

INDICATOR

No 4 Summer 1995

CRIME AND Conflict

Marching to a different tune



Stacy.

EDITORIAL

As 1995 draws to a close and the Christmas break beckons, it seems a pity to have to dwell on issues of crime and conflict. But since criminals have no mercy for weary holiday seekers, and as another year has passed in the new South Africa, the time is right to say something about the status of crime and conflict.

As we muddle through a difficult transition, a noteworthy development is that since the 1994 elections, crime replaced political violence as the country's number one source of instability. By now, much of our money and energy are spent trying to prevent crime.

In this issue, three articles focus on changes in protest and conflict since the 1994 elections. Olivier and Ngwane report on grievances, new identifications and people's willingness to engage in protest. South Africans are now less prepared to partake in such activity, and the first Geographical Information Systems maps of conflict levels to be published - appearing in this article - support this survey finding.

Conflict is less of a problem now than in 1994, but grievances remain many and varied, even in the Western Cape - a province considered more stable than others, as Van Zyl points out in this issue. Violence and instability also remain a problem in KwaZulu-Natal.

Turning to crime, how have South Africans responded to the problem? The public have largely withdrawn - seeking refuge behind high walls and alarm systems - or reacted over zealously - with vicious vigilante actions or threats thereof if the death penalty is not reinstated.

Business have actively taken on the problem, linking with the police and holding several workshops. But the government's response has been unconvincing, if not damaging. Cuts to the police budget and knee-jerk reforms regarding the imprisonment of juvenile prisoners, frustrate attempts to reduce crime.

In spite of this, and after years of bearing the brunt of a failing criminal justice system, the police service is the only State agency which seems serious about restructuring and curbing crime. Community policing, liaison with the public and internal scrutiny are positive signs. By contrast, the poor state of our courts and prisons remains unaddressed. In this issue, Muntingh reviews sentencing trends since 1977, exposing startling weaknesses in the justice process.

Antoinette Louw
Crime and Conflict editor

The INDICATOR SOUTH AFRICA Quarterly Report, INDICATOR PRESS investigative books and CRIME AND CONFLICT are published by the Centre for Social and Development Studies at the University of Natal, Durban. Opinions expressed are not necessarily those of the Editorial Committee and should not be taken to represent the policies of companies or organisations which are donor members of Indicator South Africa.

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Reproduction *Multigraphics* Printing *Robprint*

Acknowledgement
The HSRC and Anglo-American and De Beers Chairman's Fund for sponsorship of Crime and Conflict

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A Cut Throat Business

The Development of Organised Crime



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Current estimates suggest that organised crime has doubled under South Africa's new government. The most current discussion of syndicate crime in this country, this overview covers the crime's origins and forms worldwide and locally, and the innovative policing techniques which are urgently needed.

Organised crime in South Africa is a little understood phenomenon. Public attention has been focused on other more visible areas of criminality, while the South African Police Service (SAPS) has only recently begun to specifically counter the problem of crime syndicates.

Yet the latest evidence suggests that across the world, organised crime has not only grown in scope, but has also undergone significant changes in the last decade.

Sources in the SAPS suggest that state law enforcement institutions do not yet have the resources or technical expertise to cope with organised crime.

Organised crime was never a priority area under apartheid rule - indeed, there is evidence that syndicates and gangs were used to 'police' the opponents of the state. This makes it difficult to now measure the growth of the phenomenon.

Nevertheless, current (albeit tentative) estimates suggest that the growth of organised crime has doubled under the new government. According to the SAPS, there are around 500 'extremely well financed and superbly armed' crime

syndicates operating in and from South Africa. Almost half of these are based in the industrial complex around Johannesburg.

While varying in form and structure, organised crime operations in South Africa share a number of common characteristics. They have a hierarchy of control with clearly designated rank structures and systems of promotion and payment.

They also operate according to sophisticated processes, often through legitimate business interests, to launder money obtained through illegal activities. These organisations also have access to weapons to ensure that 'business' routes are protected and potential competitors eliminated.

International origins

Historically, organised crime has been seen as a law and order problem confined to single states, or more specifically to particular cities - often with high immigrant populations - within them.

So some geographic area like southern Italy and Sicily, or cities like Boston or Hong Kong contained particular strains of

organised criminality which often dated back at least a century or more.

However, in the last decade, as the nature of the world order has changed dramatically, so too has the nature of organised crime. Not only has organised crime expanded its areas of interest to become a transnational phenomenon, but it has changed the nature of its operations.

The 'crisis of governance' in the state system which has occurred in central African countries, Eastern Europe and the former Soviet Union, means that state boundaries no longer inhibit the growth of criminal networks.

Moreover, instability and the collapse or weakening of some states and the emergence of new ones, has opened an environment in which criminal organisations can operate alongside existing legal institutions of business and government.

Comparative evidence suggests that organised crime grows most quickly in periods of political transition and violence when state resources are concentrated elsewhere and gaps emerge for crime syndicates to operate.

The most notable example is the former Soviet Union: the collapse of Communist rule allowed the emergence of literally thousands of organised crime bodies involving current and former members of the establishment. This has at least some parallels in South Africa.

But the formation of new states, the breakdown of old ones, and the establishment of competing centres of power, is hardly a new phenomenon. The growth of the

earliest recorded forms of organised crime in Sicily more than a century ago, was the result of weak government and strong ethnic and family linkages.

Even after stronger forms of governance were exerted from the Italian mainland in the Nineteenth Century, and again in the 1980s, organised crime proved remarkably adaptive, altering operations and forging new linkages to ensure continued profits.

Origins in South Africa

But in South Africa, other factors were also at play. Senior SAPS officers argue that the perception existed that the end of apartheid gave rise to new areas of potential operation in southern Africa, as border controls weakened.

This in turn, occurred at a time when transnational organised crime operations increased. These - in a similar fashion to multi-national business concerns - bought into and expanded local operations, or employed subsidiary organisations to conduct their work for them.

Several factors make southern Africa a lucrative area for illegal business: stricter laws and control measures at points of entry in North America and in most European states, and southern Africa's favourable position on the drug trafficking routes between the Far and Middle East, the Americas and Europe, in conjunction with the region's accessibility via land, sea and air.

Another important factor is that South Africa has a seemingly insatiable demand for - and ready availability of - illegal goods, ranging from drugs to firearms, vehicles, counterfeit money and endangered species products (Grove 1985).

State and business links

One common denominator of organised crime operations is the perpetrator's ability to penetrate and use the institutions of the state.

In countries like Columbia and Russia, it is often difficult to tell where the state ends and organised crime begins.

Good state contacts enable operations to run more smoothly, while forewarning crime bosses of any government attempt at crack down.

There is a paradox here. Organised crime requires a state and an organised business sector which is corrupted to serve its own ends, rather than one which is completely broken down.

The existence of a relatively strong but penetrated state allows organised crime the luxury of using state institutions for profit, while remaining relatively free from prosecution and continuing to operate in an environment of comparative stability.

Failed states mean higher costs for organised crime: without state 'assistance' and infrastructure, there are greater costs involved in securing crime fiefdoms which come closer to 'warlordism' than organised crime operations.

One common denominator of organised crime is the perpetrator's ability to penetrate and use the institutions of the state

The increased sophistication and growth of organised crime is also partly a result of the communications revolution. Technical sophistication has opened new areas of criminality in the commercial world, as well as new opportunities for laundering money or investing profits from illicit activities.

In this process, the distinction between the legal and illegal sectors of any economy has been further blurred by the growing propensity to invest profits from criminal activities in legal business operations.

The most 'respectable' - and powerful - organised crime operations are often a dynamic mix between licit and illicit activities.

Links between syndicates

Some evidence suggests that organised crime operations cooperate more closely on a world level than law enforcement agencies previously believed.

The Russian and Sicilian Mafia have cooperated with each other and their counterparts elsewhere, while Colombian cartels have sought Asian and European connections to secure local markets.

This has prompted some observers to suggest that the new global order is dominated by a 'network of organised crime', which in increasingly cooperative relationships, seeks to divide and dominate the markets for illicit goods (Sterling 1994).

This is far fetched. Such relationships bring as many dangers as they do advantages. Criminal operations only seek allies when it is profitable to do so, and seldom simply to dominate any region or area.

Such agreements are also notoriously fickle - often broken if it suits one of the parties, or if an organisation is threatened by the actions of a third party (Williams 1994).

In addition, promoting competition between organised crime operations is increasingly being seen as a way to police syndicates. Smaller operations are allowed to challenge more established ones, thereby keeping the system unbalanced.

Contrary to media coverage of the issue, increased violence perpetrated by organised crime networks seldom means increasing power, but generally an attempt to ward off encroaching players who upset an established equilibrium.

But there is substantial evidence that sophisticated organised crime operations like Cosa Nostra in Sicily, the Russian Mafia and the Chinese Triade, do often recruit local partners to secure markets.

Such connections regularly bring new players into the arena. Nigerian

and Turkish organisations which began simply as carriers for larger criminal operations, have begun to establish their own networks specialising in specific products.

Nigerian and Turkish syndicates are now heavily involved in heroin trafficking. Indeed, greater trafficking in drugs by Nigerian organisations - including cocaine - has led to rising new forms of drug dependency in southern Africa.

South African syndicates

Available evidence suggests that South African crime syndicates do not appear to have reached the stage of development discussed above.

Currently, organised crime in the country is not dominated by any one group, although there is some evidence that certain local operations have forged linkages with overseas partners.

Of increasing concern in southern Africa is the degree to which organised crime operations have been able to penetrate the state. Crime syndicates who are well resourced, have the ability to 'buy into' government and bribe officials - including those in law enforcement - who earn comparatively low salaries.

While it is well known that bribery occurs in the lower ranks of the SAPS, it is unclear to what extent this phenomenon has penetrated the higher echelons of the service.

Most South African organised crime operations concentrate on southern Africa, dealing in a wide variety of commodities and engaging in several illegal activities. These include the lucrative drug trade, gold and diamond smuggling, vehicle theft, commercial crime and weapons smuggling.

