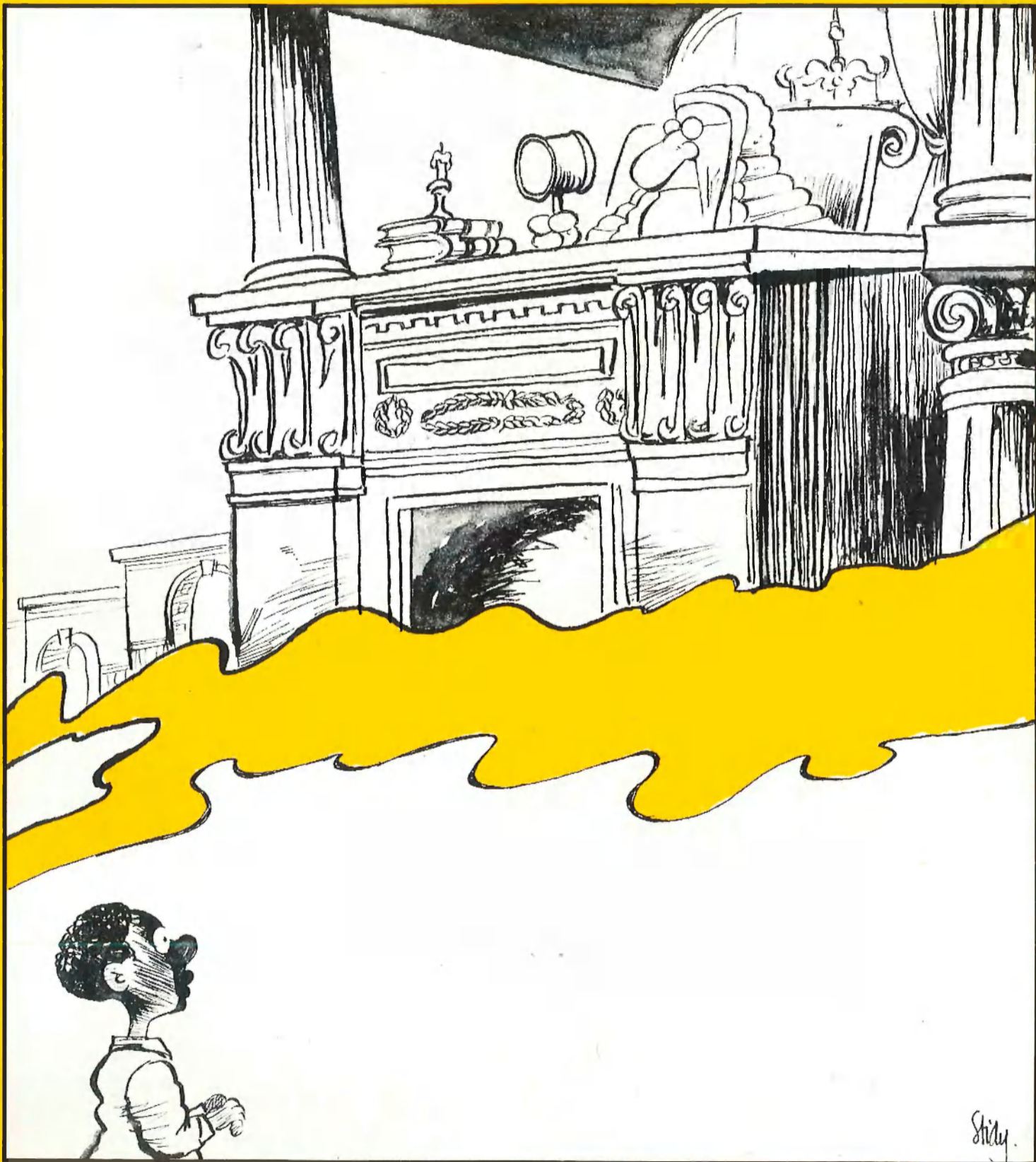


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CRIME AND Conflict



EDITORIAL

The Constitutional Court recently ruled on a controversial issue: the death penalty. The decision to abolish the death penalty was vociferously opposed from various quarters. This uproar is hopefully more an expression of fear about the future, and a lack of faith in, and hope for, the criminal justice system, than a desire for more murders in this already violent country.

The death sentence debate should be less emotional, and considered from the nuts-and-bolts perspective of the criminal justice system, of which sentencing is just one part. Problems with this system have simmered for some time, and a previous issue of the *Conflict Supplement* considered the lenient bail terms being issued by some courts.

Sentencing takes place at the end of the justice process, followed by prison terms and release policies. While there are problems with too lenient sentences, we must also consider what happens before sentencing. The sentence is probably furthest from criminals' minds because they are fairly certain they will never be arrested, and if they are, the many weaknesses in the process offer means of escape.

Crime is complex and the solution lies not only in sentencing. The articles in this issue contribute to this debate. Nina and Kinnes argue that the opinions of communities affected by crime, and their conflict resolution resources, must be developed. Minnaar considers 'people's justice' from its more ugly perspective, examining the brutal forms people's courts have taken.

Stanton and Lochrenberg are concerned with sexual offence survivors and the justice system. Sexual crimes inspired the most heated opposition to the lifting of the death penalty, but this article shows the many problems in the process prior to sentencing, despite the world's first Sexual Offences Court. These discourage victims from reporting crimes, making offences easier to commit.

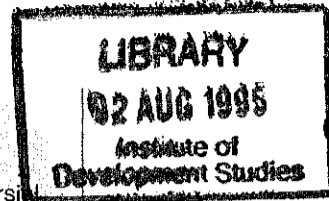
Adisa's article on violence in Lagos, Nigeria, illustrates the complexity of the crime problem and calls for multifaceted solutions. Interestingly, public executions were introduced, not simply for murder, but for armed robbery in 1970, repealed, and reimposed in 1984 with little effect. The situation for Lagosians remains desperate.

Crime and Conflict hopes to stimulate debate about these and other issues and I encourage readers to respond or make new contributions to our publication.

Antoinette Louw
Crime and Conflict editor

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CONTENTS

Going Back to the Roots: Alternative Views on Community Justice 2

Daniel Nina

A consideration of state and community responses to the crime wave, through the eyes of the underprivileged.

Reclaiming the Cape Flats: A community challenge to crime and gangsterism 5

Irvine Kinnes

The Cape Flats is synonymous with crime and particularly gangsterism, problems which the police alone cannot solve. The Anti-Crime Forum was initiated to assist in crime prevention.

Desperate Justice 9

Anthony Minnaar

People's courts have been used for punishing wrongdoers, as well as for revenge and controlling communities. Attempts to regulate these could be a positive step.

Victims of Justice 13

Sharon Stanton and Margot Lochrenberg

Sexual crimes symbolise the most severe violation of the human spirit. This article provides a preliminary assessment of the world's first Sexual Offences Court.

South African Cities Under Siege 17

Lorraine Glanz

This article shows that the level and types of crime vary across the country's six urban centres, and that trends have changed over time.

Crimes against Business 22

Beaty Naude, Thys Grobbelaar,
Sandra Joubert, Alice Maree

The perceptions of businesses about the extent and costs of crime, and the measures being taken to combat the problem are examined.

Urban Violence in Nigeria 27

Jinmi Adisa

As in any major city, crimes vary from violent to white collar. Lagos, the commercial hub of Nigeria, illustrates challenges similar to South African cities.

Indicator SA Editor *Karen Mac Gregor* Production/Design *Rob Evans*
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Indicator SA, CSDS, University of Natal, Private Bag X10, Dalbridge 4014

Going Back to the Roots

Alternative Views on Community Justice

Daniel Nina, NICRO and Institute of Criminology,
University of Cape Town

According to the press and police, the state must conquer the current anarchic crime wave by enforcing law and order. But the public do not always agree on these methods. This article considers the problem and its solutions through the eyes of the underprivileged.

The liberal press of the Western Cape define crime as 'Public Enemy No 1' and provide accounts of the 'who, where and when' of criminal activity (*The Argus*, 1994). Crime, as defined in the daily newspapers, comprises acts against the integrity of the person (such as murder) and against property (robbery or housebreaking for instance).

The press also imply that a perpetual state of lawlessness exists. This image coincides with the way serious crime is constructed by the police. Murder, rape, aggravated assault, aggravated robbery, housebreaking, and theft of motor vehicles make up the police definition of the 'Big Six'.

The police and press have together created a common discourse on the gravity of crime since the April 1994 elections. This is the dominant discourse which has taken primacy over others including that of peace, tolerance or political violence which existed prior to the elections. This has contributed to a new perception that crime is the 'real' enemy of the people, and that we are liberating a 'war' against it.

The following news article appeared recently:

"Eight 'dangerous' prisoners escaped from the cells at the

Cape Town Magistrates Court after they overpowered a policeman and locked him up. A police spokesman said 12 suspects in cases of housebreaking, theft, car theft and assault, who were appearing in the regional court yesterday were being escorted from that court to the magistrates courts at about 1pm" (emphasis in the original, The Argus, 1995).

There is no clear indication in the article of why the prisoners are 'dangerous'. Besides establishing that the eight people were involved in crimes of a fundamentally socio-economic nature, the article does not provide any information about the seriousness of the escapees' crimes. Were they on remand? Were they convicted prisoners?

Restoring obedience to the state's law is the dominant discourse on crime

The article nonetheless imparts a sense of chaos and danger and of a lack of law and order. It is probably here, on the need to 'restore' order and obedience with respect to the state's law, that the dominant discourse on crime rests.

But there is always more than one 'tale' of crime. Crime is topical and

provides us with space for developing multiple agendas. Ample literature demonstrates this, showing how across the world the banner of crime is used as a tool of unification against deviants, juveniles, 'dangerous' classes, terrorists and others who break the law or live on the margins of society (Hall et al, 1978; Mcrobbie, 1994).

The Western Cape is no exception. This province differs only in the way that race affects how crime is defined, as well as the responses to it. The dominant discourse is often challenged by responses to crime in certain communities which are frequently contradictory, simultaneously opposing and supporting the dominant discourse.

The concern is for areas which the police and press are less interested in

Talking about crime is complicated. Nothing falls naturally into the 'criminal' category, but state definitions of non-acceptable behaviour sometimes correspond with community based definitions. The relationship between public perceptions and state definitions is a more complex one. The public view is made up of both adherence to and rejection of state definitions.

It becomes relevant to analyse the areas in which the various discourses on crime coincide, and to look at what might constitute a discourse of the underprivileged on the emerging 'war on crime'.

Differing perceptions

From the outset the 'war on crime' has been constructed by the press and certain sectors of the state. The

state's reaction to crime is not however, monolithic. For example, the response of the Ministry of Safety and Security to crime differs from that of the Reconstruction and Development Programme Office which emphasises the socio-economic conditions leading to crime.

For people living in underprivileged communities, the war is not only about reducing crime but concerns areas which the police and press are less interested in. People take a broader perspective on crime and consider issues such as the lack of public facilities, employment, housing and education which have a serious bearing on the level of crime in the community.

I myself am faced with something of a paradox in that I live in a traditionally white neighbourhood yet work in traditionally black communities, where the levels of crime differ greatly. Violent crime, in particular, is far more prevalent in the area known as the Cape Flats.

Perceptions about crime in traditionally white neighbourhoods, however, encouraged the development of organisations with a tough 'law and order' approach such as the Capital Punishment Campaign which advocates the reintroduction of the death penalty for certain serious offences (Douglas, 1995).

The distinction between the criminal and the victim is complicated and often interrelated in black communities

Interestingly, organisations involved in combating crime in black, poor communities in the Western Cape have not yet adopted a position on the death penalty and have attempted to maintain a distance from initiatives in other [racially defined] communities.

Perceptions and experiences of crime in African and coloured communities are very different to those represented in the press. Crime is not an alien experience but something people live with daily and are frequently victim to. Crime is committed by friends, relatives or

known community members. The distinction between the criminal and the victim is complicated and often interrelated.

The campaign against crime is more a creation of those who live outside the areas worst affected by crime

It becomes clear that the campaign against crime, the 'Public Enemy No 1', is more a creation of those who live outside the areas worst affected by crime. Black communities appropriate the notion of crime and the idea of war against it, but they create a distinctive mode of operation which is quite different to that reflected in the press.

More urgent problems

The coloured community of Manenberg in the Cape Flats is probably the area most affected by gang violence and wars over territory. In fact, the Western Cape Anti-Crime Forum was first conceptualised here over a year ago (see Kinnes in this issue). However, the problem of gangsterism does not necessarily assume primacy in this community stricken by poverty, lack of infrastructural development, police corruption and other problems.

Last year, Rashied Staggie, leader of the notorious Hard Livings gang allegedly responsible for a great deal of violence in the community said: 'Everybody is speaking about the new South Africa and the death of apartheid. But, every time that I look around I see poverty, overcrowding, filth, unemployment and gangsters' (*Weekend Argus*, 4/9/94).

It is interesting that Mr Staggie appropriates the discourse of poverty and development so relevant to Manenberg, to argue that crime is not a problem of the magnitude alleged. Indeed, socio-economic reconstruction is desperately needed in most of the underprivileged communities of the Cape Flats. Such populist discourse is available to gangsters and politicians alike.

However, the 'tale' of crime in Manenberg is complex. A public demonstration against gangsterism last March complicates the 'war on crime' notion. Members of the Hard Livings gang participated in the protest, attended by more than 2 000 community members, bearing a placard declaring that there could be no peace without the release of their leaders who had been arrested (Baleta, 1995). Other gangs also participated, affirming a commitment to peace.

This interaction between members of the same community is quite complicated. The 'good community' is against violence not gangsterism, while the 'bad community' is prepared to reintegrate, particularly if its leaders are included.

Provided gang members declared a commitment to peace there was general acceptance of their involvement in the demonstration. However, clarity was lacking on the issue of peace, as in the case of Hard Livings, groups were sidelined and represented as not committed to the well being of the community.

In many Western Cape communities agreements have been reached between members and gang members to bring peace

The issue of crime in the traditionally coloured communities has emerged since the elections last year as a unifying factor. It has been used as a way to gather, strengthen and redefine an identity which could be under threat in the new dispensation. The Manenberg example demonstrates that the discourse around dealing with criminals is not one of law and order but of reintegration and rehabilitation.

In many Western Cape communities, such as Stellenbosch for instance, successful agreements have been reached between members of the community and gang members to bring peace, some lasting for more than a year. These communities appropriate the language of 'war on crime' and

transform it into one of peace and integration of the offender.

Street committees

A similar pattern is found in other black communities, and in African communities in particular, although it appears in more complex forms. Through working in Guguletu for more than two years with street committees and more recently with its Community Policing Forum (CPF), a sharp differentiation in the perception of crime became apparent.

The 'war on crime' language is transformed into one of integration of offenders

Crime is being redefined in these communities as a 'social problem' and requires a solution quite different from the punitive law and order approach. This is the case in many of the street committees which are grassroots structures of the civic organisation affiliated to the South African National Civic Organisation (Sanco).

