's initiatives between 1994 and 2009 to prevent crime and make the country safer, were not successful (Institute for Democracy in South Africa, 2009:44, Mattes, 2006:10 & Pharoah, 2008a:7-8). It was also shown in the study that serious crime posed a threat to state security after 1994 as high levels of corruption were reported in all spheres of government, including local, provincial and national government structures. The rising levels of corruption reported in the country's security and law enforcement structures were a further indication of the threat serious crime posed to state security after 1994 (Gastrow, 2003b:116-123, Goredema, 2004:4 & SAPS, 2007:223). Furthermore, serious crime also threatened the integrity of certain government processes, such as border control, criminal investigations and criminal prosecutions. This resulted from the activities of corrupt government officials purportedly responsible for ensuring the integrity of the country's border (Forced Migration Studies Programme, 2009:33-37, RSA, 1996a & SAPS, 2003:26).

The above-mentioned assumption can, therefore, be confirmed as the study has shown that serious crime in South Africa after 1994 represents one of the primary threats to

South Africa's national security, due to the fact that it has continued to have an exceedingly negative impact on the country.

**2.3 *There is an increasing concern over the occurrence of crime, especially serious crime, in South Africa since 1994, despite certain statistical decreases.***

The study indicated that certain serious crime statistics, including murder, attempted murder and assault GBH, decreased between 1994 and 2009, while other serious crimes such as commercial crimes, car hijackings and sexually related crimes, stabilised over the same period. There was, however, a significant increase in aggravated robbery (such as residential and business robberies) and crimes related to organised crime activities (such as drug-related crimes). Victims-of-crime surveys of 2003 and 2007, indicated that the majority of the public did not actually believe that there were some decreases in crime and felt less secure about their safety than they did in 1994. For example, in 2007 almost 57 percent of the public thought that crime was increasing rather than decreasing, compared to 53 percent by 2003 (Pharoah, 2008a:7). It was noted in the study that the primary reason that contributed directly to the public's perception that crime was increasing rather than decreasing, was the fact that a large section of the public doubted the government's ability to prevent crime. For example, by 2008, national surveys showed that the majority of South Africans felt that the government's initiatives to prevent crime and make the country safer, were not successful (Institute for Democracy in South Africa, 2009:44 & Pretorius, 2008:89).

Even though South Africa experienced some of the highest levels of serious crime when compared to both developed and developing countries across the world after 1994, it was especially the extent of violence used by criminals that was of concern. Examples of this included the use of torture during residential robberies; members of the public being shot and killed or severely injured even though they did not threaten or resist the criminals during the crime; people being raped during residential robberies; and high levels of domestic violence being reported annually (Centre for the Study of Violence and Reconciliation, 2007:102-103). The high level of violence that accompanied crime in South Africa between 1994 and 2009 has even been categorised as a form of domestic terrorism, or so-called "criminal terror" (Hough, 2007:1).



The significant increase in certain aggravated robbery categories, especially residential and business robberies (which increased by more than 100 percent in the six year period between 2003 and 2009) in South Africa, also had a notable impact on the public's perception of insecurity. This was due to the fact that many of these robberies were accompanied by acts of violence, including murder, attempted murder and rape. It therefore became a general perception across the country that victims of aggravated robberies (especially residential robberies) were not only likely to lose valuable property during the robberies, but that they would also stand a good chance of being assaulted, murdered or raped without provocation (Newham, 2008:7).

In addition, the rising levels of violence during aggravated robberies, also resulted in an increase in public awareness of the abuse of victims during these robberies (Mistry, 2004:24). The media also played a role in fuelling the public perception that South Africa was a very violent country by either exaggerating certain crimes, or focusing only on those crimes that are associated with high levels of violence, as this would subsequently increase sales figures (Baghel, 2010:80-82 & Louw, 2006:1). An example of this was the fact that South Africa was branded the "rape capital" of the world by both the domestic and international media (News24, 2004 & BBC, 2009). The increase in public insecurity after 1994 subsequently contributed to the significant growth of the private security industry in the country after 1994 (Minnaar, 2007:129). As stated previously, the crime statistics used in this study may also not have revealed the actual situation, as the SAIRR has estimated that up to 1.7 million crimes went unreported to the SAPS in 2011 alone (South African Institute of Race Relations, 2013:730).