Significantly, the activities of the various organised crime networks are often closely interlinked. For example, in southern Africa, motor vehicle theft and robbery are linked to the illegal arms trade in Mozambique, while drug

trafficking is connected with motor vehicle theft and money laundering in Zambia.

International links

South African crime syndicates are also closely tied into international organisations, and in particular those from the Far East, engaged in the illegal traffic of environmental contraband like ivory and rhino horn.

Here the historic link between the state and organised crime is clearest. The involvement of the South African security establishment 'either by direct involvement in poaching or by allowing the conduits of contraband ivory and rhino horn to double as intelligence routes from neighbouring states' has been established (Potgieter 1995).

Once firmly established, organised crime bodies are immensely difficult to eradicate

Drug trafficking in particular, provides the resources on which other forms of illegal activity can be built. Mozambique has emerged as a major transit facility for heroin, cocaine, hashish and Mandrax to southern Africa, as well as a transit point for drugs to northern hemisphere destinations.

Given the end of the civil war in that country - and the South African supply of weapons to one of the protagonists - Mozambique has become the main source of illegal firearms. There is a ready market for these weapons among other crime syndicates and criminal gangs operating in South and southern Africa.

The threat of drug operations to South Africa can be contextualised by examining Brazil - a country with a similar socio-economic profile. Brazil 'is playing an increasingly important role as a transshipment state and has developed an extensive drug consumption problem of its own in the [slums] of Rio de Janeiro' (IISS 1995).

This has led to increased levels of violence in the marginalised areas of the city, higher levels of petty crime and increased corruption of state officials by transnational crime operations. For these officials 'the alternative may be violence or death, and the temptation to accept corruption as a way of life is profound' (IISS 1995).

Policing strategies

The diversity of organised crime operations in South Africa may contain both advantages and drawbacks for policing. Monitoring two or three large organisations in any area may be easier than watching hundreds.

At the same time, however, a diversity of competing organisations provides some opportunities for more sophisticated forms of control, exploiting divisions and fostering competition between syndicates.

Central to any policing strategy should be an attempt to prevent the consolidation of organised crime operations. Once firmly established, organised crime bodies are immensely difficult to eradicate. Indeed, in some respects, South Africa may have already passed the stage where this is possible.

Importantly also, organised crime retains the potential to recruit and formalise relationships with lower level street operations like gangs. These are used as foot soldiers and carriers in increasingly sophisticated operations, or to buy into already established ones.

Areas of the country like the Western Cape, with its historically developed system of gangs, are ripe for such developments.

Innovative methods

Policing organised crime requires new methods and greater cooperation with international law enforcement agencies. Targeting individuals - particularly at lower or middle level - often does little to break up organisations, or leads to

violent struggles for control in syndicates.

If ordinary police work will have limited results, the best way to police organised crime is to threaten profit margins by limiting what syndicate bosses can do with the money obtained from illegal activities.

Tighter money laundering legislation - which the South African government is under increasing pressure to implement, and which will probably be on the statute books by mid-1996 - is one way to do this.

Tighter money laundering legislation is essential to prevent crime bosses investing in legitimate business operations

Such legislation is essential not only to police the activities of organised crime, but to prevent crime bosses investing in legitimate business operations.

The Law Commission has produced draft legislation on, among other things, the confiscation of the proceeds of crime. The following five broad principles are contained in the draft legislation:

- The courts should be empowered, on conviction of the offender, to confiscate the proceeds of his or her crime.
- The amount confiscated should be aimed at the value of the proceeds of the crime and not any actual property which may lawfully belong to another party.
- The value of the property should not be limited by the type of offence from which the proceeds are derived.
- Any order of confiscation must be accompanied by a restraining order preventing the offender from effectively giving away accumulated assets to others.
- The confiscation of property should be imposed in addition to any other sentence.

Crime operations may change their shape and structure in reaction to some forms of policing

But an adequate policing policy must involve not only the agencies of law enforcement, but also business. Banks will in future be forced to re-examine the concept of confidential client relationships.

And, the legal and accountancy professions as well as estate agents and travel agents may be forced to rethink some of their principles of operation in line with organised crime prevention trends elsewhere.

Understanding the crime

Much research is still needed in the area of organised crime in South Africa. While detailed work is available about the operations of organised crime in Europe and North America, there is little literature either on South African syndicates or on organised crime in Africa as a whole.

To begin to police the problem innovatively, it will be essential to understand more fully the growth of organised crime networks.

Comparative research on this aspect elsewhere provides guidelines as to four broad areas that need to be explored:

- The changing commodities that organised crime networks trade in and the potential new commodities they may seek to obtain. The introduction of drugs like 'crack' into the South African market suggests that street level networks as well as middle level syndicate operations may change over time to accommodate changing market conditions.
- The dynamic connections between various syndicates and street level organisations and in turn their linkages to the state and external criminal operations are an important measure of the maturation of organised crime in a country.

A solidifying of operations, the targeted penetration of the state apparatus, and the emergence of a number of prominent figures will all signal growth stages in the development of organised crime.

- The reaction of organised crime syndicates to policing should be an essential area of concern. Crime operations may change their shape and structure in reaction to some forms of policing, or may specifically target police agencies either to be corrupted or for violent retribution.
- Violence which can be linked to organised crime operations should be carefully monitored to assess the development stages of syndicates. Ironically, periods of comparative peace may signal the growth and consolidation of organised crime rather than its demise. IDQA

Interviews conducted in the course of researching this article have not been cited. This is an initial overview of research on organised crime in South Africa made possible by funding from the Open Society Foundation and the United Nations Development Programme.

REFERENCES

- Caiden GE and Alexander HE (1985) 'Introduction: Perspectives on Organised Crime' in Alexander and Caiden (eds), *The Politics and economics of Organised Crime*. Washington, Lexington Books.
- Sherr J (1995) 'Russia, Geopolitics and Crime', *Conflict Studies Research Centre*, F49, February.
- Stille A (1995) *Excellent Cadavers: The Mafia and the death of the First Italian Republic*. London, Jonathan Cape.
- Sterling C (1994) *Thieves World: The Threat of the New Global Network of Organised Crime*. New York, Simon & Schuster.
- Grove W (1995) 'A perspective on organised crime in South Africa'. Paper presented to the 1995 Organised Crime Conference, Bramshill, 22-24 May.
- Opolot J (1981) *Organised Crime in Africa*. Pilgrimage, Jonesboro.
- Williams P (1994) 'Transnational criminal organisations and international security', *Survival*, 36 Spring.
- Potgieter DW (1995) *Contraband: South Africa and the International Trade in Ivory and Rhino Horn*. Cape Town, Queillerie.
- International Institute of Strategic Studies (IISS) (1994/95) *Strategic Policy Issues: Transnational Crime*, Yearbook.

The Recipe For Action

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After 1994, the rules of the political game changed. During a transition strained by undelivered promises and political instability, protest politics must find a new course. This article considers the determinants of protest politics in future. Also in this issue, Olivier and Ngwane analyse survey results to assess the likelihood of peaceful and violent protest.

South Africans will soon celebrate the second anniversary of the country's first democratic elections. The period of socio-political transformation which received a new impetus after the April 1994 elections, had a significant impact throughout South African society.

On the one hand, new tensions emerged as new rules of political engagement came into play. On the other, there was a significant reduction in old tensions which had existed for some time - most notably the decrease in political violence during the past year.

Tensions in the Government of National Unity (GNU) surfaced on numerous occasions around issues such as national versus provincial powers, the demarcation of election wards for local government elections, indemnity for political crimes, the Truth Commission, education policies, and the role of traditional leaders in a democratic dispensation.

These tensions emerged especially between the three major partners in the GNU, the African National Congress (ANC) alliance, the National Party (NP) and the Inkatha Freedom Party (IFP), as each grappled with their new roles in the GNU partnership.

Tensions were not, however, restricted to those in government. New conflicts also emerged in the broader South African society, as the long journey of transformation from a society built on the apartheid policies to a one build on democratic principles, began.

Peaceful change

Experiences from elsewhere in the world show that societies are subjected to enormous strain during periods of sociopolitical change - especially when that change is as fundamental as in South Africa. The extent to which change has occurred relatively peacefully, is therefore, truly remarkable.

The high levels of political violence preceding the 1994 elections caused a great deal of concern about whether South Africa would succeed in the transition towards democracy. Many saw this political instability as an indicator of deep rooted political intolerance which could undermine the process.

Some also expected racial conflict between white South Africans who were privileged in the past, and black South Africans who were moving into 'white' schools, neighbourhoods, jobs and most importantly, positions of political

power. But very little open ethnic or racial conflict has been recorded to date.

These concerns were heightened by high expectations among the majority of South Africans about what the new political order could deliver. Some whites also worried that their privileged political, economic and social positions would be eroded under a new government.

The extent to which these fears are present among white South Africans is evident in the numbers - particularly of professionals - who have emigrated.

Expectations

Most South Africans had high expectations about participation in all levels of government, and about improvements in economic conditions, education, housing delivery, and access to clean water. In particular, people looked forward to political stability - especially after the high violence levels since the mid-1980s.

These were not the exclusive expectations of ordinary South Africans. The GNU also recognised the need to address these needs in a coordinated manner. This strategy is captured in the Reconstruction and Development Programme (RDP).

The RDP's goals are not only to address basic needs but also to fundamentally restructure South African society. Commentators agreed, however, that it would be impossible for a new government to adequately meet these expectations in the short to medium term.

Despite the fact that these issues were all high on the GNU's agenda, to date, very little has been delivered. Democratic government

has been extended to all South Africans, but economic growth has improved only marginally during the past year.

Political instability remains of great concern, and high expectations remain largely unfulfilled

Unemployment remains high as a result, with South Africa's current unemployment rate recently estimated at 32%. Crime levels similarly remain high, and for many types of crime, levels are increasing steadily.

Potential instability

While there have been improvements, political instability measured by the incidence of violence, protest activities and labour actions, remains of great concern. The high expectations that most South Africans had, remain largely unfulfilled.

Why do we still see many protest activities in South Africa despite successful elections? What explains relatively high levels of (political) violence despite the 'political settlement'? What are the implications for democracy and stability in South Africa? These are fundamental questions.