In these street committees, crime is defined as murder (the death of a person caused by another person) and rape (unsolicited sexual intercourse with a woman and sexual abuse of children). The remaining problems defined by the police as the 'Big Six' are solved by the committees. The suspected criminal should, however, be handled by the police and the state courts.

The committees are guided by at least two principles: the need to provide an offender with the opportunity to apologise to the

community and be reintegrated; and the need to satisfy the monetary loss or emotional grievance of a victim (Mncadi and Nina, 1994). The street committees, at least in Guguletu, are not involved in physical punishment or the degradation of offender or victim. Their main focus is on restoring peace and harmony, a discourse very different from that of law and order.

The efficiency of the street committees in Guguletu has been recognised at various levels, including by the Community Policing Forum (CPF) which are mandated by the Interim Constitution. The Guguletu CPF accepts that the street committees are the first tier of problem solving and that the police should cooperate with them.

It is implicitly acknowledged that to provide policing as a service, the state agency in the form of the South African Police Services (SAPS) cannot hold a monopoly on responsibilities. Well organised communities such as Guguletu can provide better mechanisms to guarantee safety and security in certain areas than those offered by the police (Mncadi and Nina, 1994).

Most matters are redefined as social problems and crime is reduced to murder and rape

People's discourse

The crime 'tales' that many underprivileged communities have developed in the Western Cape have points of commonality with those of the media and police. In the course of dealing with crime,

however, many communities have developed a discourse which is far less punitive than this dominant discourse. It is important to consider what this 'people's discourse on crime' represents.

It appears that the process developed by many communities and African communities in particular, tends to consider problems in a holistic way. Risks of danger are reduced, the wrongdoer is confronted in a straightforward manner, and restitution is offered to the victims. The approach relates harmful actions to their causes. Moreover, most matters are redefined as social problems and crime is reduced to murder and rape.

In dealing with 'social problems', various state and civil institutions may be more effective and appropriate resources than the police. It is a matter of bringing together the members of the 'good and bad' community in solving the socio-economic causes of the problems affecting them. This is a far more radical perspective than that found in the dominant discourse. ~~1994~~

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Reclaiming the Cape Flats

A community challenge to crime and gangsterism

Irvine Kinnes

NICRO and Member of the Western Cape Anti-Crime Forum

The Cape Flats is synonymous with crime and particularly gangsterism, problems which the police alone cannot solve. The author was among the residents of Manenberg in the heart of gangland, who initiated the first Anti-Crime Forum which has successfully united residents, built trust with police, and launched a brave assault against crime.

South Africa is facing probably one of the greatest challenges in its history other than apartheid, namely crime. Violent crime manifests itself in various forms throughout the country and in the Western Cape gangsterism is the problem.

From October 1, 1994 to March 30, 1995 in the six magisterial districts of Mitchell's Plain, Manenberg, Phillippi, Bishop Lavis, Bellville South and Elsies River which make up the Cape Flats, a total of 253 murders occurred. Half of these and nearly half the attempted murder charges recorded by the police were gang related.

This predominance of gangster crimes characterises crime in several communities of the Western Cape. In Manenberg, the heart of the Cape Flats gangland, there were 44 murders, 28 of which (or 63%) were as a result of gang violence. In the same area nearly half the 99 attempted murder charges were gang related.

In the Bishop Lavis district, 49 murders were committed in the six months before March 1995, 25 of which involved gangs. More than half the cases of attempted murder were attributed to gang violence. This is the reality of the situation in the Cape Flats.

Traditional responses from the police, which continued up to the beginning of 1995, have not been successful. Their actions have failed to take into account the opinions of people in affected communities. Theorists have argued that a tougher approach to gangs is needed, including putting more police on the street. This argument is shortsighted as it fails to consider socio-economic causes of gangsterism and the level of organisation of the gangs in the region.

Intelligence agencies, non-governmental organisations and gang members themselves have estimated that gang membership in the Western Cape ranges from 80 000 to 100 000. Gangsterism to many people on the Cape Flats has become a way of life. It represents an alternative economic activity and a means of survival. Coupled with this are the strong group morals, codes of conduct and disciplinary structures which characterise this phenomenon.

Roots of gangsterism

Gangsterism has clearly become deep rooted in the Western Cape, and there are historical reasons for this. After the relocation of thousands of families from

residential areas of Cape Town such as District Six, Diep River, Claremont, Constantia and other City Bowl areas as a result of the Group Areas Act, thousands of family structures were forcibly broken.

People were relocated to areas of the Cape Flats which had no facilities and infrastructure. The notion of the nuclear family became something of the past in a short space of time. Coupled with high levels of unemployment and poverty, many people turned to crime as a means of survival and hence the formation of street gangs.

The responses from communities to gang activity have been of a short term nature and were largely dictated by the dominant socio-economic and political conditions of the time. There have been three periods in which communities responded differently to gangsterism.

Community responses

The first response occurred during the period from 1973 to 1976, when there was a very violent but organised approach to gangs from communities across the Western Cape. In the absence of a clear police strategy, communities united under the banner of a vigilante movement called the 'Peacemakers', which started in Manenberg and spread quickly to other areas.

Here residents used violence, physically beating gang members who committed crimes and terrorised residents. The 'Peacemaker' movement at its peak was successful in the Western Cape, although many people complained of excesses. In its crudest form it was the first

collective approach by people to take action in defence of their neighbourhoods.

However, the events of 1976 were to shatter forever the unity that was built up in earlier years across the Peninsula. The Riotous Assembly Act decimated the energies of the 'Peacemakers' when the South African Police ordered the people to join the police 'Reservists'. Many chose the budding political organisations of the day instead. This ended a colourful chapter in the history of communities taking action for their own safety.

During negotiations with gangs community members realised that some police were working with gangs

The second period of community response to gangsterism lasted from 1976 to 1984. This saw a heightened political consciousness among a more critical generation of youth. During these early formative years, there was a decline in gangsterism as many people were imprisoned and detained under the state of emergency. Gang's leadership structures were decimated, and those gangs that continued were weak and unorganised.

In those cases where gang members and their activities remained strong, this was achieved only because they were being used by the state security apparatus to spy on the community activists. Many security force officers turned a blind eye to these purveyors of crime.

The third period of community action ranged from 1985 to the present and saw gangs increasing in number to become a more organised force than ever before in the Western Cape. With names like 'Hard Livings', 'Mongrels', 'Born Free Kids' and 'Americans', the gangs quickly succeeded in terrorising entire residential areas, reducing them to a state of fear. Many of these gangs identified with the political 'struggle' for their own purposes.

It is during this period that most of the current problems in communities have surfaced. Gang members have become involved in planned murders, extortion rackets, bribery of police officials, theft rackets and drug and gun running syndicates. Killings in communities increased tremendously, and the responses of people to these events were often disjointed and divided.

Because gangs were quick to set up power bases during this period, communities in the 1980s and early 1990s found themselves having to negotiate with gang leaders to ensure peace deals. With different communities negotiating separate peace agreements with gang leaders, it became apparent that syndicate gangs were more organised than some communities. Some had (and still have) branches in different communities and are highly mobile and armed.

State responses

The police did not help to alleviate the situation which had developed on the Cape Flats, often responding with comments like 'Ag, laat hulle mekaar doodskiet' (Let them shoot one another). It was only during the course of negotiations with gangs that community members realised that some police officers were working with the gangs.

The response to gangsterism from authorities in general has thus far taken the form of each government department, particularly the Departments of Safety and Security, Justice and Correctional Services, acting separately and independently of each other. When an offender enters the criminal justice system for the first time, the police for their part try to secure a prosecution. The Justice Department aims for a conviction, and Correctional Services looks for an early release on good behaviour.

With the latest amnesty agreements, hundreds of violent criminals have been released into the communities of the Cape Flats. The residents living in the areas where these criminals came from, and where they often return to, should have a

say in the entire process starting when the offender commits the crime, to the point where s/he is rehabilitated and released. The official response to crime and gangsterism has failed to consider the people in affected communities.

Any approach which seeks to tackle this question must be a holistic one involving the various components of the criminal justice system and the community from which the accused originate. The Departments of Justice, Safety and Security, Correctional Services, Health and Welfare, as well as non-governmental organisations and relevant communities have to set up structures to urgently deal with the problem. The Western Cape Anti-Crime Forum has gone a long way in achieving this goal.

In prisons and in neighbourhoods, gang leaders attempt to rule the lives of the people around them, from prison warders to residents. They have seemingly become untouchable because of the fear that they invoke in people.

Community action alone cannot succeed because of the deep rooted nature of gangsterism

This means that unfortunately they are often treated as celebrities, insisting on high level meetings with the police. This cannot continue, and because they are armed, mobile and highly dangerous, whole communities must be activated against them. Community action cannot however, succeed in isolation because of the deep rooted nature of the problem.

The Anti-Crime Forum

The Western Cape Anti-Crime Forum (WCACF) was started in June 1994 with the aim of uniting communities affected by crime and gangsterism. It took over from a similar initiative in Manenberg, which drew all the organisations in that area together.

The WCACF has grown tremendously and spread rapidly across the region. The Forum is a

democratic body of 14 religious, political, educational, civic and community structures representing 30 communities across the Peninsula and inland, in the Boland.

Community members must participate in all the stages of the criminal justice system

The Anti-Crime Forum aims to approach the fight against crime in a holistic way by focusing on both the socio-economic and political causes of crime and gangsterism. The reality of the situation demands the participation of relevant community members in all the various stages of the criminal justice system. This enables the creative use of all the available resources in communities for their own benefit.

The strategy of the Forum has been to encourage all areas in the Western Cape Province to initiate local Anti-Crime Forums, build Community Police Forums as well as neighbourhood watches. The key to fighting crime lies in building the broadest possible front, thereby activating large sections of neighbourhoods. This begins to build new values about crime, violence and the role of the police.

It also shows criminals that they must contend with whole, unified communities, which is especially effective against gangs who only respect power. To this end, local Forums have been encouraged to mobilise unemployed people who are not afraid of gangs to petition gang members' bail applications in court. A group of angry residents voicing their objections in court best demonstrates community opposition to the magistrate. Residents in Manenberg have begun using this method.

In areas where no Community Police Forums or Anti-Crime Forums exist, neighbouring districts in which a Forum is present, have been urged to assist such communities. There are also areas which have no police stations, and consequently no Community

Policing Forum. In such cases, community members have to be contacted and encouraged to join structures in nearby areas. In Manenberg for instance, both the African National Congress (ANC) and the National Party (NP) have worked side by side to this end.

From the outset, the Forum has made it clear that the campaign against crime is not the property of any one political party, and that the onus falls with parties to ensure their members participate. Organisers fear that the success of the Anti-Crime Forums will be jeopardised if political organisations attempt to hijack the campaign or sabotage proceedings.

This is of particular concern since the personal security risks for individuals and their families participating in the programme are already great. In January 1995 the Western Cape Anti-Crime Forum noted that gang leaders were targeting individuals in the Forum and in the South African Police Services (SAPS). Such intimidation and attacks threaten the community's ability to mobilise against gangs, which is where the residents' greatest strength lies.

Newly appointed Community Assessors can overrule the magistrate in sentencing

Forum members have organised demonstrations against gangs, in addition to petitioning the relevant government departments mentioned above, including the Department of Finance, in order to secure meetings with all the leaders concerned. The Forum's aim is to set up avenues whereby they can contribute to all the committees responsible for legislating about the safety of citizens.

Although there was a surge in gang activity in the beginning of 1995, key gang leaders were thankfully being denied bail. The Western Cape Anti-Crime Forum regarded the release of the guidelines on bail by the South African Law Commission as perhaps one of its

greatest victories in the battle against violent crime. Magistrates will of course, have to start implementing these guidelines if communities are to gain real benefits.

The appointment of Community Assessors is also an important breakthrough for the Forum, and communities will have to continue with their attempts to have justice committees built up around each magisterial court. Justice committees are part of the attempt to make courts accountable. They consist of groups of residents from communities in the jurisdiction of the courts who work with prosecutors and magistrates in an advisory capacity.

The Justice committees appoint the Community Assessors who are also community members. They operate like a jury, sitting in court with the magistrate and participating in assessing individual cases. These Assessors can even overrule the magistrate in sentencing. Most magisterial districts in the Western Cape now have Assessors, with the Athlone district alone having a total of 68 Assessors.

Community responsibility

Another feature of the strategy to confront crime from all its dimensions focuses on the actions of residents themselves. The Forum stresses to its members that the responsibility for securing safe and secure communities has shifted from the days of the old apartheid government.

The task of making the Cape Flats less violent is a massive one, and the police alone cannot stop the crime and killings. The Anti-Crime Forum emphasises that with democracy comes responsibility, and since the installation of the new Government, some of the responsibility for combating crime must be shifted from the state to the communities themselves. This has been met with criticism from people who question how communities can be expected to work with police who have yet to change their ways.

The public distrust and disrespect for the police engendered during the apartheid era, compounded by widescale involvement in bribery and corruption, has made the job of the security forces particularly difficult. Only fundamental restructuring of the police will revive the public's confidence in the officers' intentions and abilities.

This has been a serious problem for the Western Cape Anti-Crime Forum. While its members campaign to build trust between residents and the police via Community Police Forums, people on the ground claim that police officers are still involved in some forms of crime. The Forum believes that positive messages must be reflected into communities to show that the South African Police Services is trying to change.

In addition, the Forum believes that the community will only succeed in improving policing in the course of working with police officers on a daily basis and thereby exposing their inconsistency, corruption and tardiness where these arise. It is no accident that some months ago the press revealed the truth about police complicity in gang activity. This was one of the victories of the Forum against renegade police officers.

The Anti-Crime Forum has also been instrumental in securing civilian oversight on the investigation into police corruption in the province which was launched in January 1995. Professor Wilfried Schärf of the Institute of Criminology at the University of Cape Town, and a priest from Manenberg are leading this investigation.

A concerted campaign has also been started in communities to rid the police of the 'crooked cops' who were supplying the gangs with guns. The single greatest deterrent against crime is good relations between the community and the police. This enables a better information flow between the two and builds trust.

In order to encourage this relationship, in July of this year the

Western Cape Anti-Crime Forum intends launching a police officer of the week award with a local newspaper to reward those police officers who served the communities with pride. In addition, in building Community Police Liaison Forums and Anti-Crime Forums, people have reached out to support the honest and hardworking police officers.

The greatest deterrent against crime is good relations between the community and the police

The Western Cape Anti-Crime Forum has succeeded in giving the SAPS and indeed the Justice Department new confidence in fighting crime. However, residents must remain vigilant against attempts by people with other motives in the police and in the community to undermine the Forum's activities.

Community responsibility was also highlighted in the build-up to the Anti-Crime Festival on December 16, 1994 at Strandfontein on the coast. The event, organised by the Anti-Crime Forum and sponsored by Sanlam aimed to focus the attention of the public, and decision makers in government and the private sector, on crime and its effects.

The festival, attended by amongst others, the Provincial MEC for Safety and Security, various political parties and the SAPS, and enlivened by bands and other recreational activities, was such a success that the Forum plans a similar event for the 1995 festive season.