The above assumption can therefore also be confirmed as the study has shown that the levels of fear of crime have increased in South Africa after 1994, even though certain serious crime categories statistically decreased or stabilised over the same period of time. In addition, it was not only the high level of violence associated with crime in the country that was the cause of the high levels of fear of crime, but also the fact that the South African population progressively lost faith in the government's ability to counter serious crime.

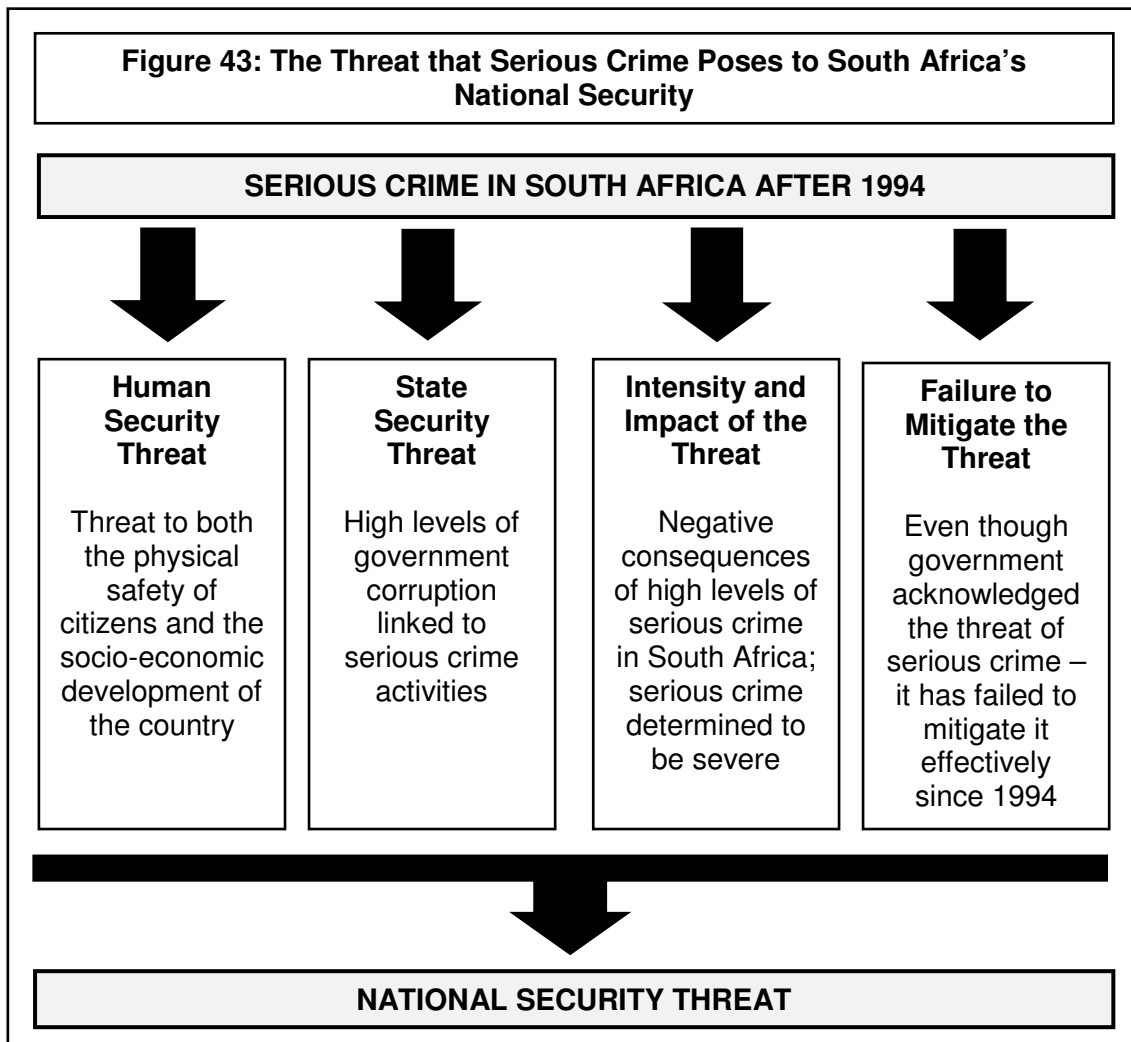
### **3. CONCLUSION**

In the study's conceptual framework the question is asked whether there is a need for the South African government to 'securitize' serious crime to the level of a national