In attempting to answer these questions, those variables which directly impact on political stability and the strength of the democratic order, need to be more fully understood.

Much research has been done both locally and internationally on these issues, providing valuable insights into the dynamics underlying political protest and violence. These insights enable a better understanding of the changes in protest and violence levels since the 1994 elections (see Olivier and Ngwane and Van Zyl in this issue), and will be discussed here.

Conditions for protest

There are essentially four factors which impact on the ability of individuals or groups to engage in protest activities:

- The existence of any number of grievances.
- The availability of resources which enable an aggrieved group to mobilise.
- The extent to which the leadership of an aggrieved group can translate grievances into action.
- The nature of the political environment.

It is important to recognise that all these ingredients must be in place before mobilisation can occur. In other words, grievances alone are insufficient to enable mobilisation. These variables are key preconditions for protest action, and will be discussed in greater detail.

Grievances

The existence of grievances around which people can mobilise is the most basic precondition for people to engage in protest. People who are not aggrieved have no reason to protest. In other words, a veld fire will only spread if the grass is dry.

Grievances alone are insufficient to enable mobilisation

Such grievances may focus on housing, education, abortion, gay rights, environmental concerns, ethnic or racial discrimination, and the extension of political rights - as demonstrated by the South African case.

These issues need not be restricted to a particular area. They could be of national or international concern. In fact, a key development during the past decade is the extent to which protest activities have become internationalised.

Examples are the activities of the anti-apartheid movement abroad, protests against the Bosnian war and more recently, protests against the execution of political opponents in Nigeria. South Africans are increasingly becoming involved in internationalised protest activities.

While it is true that people who are not dissatisfied have no reason to mobilise, it is equally true that not all who are aggrieved actually engage in protest. The 'free-rider' problem is a common one faced by those who organise protest activities.

Free-riders are concerned individuals who benefit from the successes of protest actions - such as higher wages as a result of strikes - without participating in these activities. Various strategies are used to counter this problem, such as media campaigns and intimidation.

Civil society structures remain significant for strengthening the democratic culture in South Africa

Resources

It is impossible for an aggrieved group to mobilise if they do not have the necessary resources. The obvious question is: what are these resources?

A dissatisfied group needs time to devote to an issue, financial resources, support from other organisations, transport if the protest action is to take place at another location, and communication networks.

The existence of some level of organisation - either informal or sophisticated - has been shown to be one of the key resources necessary for organising. Protest politics in South Africa has demonstrated the importance of organisations in enabling groups to engage in protest activities.

The wide range of civil society structures established during the apartheid years - such as the United Democratic Front (UDF) which

was an alliance of more than 500 organisations across the country, and labour unions - were vital in mobilising people.

While such structures played a crucial role in ending apartheid, it is important to recognise that their continued existence remains significant for establishing and strengthening the democratic culture in South Africa.

Leaders' roles

Leaders, and their ability to translate grievances into action, is another key requirement. Leaders of an aggrieved group play an important role in deciding on strategies for political engagement.

Key decisions include, for example, whether to organise a protest march or send a delegation to the relevant policy makers. Also, whether protest action is localised or organised across a large geographic area for maximum impact, and whether to form alliances with other organisations.

Well coordinated protest activities by students at tertiary educational institutions, municipal workers and workers in the health care sector during the past year, illustrate attempts by these groups to maximise the impact of their protest actions.

A more recent international example is the protest activities in various countries against the nuclear tests by the French in the Pacific.

Political environment

The nature of the political environment influences individuals' ability to mobilise. The extent to which the political system is open (democratic) or closed (undemocratic) not only impacts on the ability of groups to mobilise, but also on the types of action people engage in.

The state is a key player, as it organises the political environment in which protest activities take place. Authoritarian political systems are less tolerant of protest

behaviour, and protestors are usually subjected to various levels of state repression.

The goal of these repressive measures is to prevent dissatisfied groups from mobilising, and include strategies such as detaining leaders, banning organisations, and declaring curfews and states of emergency.

Liberal democracies discourage militant and radical challenges to the political system

These measures therefore aim to limit the resources available to aggrieved groups and their leadership, which increases the cost of mobilisation. However, as the South African case demonstrates, repression frequently results in increased protest activities and in particular, violent forms of protest.

International research suggests that the way in which democratic states are organised also impacts on how people engage in protest. Western democracies with proportional representation were found to be more responsive to grievances. As a result, they are less prone to civil protest actions than democracies with non-proportional representation systems.

This suggests that liberal democracies function as institutionalised conflict regulating systems that enforce compromise and bargaining, thereby discouraging militant and radical challenges to the political system.

These results are relevant for South Africa, and suggest that the democratic model of government which will eventually be selected will largely determine levels of civil protest.

Future stability?

What are the implications for political stability in South Africa? Can we expect a significant reduction in protest activities, or will current levels be maintained or even increase?

It is unlikely that the Government will make a significant impact on socio-economic grievances in the short to medium term. While political grievances have largely been met - with KwaZulu-Natal a notable exception - socio-economic demands will remain largely unresolved.

This is especially likely since the Government is constrained by a massive budget deficit and high debt. The South African economy has for some time been in a contracted state and will remain so for the foreseeable future.

Analysts predict that the annual economic growth rate will probably not exceed 3,5% during the next few years. This, coupled with the population growth rate of 2,1% per annum, suggests that making a significant impact on unemployment will be difficult. Continued economic stagnation will result in a widening gap between rich and poor.

The democratic model of government which South Africa selects will largely determine levels of civil protest

In recent months, there was a perception that labour unrest had increased significantly in South Africa. In fact, the incidence of strikes has decreased. Only the public sector - including municipal and health workers - has seen a significant increase in strikes.

While the private sector and the relevant unions have had much experience in collective bargaining during the past 15 years, this experience is still lacking in the public sector where unions were only recently recognised.

Crime will also affect stability, and levels will probably remain high. While the state of the country's economy explains much of this reality, the internationalisation of crime in South Africa is an important contributing factor.

Unless effective strategies are launched which will significantly impact on unemployment, crime

may become an 'acceptable way of life' for many South Africans.

As a precondition for mobilisation, South Africa's political environment is ripe for protest action. Dissatisfaction with socio-economic conditions and high crime levels will also cause widespread dissatisfaction. Olivier and Ngwane in this issue, examine survey results which assess a variety of grievances, and respondents' concomitant willingness to engage in protest action.

Positive aspects

The Government has up to now been able to maintain a high level of support from a broad spectrum

of South Africans. In fact, there are currently no groups with significant support who want to undermine the South African State.

The success of the local government elections has also strengthened democratic governance.

However, the absence of democratically elected local government structures in KwaZulu-Natal, with its history of instability, remains a concern.

In general, greater transparency and participation in government has created trust and legitimacy. An example is the public's involvement in drafting the new constitution. Also, the Government's

commitment to nation building and reconciliation helps to stabilise the transition.

These positive indicators are all located in the political realm, and are critically important to balance the negatives in the socio-economic sphere. However, indications are that tensions within the Government will continue to surface.

Sociopolitical instability will continue to be an integral part of the transition during the next few years. The extent to which the Government will successfully manage the process while maintaining its credibility, will be key to establishing democracy in South Africa. ~~1995~~

Marching to a Different Tune

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Olivier in this issue, discussed preconditions for protest action. Based on that discussion, this article examines survey results comparing people's grievances, new identifications and willingness to engage in violent and peaceful protest in 1994 and 1995. Greater stability has been achieved, but will in future depend more on economic and ethnic issues than on politics.

Political protest has been an integral part of South Africa's history since the turn of the century. Levels of protest varied a great deal during this period, as successive waves of protest were launched by those excluded from political participation under the apartheid government.

The issues around which people mobilised, their social categories, and the repertoire of collective action they used, changed continually from the 1970s. While peaceful incidents of political protest predominated during the earlier period, violence became increasingly common after the mid-1980s.

Two factors explain this change. First, engagement between the previous state and its opponents became more intense during the late 1980s. The state had introduced extensive repressive measures against individuals and organisations opposing its policies.

Second, competition between emerging political organisations - such as the United Democratic Front and Inkatha - intensified. This was initially limited to KwaZulu-Natal, but soon spread to other parts of the country. Competition was

particularly fierce during the four years preceding the April 1994 elections.

Changes after 1994?

The 1994 election was a milestone in South African history generally, but also had implications for the dynamics of political protest. In particular, these elections changed the political environment in which social movements and protesters operate.

Olivier, in this issue, indicated that the state is a key determinant of the political environment. South Africa became a highly mobilised society. New rules of political engagement after 1994 meant that different relationships had to be established between civil society and the state.

This could have important implications for political protest, the nature of which is likely to have changed since 1994. To what extent did this occur, and what new patterns emerged, if any? How have South Africans' perceptions of political protest changed during the past year? Some answers to these questions follow.

The results of two surveys will be compared. The first was conducted

in February and March 1994 and the second in February and March 1995. A comparison of actual events of political protest and conflict during the first six months of 1994 and 1995 will also be discussed.

These data provide important indicators of political stability and the effect of sociopolitical change on political protest during the past two years.

Since individual perceptions - and grievances - represent a key precondition for protest (see Olivier in this issue), results from the two surveys will be discussed first. The analysis of political protest during 1994 and 1995 will follow.

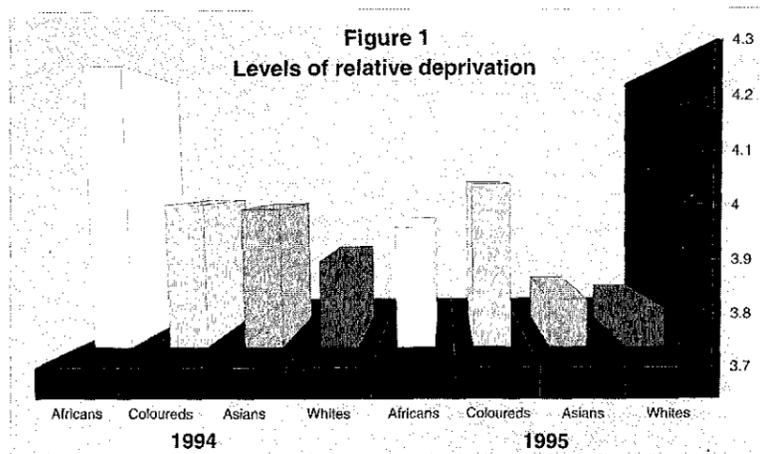
Surveys of perceptions

The same questions were asked to two nationwide samples of more than 2 200 respondents. These questions measure grievances about a variety of issues, respondents' identification with certain social categories, and their willingness to engage in peaceful and violent forms of protest.