Another success for the Anti-Crime Forum was the Community Crime Prevention Conference held in May 1995. The conference aimed to bring together communities from across the Western Cape Province and other roleplayers to develop strategies for dealing with crime. At least 300 delegates from as far afield as George and Moreesburg attended, including a representative from the Provincial Commissioner

of Police, the Attorney General of the province, members from the Department of Correctional Services and academics from local universities.

In September this year, the Western Cape Anti-Crime Forum along with non-governmental organisations and academic units will co-host a similar international conference sponsored by Sanlam and commissioned by the Minister of Safety and Security. Members have worked hard, and have succeeded at putting the Anti-Crime Forum on the map when it comes to issues of community safety and crime prevention.

Conclusion

Setting up effective structures of people's power in communities and building working relationships of trust with the police is a demanding and continuous process. The fight against crime has to be a systematic, concerted and sustained effort from all communities if it is to succeed.

The Anti-Crime Forums have succeeded in several communities although most areas still have a long way to go. One of the challenges facing the Western Cape Anti-Crime Forum regards funding. Initially, the Forum operated on the resources of other organisations affiliated to, or involved with, its activities. Individuals also contributed out of their own pockets.

At present the Forum has only one full time staff member seconded from NICRO. In its search for funds in the private sector, the Forum has had several promises but very few returns.

The Forum's initiatives have been sustained by the need to move from a state of fear to a position of challenge, using community action to achieve community safety. The strides that have been made up to now are great and the programme continues to unite people across political, religious and cultural spectrums in its efforts to eradicate crime and claim communities back from criminals and gangsters. **WPA**

Desperate Justice

Anthony Minnaar
Centre for Socio-political Analysis, HSRC

People's courts have eliminated political opponents and punished wrongdoers. This often vicious form of 'people's justice' has also been used for revenge and for controlling communities. Attempts to regulate these structures could however, be a positive solution.

From the late 1980s to the April 1994 elections when political violence was at its peak, many incidents occurred in which township residents took the law into their own hands. Much of this community justice was labelled political and took the form of people's courts and 'necklace' executions of political opponents.

However, in reality a large proportion was nothing more than certain people using community anger for their own purposes to rid the area of opponents or rivals, or to take revenge and impose control over certain communities through intimidation.

People's courts

The system of people's courts was originally established with the admirable aim of ridding communities of criminals, but in time they ran out of control and have become a 'law unto themselves'. In communities ravaged by lawlessness and which have a minimal police presence, these structures are seen as legitimate in the struggle to maintain a semblance of law and order.

However, many people's courts have lent themselves to abuses of power within the context of the 'struggle against apartheid'. Because of the stigma attached to

people's courts, by 1992 a number of communities had restyled their vigilante actions, calling them Anti-Crime Committees. These committees claim to have the legitimate backing of civic and local groupings in specific areas.

People's courts have become more prevalent in informal settlements where little control by the authorities extends. These communities often have to organise their own policing and guarding or face being swamped and controlled by criminal gangs. People's courts in such communities also ensure the discipline of residents, the orderly occupation of plots and the implementation of local squatter committee decisions.

People's courts have become a symptom and a symbol of an inherently violent society

Besides the more severe punishment of necklacing, people's courts also administer more general punishments such as beatings or whippings with a *sjambok* (whip) or even expulsion and banning from an area. They operate on the basis of 'an eye for an eye', i.e. the punishment should match the seriousness of the alleged crime, and sentences range from three to as many as 300 lashes or even death.

Over time the people's courts have become a symptom and a symbol of an inherently violent society. Because of the way these structures operate and the aura of fear that is built up around them, many victims of their activities are too frightened to report the assaults to the police for fear of being necklaced.

In one case in Mamelodi, north of Pretoria, people's court judges *sjambokked* a man 50 times and then threatened him with death if he reported the beating. The only crime he had been accused of was causing a 'problem' in a neighbour's shebeen which required that he be disciplined.

However, many residents suffering from these assaults maintain that if the police were more effective against crime, people's courts would not exist. In some cases, people's courts are hijacked by criminals with the aim of self-enrichment while in others, youths as young as 10 or 12 years act as judges and prosecutors.

Although people's court members often believe they are above the law, they have been attacked by their victims. People's court judges have been assassinated by aggrieved criminals who suffered at their hands. There have also been numerous clashes between criminal gangs and local self defence unit members. The latter are often perceived to be the 'policemen' of the people's courts.

Necklacing

The necklace method of execution, which involves placing a petrol filled tyre around the victim's neck and setting it alight, is a particularly South African activity. It apparently originated in the townships surrounding Uitenhage and Port Elizabeth in the Eastern Cape in

1985 as a method of eliminating political opponents, specifically unpopular town councillors of the Black Local Authorities.

In the 1980s the necklace method was used most frequently for executing those identified as 'collaborators', 'informers' or 'enemies of the people'. An estimated 350 to 400 people were killed by this method from 1985 to 1990, while from 1990 to 1994 it appears that more than 500 people were victims.

In 1990 when political rivalries between the ANC and Inkatha became intense, necklacing was used to deal with political opponents. However, as the 1990s progressed it was also used for killing criminals. By the mid-1990s, with the slow decline in overtly political violence, much of this vigilante action has been directed at criminal elements and gangs.

The victim suffers excruciating pain in the necklacing process, and death may result not only from the burns, but from asphyxiation caused either by the fumes released from the burning rubber or by the sudden extraction of the oxygen surrounding the tyre as it bursts into flame.

One of the motivations behind this method is the link to traditional religious beliefs which assert that burning a person destroys their spirit. This in turn destroys the surviving family's link to the ancestors. This represents the ultimate insult, as the family are unable to ask their ancestors' spirits to intercede with God to ensure that they are protected from harm and receive their share of good fortune.

While these motivations were lost in events surrounding the political violence in the country, the necklace method became the accepted and preferred form of getting rid of people considered to be enemies of the community. There is a particular sense of finality about this method.

An incident in March 1994 in KwaMakhutha township south of Durban, illustrates this point. The

body of an Inkatha member killed by allegedly African National Congress (ANC) supporters, was dug up the day after his burial and an attempt was made to necklace the body. This was a blatant attempt to insult and stigmatise the person (and his spirit) by burning and destroying the body completely.

Misconceptions concerning bail lead to communities taking the law into their own hands

Some necklace cases have turned out to be murders made to resemble this method. A victim might be stabbed to death and the body transported to an area where political tensions are high and numerous necklace cases have occurred. A tyre would be placed around the corpse's neck, doused in petrol and set alight. This destroys the body, making identification difficult.

'People are angry'

Many people's courts result when criminals caught in the act have been beaten, stoned or killed by angry citizens. This is an expression of anger and frustration but also of fear, which is symptomatic of a breakdown in the criminal justice system and of effective policing. Very often, after cases are reported to the police no action is taken (due largely to police manpower shortages and being overworked).

Black people perceive the established legal system as for 'whites only'

If a suspect is apprehended, the overloaded judicial system might well cause the case to be indefinitely postponed, while a suspect might also be released on what can only be termed ludicrously lenient bail terms. In some serious incidents such as murder, suspects have been released on R200 bail.

As a result, people have lost all confidence in the ability of the state to prosecute criminals effectively. Misconceptions concerning bail also lead to communities taking the

law into their own hands. In August 1994, an irate mob in Debe Nek near King Williams Town in the Eastern Cape killed a man awaiting trial for murder and rape.

The mob had marched to the local police station to complain about the accused's release. Although it was explained to them that he was only out on bail and had not been released, the crowd marched to the man's house, tried him and sentenced him to death. His sentence was summarily carried out by cutting off his arms, crushing his skull and tearing out his brain.

In black communities people also perceive the established legal system as for 'whites only' and as a tool for state repression. This perception further prejudices them against using official channels to report crimes. There is also a general view in the townships that the legal process is too protracted and that the punishments handed down by the formal courts do not satisfy complainants.

Furthermore, in cases where criminals have been released on low bail terms, witnesses have been either intimidated, killed or they simply disappear. This forces such cases to be dismissed due to a lack of evidence. For angry people, it has become an easier and more acceptable solution to take the law into their own hands.

Some communities become weary of the depredations of local gang members and do not even bother with a formal people's court hearing. Instead they gather together and search for suspected gang members. When such suspects are caught they are summarily executed. This community justice is 'brutish and short' and completely without the benefit of a hearing. There is certainly no option on the form of punishment.

In November 1994 in Umlazi south of Durban, a young schoolgirl returning home after attending church was raped by a group of boys allegedly belonging to a local gang. They then killed her and cut out her tongue. The next day the girl's mother, along with about 40

women, caught two gang members and at the local stadium, encouraged by a baying crowd of almost 1 000 people, they stoned and beat the two youths to death.

Once accused, victims have little opportunity for defence and punishment is usually immediate

The police were summoned but the crowd prevented them from intervening or arresting any of the women. Some present argued that the heinous nature of the initial crime justified the women in taking revenge and punishing the suspects. They also believed that had they not taken the law into their own hands, nothing would have been done.

Sentencing

Theoretically anyone can bring accusations before a people's court. The suspect is then arrested and brought to face the charges. His accusers usually parade 'evidence' in the form of accusations before the people's court. Once accused, a victim has little opportunity to defend himself, and presiding officers decide on the sentence and see that the punishment is carried out.

Punishment is usually immediate with no opportunity for appeal. In April 1994 in Maphumulo north of Durban, two people's court victims were doused with petrol and set alight while still tied to the chairs they were tried in. The sentence is carried out by executioners appointed by the court. Executions usually take place late at night at either the local cemetery or the local refuse dump (whether this is deliberate symbolism or not is unclear).

Conspiracy of silence

Vigilante action often involves a conspiracy of silence by the whole community. Groups of residents have on occasion killed a suspect but the incident is never reported, or if it is, no witnesses come forward. The police sometimes just

receive an anonymous phone call telling them where they can find a necklaced body.

Very few arrests are made in connection with these kinds of events unless the police are actually present, and even then arrests sometimes do not occur. One reason is that the crowd perpetrating a necklacing is often too large and aggressive for the police to control. Another is that the crowd sometimes physically prevents the police from making arrests.

In July 1992 in the East Rand township of Tsakane, two men were necklaced at a petrol station by a crowd of 500 people. One man died while the other suffered severe burns. The crowd at first prevented police from taking the latter to hospital. They said the men were taxi thieves who had been sentenced by a people's court. No one was arrested since it was safer for the police to merely disperse the crowd and take the surviving victim to hospital.

Very few arrests are made in connection with vigilante necklacing

Discredited

By the early 1990s people's courts had become totally discredited with reports of widescale abuse and gross punishments. They had become feared institutions which violated human rights. This led to efforts to replace them with other forms of community justice or to reassert community control and accountability over them.

Many civics called for the cessation of people's courts, but to no avail. The structures continued, largely because of residents' lack of faith in the police. As the outcry against them mounted, some courts tried to substitute physical punishment for fines. But one Khayelitsha man who objected to a R700 fine for slapping his wife in a public argument, was assaulted by the jury and threatened with eviction if he did not pay.

In May 1990, 300 delegates from community organisations attended a conference which addressed escalating crime and people's courts. Their main objections were that the courts were controlled by youths with no legal experience, who were not accountable, and who physically abused people. The conference appealed to people to stop taking cases to people's courts. But the beatings and necklacings continued.

The emphasis of street committees was shifted away from punishment towards education

As a result of this conference, the Port Elizabeth People's Civic Organisation (Pepco) issued guidelines for running street and area committees, or Anti-Crime Committees (ACC). These were intended to curb the excesses of people's courts by instilling a culture of democratic decision making and accountability to all local structures.

The guidelines specifically stated that street committees should not handle cases such as rape, murder and culpable homicide, but that these should instead be referred to the authorities. The guidelines allowed street committees to handle misdemeanours, but the emphasis was shifted away from punishment towards education.

Regulating people's courts

In essence, the Pepco guidelines were a tacit acceptance of people's courts as a system of community justice outside the formal criminal justice system. In October 1990 the ANC issued a document acknowledging that people's courts had become discredited, but nevertheless supporting them in principle. The courts were seen as valuable to fill the vacuum created by the loss of faith in official law and order.

To make them effective, the ANC proposed that people's courts be based on their blueprint for the formation of street, area and branch committees, while their members

should be politically educated about the structures' objectives. This was criticised because people's courts had become vehicles for promoting the political ideals of those parties which controlled them.

There is a total lack of objectivity: emotional and other political considerations tend to override legal ones

In addition, they were being used to ensure adherence to political party lines through intimidation. People's courts had become intolerant of any dissent. In some cases people were thrashed for ignoring a stayaway call or for not participating in a consumer or rent boycott. In certain instances people's courts became a vehicle and licence for thuggery and violence.

One black journalist was found guilty before he even appeared in court because he wrote 'negatively' about young comrades who flogged older people. He was sentenced in absentia to 500 lashes 'to be meted out at a later date'. In another case, an accused's uncle tried to plead on behalf of his nephew and received 15 lashes for his efforts.

In January 1991 the Alexandra Civic Organisation (ACO) called for the legalisation of people's courts due to residents' negative perceptions of the 'white' judicial system coupled with escalating crime in the township. ACO president Moses Mayekiso assured the public that these new 'community courts' would be controlled by a body of adults and follow a set of rules as laid down by the community.

In recognition of this, some Sanco regional organisations helped set up training and regulating programmes for people's courts. In Port Elizabeth, PE Sanco helped train members of its Anti-Crime Committees (ACC). They proposed that the ACC's responsibilities be limited to investigation, with disputes being referred to community courts. These courts would resolve conflict rather than administer punishment.

One such ACC was in KwaZakhele township in Port Elizabeth. It consisted of about 90 areas with 10 members in each. An executive making up the ACC was elected from these areas and acted as chief coordinator of activities in the various areas. This executive was supposed to report crime from time to time to the PE Sanco.

ACC members were supposed to apprehend thieves and return stolen items to the respective complainants. During September 1993 however, this specific ACC severely assaulted suspects and 18 of its members were subsequently arrested. This committee also allegedly detained, tortured and burned suspects, thus merely continuing the 'kangaroo court' activities common in this township from 1984 to 1986.

In December 1993 Western Cape Sanco, aware of the need for self regulation, invited the Community Peace Foundation of the University of the Western Cape to run a training programme for its local structure in Guguletu. This programme aimed to help street committees solve cases and draw up guidelines for dealing with difficult cases (Nina, 1993).

Since there is no option of incarceration, punishments tend to be of the severe physical kind

Ending punishment

The kinds of people's courts still operating in many townships all over the country, in which people are tried and physically punished, even executed, should be outlawed. Society cannot tolerate the random meting out of this so called 'justice'. Whatever the reasons for the emergence of people's courts, they have no place in a democratic society.

On one level the objections to people's courts are basic. The people running them are unqualified to do so. They have no

legal background or training and there can be no appeal against their decisions. There is a total lack of objectivity as the so called judges and prosecutors are too closely involved in the community where the alleged crime occurred.