security threat, as described by the *Copenhagen School of Thought* (Buzan *et al*, 1998). Information assessed in the study has indicated that the post-1994 government repeatedly emphasized the strategic need to prioritise serious crime as a serious security threat, especially in relation to the government's attempts at ensuring 'human security' in the country. Several policies and strategies that were developed by government after 1994 do not only support this assessment, but those policies also indicated the government's intention to reduce the threat that high levels of serious crime posed to the country. These, however, failed to mitigate the threat. This was not due to a weakness inherent in the measures, but rather to the fact that they were never effectively implemented. This means that even though the government did, to an extent, "securitize" serious crime as a national security threat after 1994, the threat it posed to the country's national security was not effectively mitigated. The impact of serious crime in South Africa can in summary be depicted as in Figure 43.

Serious crime, therefore, posed a threat to South Africa's national security, not only because it was identified as a threat to human security, but also because it posed a threat to the country's state security; its intensity and impact were high; and it threatens the integrity of the state and its processes due to the fact that the government failed to effectively counter the threat. By 2013 high levels of serious crime were still being reported. For example, more than 1.8 million crimes were reported during the 2012/2013 financial year (of which 617 239 were violent crimes - including 66 387 sexual offences cases; 16 387 attempted murder cases; 185 893 assault GBH cases; and 105 888 aggravated robbery cases) (SAPS, 2013:8, 45). The number of crimes reported which are related to organised crime activities also continued to be high. For example, 206 825 drug-related crimes and 91 569 commercial crimes were reported in South Africa in the 2012/2013 financial year (SAPS, 2013:46-47). In addition, high levels of corruption also continued to hamper the effective prevention of serious crime after 2009 and allowed criminal syndicates to infiltrate the government and its processes (Corruption Watch, 2013 & Transparency International, 2013).



The threat that serious crime currently poses to national security could be more effectively addressed by for instance the following:

- Elevate and prioritise serious crime as a national security threat in all spheres of government, including departments responsible for the socio-economic development. This also implies that extraordinary measures, authority and resources should be allocated to relevant government institutions in order for them to counter the national security threat that serious crime is posing to the country.
- Either develop and implement a comprehensive national security strategy that will address the threat that serious crime is posing to the country, or ensure that the previous policies (such as the NCPS) are reviewed and effectively implemented.
- Effectively address the high levels of corruption.
- Increase the state's capacity to manage and protect the integrity of the country's borderline.

- Increase the specialised capacity within the state to deal with transnational organised crime, especially within the country’s intelligence and law enforcement structures.

None of the above-mentioned recommendations will, however, be effectively implemented if there is insufficient political will to do so. The threat that serious crime is posing to the country’s national security, will only be reduced if the political leadership of the country ensures that the state is capacitated and held accountable to ensure the right to be free from fear.

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## SUMMARY

<b>TITLE:</b>	Serious Crime as a National Security Threat in South Africa Since 1994
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The primary aim of this thesis is to assess whether and to what extent serious crime and specifically violent and organised crime, poses a national security threat to South Africa since 1994. To achieve this, the study focuses on serious crime in South Africa before 1994; serious crime trends and characteristics between 1994 and 2009; crime prevention and national security polices developed after 1994; public perceptions of safety and security after 1994; and the consequences of serious crime. In this regard three assumptions were formulated for assessment namely:

- South Africa exhibits many of the national security issues of the developing world, as manifested in predominately internal threats to security.
- Serious crime is one of the main threats to South Africa's national security, and continues to have an extremely negative impact on all spheres of life, especially on the country's social, economic, security and political environments.
- There has been increasing concern over the occurrence of crime, particularly serious crime, in South Africa since 1994, despite certain statistical decreases.

All three of the assumptions could be verified in the study.

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**Key terms:** *causes of crime, consequences of crime, crime prevention, crime statistics, fear of crime, human security, impact of crime, national security, organised crime, public perception, risk, serious crime, state security, threat perception, violent crime.*