It should be noted that a series of questions were asked to construct a measure of a given indicator. Thus, aggregate results are reported. Since the differences in the responses of African, Asian, coloured and white respondents were statistically significant, these are reported separately.

Levels of grievances

Levels of grievances were measured according to respondents' standard of living, work situation, conditions in neighbourhoods, feelings of safety, the standard of available health care, the recognition of human rights, and the quality of available education.



Results suggest that while significant changes were recorded between the two surveys, Africans remained the most aggrieved group and whites the least aggrieved. The position of Asians and coloureds were similar - between those of Africans and whites.

African respondents were more satisfied with their position in 1995 than in 1994 in respect of all the issues, except their general standard of living. They recorded slight improvements, or more positive perceptions, regarding health care, education, job opportunities and safety.

Asian respondents were slightly more satisfied with their socio-economic position in 1995 than they were in 1994. They were, however, more concerned about education and their safety than in 1994.

White respondents were similarly more concerned about education and the quality of health care available to them in 1995 than in 1994. They also recorded a greater concern about their human rights than in 1994.

These respondents were surprisingly more satisfied with their socio-economic situation in 1995 than in 1994. A possible explanation may be that their position deteriorated less than was initially expected.

Coloured respondents showed very little change in the evaluation of their position in 1995 compared to

that in 1994. Along with African and Asian respondents, coloureds not surprisingly, were satisfied with the increased recognition of their human rights a year after the elections.

Coloured respondents were also less concerned, as were African respondents, about jobs and job opportunities in 1995 than in 1994.

In conclusion, levels of grievances among all South Africans remain relatively high - especially among Africans. The most significant changes were recorded in respect of education and health care.

Africans seem to have experienced improvements in these two areas. White respondents by contrast, were significantly more concerned in 1995 than in the previous year about education and health care.

These changing patterns are captured in the levels of relative deprivation for each group (Figure 1). African and Asian respondents felt less deprived in 1995 than in 1994. White respondents felt slightly more deprived, while coloured respondents recorded no significant change.

Social Identification

Respondents were asked to indicate to what extent they identify with people from certain social categories to which they themselves also belong. These categories included people who live in their neighbourhood, belong to their

ethnic group, speak their language, have a similar political orientation, and share socio-economic status.

Table 1 shows the percentages of respondents who identified strongly with certain factors in 1994 and 1995. This assessment is based on a composite of the extent to which respondents felt close to people with whom they share characteristics, and the importance of these characteristics in their interaction with other people.

Language

The results suggest that language and religion were the most important identifiers for people from all groups in both the 1994 and 1995 survey.

Overall, language has become more important as an identifier. African and coloured respondents particularly, identified more with people who speak their language in 1995 than they did in 1994. The importance of language remained unchanged over this period for Asian and white respondents.

Religion

Religion has become less important among African and white respondents as an identifier since 1994. It remained equally important among Asians, and became more important for coloured respondents.

Ethnicity

African and Asian respondents identified far more with individuals belonging to their ethnic groups in 1995 than in 1994. In the case of whites, and to an extent coloureds, however, levels of ethnic identification remained the same in 1995 as in 1994.

Further analyses suggest that the greater ethnic identification among African respondents was particularly true for supporters of the Inkatha Freedom Party (IFP). The same applied for white respondents who support conservative political parties.

Table 1: Relevant Identifiers in 1994 and 1995

	Africans %		Coloureds %		Asians %		Whites %	
	1994	1995	1994	1995	1994	1995	1994	1995
Language	62	67	49	57	54	56	66	65
Religion	46	40	61	71	37	39	69	59
Ethnicity	25	30	12	14	21	31	32	32
Work	21	18	25	25	15	11	15	20
Financial situation	16	14	26	21	7	19	9	14
Neighbourhood	14	20	25	26	35	19	11	10
Generation	12	19	14	15	27	20	17	16
Gender	19	25	6	7	8	12	3	4
Political preference	22	13	12	12	11	5	17	12

Class

Identification with people who share the same socio-economic status - measured by feelings of closeness to people doing similar work, and who are in the same financial situation - became less important for African and coloured respondents, and more important for whites.

Asian respondents reported a stronger identification with people in the same financial situation and a weaker identification with people who do the same work.

Social position

The identification with the three characteristics reflecting a person's social position, namely neighbourhood, generation and gender, remained unchanged among coloured and white respondents.

However, they became more important among Africans and less important among Asians. These results suggest that gender as a characteristic, is quite irrelevant among white, coloured and Asian respondents. But among Africans, gender was a much stronger identifier - especially in 1995.

Political identity

All groups except the coloured respondents, recorded a

significantly weaker association with political organisations than in 1994. Political preference therefore became less important as an identifier from 1994 to 1995.

These results suggest that new social categories are beginning to develop. A process of social and cultural diversification seems to have started among South Africans.

Language and ethnicity remain identifiers which could potentially cause conflict - especially among supporters of the IFP and the white political right.

The increased significance of neighbourhood, generation and gender among Africans is related to issues of central importance in South Africa. These are education and job opportunities, housing, and the position of women in society.

A significant decrease in political identity was recorded over the past year, especially among African respondents. It remains to be seen whether this represents a shift towards modal political behaviour in a society which has been over politicised for years.

This trend could also represent the first sign of a decline in interest, or a disappointment in politics. The relatively low poll in the 1995 local government elections is an important indicator of this tendency.

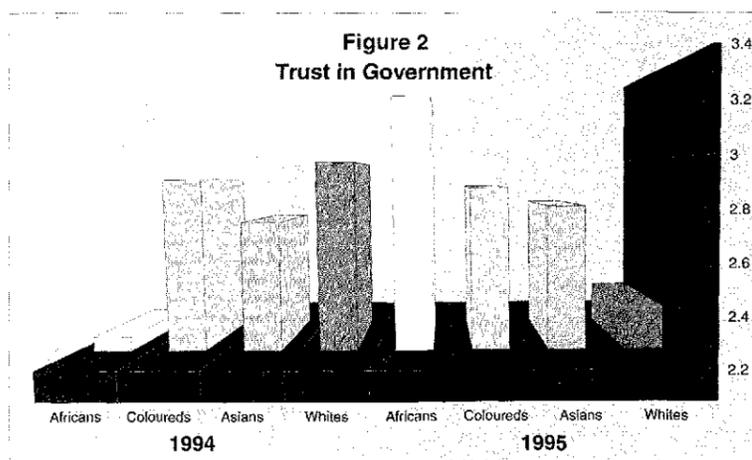
Trust in government

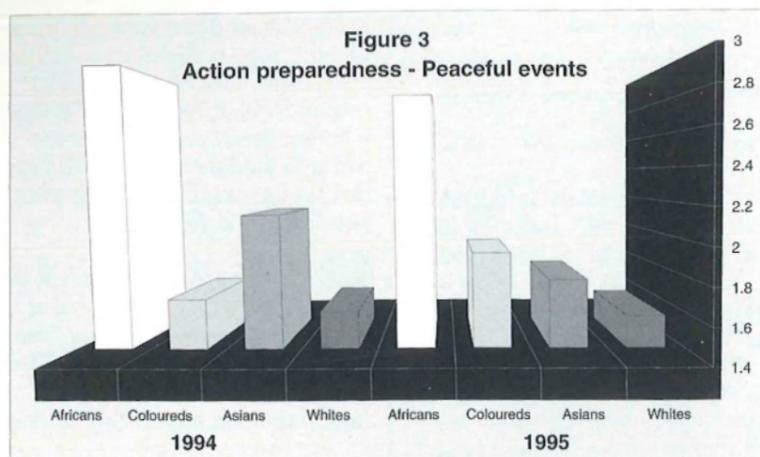
To assess the extent to which South Africans trust the government, the following question was put to respondents of both surveys: How often do you trust the government to do what is right for people like you?

African respondents recorded a dramatic increase in their trust of the Government of National Unity (GNU), as opposed to the apartheid government which was still in place in February 1994 (Figure 2).

White, Asian and to a lesser extent coloured respondents, by contrast, have less trust in the GNU than in the previous government (Figure 2). Similar results were recorded when interviewees were asked to indicate to what extent they thought they could influence the government of the day.

The results reported for Africans and whites are not surprising.





Africans clearly feel that their government is in power. Whites on the other hand, have not identified strongly with the GNU. White respondents, however, seem to trust the GNU slightly more than Africans trusted the previous government.

Willingness to act

Respondents were asked to indicate the extent to which they are prepared to engage in peaceful and violent forms of protest actions in the future.

The results show that South Africans generally, are currently less prepared to engage in protest activities than before the 1994 elections. This is true for both violent and peaceful forms of political protest (Figures 3 and 4).

This could be explained by perceptions that the democratically elected government represents people's concerns. There would therefore be less need for protest action.

However, the results suggest that the potential for mobilisation remains high. Peaceful protest is the preferred method for challenging political structures through non-institutional means. As a group, Africans remain most prepared to engage in peaceful and violent forms of protest.

These results, together with those about peoples' trust in government, suggest that most South Africans

have accepted the new democratic dispensation. This is important for stability and suggests that an increase in peaceful rather than violent forms of political protest can be expected.

This is particularly the case, given that the right to engage in peaceful protest activities is now recognised by the Government. Given the current scenario, violent forms of political protest should continue to decrease.

Peaceful and violent protest

The Centre for Sociopolitical Analysis at the HSRC, in collaboration with the Indicator SA's Conflict Trends in KwaZulu-Natal project, maintains an extensive database on incidents of peaceful and violent political protest.