Emotional and other political considerations also tend to override legal ones. Furthermore, there is often a wide interchange of roles by 'officers' of a people's court. They are not only arresting officers but often are also witnesses, accusers, judges, prosecutors and executioners.

Since there is no option of incarceration for those found guilty, punishments tend to be of the severe physical kind. In addition the officers of people's courts, being extremely powerful in their own communities and unaccountable to any higher structures, are themselves never prosecuted in their own courts for crimes they might perpetrate. They tend to be above their own law.

People's court structures are accused of not having a code of conduct which makes it impossible for them to have a uniform mode of conducting trials or of carrying out punishment. All these factors do not encourage respect for law and order, and can in no way be said to be an expression of community justice. IDA

Acknowledgements

Unless otherwise stated this analysis is drawn from the Conflict & Violence Trends in SA Text and Info database of the Centre for Socio-political Analysis and the monthly regional monitor reports of the Human Rights Committee of SA.

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Victims of Justice

Sharon Stanton and Margot Lochrenberg
Institute of Criminology, University of Cape Town

Sexual crimes symbolise the most severe violation of the human spirit. Perpetrators evade conviction because survivors fear the ordeal of the justice system. In 1993 the first Sexual Offences Court began in Cape Town, and in a preliminary assessment of its performance, the authors advise that greater prudence is needed in addressing this sensitive issue.

The right of South African women to equal participation in private and public life means little while violence levels remain so high. In building a non-racial and non-sexist South Africa, issues of gendered violence and the state's responsibility to address this in terms of women's safety, health and justice must be urgently considered.

Estimates of the magnitude of violence against women vary, but statistics indicate that the numbers are staggering. Between 1983 and 1992 the rape rate increased by 64% (SAIRR Survey, 1993/94). In 1994, 28 428 rape and attempted rape incidents were reported to police nationally, while 4 805 similar events were reported in the Western Cape (*Sunday Times*, 8/5/94). Most of these incidents (95%) are reported by black women (CSS, 1992/93).

Estimates of the number of sexual assaults that are reported to the police range from as low as 2.8% (*Sunday Times*, 8/5/94) to 50% (Lötter, 1992). The conviction rate for reported rapes is about 20%. Of the 27 056 reported rape and attempted rape incidents in 1993, 8 998 (33.3%) were prosecuted and convictions were secured in only 4 753 (17.6%).

Secondary victimisation

Women who have experienced male violence have long complained about the unsympathetic, disbelieving and inappropriate responses, or secondary victimisation, experienced at the hands of society in general and at each stage of the criminal justice process. This exacerbates the effects of the sexual assault.

Stereotypes of the genuine sexual assault survivor are reflected in practice and in the discourse used by witnesses, defence attorneys and magistrates. These stereotypes help to deny, justify or excuse male violence and to blame women or question their credibility.

Stereotypes of the genuine sexual assault survivor help to justify male violence and question womens' credibility

These gender stereotypes are not merely learnt but have deeply systematic and structural causes. The justice system and state officials construct, legitimate and interpret these stereotypes in ways that not only differentiate between men and women, but also privilege men. These assumptions about women are complex, and interact with those based on race, class,

ethnicity, age, sexual preference and physical and mental ability.

Legislation, the criminal justice system and legal agents are not neutral, but embody societal values and forces. Sexual assault and secondary victimisation must be understood in the context of a network of structures, organisational factors, administration, legislation, individuals and actions. Together these reproduce and reinforce aspects of social relations between men and women at a formal, institutional level (Fishwick, 1988).

State responses

The first significant state response to secondary victimisation was the South African Law Commission investigation into sexual offences in 1982. This report was sharply criticised for:

- Not contextualising the inquiry adequately.
- Failing to recognise that a real problem existed.
- Ignoring similarities between the South African law and criminal justice system and that of other countries.
- Not including the perspectives and experiences of sexual assault survivors themselves.
- Discrediting feminist perspectives (Hall, 1987).

In 1992 there was widespread public criticism of the handling of two rape cases in Cape Town, stimulated by the public's continuing loss of faith in the legal system and the climate of transformation in South Africa (Hansson, 1994). This prompted the Cape Attorney General to initiate a number of reforms in the province.

A Task Group on Rape consisting of representatives from the state and non-governmental organisations, such as Rape Crisis, NICRO and Lawyers for Human Rights was established. This was the first state initiative to engage directly with non-governmental groups on the issue of sexual assault.

Sexual Offences Court

The most ambitious reform initiative undertaken thus far was the opening of the world's first full time Sexual Offences Court (SOC) in March 1993 at the Wynberg Regional Magistrate's Court in Cape Town. This court deals exclusively with sexual offence cases reported by children and adults to the 20 police stations in its jurisdiction.

Two full time prosecutors are assigned to the SOC so that every complainant can be consulted prior to trial

On average, one case per day is completed in this court. Unlike other courts, two full time prosecutors are assigned to the SOC so that every complainant can be consulted prior to trial. A group of five magistrates preside in the court on a rotational basis. Further, all complainants have the use of a private waiting room.

A number of associated services were also introduced in the Wynberg district. These include police specialists, a comfort room for the examination of complainants by district surgeons at Victoria Hospital, and a court social worker known as the Victim Support Services Coordinator.

The Attorney General has stated that the main objectives of the SOC are to address secondary victimisation of complainants, to increase the reporting of sexual offences, to improve coordination between all those responsible for dealing with sexual offence cases, and to reduce public criticism of the criminal justice system.

The Department of Justice views the Wynberg SOC as an

experimental project. Its relative success or failure will affect future decisions about whether similar courts should be opened throughout the country. It is thus of critical importance that the effectiveness of this project in addressing the secondary victimisation of sexual assault survivors is thoroughly monitored and evaluated.

Evaluation

A large scale project comprising many phases has been designed to assess the Court and associated services' ability to eradicate secondary victimisation suffered by adult sexual assault survivors at the hands of state agencies. The project also aims to generate policy recommendations and design an effective system for processing sexual offence cases nationally.

In 1994 the first phase of the research was completed. This comprised: examining relevant official records, observing the way the system operates, conducting interviews with state actors (such as the police, hospital staff, district surgeons, the Court prosecutors, interpreter and social worker, and the Attorney General), holding workshops with non-governmental organisations, and obtaining feedback on the findings and recommendations made to these roleplayers.

The findings of this pilot study provide a partial assessment of the Wynberg Sexual Offences Court, and associated services. This 'view from headquarters' must be juxtaposed with the experiences of sexual assault survivors who reported offences at the Court, before its success can truly be assessed. A number of valuable lessons can however, be learnt from this preliminary study.

Administrative reform

These reforms were mostly introduced through departmental guidelines, a method which favours administrative and procedural reforms over legislative ones. The Attorney General initially played a

major role in pressurising other state agencies such as the police and Departments of Health and Welfare, to address their handling of sexual offence cases. This has subsequently been left to the discretion of each of these agencies.

The Attorney General opened the court before securing the necessary infrastructure and cooperation of all roleplayers

The strategy adopted by the Attorney General to open the court before developing the necessary infrastructure and gaining the cooperation of all relevant roleplayers is controversial. On the one hand, outside pressure to change may be met with resistance unless there is already agreement within that agency for the need for change.

In the case of the Wynberg SOC some actors, like the district surgeons and magistrates, interpreted these initiatives as a challenge to their authority rather than an attempt to meet the needs of those using their services. On the other hand, inter-agency conflict caused by diverging interests and discrepancies in status may lead to an agency initiating procedures and adopting more appropriate attitudes towards those using their service. This does not yet appear to be the case.

Guidelines have not been implemented successfully due to a lack of resources, case overload and resistance by officials

Prior consultation and planning with all concerned roleplayers, although time consuming, may indicate the degree of agreement or resistance to such reforms, the extent of available resources, what each roleplayer is expected, willing and able to provide, and most importantly, what sexual assault survivors themselves can expect from these services.

Any future reforms need to carefully consider to what extent coerced changes could impact negatively on sexual assault survivors at the receiving end of services provided by reluctant participants in such reforms.

In practice, departmental guidelines have not been implemented successfully due to a lack of resources, the large number of cases to be dealt with, and in some instances, resistance by officials to changing their attitudes and practices. Reform is limited by the assumption that secondary victimisation is merely a consequence of problems in the administration of sexual offence cases.

Training

While administrative reform is necessary, it fails to address the gender, racial and class biases that women experience in the criminal justice system. Procedural reforms do not automatically guarantee progressive change in officials' attitudes. Comments about the desirability of female detectives made by the head of the Crime Intelligence Services branch at a police station in the Court's jurisdiction are a striking example of this:

"A woman is good to take a statement but that is where it stops...I don't have time for a woman detective. She needs a handbag with her and then there must always be a man with her. Then she can also get raped...(Detectives) must stand together and a woman just can't stand together. We do underground work...If there is a woman amongst a group of men detectives it would not work...a woman has too many emotions as well. You must be hard...Maybe in another area or in a white area but not here. Never in your life".

The effectiveness of these reforms will ultimately depend on the degree to which changes are initiated at an attitudinal level. The officials involved in the Sexual Offences Court Project have received little specialised training around sexual assault.

Except for the South African Police Services (SAPS), most managers dealing with the Court in the Departments of Health and Welfare

and in the Attorney General's office either did not recognise the need for specialised training or were unwilling to use state resources for this purpose. The Regional Director of Hospital and Health Services, for example, said that district surgeons do not require any special training for dealing with rape survivors as it is like dealing with any other patient.

Procedural reforms do not automatically guarantee progressive change in officials' attitudes

Most officials that were interviewed either denied that their own race, gender and status may impact on the service they provide to sexual assault survivors, or appeared to be unaware of this process. It is important that all criminal justice officials who deal with sexual offences receive ongoing training around issues of sexual assault.

This training should not be piecemeal but should consist of a well planned and complete state funded programme, with specialised aspects for each state roleplayer as well as combined training with other state actors. Unlearning racism and sexism must form an essential component of such training.

Cooperation

Establishing a coordinated approach to sexual offence cases was one of the objectives of the SOC. This is important and must continue to be examined and improved upon. Interviews reveal that inter-agency cooperation has improved dramatically between the police and the prosecutors, but only to a limited extent with the Departments of Health and Welfare, magistrates and the Attorney General.

Regional court prosecutors now play a more active role in the monitoring of police investigations of sexual offence cases. The identification of specific officers and prosecutors who deal with sexual offence cases has improved the working relationships and

cooperation between their respective agencies.

Achieving a coordinated approach has however, clearly failed with the sexual assault unit at the Victoria Hospital. This unit was intended to offer a 24-hour service, crisis counselling and an immediate referral system. However, more than a year after opening, the Department of Hospital and Health Services has still not allocated any nursing staff to the unit which is only reluctantly used by district surgeons in the evening.

The matron's comment that 'all it has provided is a cup of tea if the woman is lucky and a policeman', best expresses how little this unit has improved services to women. This unit's failure further illustrates the importance of prior consultation. This process clarifies the role of each agency, the need for resources to support policy decisions, and ensures that one agency assumes overall coordination of an integrated service.

The officials involved in the Sexual Offences Court Project have received little specialised training

Specialisation

Designating prosecutors to deal only with sexual offence cases has allowed them to develop specialised skills in dealing with such crimes. The prosecutors said that working in a full time SOC broadened their knowledge of sexual assault. Having time to consult with complainants before trial enables them to present stronger cases in court and results in complainants feeling more confident when giving evidence.

Interviewees said that this often made the difference between a conviction or an acquittal. On average, the conviction rate in the SOC has been 69%, which is 16.2% higher than the national figure for sexual offences. Police who deal with sexual offences in areas under the SOC jurisdiction say this high rate motivates them when conducting their investigations.

The inclusion of cases from other magisterial districts has however, resulted in an overburdened court roll with a six month backlog of outstanding cases. This means that cases take longer to reach court, that not all complainants are consulted before trial, and that where time for consultation is available, prosecutors elect to consult with children rather than adult complainants.

Cooperation has improved dramatically between the police and the prosecutors

In an attempt to counter this problem an alternative regional court is available two days a week to try sexual offences. These trials are however, not conducted by the specialised prosecutors and witnesses do not use the special waiting room.

Without special training, the success of these reforms has largely depended on the willingness and ability of particular individuals. The majority of officials who work in the SOC or associated services appear to be committed to implementing reform. Many of those involved have on their own initiative, usually after working hours, tried to find resources to further their knowledge of sexual assault.

Future reform

There are currently no effective in-built monitoring mechanisms by which state agencies can evaluate

the efficacy of the Sexual Offences Court Project in eliminating secondary victimisation. The difficulties that roleplayers themselves have experienced in implementing these reforms are also not being monitored.

Complaints mechanisms are inaccessible, unsafe and ineffective. No independent mechanism exists which can investigate sexual assault survivors' complaints about secondary victimisation. State agencies still investigate complaints against officials in their employ, internally. Further, women do not even know what complaints procedures exist and how to use them. Protection from harassment is also not offered to complainants.

Adequate monitoring and complaints channels would ensure accountability of all state actors, that individual complaints are effectively addressed, and that improvements, problems and suggestions are identified on a regular basis by state officials, complainants and support agencies and used in the ongoing development of programmes.

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The current reforms in the Western Cape are an initial step in addressing the secondary victimisation of sexual assault survivors. If further sexual offence courts are to be opened, it is important that the problems experienced around the current

Officials who work in the SOC or associated services appear to be committed to implementing reform

SOC are not repeated. Furthermore, if the state is serious about addressing this problem it must develop a coherent long term plan.

The state and non-state organisations should however, not limit themselves to the particular approach that has been taken with the Sexual Offences Court Project in Cape Town, or see this as the end of the process. The advantages and disadvantages of such an approach need to be widely debated and further possibilities for reform explored. **WPA**

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South African Cities Under Siege

Lorraine Glanz
Human Sciences Research Council

Cape Town and Johannesburg have traditionally been known as South Africa's crime capitals, while Bloemfontein is considered the safest city. This article shows that the levels and types of crime vary across the country's six urban centres, and that trends have changed over time. Urban and rural crime patterns are also compared.

Crime has been identified as South Africa's 'Enemy Number One'. The problem is given as the reason for the slow incoming trickle of foreign investment, for the 'exodus' of highly skilled and professional persons to other countries, for problems relating to the successful implementation of the Reconstruction and Development Programme, and for the country's poor image among tourists.

While these perceptions may be justified, South Africa's crime problem should not be generalised. The picture varies considerably from region to region, from city to city and from rural to urban area. We need to be aware of these differences in order to demystify the crime problem and to more effectively target our crime combating efforts.

Urban and rural

It is a worldwide phenomenon that crime rates are considerably greater in cities than in rural areas, with the rate generally increasing according to city size. In fact, some would go so far as to refer to crime as a mainly urban problem. There is no shortage of theories which attempt to explain these differences. Some are fairly obvious and seem 'logical'; while others are more obscure.