A comparison of all incidents in the country recorded during the first six

months of 1994 and 1995, follows. These time periods are important for two reasons. First, the surveys reported above were conducted at the beginning of each of these time periods.

Second, the April 1994 elections resulted in a dramatic change in the political environment in which political protest takes place. This should have implications for patterns of political protest behaviour.

The results of these analyses are reported by way of a series of six maps (Figures 5 to 10). The most significant trends are:

- Political protest, which includes both violent and non-violent incidents, was dispersed over a wide geographic area during the first six months of 1994. In fact, events were recorded in 159 magisterial districts (Figure 5).
- In total, 2 177 events were recorded during this period. Of these, 90% were violent.
- The regions where the most intense conflicts were reported included KwaZulu-Natal and Gauteng. Two districts in KwaZulu-Natal recorded more than 100 incidents during this period.

Violence was widespread before the elections with incidents recorded in 135 districts (Figure 6). Levels did, however, decrease significantly after the elections (Figure 7). Events were recorded in only 62 magisterial districts from

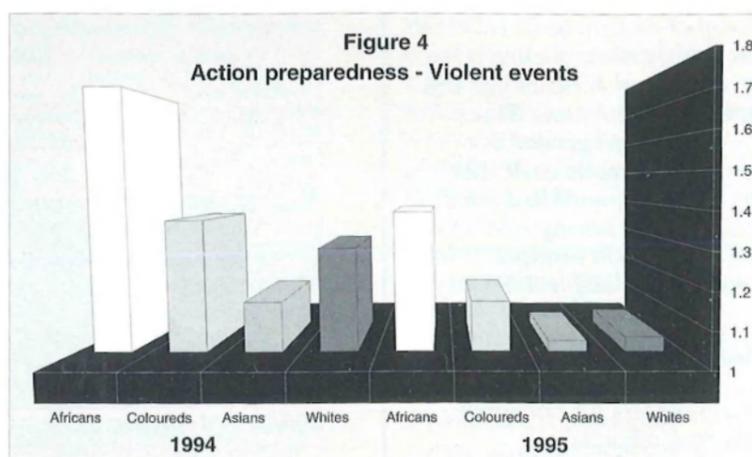
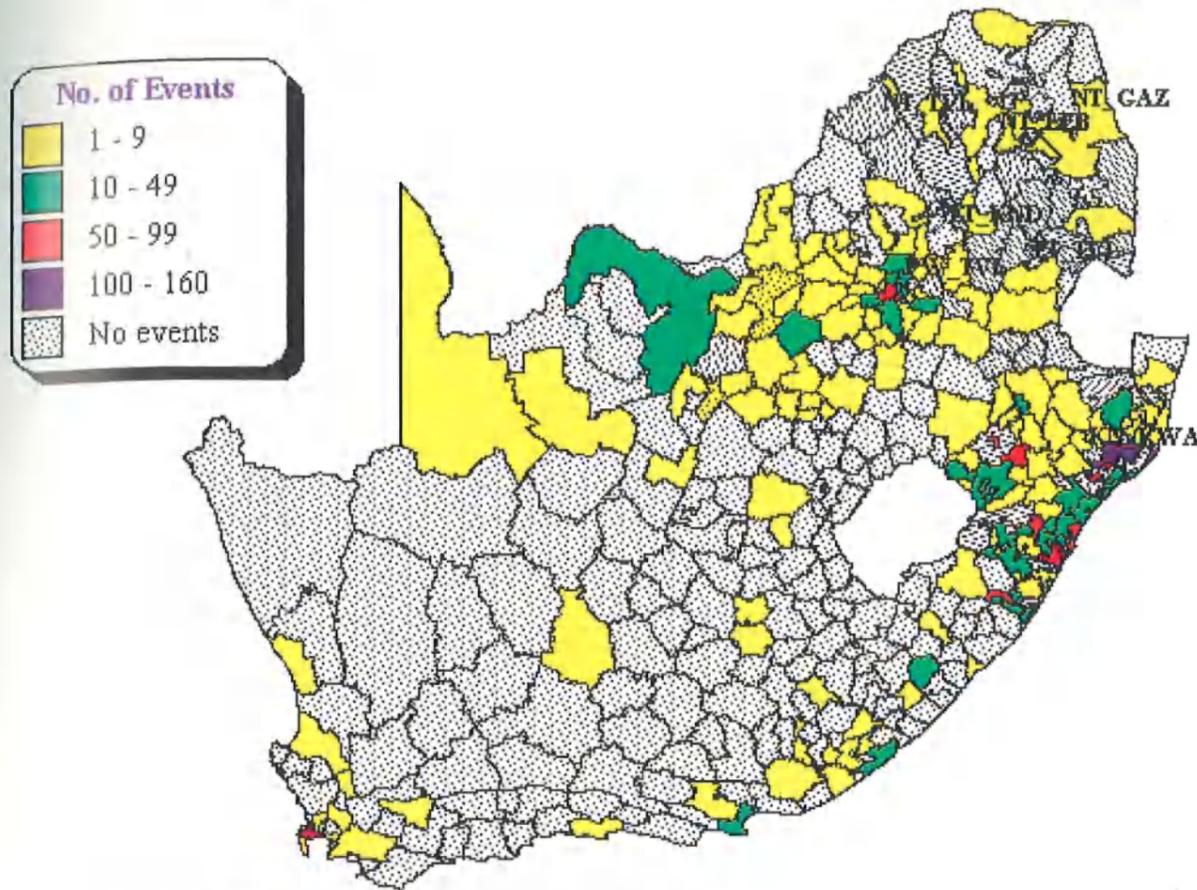


Fig. 5: POLITICAL PROTEST EVENTS
Number of Events (Jan - June 1994)



Source: Socio-political Analysis, HSR.C

May to June 1994, the majority of which took place in KwaZulu-Natal.

A comparison of violent and non-violent events in the first six months of 1994 and 1995 shows that conflict levels decreased during 1995 - in terms of geographic dispersion and intensity (Figures 5 and 8). Most events were recorded in KwaZulu-Natal, Gauteng, and the Eastern Cape in 1995.

In total, 1 072 events were recorded during the first six months of 1995 - about 50% less than during the same period in 1994. As a proportion, peaceful protest events increased from 10% during this period in 1994 to 29% in 1995. This suggests that political conflict dynamics are indeed changing.

Violent incidents occurred over a wider area than peaceful events in

the first six months of 1995 (Figures 9 and 10). These incidents were recorded in 91 magisterial districts, while peaceful protest occurred in 75 districts.

The Pretoria-Johannesburg area, Durban, Port Elizabeth and the area around Cape Town recorded the highest number of peaceful protest events (see van Zyl in this issue).

The data on actual incidents of political protest lend credibility to the survey results reported earlier. Recall that respondents in the 1995 survey indicated that they were more prepared to engage in peaceful forms of political protest and less willing to engage in violent activities, than in 1994.

Analysed with the occurrence of political protest events, this shows that there has been a significant

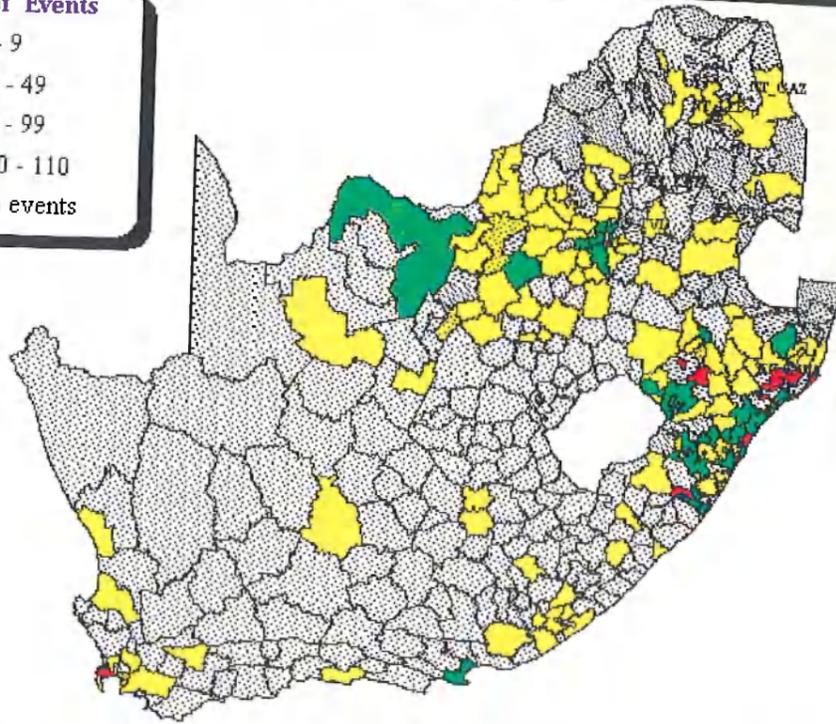
improvement in the overall situation. However, levels of political violence remain unacceptably high in KwaZulu-Natal.

Stability and progress

These results demonstrate that there is not only greater stability in South Africa, as measured by the number of political protest incidents, but also that significant shifts have taken place in perceptions about sociopolitical matters among the general population.