Most factors associated with high crime rates characterise cities to a greater extent than small towns and rural areas. Population density (i.e. the number of persons per square kilometre) for example, is thought to be associated with crime, in that greater concentrations of people lead to competition for limited resources, greater stress and increased conflict.

Urban environments offer a particular set of conditions that affect crime trends in specific ways. For example, there is a vast difference between the opportunities for crime in urban as compared to rural areas. For this reason, criminologists consistently point to the link between increased urbanisation and a growth in crime.

Factors which characterise urbanisation, such as overcrowding, unemployment and increased consumer demands and expectations are themselves believed to be associated with high crime rates. Furthermore, high levels of gang activity and the availability of firearms are mainly evident in urban areas and are known to be related to criminal activity.

Cities also have high levels of anonymity, which means a criminal's chance of recognition is slight. This is particularly true for property crimes. In urban as opposed to rural areas, large

quantities of property owned by people unknown to the offender are very much in evidence. The offender is also surrounded by strangers who are less eager to censure misconduct and to intervene when a crime is in progress.

Other factors associated with urban crime are related more to the socio-demographics of cities than to crime causation. For example, it is well known that young people are more likely to become involved in criminal behaviour than older people. For this reason alone, cities, which are very often growth points with large proportions of young people, will have a higher crime rate than small towns.

Many theorists contend that the abundance of visible wealth in cities, in the form of vast quantities of consumer goods, is not in itself conducive to crime. It is the relative deprivation (i.e. the difference between the 'haves' and the 'have nots') in urban areas that fosters crime. Inequalities in wealth are considerably greater in urban than in rural areas.

On the other hand it is often argued that if poverty, which is more prevalent in rural areas, is associated with increased crime, this should lead to higher crime rates (at least for property crime) in rural areas. But although poverty levels in rural areas are high, people there have stronger support systems to deal with such crises. In addition, residents in rural areas do not experience the same degree of relative deprivation as those in consumer driven cities.

These theories and many others remain little more than contention and informed debate, since establishing a causal relationship between one or more social, economic, political (or any other) factor and crime is notoriously difficult to achieve.

Table 1: Metropolitan and Non-Metropolitan Crime in the Transvaal in 1994

Offence	Joburg and Soweto*		Remainder of Witwatersrand		Pretoria and surrounds**		Eastern Transvaal		Western Transvaal		Far North Transvaal	
	No	Rate***	No	Rate	No	Rate	No	Rate	No	Rate	No	Rate
Property#	118 200	5.812	119 824	3.050	62 857	4.687	42 577	3.079	27 088	2.486,5	17 326	3.646
Violent##	58 100	2.857	68 360	1.740	29 124	2.172	21 397	1.547	19 643	1.803,0	10 387	2.186
Big six###	96 877	4.764	110 222	2.805	42 964	3.204	31 522	2.280	24 593	2.257,5	12 413	2.612

* Johannesburg and Soweto include the following police districts: Johannesburg, Johannesburg North, Randburg, Soweto East and Soweto West.

** Pretoria and surrounding areas include the following police districts: Pretoria, Pretoria North, Pretoria Moot and Verwoerburg.

*** Rates are given per 100 000 of the population, based on the 1991 census.

Property offences include: Burglary (business and residential), bagsnatching, theft of livestock, shoplifting, theft of firearms, theft of motor vehicle and motor cycle, theft out of vehicle, all fraud, arson, malicious damage to property.

Violent offences include: Rape or attempted rape, assault (common and aggravated), murder, attempted murder, robbery (aggravated and other).

The big six include: Murder and attempted murder, rape and attempted rape, assault (aggravated), burglary, robbery (aggravated), theft of motor vehicle and motor cycle.

Comparisons

The comparison of crime in metropolitan and non-metropolitan areas in South Africa in 1994 is based on the current police regions. Data for urban areas is presented, followed by data for the remainder of the relevant police region. Information on neighbouring police regions in which no metropolitan areas occur is included for comparative purposes.

Considerable differences in the crime rate between metropolitan and non-metropolitan areas are evident in most regions. The rate of the three crime indexes used, namely property and violent crime and the *big six* (the six most serious crimes in South Africa) are consistently greater in the urban than in the non-urban areas of the former Transvaal province in particular (Table 1).

The picture in the Natal police region is somewhat different (Table 2). The rate of property crime is considerably greater in Durban than in the remainder of Natal, while the rate of both violent crimes and the *big six* are greater in the *non-metropolitan* part of the region.

It seems that crime is more evenly spread throughout the entire Natal region than it is, for example, in the regions comprising the former Transvaal province.

This also applies to the former Cape Province. There is little difference in the rate of property crime and the *big six* between Port Elizabeth and the remainder of the Eastern Cape (Table 3).

The rate of violent crime however, is greater in the non-urban areas of the Western Cape and the Northern Cape than in the urban Cape Peninsula. Common assault is included in the index for violent offences, which may account for this trend.

The rate of the *big six*, which measures very serious crime (including aggravated assault but excluding common assault), is greater in the Cape Peninsula than in the remainder of the Western Cape and the Northern Cape.

The differences are however slight, which indicate, as in the case of Natal, that crime in the former Cape Province is more evenly spread throughout the province.

The rate of all three crime indexes is considerably greater in Johannesburg and Soweto than in the remainder of the Witwatersrand. In fact, the rates in the remainder of the Witwatersrand are quite similar to the rates in all of the non-metropolitan regions of the former Transvaal province (Table 1).

The crime rates in Pretoria are also greater than those in any of the non-metropolitan areas of the former Transvaal province, with the exception of the rate of violent crime in the Far Northern Transvaal, which is on a par with Pretoria.

Also of interest is the fact that the rate of property crime is greater in the Far Northern Transvaal than it is in the remainder of the Witwatersrand.

This analysis illustrates the dangers of assuming that South Africa's crime picture is consistent throughout the country. Regional crime figures are important since the pattern of crime varies considerably between regions and between metropolitan and non-metropolitan areas within regions.

Table 2: Metropolitan and Non-Metropolitan Crime in Natal and the Orange Free State in 1994

Offence	Durban*		Remainder of Natal		Bloemfontein		Remainder of Free State	
	No	Rate	No	Rate	No	Rate	No	Rate
Property	68 887	5.707	44 662	3.239	22 470	3.983,5	36 956	2.089
Violent	31 079	2.575	42 024	3.047	13 177	2.336,0	28 373	1.604
Big six	49 948	4.138	62 563	4.537	14 640	2.595,0	51 193	1.763

* Durban and surrounding areas include the following police districts: Durban, Durban North, Durban South, Pinetown and Chatsworth.

** Bloemfontein includes the single police district of Bloemfontein.

Table 3: Metropolitan and Non-Metropolitan Crime in the Cape in 1994

Offence	Cape Peninsula*		Remainder of Western Cape		Port Elizabeth**		Remainder of Eastern Cape		Northern Cape	
	No	Rate	No	Rate	No	Rate	No	Rate	No	Rate
Property	89 686	4 220	44 857	2 723	27 333	3 840,5	47 842	3 721	22 405	3 103
Violent	47 624	2 241	43 823	2 660	21 292	2 992,0	32 224	2 506	19 968	2 766
Big six	63 445	2 985	45 910	2 787	22 519	3 164,0	38 421	2 988	20 275	2 808

* The Cape Peninsula includes the police districts of: Cape Town, Wynberg, Athlone and Bellville.
 ** Port Elizabeth includes the police districts of: Port Elizabeth and Port Elizabeth North.

Metropolitan areas

Increases in the rate of property and violent offences and the *big six* occurred in all six metropolitan areas in South Africa between 1992 and 1994 (Tables 4-6). The Cape Peninsula is the only area where crime decreased. Property offences here dropped by 5% and the *big six* by 1%. Substantial increases were recorded in Durban and Bloemfontein. Based on 1994 crime rates, the metropolitan areas can be ranked in descending order:

- Property offences: Johannesburg and Soweto (5 812); Durban (5 707); Pretoria (4 687); Cape Peninsula (4 220); Bloemfontein (3 984); and Port Elizabeth (3 841).
- Violent offences: Port Elizabeth (2 992); Johannesburg and Soweto (2 857); Durban (2 575); Bloemfontein (2 336); Cape Peninsula (2 241); and Pretoria (2 172).
- The *big six*: Johannesburg and Soweto (4 764); Durban (4 138); Pretoria (3 204); Port Elizabeth (3 164); Cape Peninsula (2 985) and Bloemfontein (2 595).

A recent analysis of police crime statistics for 1992 (Glanz and Smit, 1995) indicated that Bloemfontein was the safest place in the country as it ranked lowest on all three of the above indexes. This is no longer the case, which suggests that crime trends are constantly changing and it is important that these changes are monitored.

In 1994, the rate of murder was highest in Durban (131), followed

by Johannesburg and Soweto (110), and lowest in Pretoria (40). This means that on average, there is a three times greater chance of being murdered in Durban than in Pretoria. On the other hand, homes are broken into most often in Pretoria (1 236), followed closely by Johannesburg and Soweto (1 216). Property in homes appears to be safest in Port Elizabeth (816).

The rate of aggravated assault (violence of an interpersonal nature as victim and offender often know each other), is extremely high in Port Elizabeth (1 203). Bloemfontein has the second highest level, although at a much lower rate (750). This type of assault occurs the least in Durban (453). Although overall levels of violence in Durban are very high, it seems that violence here is more of the 'stranger-on-stranger' type.

Differences in rape figures between cities is not particularly great. Bearing in mind that rape is the most underreported crime, the highest rate was recorded in Port Elizabeth (207), and the lowest in the Cape Peninsula (136). By contrast, aggravated robbery which is also a serious violent crime, varies considerably between metropolitan areas. Johannesburg and Soweto have the highest rate (886), followed by Durban (606), with Bloemfontein the lowest (171).

The rate of motor vehicle theft is extremely high in Johannesburg and Soweto (1 229), with the next highest rate recorded in Durban (1 001). This crime occurs the least in Bloemfontein (198). An individual therefore, had a six times greater chance of having his/her vehicle stolen in Johannesburg and Soweto than in Bloemfontein.

Changes in crime levels between 1992 and 1994 in each metropolitan area will be briefly discussed in the following sections.

□ Bloemfontein

Bloemfontein, South Africa's 'safest' city, experienced considerable increases in all types of crime between 1992 and 1994 (Table 4). Property crime increased by 11%, violent crime by 18% and the *big six* by 17%. Although these rates are not nearly as high as those for Durban or Johannesburg and Soweto, the sharp increases are a cause for concern.

Considerable increases were recorded for most crimes, notably: illegal possession of firearms (+51%), rape (+42%), attempted murder (+44%), bagsnatching (+135%), violent robbery (+45%), theft of firearms (+78%), and motor vehicle theft (+85%). Decreases (of more than 10%) were recorded for drug related offences (-33%), fraud (-32) and arson (-14%).

□ Pretoria and surrounds

Pretoria experienced the greatest increase in violent crime between 1992 and 1994 in the country (+20%). While the rate of property offences remained more or less constant (+0,3%), the *big six* increased by 9% (Table 4).

The following trends constituted these indexes. Rape increased substantially (+25%), as did aggravated assault (+18%), attempted murder (+67%), aggravated robbery (+26%), robbery without violence (+40%), theft of firearms (+40%) and arson (+42%). Decreases in crime rates were noted for the illegal

Table 4: Crime in Bloemfontein and in Pretoria in 1994

Type of offence	BLOEMFONTEIN			PRETORIA AND SURROUNDS		
	No	Rate	% change in rate 1992-1994	No	Rate	% change in rate 1992-1994
Property offences	22 470	3 983,5	+11	62 857	4 687	+0,3
Violent offences	13 177	2 336	+18	29 124	2 172	+20
The big six	14 640	2 595	+17	42 964	3 204	+9
A selection of offences:						
Illegal possession of firearms	169	30	+51	293	22	-12
Rape or attempted rape	1 053	187	+42	2 006	150	+25
Drugs and related substances	1 015	181	-33	2 757	206	-41
Assault: common	5 666	1 004,5	+18	12 658	944	+10
aggravated	4 232	750	+12	6 292	469	+18
Murder	362	64	+14	538	40	+2
Attempted murder	298	53	+44	1 184	88	+67
Burglary: bus premises	1 683	298	-8	4 264	318	-7
residential premises	4 934	875	+11	16 573	1 236	+5
Bagsnatching	576	102	+135	357	27	-52
Robbery: aggravated	962	171	+45	3 560	265,5	+36
other	604	107	-3	2 886	215	+40
Livestock theft (not poultry)	1 391	247	-8	492	37	-9
Shoplifting	1 753	311	+8	3 694	275,5	+9
Theft of firearms	156	28	+78	510	38	+40
Vehicle and motorbike theft	1 116	198	+85	8 547	673	+16
Theft out of vehicle	5 341	947	+17	16 936	1 263	+7
All fraud	1 444	256	-32	4 950	369	-27
Arson	229	41	-14	415	31	+42

violence. Other significant increases were the theft of firearms by 33% and arson by 51%.

Substantial decreases (of more than 15%) were noted for the following crimes: illegal possession of firearms (-18%), drug related offences (-33%), theft of livestock (-27%) and fraud (-29%).

Port Elizabeth

The rate of violent crime here increased by 7% between 1992 and 1994, while property offences increased by 3% and the big six by only 2% (Table 5). This growth in the big six is the smallest for all the metropolitan areas, except for the Cape Peninsula which experienced a decrease in this index of crime.

The illegal possession of firearms increased by a massive 95%. Port Elizabeth and Bloemfontein were the only cities to experience an increase in this crime. Attempted murder increased by an enormous 150%, which is the greatest increase of all the six urban centres.

possession of firearms (-12%), drug related offences (-41%), bagsnatching (-52%) and fraud (-27%).

Decreases in both the illegal possession of firearms and drug related offences were noted in most metropolitan areas. The recorded number of these two crime types may be strongly related to specific police action such as searching vehicles and individuals. The substantial increases in most other types of crime in recent years throughout the country, may mean that less police time will now be available for policing drug related and similar offences.

Cape Peninsula

Decreases of 5% in the rate of property crime and 1% in the big six were recorded here between 1992 and 1994 (Table 5). Violent crime however, increased by 8%, being constituted by a 17% increase in rape, an enormous 85% increase in attempted murder, and a 21% increase in robbery without

Table 5: Crime in the Cape Peninsula and Port Elizabeth in 1994

Type of offence	CAPE PENINSULA			PORT ELIZABETH		
	No	Rate	% change in rate 1992-1994	No	Rate	% change in rate 1992-1994
Property offences	89 686	4 220	-5	27 333	3 840,5	+3
Violent offences	47 624	2 241	+8	21 292	2 992	+7
The big six	63 445	2 985	-1	22 519	3 164	+2
A selection of offences:						
Illegal possession of firearms	747	35	-18	1 80	25	+95
Rape or attempted rape	2 897	136	+17	1 472	207	+23
Drugs and related substances	6 176	291	-33	1 198	168	-8
Assault: common	16 987	799	+7	7 265	1 021	+3
aggravated	14 661	690	+8	8 559	1 203	+2
Murder	1 501	71	-3	571	80	+2
Attempted murder	2 185	103	+85	573	80,5	+150
Burglary: bus premises	8 260	389	-9	1 941	273	-13
residential premises	20 918	984	-8	5 809	816	-4
Bagsnatching	612	29	-62	361	51	+49
Robbery: aggravated	5 254	247	-10	2 014	283	+25
other	4 139	195	+21	838	118	-1
Livestock theft (not poultry)	138	6,5	-27	232	33	-29
Shoplifting	6 590	310	-0,1	2 331	327,5	+28
Theft of firearms	412	19	+33	173	24	+77
Vehicle and motorbike theft	7 769	366	-2	1 580	222	-7
Theft out of vehicle	27 930	1 314	+8	6 746	948	+12
All fraud	6 040	284	-29	2 853	401	-3
Arson	528	25	+51	213	30	-0,3

Other substantial increases were recorded for: rape (+23%), bag-snatching (+49%), aggravated robbery (+25%), shoplifting (+28%) and theft of firearms (+77%). Decreases (over 10%) occurred in the burglary of business premises (-13%), and the theft of livestock (-29%).

□ Durban and surrounds

Sizeable increases in crime rates between 1992 and 1994 occurred in the metropolitan area of Durban. Property offences increased by 7%, violent offences by 15% and the *big six* by 23% (Table 6): This latter increase was the highest in the country, and means that the most serious types of crime (which are measured by the *big six*) increased faster than other types of offences.

The rate of illegal possession of firearms declined by 57%, and the rate of drug related offences dropped by 45%. Other smaller decreases were also recorded for: bag-snatching (-29%), robbery without violence (-14%), and theft of livestock (-16%).

Significant increases (in excess of 15%) were recorded for several crimes: rape (+32%), aggravated assault (+22%), attempted murder (+43%), burglary of business premises (+31%), aggravated robbery (+41%), theft of firearms (+35%), theft of motor vehicles (+40%) and fraud (+19%).

□ Joburg and Soweto

Like most metropolitan areas, the rate of all three crime indexes increased here between 1992 and 1994. Property offences increased by 2%, violent offences by 5% and the *big six* by 11% (Table 6). As in the case of Durban, this rise in the *big six* indicates that serious crime grew at a faster rate than other types of crime.

Substantial increases were noted for: rape (+16%), aggravated robbery (+21%), theft of livestock (+558%) and motor vehicle theft (+32%). As with several other urban centres, there was a decrease in the rate of the illegal possession of firearms (-35%) and drug related offences (-26%). The murder rate

Table 6: Crime in Durban and in Johannesburg and Soweto in 1994

Type of offence	DURBAN AND SURROUNDS			JOHANNESBURG AND SOWETO		
	No	Rate	% change in rate 1992-1994	No	Rate	% change in rate 1992-1994
Property offences	68 887	5 707	+ 7	118 200	5 812	+ 2
Violent offences	31 079	2 575	+ 15	58 100	2 857	+ 5
The <i>big six</i>	49 948	4 138	+ 23	96 877	4 764	+ 11
A selection of offences:						
Illegal possession of firearms	523	43	- 57	869	43	- 35
Rape or attempted rape	1 849	153	+ 32	3 926	193	+ 16
Drugs and related substances	4 362	361	- 45	2 788	137	- 26
Assault: common	11 267	933	- 0.2	14 479	712	- 7
aggravated	5 470	453	+ 22	12 407	610	+ 13
Murder	1 583	131	+ 6	2 233	110	- 30
Attempted murder	1 977	164	+ 43	2 851	140	- 11
Burglary: bus. premises	6 901	572	+ 31	7 730	380	- 4
residential premises	12 766	1 058	+ 1	24 726	1 216	+ 1
Bag-snatching	885	73	- 29	1 012	50	- 64
Robbery: aggravated	7 318	606	+ 41	18 013	886	+ 21
other	1 615	134	- 14	4 191	206	+ 4
Livestock theft (not poultry)	117	10	- 16	255	12.5	+ 558
Shoplifting	5 037	417	+ 13	5 381	265	+ 6
Theft of firearms	457	38	+ 35	823	40.5	+ 7
Vehicle and motorbike theft	12 084	1 001	+ 40	24 991	1 229	+ 32
Theft out of vehicle	17 101	1 417	- 0.2	31 589	1 553	- 5
All fraud	5 265	436	+ 19	7 428	365	- 11
Arson	411	34	+ 7	459	23	- 2

also dropped (-30%), as did attempted murder (-11%), bag-snatching (-64%) and fraud (-11%).

Residents in Johannesburg and Soweto will be encouraged by the substantial drop in the rate of murder and attempted murder. However, the continued increase in motor vehicle theft remains cause for concern.

Conclusion

These trends are a warning signal to those concerned with crime prevention and control. Although serious violent crime has been a major problem in Johannesburg and Soweto for some time, Durban and Pretoria have recently seen enormous increases in crimes such as rape, attempted murder, aggravated assault and aggravated robbery. It is also significant that the theft of firearms has increased dramatically in these same areas.

Although it is gratifying that the murder rate has stabilised in Port

Elizabeth and Pretoria, and declined in Johannesburg and Soweto and the Cape Peninsula, it is disconcerting that the rate of attempted murder has escalated in the Cape Peninsula, Durban, Port Elizabeth and Pretoria. Also, serious crime (measured by the *big six*) increased at a faster rate than other crimes in Johannesburg and Soweto and in Durban.

A final word of caution regarding the accuracy of these statistics. The data used here depend on the proficiency of the collecting and recording procedures of the police. The completeness of police crime statistics in turn, depends on the public's crime reporting tendencies. In addition, crime rates are affected by deficiencies (such as under-count) in the 1991 census. The picture presented here is nevertheless the best reflection of the present crime situation in the country. **IPDA**

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Crimes Against Business

**Beaty Naude, Thys Grobbelaar,
Sandra Joubert, Alice Maree**
Department of Criminology, University of South Africa

Very little is known about crimes committed against businesses in South Africa. Some insights are provided by this pilot study which canvassed the perceptions of businesses about the extent and costs of crime, and the measures being taken to combat the problem.

Criminologists have to date paid relatively little attention to businesses as victims of crime. Most research on the subject concerns single crimes such as shop theft, employee theft and bank robbery. The general perception seems to be that crimes against businesses are not really serious and that they can afford such losses (Turner and Cashdan, 1988).

Crime victimisation patterns against individuals and households have, by contrast, received increasing global attention during the past decade. This has provided important information regarding the risk, types of crimes involved, injuries sustained, losses suffered, numbers of crimes reported to the police, reasons for not reporting crimes to the police, and crime prevention strategies used.

As far as could be ascertained, no research has to date been undertaken to determine the incidence of criminal victimisation among South African businesses. Information of this kind is valuable for developing crime prevention policies as crimes involving the business sector in South Africa are high. Tables 1 and 2 illustrate this.

Crime survey

An international commercial crime survey was organised by the Netherlands Ministry of Justice, the United Kingdom Home Office, the University of Sheffield and the Australian Institute of Criminology. This discussion is based on a pilot study conducted during 1994 in South Africa as part of the international survey. The pilot comprised 200 respondents drawn on a voluntary, non-validated random basis, and the findings cannot be regarded as representative of the various business sectors in this survey.

Most of the data was collected in the urban areas of Johannesburg, Pretoria, Midrand and Sandton where many businesses are situated. Information was also obtained in Germiston, Kempton Park, Durban, Pietermaritzburg, Cape Town, Witbank, West Rand and East Rand. Table 3 illustrates the composition of the sample.

The perceptions of businesses about the following aspects for the year 1993 were canvassed: levels of crime in the neighbourhood, burglaries experienced during the last 12 months, vandalism, vehicle crime, thefts (consumer and employee), frauds, robberies, assaults/threats/intimidation, corruption, indirect losses due to crime, crime prevention measures being taken, and opinions regarding police performance.

Table 1: Selected Crimes Reported to the South African Police Services (SAPS)

Selected Crimes	1992	1993	%
Burglary of business	73 282	74 379	+1.49
Vandalism	96 138	103 415	+7.56
Vehicle theft	71 532	77 875	+8.86
Theft from vehicles	154 247	166 310	+7.82
Shop theft	58 371	62 194	+6.54
Fraud	58 576	55 890	-4.58
Robbery (aggravated)	54 194	60 089	+10.87
Robbery of vehicles	5 457	7 208	+32.09

Source: South African Police Services Annual Report 1993.

Table 2: Number of Convictions for Selected Crimes 1992/93

Selected Crimes	Number of convictions
Burglary against businesses	10 660
Vandalism	814
Vehicle theft	4 321
Theft from vehicles	5 824
Shop theft	41 748
Fraud	6 434
Robbery (aggravated)	1 724

Source: Crimes Prosecutions and convictions with regard to certain offences 1992/93.

Table 3: Composition of the Sample (N=200)

	%
Area	
Pretoria	47,5
Johannesburg	15,5
Midland	11,0
Capetown	7,0
Germiston	5,5
Rempton Park	3,5
Durban	3,0
Pretoria	0,5
Cape Town	4,0
Witbank	1,0
West Rand	0,5
East Rand	1,0
Type of industry	
Manufacturing	13,0
Retail non-food	39,5
Retail food	18,0
Wholesale/distribution	12,5
Other	17,0
Size of company	
Small	52,5
Medium	32,0
Large	15,5
One business premises	75,5
Other business premises	24,5
No of employees	
1	2,0
2-4	29,5
5-10	25,5
11-19	9,5
20-49	8,5
50-99	5,5
100-499	13,5
500 and more	5,5
Unknown	0,5
Location of premises	
Town or city centre	73,5
Build-up area outside a city centre	19,0
Somewhere else	7,5

Problems encountered

The organisers of the international survey prepared a computer assisted telephone interview questionnaire. This could not however, be used, as South African business people were generally found to be reluctant to provide information on any aspect of crime to strangers over the telephone.

A test involving approximately 15 businesses indicated a total reluctance to provide information over the telephone. Not one of these firms was prepared to participate in a telephone survey. The South African researchers were therefore compelled to convert the questionnaire to a self-complete questionnaire.

Initially the South African Chamber of Business (SACOB) kindly offered to collect the information with the assistance of the South African Business Watch Organisation. This could eventually not be implemented due to unforeseen problems. SACOB next liaised with their members of the South African Security Federation who then attempted to collect the information.

Many South African business people do not as yet subscribe to a culture of research

This resulted in only 50 questionnaires being completed and returned to the researchers after a period of six months. The researchers then had to obtain additional research funds to employ and train a fieldworker to complete a further 150 questionnaires.

Some problems were encountered by the fieldworker who collected most of the information and it is obvious that many South African business people do not as yet subscribe to a culture of research. The researchers do, however, understand the reticence on the part of business to provide sensitive inside information concerning their activities in an increasingly competitive business climate.

It is hoped however, that the results of this pilot study will motivate them in future to participate more readily in research of this nature. The most serious problems encountered with the completion of questionnaires included the following:

- Follow-ups by SACOB revealed that the businesses thought the questionnaire was not user friendly and was time

consuming although it took on average only 20 minutes to complete the questionnaire.

- Twenty businesses refused to supply any information and indicated that they have no interest in research of this nature. A further 30 businesses were not prepared to participate in the survey due to lack of time.
- Despite having made appointments, the fieldworker at times had difficulty gaining access to some companies as a result of strict security measures. Also, some businesses neglected to keep appointments resulting in the fieldworker having to return a number of times to collect the data.
- Some businesses felt that their head offices should complete the questionnaire or that their company was too small to participate. Others indicated that they do not keep accurate records of crime incidents.
- Some companies were reluctant to provide information and wanted to know whether the study was an insurance fraud investigation, while a few even suspected industrial espionage.

Results

Many businesses (40%) felt that crime had increased over the last three years but more (46%) believed it had remained stable. Forty one percent of respondents believed that bribery and extortion are very common. In terms of problems experienced around the location of their business, 52,5% regarded crime as a serious problem, while 45% thought the same about litter (Table 4).

Of the different business sectors, retailers in particular highlighted the problems of crime and litter. Interestingly, when examining this question between the different size businesses, smaller companies regarded litter as a more serious problem (29%) than crime (24,5%).

Table 4: Problems Experienced Around Area of Business

Type of problem	Serious		Fairly serious		Slight problem		No problem	
	No	%	No	%	No	%	No	%
Parking problems	11	5,5	22	11,0	53	26,5	114	57,0
Noise	10	5,0	46	23	58	29	86	43
Children damage goods	5	2,5	17	8,5	66	33	112	56
Litter	10	5	82	41	65	32	43	21,5
Teenagers loitering	5	2,5	18	9	72	36	105	52,5
Pollution/fumes	3	1,5	14	7	38	19	145	72,5
Poor public facilities and services	17	8,5	18	9	60	30	105	52,5
Crime	80	40	25	12,5	92	46	3	1,5

Table 5: Criminal Victimization by Sector of Industry

Type of crime	Sector of Industry %					
	Manuf-acture	Retail non-food	Retail food	Whole-sale/distrib.	Other bus	All bus
Burglary	16,47	37,65	21,18	11,76	12,94	42,5
Vandalism	17,95	25,64	17,95	17,95	20,51	19,5
Vehicle theft	31,91	12,77	8,51	25,53	21,28	37,9
Theft from vehicle	24,07	18,52	12,96	20,37	24,07	43,55
Theft by customers	12,9	35,48	41,94	-	9,68	45,59
Employee theft	37,84	5,41	8,11	21,62	27,03	54,41
Theft by outsiders	35,71	7,14	-	35,71	21,43	20,59
Theft by unknown	25,53	10,64	23,4	21,28	19,15	69,10
Employee fraud	30	10	15	10	35	10
Fraud by outsiders	7,04	63,38	5,63	9,86	14,08	35,5
Robbery	22,22	19,44	26	5,56	27,78	18
Bribery & corruption	14,81	37,04	7,41	7,41	33,33	13,5

Types of crimes

Theft by unknown persons (69,1%), employee theft (54,4%) and customer theft (45,6%) were the biggest problems for all the companies surveyed (Table 5).

Of the various commercial sectors, manufacturing had a high rate of employee theft and theft by outsiders, while for non-food retailers, fraud by outsiders, burglaries and bribery and corruption were most prevalent. Retailers in the food industry report high rates of theft by customers and robbery. The worst crimes for wholesalers were theft by outsiders and vehicle theft.

Smaller companies were most vulnerable to fraud by outsiders and burglary. For medium sized companies the most serious crime

was theft by outsiders, followed by robbery. Large companies reported high incidents of employee theft and vehicle theft. Small and medium companies appear to be more vulnerable to external theft while large companies seem more vulnerable to internal theft.

Twenty three percent of businesses reported that incidents of theft had involved force or the threat thereof. Of these incidents, the majority (43,7%) involved the use of firearms. Compared to the findings of a 1992 victimisation survey it would appear that businesses are considerably more often the victims of crime than individual households (Naude et al, 1993).