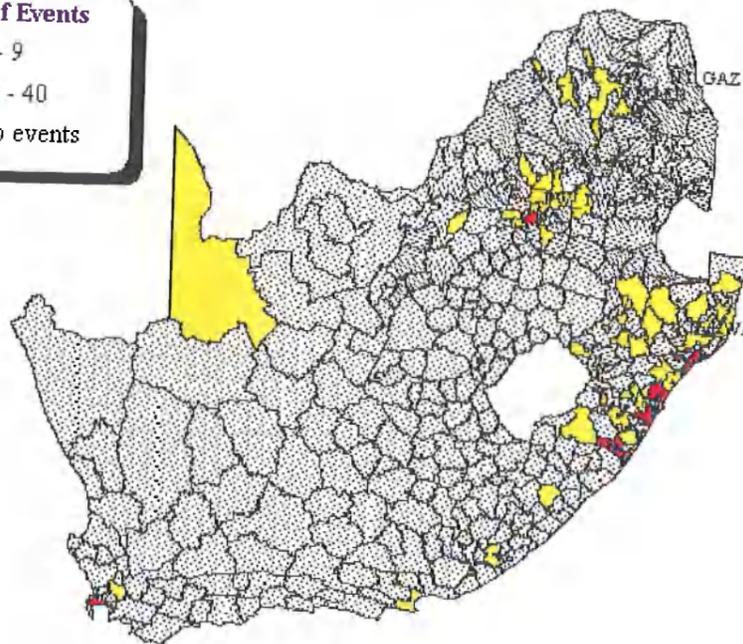
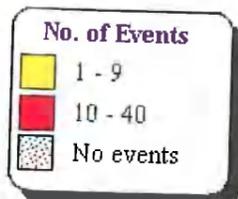
It is clear from the survey results that new solidarities are developing among South Africans. Of particular importance are increased and high levels of ethnic solidarity among significant proportions of the population, and an increased

Fig. 6: VIOLENT EVENTS
Number of events (Jan - April 1994)



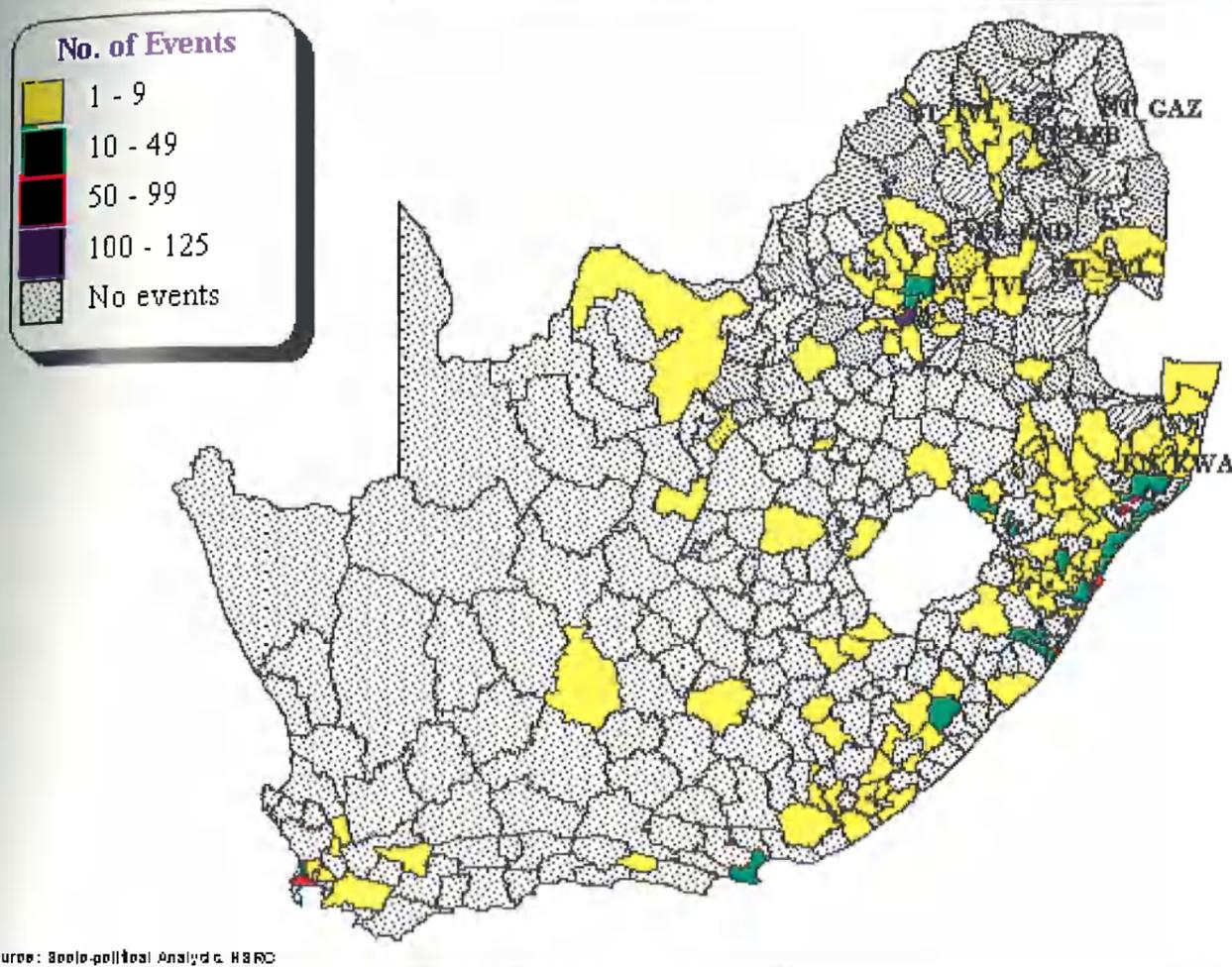
Source: Socio-political Analysis, HSEC

Fig. 7: VIOLENT EVENTS
Number of Events (May - Jun 1994)



Source: Socio-political Analysis, HSEC

Fig. 8: POLITICAL PROTEST EVENTS
Number of events (Jan - June 1995)



identification with economic solidarities.

It is important that the development of cross-cutting solidarities should be encouraged. If not, the strong ethnic sentiments which now seem to exist among some Africans and whites may become antagonistic, with negative consequences.

The increased identification with economic solidarities is an example of such a cross-cutting cleavage which may suggest the development of new class alliances.

These results confirm that the exclusion of the majority of South Africans from formal political institutions was not the only, or most important factor, behind the

high levels of political protest before the 1994 elections.

This implies that the roots of political instability in South Africa lie not only in the dimension of 'politics' (see Olivier in this issue). This continues to be true. While levels of political conflict have decreased, socio-economic grievances remain high among many South Africans.

This, coupled with the finding that significant numbers of people are prepared to engage in political protest activities, suggests that the potential for mobilisation in South Africa remains high.

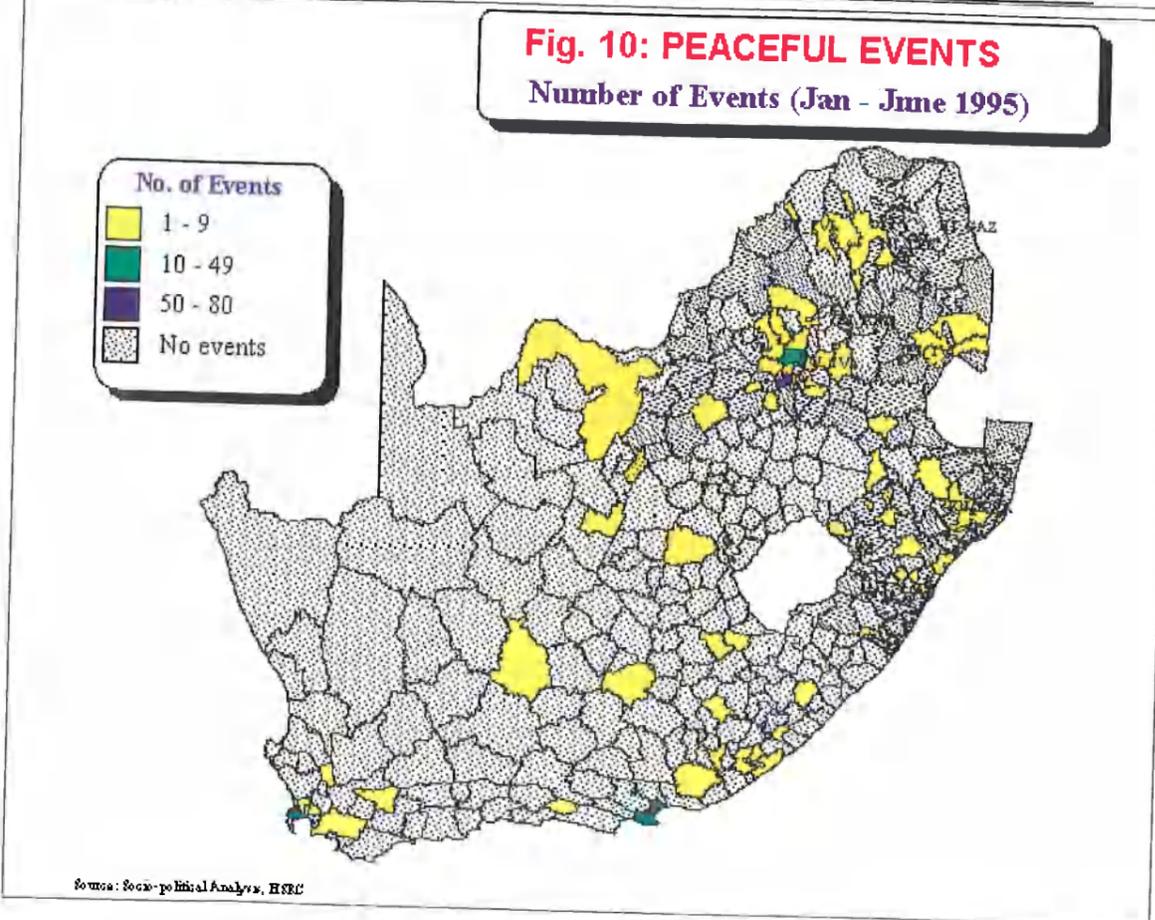
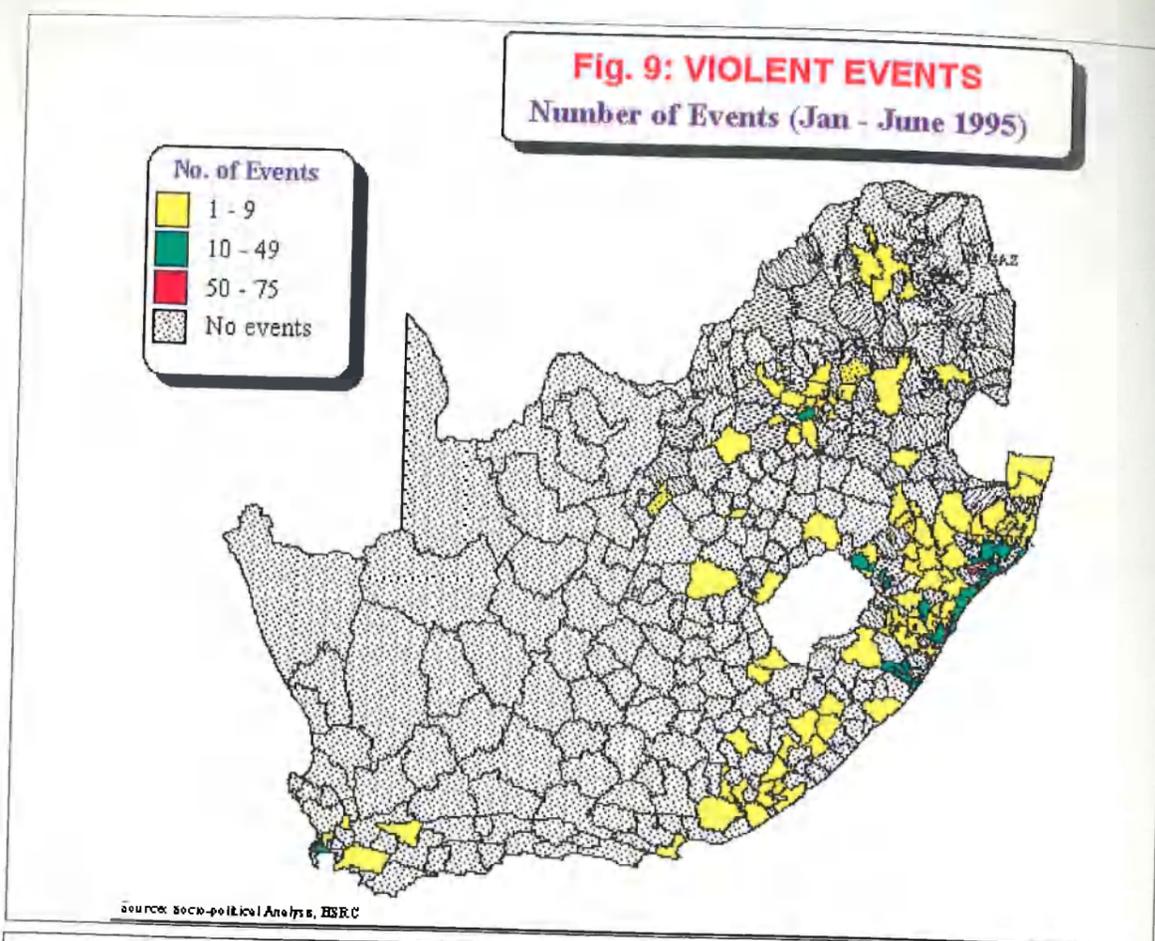
In conclusion, these results are a good reason to be optimistic about