Costs of crime

The average losses sustained as a result of the crimes covered by this survey, other indirect losses due to crime, stock control and security costs amounted to R3 842 850 (Table 6). Vehicle theft was the highest cost to companies surveyed at over R2 million. Employee theft (R240 500) was the second highest expense followed by employee fraud (R190 000). Internal theft and fraud by employees constituted serious financial losses for these businesses.

Table 6: Average Costs of Specific Crimes/Losses Suffered in 1993

Type of crime	n	\bar{x}	Average costs R	Average costs of crime/losses R
Theft by customers	31	4,2	1 300	40 300
Theft by outsiders	14	5,3	3 250	45 500
Fraud by outsiders	71	4,2	1 300	92 300
Theft from vehicles	54	4,6	1 900	102 600
Theft by unknown persons	47	4,8	2 200	103 400
Robbery	36	5,5	3 750	135 000
Burglary	85	4,4	1 600	136 000
Vandalism	39	5,9	4 750	185 250
Employee fraud	20	6,9	9 500	190 000
Employee theft	37	6,3	6 500	240 500
Vehicle theft	47	7,9	46 000	2 162 000
Subtotal				3 432 850
Stock control	200	3,0	500	100 000
Indirect losses due to crime	200	3,1	550	110 000
Security costs	200	4,0	1 000	200 000
Subtotal				410 000
Total				3 842 850

Table 7: Actual Financial Losses Reported by the Majority of Businesses for Each Crime Type

Crime type	Amount lost	% responses
Customer theft	Up to R500	25,7%
Burglary	R 501 - R 1 000	24,7%
Theft: unknown persons	R 501 - R 1 000	25,6%
Fraud: outsiders	R 501 - R 1 000	28,2%
Theft: insiders	R 5 001 - R10 000	35,7%
Employee theft	R10 001 - R50 000	24,4%
Employee fraud	R50 001 and more	20,0% and
	R 5 001 - R10 000	20,0%
Robberies	R50 001 and more	22,5% and
	R501 - R1 000	22,2%

The value of most vehicles stolen was between R50 000 and R100 000 (42,6%). Most businesses reported that the value of money or goods stolen from vehicles amounted to between R1 001 and R2 500 and R10 001 and R50 000. Most damages caused by deliberate arson or vandalism was estimated at between R5 001 and R10 000 and R10 001 and R50 000.

Despite the costs of crime, most companies estimated that monetary losses in 1993 were negligible

The highest actual monetary losses occurred in the case of robberies, employee fraud and employee theft (Table 7). Despite the costs of crime incurred by the businesses surveyed, the study showed that most companies (68,5%) estimated that monetary losses suffered during 1993 as a result of burglary, theft, fraud, bribery, extortion and damages and replacements were negligible. The second most common response to this question was 'don't know'.

Businesses did not incur high running costs to maintain security on their premises as the majority estimated that these costs were negligible (25%). The second most common estimate was also low, namely between R501 and R1 000 (19,5%). Of all the commercial sectors, most manufacturing companies spent the greatest amount on security, totalling between R100 001 and R500 000.

The costs of security were also estimated as being negligible by

most smaller companies (18,5%), while the majority of medium companies spent between R1 001 and R2 500. Most large companies spent only slightly more, amounting to between R2 501 and R5 000.

Over half the businesses (57%) indicated that they have full insurance coverage for burglary while 31% had limited coverage and 8,5% reported having no insurance of this kind. Insurance coverage against vehicle theft was more common, with 80,6% having full coverage for vehicle thefts or thefts from vehicles while a further 15,3% had limited coverage.

Views of the police

A comparison between the reporting patterns of customer theft and employee theft showed that a large proportion of all customer thefts (74,2%) are reported to the police. In contrast, only 48,6% of employee thefts and 45% of employee fraud cases are reported.

Only 48,6% of employee thefts and 45% of employee fraud cases are reported

The most common reason given for customer theft not being reported was that these events are not considered a serious enough problem. In the case of employee theft and employee fraud, however, it is considered inappropriate to involve the police in such internal matters. Companies are selective about reporting crimes, probably because they fear damaging the public image of their business.

The data suggests that few companies are satisfied with the polices' handling of crime problems in their area. Of the various sectors, non-food retailers were the most content, with 20,5% reporting that they were very or fairly satisfied. In terms of company size, large companies were the least satisfied with the police, while small companies were most satisfied.

The figures indicate that the business community do not have a high regard for the way in which the police handle crime problems in their area.

Theft by unknown persons, and customer thefts were the most common crimes

Security measures

Most of the companies who participated in the survey used burglar alarm systems (77,5%) followed by some form of entry control (68%). A burglar alarm system was the most popular type of security measure employed by all sectors except manufacturing, in which the majority used entry control systems.

When asked who businesses turned to for advice on security matters, most companies responded that they received no advice of this nature (45,5%) or that they were not familiar with these issues. The second most common response was that they made use of a recognised security firm (33%). This trend followed through the small and medium sized companies, while large companies obtained advice mostly from the security officer at their premises.

Over half the businesses were aware of cooperative action in their areas to combat crime, but only 31% actually participated in such crime combating activities. Half of all companies had contacted their local police about crime problems or security advice in 1993. Only 37% of companies indicated that they have contact with their local business chambers concerning crime problems or security advice.

Conclusion

A large number of businesses regard crime as a serious or fairly serious problem in their area and many are victims of a variety of crimes. Comparing victimisation studies indicates that businesses are considerably more often the victims of crimes than individual households in South Africa.

Vehicle theft was the most expensive, followed by employee theft and employee fraud.

Theft by unknown persons, and customer thefts were the most common crimes identified by all the companies participating in the survey. In terms of the costs of these crimes for businesses, vehicle theft was the most expensive, followed by employee theft and employee fraud. Less than one third of theft incidents involved force or

Large companies should focus on internal security measures

threats of force and of those which did, firearms were most commonly used.

Companies tend to be selective when reporting crimes to the police since considerably more customer thefts than employee thefts and frauds are reported to the authorities. This is significant since employee thefts account for the second largest financial cost to businesses surveyed.

Most companies explained that it is inappropriate to involve the police in internal matters.

Burglar alarm systems and some form of entry control were the most popular security measures employed by most companies. In terms of adequate security

measures it would appear that small and medium sized companies will have to pay more attention to external security measures whereas large companies should focus on internal security.

Companies were dissatisfied with the polices' handling of crime in their area, but ironically spend little on security and many do not obtain advice on security matters from either the police or the private security industry. **IPA**

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URBAN VIOLENCE IN NIGERIA

Jinmi Adisa
Department of Political Science
University of Ibadan

Rapid urbanisation in the metropolis of Lagos, the commercial hub of Nigeria, is a major cause for widespread urban crime and violence. As in any major city, crimes vary from violent crimes to white collar crimes. Many of the challenges, like reforming the criminal justice system, are similar to those faced by South Africa's major cities.

Sociologists link modernisation and increasing levels of crime. Specific crimes such as property theft, armed robbery and burglary are associated with increasing affluence and improved technology, which are by-products of structural changes associated with industrial productivity and concomitant value transformation.

These changes have an important impact on urban locations, which are invariably where they occur. It is hardly surprising then that violence has been rampant in most of the world's cities. Hasan (1993) observes that 'From Los Angeles to New Delhi, urban crime statistics reveal that not only is the incidence of violence becoming more frequent, but the nature of those crimes more heinous'.

In developing countries the rapid growth of unplanned cities forces impoverished inhabitants to live in cramped conditions. This disorderly urbanisation is aggravated by poverty, the breakdown of traditional value structures and social norms, psychological disorientation, child abuse, street trading, and unemployment.

These conditions enhance the potential for violence, with the greatest impact being on the poor. This is particularly so in Nigeria

where public policy encourages the cycle of violent activity. Military governments abandon democracy at will and rule by fiat, often disregarding the law and enacting decrees that place their actions above the law, which undermines the 'rule of law'.

Law enforcement agencies are relatively inefficient, ill equipped and corrupt. In addition, the judiciary is hampered by political considerations and legal aid is expensive. Even when the criminal justice system works, it offers little succour to the poor. Rebellion against these conditions often takes the form of endemic violence.

Urbanisation

Metropolitan Lagos in Lagos state, is situated in the southwest corner of Nigeria on the coast. Lagos is Nigeria's most populous city, occupying a geographical region of about 1 800 square kilometres and inhabited by more than five million people. The city has the country's premier ports and serves as its commercial, political and industrial hub.

By the early 1970s it was estimated that Lagos had 38% of all the industrial establishments in Nigeria, offered 45% of all industrial employment and produced over

50% of the total industrial output (Makinwa-Adebusoye, 1984). In 1982, Oyekanmi observed that Lagos accounted for 60% of the value added to production in the whole country.

The city's position was enhanced by its dual status as the capital of Lagos State and of Nigeria. The national seat of government shifted to Abuja in December 1991, but Lagos retains significant political status.

Lagos is perceived as a city of opportunity, and this has always attracted people. In the 1970s and 1980s economic depression and political instability in neighbouring countries such as Ghana, Niger and Chad meant the wave of rural migration to Lagos was supplemented by an influx of foreign refugees. Lagos has since experienced an unprecedented growth rate.

The past five decades were a period of rapid urbanisation in Nigeria. From 1963 to 1980, the population growth rate was estimated at 2.5%, while in urban areas the growth rate was double that, at around 5%. In 1963 about 19.2% of the population was urbanised, while in 1980 the urban population was estimated at 27%.

Lagos played a unique role in this growth, as no other city expanded as quickly. The population of Lagos almost trebled in the decade preceding 1963, reaching 662 246 people. The estimated population of greater Lagos rose from one million in 1963 to just over four million in 1982. The 1991 census figures, which were received with reservation in several quarters, put current estimates at over five million.

Early estimates by the National Population Commission gave Lagos a population of 5.84 million for

1985, and based on an annual growth of 10%, analysts projected the population of Lagos could reach 12 million by 2000 AD (Mabogunje, 1961, 1968; Aina and Salau, 1992). The 1991 census figures dampened this expectation, but confirm that Lagos is at the forefront of Nigeria's urban explosion.

Growth patterns

From its beginnings as a rural settlement occupied by farmers and fishermen, Lagos grew in three phases. The first phase occurred in the early British colonial period between 1851 and 1900 when population changes began to assume momentum, largely as a result of immigration.

During the second phase between 1901 and 1950, the population of Lagos grew phenomenally due to increased commercial activities, use of the seaports, and industrial growth, which attracted people from other parts of the country. The older part of the city, Lagos Island, experienced intense overcrowding.

The third phase was the post-1951 period of metropolitan explosion. The city's prime commercial and industrial profile attracted a rapid influx of people seeking employment. Also, as political independence drew nearer, the city's status was further enhanced. When Nigeria became a republic in 1963, Lagos had expanded past its municipal boundary limits.

By 1985 the city occupied one third of the land area of Lagos State. Lagos had engulfed its smaller neighbours creating several problems. The demand for urban services could not be met with existing capacities and the provision of housing and infrastructure became problematic, causing the degradation of several neighbourhoods.

Slum areas and overcrowded tenements mushroomed. Employment opportunities contracted and jobless youths drifted into criminal activities as the social conditions of the city

accentuated and reflected the decay of urban life, in which crime and violence continued to grow rapidly.

Violence and crime

Rampant crime became a serious problem in Nigeria after the civil war of 1967-70. In the two and a half decades that have followed, public safety has become an overriding concern. The total crimes reported to the police increased from 1980 to 1983 after which levels have fluctuated, but there is concern that about half of all offences go unreported.

An assistant Police Commissioner in Lagos said '(The public) do not see the force as a friend. If a culprit is apprehended and makes restitution they see no need to go to the police. Even where the contrary is the case, they would only go to the police as a last resort. Nigerians do not like the costs or bother of litigation...A large number of offences - I would put the figure at half of the total - go unreported' (Interview, August 1994).

By mid-1987 Lagos State accounted for about 20% of the total crime figure in Nigeria

This view is substantiated by the hysteria in newspaper reports. *The Nigerian Tribune* (28/3/70) was adamant about the need for authorities to take adequate measures to 'save (Nigerian citizens) from the rule of hoodlums'. When, in response the Federal Government legalised the public execution of robbers, *The Express* heralded it as a momentous decision.

However, the tension precipitated by crime and violence nationwide did not abate, and in 1988 the Armed Forces Ruling Council (the nation's highest legislative body at the time) set up a special committee to find ways of ensuring the safety of Nigerians. But almost two decades later no worthwhile result had been achieved by the committee.

In the process, attention was directed to Lagos as the crime capital of the country. According to police in 1980, 38 615 crimes occurred in Lagos State, representing about 16% of all crime in Nigeria. Crime in Lagos State exceeded the national state average by 198%, and since Lagos metropolis dominates Lagos state, the city accounts for most of that figure.

By mid-1987 Lagos State accounted for about 20% of the total crime figure in Nigeria. A Chief Superintendent of Police commented that 'Lagos is where it happens... The enabling environment is there - the frustrations, the hopes, a glimpse of what life could be, the people, the sophistication, the desire and the guns. Violence in Lagos has a distinctive brutal character...' (Interview, September 1994).

Types of crime

Violence in Lagos covers the entire gamut of criminal activities. Mukoro (1994) has shown that violence has spread through all neighbourhoods in the city, although there are variations according to income categories. Certain types of crime which attract more attention than others will be discussed.

Armed robbery

Public concern about the crime wave in Nigeria focused attention on armed robbery. This crime has been transformed from isolated night attacks on lonely highways in the 1970s to daring exploits in broad daylight. Robbers operate unmasked, wearing expensive designer clothes giving them the appearance of successful business executives.

Their firepower is formidable. Local rifles and homemade guns have given way to powerful assault weapons and machine guns like AK-47s and Russian K-2s. A highway traffic safety expert noted in 1985 'that armed robbery has become the country's most glamorous and fastest growing

crime. As a mini industry, it tops the ten violent committable crimes in Nigeria and the profits are tax free' (*National Concord*, 22/4/85).

Statistics confirm this observation. In 1970, 12 153 cases of aggravated robbery were reported to the police in Nigeria (*Daily Champion*, 12/5/90). By 1984 this had risen to 187 411 cases, with a property loss estimated at 7, 8 million naira. By 1987, as many as 226 462 cases of aggravated robbery were reported.

Decreed in 1970, the death penalty for armed robbery hardly proved to be a deterrent

The figures tell a small part of the story. It is the brazen nature of the crime that generates serious anxiety among Lagosians. Every resident is suspicious and alert. Cars are snatched from motorists in crowded districts and financial institutions are raided regularly with only feeble resistance from authorities.

One night in July 1993, a gang of armed robbers attacked finance companies at the Murtala Muhammed International Airport. Rather than beefing up security measures, the Nigerian Airport Authority simply ordered the closure of all 12 bureau's which conduct foreign exchange transactions at the airport.