the progress which has been made. There is clearly a general commitment to peace and reconciliation in the country.

The significant decrease in levels of political violence during the past year throughout most of the country underscores this. In KwaZulu-Natal, however, levels of political conflict and violence will continue to remain high until a political settlement has been reached. IDPA

ACKNOWLEDGEMENT

The research reported in this contribution is part of the Social Movements in South Africa programme, jointly sponsored by the HSRC and the Kurt Levin Institute in The Netherlands.



Mixed Feelings

Protest and Conflict in the Western Cape

Albert van Zyl
Department of Sociology
University of Stellenbosch

During the first eight months of 1995, 897 collective action events were recorded in the Western Cape - almost four a day. Perceived as more stable than other provinces, this article paints a fuller picture of protest and conflict in the Western Cape, using data based on similar research methods as that used by Olivier and Ngwane in this issue.

Why collective action

Examining collective action provides insight into the everyday concerns of those involved. It reflects the logic, framework and content of day to day life (Tilly 1978), and is thus useful for understanding people's concerns on the ground.

In line with internationally accepted definitions of collective action, these events are understood as non-routine, collective, public acts that involve claims on behalf of a larger group. These events may be violent or peaceful forms of protest.

All overtly criminal acts are excluded from this discussion. Collective action events must be carried out on behalf of a collective to 'make a visible claim which, if realised, would affect the interest of some specific person(s) or group(s) outside their own number' (Tilly 1978). Purely criminal events do not fit this criterion.

The current context of the province is important to understand the concerns of those involved in protest action. Nationally, the period under study is between the national and local elections, and

thus at the centre of the democratic transition process.

Provincially, Western Cape is the only province where the previous government has retained control since the 1994 election. The period under discussion therefore represents a cross-section of the confusion and turmoil that often characterise transitions.

Also, the province has been plagued by tensions between central and provincial government over the allocation of powers. This has led to claims by provincial government that the functioning of the police, for example, is impaired by a lack of power at provincial level.

More specifically, the Western Cape has recently acquired a reputation for stability, compared to other provinces. The reasons for this include the long urban traditions of a large part of its population, and the relative socio-economic wealth of the province (Bridgman et al 1992).

This is, however, only part of the picture. The data that will be used to discuss the whole picture have been recorded by the Collective Action Trends in the Western Cape

project at the University of Stellenbosch.

This quantitative data was supplemented by interviews with representatives of the Crossroads Peace Committee, Unrest Monitoring Action Committee, Black Sash, Human Rights Committee, and Quaker Peace Centre.

Location of protest

Twenty nine percent of all conflict events occurred outside the Cape Metropolitan Area, where 25% of the population is located (see map).

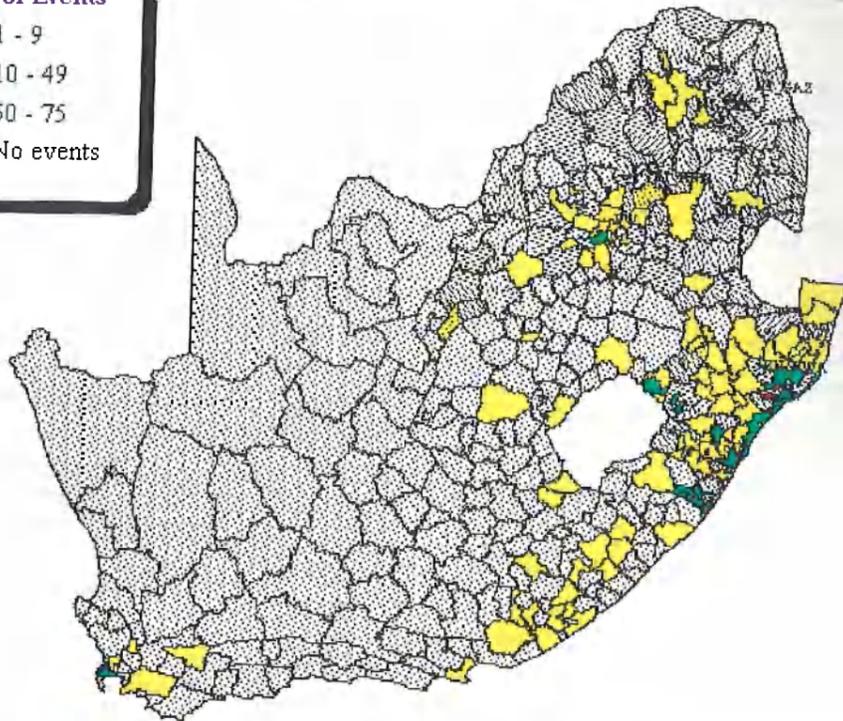
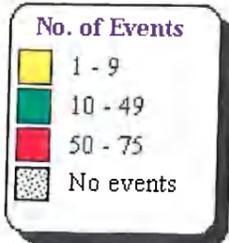
Considering that information on events in these areas is scarce, on a per capita basis it would seem that collective action in the Western Cape countryside is at least equal to the metropolitan area.

Events were evenly spread in these rural areas, with only 10 of the magisterial districts recording more than 10 events, but with at least one event occurring in all districts.

Of the 625 events that occurred in the metropolitan area, 42% occurred in the Wynberg magisterial district. This district includes all the larger African townships - including Khayelitsha, Crossroads and Langa - and the heart of gangland - including Manenberg, Mitchell's Plain, and so forth.

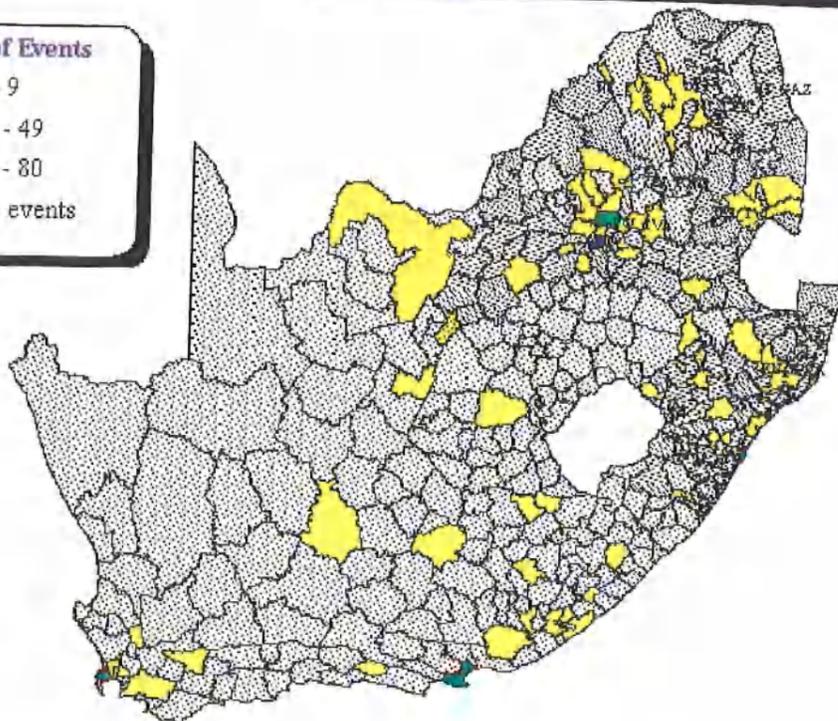
Twenty-two percent of metropolitan events occurred in Cape Town proper, with the general focus of these being on parliament. Thirteen percent of events occurred in the Goodwood magisterial district, and 14% in the Bellville district.