Robbers generally display a sadistic disregard for life, often killing victims even when they put up no resistance. At times, they are daring enough to warn homeowners of their impending visit, displaying their lack of regard for the police. Night attacks are more brutal, with criminals terrorising and intimidating people in the presence of their children.

These attacks often include assault, murder and rape, and gang members often stimulate themselves with hard drugs and alcohol before attacking. The effects of this state of siege on the lives of Lagosians is severe:

"Lagosians now live behind bars, in houses caged with tough iron rods. In such homes, it takes occupants 20 to 30 minutes to get through the barricades... Driving in Lagos is done in a style intended to avoid interception by armed robbers. The basic rule is that no driver allows the vehicle behind him to catch up with his...In Lagos, people live in such terrible fear of armed robbers that those who are not attacked as each day passes regard themselves as fortunate" (*The Nigerian Herald*, 6/3/85).

The tragedy of armed robbery is that government efforts to curb this crime have yielded little dividends. The death penalty, decreed in 1970 by the Gowon administration, hardly proved to be a deterrent. It was suspended by the civilian administration of Shehu Shagari (1980-1983) but the wave of robbery continued to the extent that even the house of the Vice President, Dr Alex Ekwueme, was raided in 1983.

The successor administration of General Buhari again restored the death penalty in 1984, but without any effect. The subsequent Babangida administration experimented with a variety of measures such as check points, road blocks, foot and motorised patrols, which also showed no visible improvement.

□ *The rackets*

Armed robberies are often sponsored by rackets. In 1992, the Lagos State Deputy Commissioner of Police, Mr Adeoye, said that there are more than 3 000 Nigerian armed robbers in the Benin Republic working for various receivers who handpick thieves, tell them which vehicles are wanted, and send them to Nigeria to steal them (*The Daily Times*, 15/12/92).

Other police sources confirm that activities are well sponsored by barons in Benin who hand the cars over to standby syndicate receivers who respray them, change the engine chassis and registration numbers, and then sell them in

neighbouring countries or recycle them back into Nigerian markets as *tokumbos* (used cars).

'The situation', boasted a criminal boss in Lagos, 'is not unique. Rackets are part of Lagos life. The sea and airports are organised. Even touts at motorparks operate more effectively as part of a syndicate. The only difference is that there are institutionalised rackets by government officials as you would know if you want to clear goods at Apapa port or Tin Can Island. Those of us you label as criminals simply operate a private enterprise' (Interview, September 1994).

□ *Assassinations*

Another dimension of urban violence in Lagos is assassinations or hired killings. Statistics are hard to find because these crimes are often covered up for various reasons, and are often masked by armed robbery. Whatever the case, the phenomenon of hired killings has grown significantly since the occurrence of several attacks in Lagos in 1983.

Robbers sometimes warn homeowners of impending visits, displaying their disregard for police

Assailants broke into the home of the ex-Speaker of the Federal House of representatives in November 1983, shooting him in the stomach and chest. He miraculously survived. On the same day, Chief Nkpang, Assistant General Manager of Ports Authority was less fortunate. His car was stopped and he was shot dead. Earlier in 1983, an attempt was made on the life of Senator Gigeri Lawan, when he was severely macheded.

The list grew over time, and the assassination of Dele Giwa by a letter bomb in 1986 was the climax of this growing tendency. Giwa attracted public attention because he was a prominent media executive and two state security chiefs, Colonel Akilu, then Director of Military Intelligence and Colonel

Togun, then Deputy Director of State Security Services, were accused of killing him. The men were accused of state terrorism, but attempts to indict them failed.

Politically motivated assassinations are however, uncommon, although the cases of ex-Speaker Ume Ezeoke, Senator Lawan and Dele Giwa may suggest a trend. Hired killings are normally carried out to cover up evidence, hide fraud, eliminate witnesses or in the course of personal vendettas over land disputes and family squabbles.

In one case, the wife of a customs controller put out a contract on his head to stop him marrying another wife. But the photograph the woman gave the killers was recognised by their leader, a smuggler whom the customs officer had treated well at one of the borders. The gang leader then insisted on killing the custom officer's wife, and the hapless man had to pay 10 000 naira to save her.

□ *Drugs and 'area boys'*

The problem of street violence is associated with Lagos youths and can be related to the rootlessness of Lagos life. There is a state of anomie resulting from migration and social dislocation, rapid economic and social changes, and the breakdown of the traditional family structure which means children often have to hawk in the streets in order to survive.

The Structural Adjustment Programme (SAP) during the Babangida administration encouraged commercialisation, resulting in open spaces and sidewalks becoming business space. It is now hard to distinguish between residential and commercial areas in Lagos metropolis, and the many children in Lagos without parental guidance are tempted by what the streets have to offer.

Illegal roadside markets have become fertile grounds for petty thieves and daylight robbery, and youths who survive the streets usually become area boys. These are jobless youths with a penchant for 'living in the fast lane', aspiring

to a lifestyle of wealth and flamboyance which makes them easy targets for employment by drug merchants.

Nigeria is a notorious transit centre in the global drug trade, but as security measures tighten in western ports, a considerable quantity is now recycled for home use. Drug dealers employ area boys to carry drugs to domestic consumers. The boys either retail drugs and use the proceeds to purchase the 'good life', or become users themselves. The few taking the first option eventually become dealers and even merchants.

Most however, become drug users. Area boys become locked into the drug habit and crime barons are content to keep them so. This drug dependency makes them the foot soldiers for organised street violence, and a solution to the problem of area boys must therefore be sought together with one for the drug problem.

Former Minister of Foreign Affairs, Pk Botha, was a victim of the 419 scam

At times area boys appear useful. Some traders pay them one naira each per day to procure brooms, rakes and wheelbarrows to clean the streets. But the money is sometimes taken and the streets are not swept, creating conflict with market traders. Area boys also harass people on the street for money which irritates shoppers and angers the market women, occasionally provoking violent clashes.

Area boys are also used for organised street violence. Several area boys interviewed in 1994 at the Adeniji Adele Rehabilitation Centre in Lagos, alleged that politicians hired them to disrupt political campaigns of their opponents or disrupt voting during elections, especially in areas where their rivals had a strong following.

Similarly, Lebanese businessmen hire area boys as bodyguards, while

night clubs, restaurants and brothels employ them as 'enforcers' (*Daily Times*, 29/2/94). These activities assumed violent ethnic dimensions when crime barons contracted area boys to evict traders from the Igbo ethnic group, who landlords accused of not paying rent. Area boys provoked confrontation, beating the traders, stabbing people and stealing wares.

Area boys also engage in gang warfare on the streets to nourish their macho images. Rival groups challenge each other in brutal fighting to demonstrate superiority, and one such event in Lagos Island in 1992 lasted five days, claiming one life and leaving several wounded.

□ *High-tech violence*

The Lagos crime of international renown is the 419 scam. Lawrence Martin, a British businessman with long experience of commerce in Nigeria, former South African Minister of Foreign Affairs, Pk Botha, Sidney Conn, a North Carolina businessman, and a Bavarian widow code named Helga Krautner, have all been victims of the 419 scam.

International organisations such as Interpol, the United States Federal Bureau of Investigations and the German Federal Criminal Police have shown concern in uncovering these scams. Four-one-nine derives its name from the penal code under which such fraudsters are prosecuted in Nigeria.

The '419' has been associated with prominent Nigerian figures such as Fred C. Ajudua, a Lagos millionaire, and Arthur Nzeribe, former presidential aspirant and head of the infamous Association of Better Nigeria (ABN), which set in motion the process of annulling the 1993 presidential elections that threw Nigeria into turmoil.

Nzeribe was linked to the scheme in which Pk Botha spent \$500 000 in a bid to set up a magazine in Nigeria that would have sympathised with South Africa's former apartheid government. No fewer than 25 000 cases were

reported in Britain in 1991 and about 1 000 cases were under investigation in Nigeria during the same period (*The Economist*, 8/2/92).

One 419 scam uses fake documents to lure mostly foreign business people to transfer huge sums of foreign exchange to Nigeria. In the second scam, goods from overseas firms are sold using fake bills of credit. As soon as the goods are delivered in Nigeria, the local 'partners' either vanish or default on payment.

The first type of this high-tech scam has proved to be more notorious. The modus operandi plays on the greed and/or gullibility of the foreign 'fish'. Letters on official stationery are sent to addresses gleaned from trade directories and telephone books. Recipients are promised millions of dollars if up-front fees or bank account particulars are provided.

Typically, the inducement hints at some sort of impropriety, such as money laundering, to discourage contact with authorities. Potential 'prey' are invited to Nigeria and given august receptions. They are taken to rented offices and charged minor payments to cover local taxes, cash transfers and legal fees. As months or even years pass, more fees are demanded while excuses mount for additional charges and continued delays.

Coup d'etats instituted governance through the barrel of a gun, undermining party politics

The scam is subsidised by strong arm tactics and potential victims, once they arrive at Lagos, can be brutalised. Some victims are threatened with prosecution for travelling without visas while others are kidnapped until payment is made. Some have even been beaten or killed for refusing to cooperate.

In July 1992, David Rollings, a 61 year old businessman, was found murdered in his hotel room in Lagos. He travelled to Nigeria in an

effort to recover \$3 million swindled from him by fellow businessmen (*Newswatch*, 9/11/92). Authorities abroad say they are powerless because the crime takes place in Nigeria. A spokesman for Germany's Federal Police said 'our lawyers tell us that it is not a crime to write letters' (*Time*, 18/4/94).

Nonetheless, the 419 scam is a crime in Nigeria which embarrasses legitimate Nigerian businessmen, gives the nation a bad image and has had an adverse effect on investment. The government eventually had to set up a task force to tackle the scheme. Foreigners however, complain that the task force itself is another scam since there have been no convictions and no money has been recovered.

The crackdown may be a public relations exercise or alternatively, the government perhaps lacks the willpower to prosecute the offence. A more likely explanation is that those engaged in these scams have political connections in the corridors of power.

Political violence

Independence was achieved without bloodshed or political violence, but the First Republic which followed independence was fraught with the politics of violence. The pattern was set by the Tiv riots, and thuggery and vandalism became an integral aspect of party politics in that period.

Those in power perceived violence as a way of nurturing their authority, and alienated subjects replied in kind. Disputes over census and elections results generated inter-ethnic and regional acrimony which gave way to violence, eventually culminating in the bloody *coup d'etat* of January 1966.

Worse still, *coup d'etats* instituted governance through the barrel of a gun and when party politics were resurrected in the Second Republic in 1979 the experience was no better than during the First Republic. The military again intervened, ostensibly to restore political sanity. In all these

instances, Lagos, as the capital city of Nigeria, bore the brunt of violent activity.

The relative stability of the first two years of the Babangida administration, in spite of severe economic problems, suggested that political violence in Lagos was on the decline. The riots that followed police brutality in 1988 shattered this illusion and were soon followed by the SAP riots of May 1988, the Orkar coup of 1990, and the pro-democracy riots of 1993. The SAP and the pro-democracy riots are good examples of political violence in Lagos.

The SAP of the Babangida administration severely affected the living conditions of the average Nigerian

□ The SAP riots

The Structural Adjustment Programme (SAP) riots of May 1988 were a response to the poor living conditions of Lagosians. The SAP of the Babangida administration (1985-1993) severely affected the living conditions of the average Nigerian, but the effect was most critical among the urban poor in Lagos.

Transport costs in the metropolis soared and workers in the formal and informal sectors suffered. The unemployed and working class became more impoverished as the cost of food and accommodation rose sharply while real wages plummeted. The hardships were aggravated by the wave of affluence that cut across the social divide in Lagos.

This set the scene for the SAP riots which lasted two weeks and claimed about 50 lives. Students led the uprising, joined by the unemployed, workers, housewives, market women, and others. The choice of targets reflected the government's failure in urban governance. The police were especially targeted, and about 100 buses belonging to Lagos State Transport Corporation were destroyed (Roberts, 1994).

In time the protests subsided as the activities of security forces and the political climate dampened expectations that the mass protest could displace the incumbent regime. The Lagos public accepted government promises of relief in recognition that the protests lacked the organisational capacity to deliver transformation.

The political class lacked the organisation and vision to effect revolutionary transformation

□ Pro-democracy riots

Mass protests were a spontaneous reaction to the annulment of the June 12 election results in 1993. The then Governor of Lagos soon admitted that he could not cope with a civil disturbance of this magnitude, and the army was ordered into the streets. The riots persisted for several days and estimates of fatalities ranged from 100 to 300 people.

The area boys manipulated the situation, ransacking stores, extorting money and terrorising the highways. Trading came to a halt and workers needed their monthly remuneration. In the absence of a social security system that could mitigate the effects of a political breakdown, and because the organisation needed to transform mass protest into a revolutionary movement was lacking, the protests subsided.

Some prominent political leaders, including Professor Akinyemi, formerly Nigeria's Foreign Affairs Minister, and the renowned lawyer and social activist, Gani Fawehinmi, appealed to military factions to intervene and end the crisis. Those aspiring to revolutionary change were forced to acknowledge that the political class lacked the organisational skill and vision to effect transformation.

What is to be done?

Urban violence is a serious problem in Lagos. The economic costs are difficult to calculate but police sources estimate the figure at nearly half a billion naira annually. This does not however, include the value of human lives lost and the related emotional and psychological trauma.

Measures to alleviate this situation must take into account the wide ranging causes of crime and violence, which extend to poverty, migration, lopsided affluence, unjust social and economic policies, urban pathology, food scarcity, unemployment, media effects and the failure of the educational policy.

Individuals must also engage in some measure of self protection. A security conscious populace can ensure some measure of self protection against certain crimes like armed robbery and theft. Self help is however, simply an adjunct to community regulation. Urban violence is a social problem which must be confronted in a community context.

In terms of practical measures, an increase in the strength, organisation and equipment of the police in Nigeria, which by United Nations standards is underpoliced, is essential. Police corruption, the complicity of security agents in crime or in concealing offences are also serious problems.

Reform of the criminal justice system is also long overdue. In 1983 the Lagos State Police Command reported that of the 431 persons arrested for armed robbery in that reporting year, only 72 were prosecuted, of which only three were convicted. This despite the fact that armed robbery is a particularly visible crime.

Colonial police procedures must also be modernised. Police must have a foothold in the community

and community policing deserves serious attention. Because criminals are part of society and interact with other community members, community participation in crime control is vital.

As a first step, vigilante units should be encouraged and organised in self defence units and given paramilitary training under police supervision. Official recognition of these units, which should be elected by the communities, can play a useful role in crime prevention and in protecting civil society against abuse and corruption by law enforcement agents.

Community participation schemes should be integrated into broad social security schemes. Accordingly, community participation, youth reorientation, and public campaigns to heighten security consciousness are projects which could make cities more liveable. **IFRA**

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University of Natal

**Indicator South Africa, Centre for Social and Development Studies
University of Natal, Private Bag X10, Dalbridge, 4014
Tel: (031) 260 2525/260 2526 Fax: (031) 260 2813
E-Mail: Macgrego@mtb.und.ac.za**

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