Fig. 9: VIOLENT EVENTS
Number of Events (Jan - June 1995)



Source: Socio-political Analysis, HREC

Fig. 10: PEACEFUL EVENTS
Number of Events (Jan - June 1995)



Source: Socio-political Analysis, HREC

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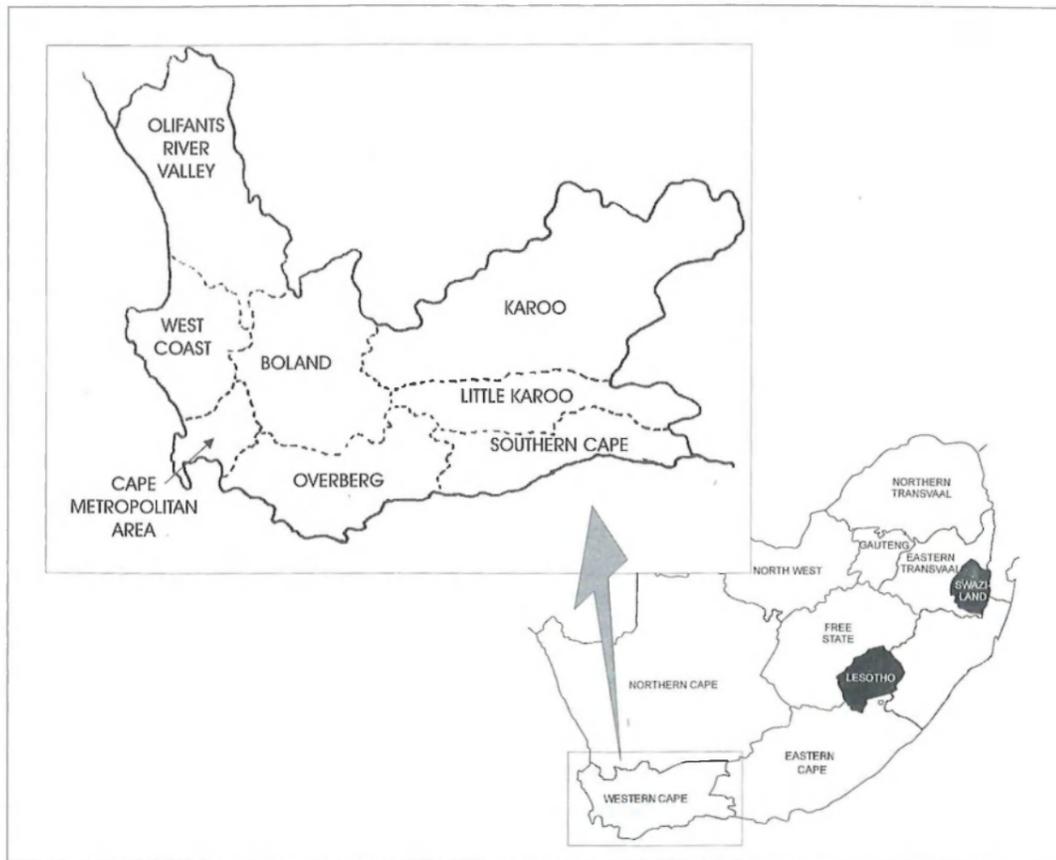
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Types of action

More than enough collective action has occurred in the province to enable an analysis of the populace's main concerns (Figure 1). An important feature of protest politics in the Western Cape is that, unlike KwaZulu-Natal, events occur around very diverse issues.

There is no single or dominant flashpoint, or any obvious common cause underlying this conflict. For the period under discussion, however, five major sites of collective action have been identified.

Informal settlements

From January to August, 166 events were recorded in these settlements. Sparse reporting by the press suggests that the figure could be much higher. The most valuable source of information in this area is the Human Rights Committee.

Conflict in informal settlements is predominantly the result of stakeholders' efforts in these communities to gain or keep control

of development processes and associated resources. Events of this kind have occurred in Crossroads, Grabouw, Driftsands, and to an extent, in Paarl and Kraaifontein.

Collective action in informal settlements tends to be highly localised and generalised statements are not always useful. Crossroads provides a typical, and perhaps archetypal, example of this kind of flashpoint.

Crossroads

Traditionally, this area has been constituted by a fault line that separates two complexes: The first is the formal settlement residents - also referred to as 'insiders', or those who were holders of Section 10 rights - who align themselves with the democratic culture of the Congress movement.

This movement has links with the South African National Civic Organisation (Sanco) - successor of the Western Cape Civic Association - and the Congress of Democratic Taxi Associations (Codeta).

The second group are the 'outsiders', or inhabitants of informal settlements, who moved to Cape Town from rural areas comparatively recently, and embraced relatively traditional, paternalistic and autocratic political structures and culture (Cole 1987, Goldstone 1993, Human Rights Committee 1994, Carter 1993).

Operating in these informal areas are the Cape Amalgamated Taxi Association (Cata), the 'squatter civic' - Western Cape United Squatter Association (Wecusa) - and in some regions, the Pan Africanist Congress (PAC).

When the African National Congress (ANC), United Democratic Front (UDF) or Sanco has made links with the Wecusa group, relations have been very strained because of ideological differences. Wecusa organises along traditional lines, while the ANC, UDF and Sanco are more democratic:

"The 'insiders' developed the modern populist or 'democratic movement' structures - civic,

women's and youth organisations... Thus Lagunya (predecessor of Codeta) has links with the Western Cape Civic Association (predecessor of Sanco), a strong force in UDF (ANC) circles.

"The 'outsiders', however, brought with them some of the political traditions of the homelands: powerful headmen, sometimes becoming 'warlords', dispensing patronage in squatter settlements, in some cases tied to the official bureaucracies. Thus Webta [predecessor of Cata] is on the one hand linked to Wecusa and on the other to councillors in Lingeletu and Khayelitsha". (Karon 1991: 19)

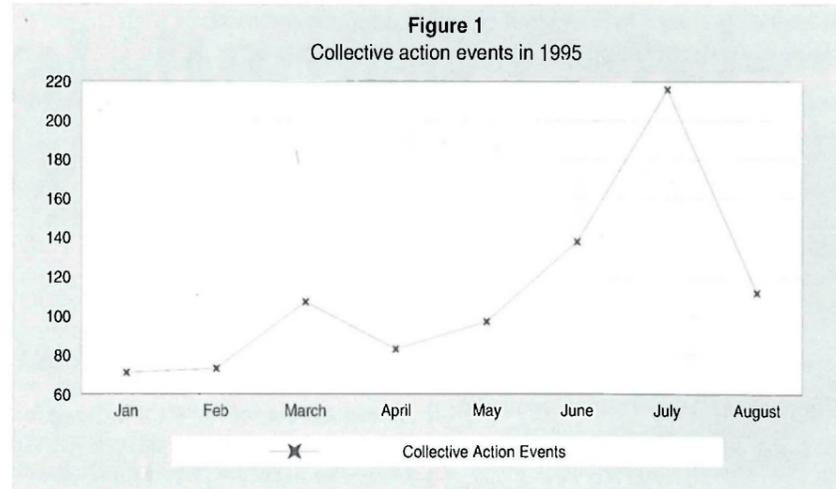
Another important cross-section within this schema is the split between the youth and elders in the squatter areas. The youth are often perceived as being controlled by the Congress aligned organisations in the townships like Sanco, while the elders predominantly support the traditional ways of Wecusa (Goldstone 1993).

In the last 18 months, these lines have become more porous than before. It appears that organisational affiliation is becoming more important than other factors. Conflict and protest thus increasingly revolve around a power struggle between organisations.

One aspect of this organisational power struggle remains the informal alliance between the PAC, Cata and Wecusa. The opposing informal grouping is still made up of Sanco, Codeta and the ANC.

Conflict and protest in informal settlements has been comparatively rare in the period under discussion. This period of calm was probably extended by recent peace talks between Sanco and Wecusa.

However, a number of factors suggest that the future may not be trouble free. The first is the competition for control at local government level, as local elections in metropolitan Cape Town approach.



The second is the prospect of more resources becoming available for development as the Reconstruction and Development Programme (RDP) swings into motion. This is bound to increase competition for resources and thus raise levels of collective conflict and protest.

Gang related activity

In the eight months under discussion, 157 events related to gangs were recorded. There is some disagreement about whether gang activities are formally criminal, which would place them outside the parameters of collective action. The Human Rights Committee for example, does not monitor gang activity.

Large sectors of gang activity are obviously criminal, but one aspect is not as clearly criminal. This gray area includes conflict between gangs, between gangs and police and conflict between communities and gangs. There have even been cases where communities have clashed with police over action the latter took against gangs.

Recently, Kinnes drew parallels between the increase in gangsterism and the increasing support for the National Party (NP) among the coloured population of the Western Cape:

"As in the case of gangs, people join [the NP] because they are afraid of the future and the changes it holds.

"... people were reeling from a sense of rejection by the NP and secondly by sections of the ANC... Under 'better the devil you know, than the devil you don't' people voted for their former oppressors. The search for identity again has parallels with the search for acceptance and identity as in gangsterism". (Kinnes 1995)

This suggests that the cause of gangsterism is not so much socio-economic necessity, as the search for identity. Interviews with some members of the Americans gang support this:

"They feel trapped between Whites and Blacks... For example Warren stated that 'the Whites have a say in the land, the Blacks have a say, but we Browns don't have any say'". (Murphy 1991: 18)

When collective action is contentious, it is often described in pejorative terms as being the work of 'mobs' or 'gangs', or as being 'disturbances', or 'disorders'.

These are, however, top-down terms used by elites to refer to the action of other groups who threaten their own interests.

Tilly (1978) emphasised the connection between these 'disorders' and the participants' daily interests. The difference between a disorder and a routine bid for power is often only the

difference between insiders and outsiders to the political process.

Although it would be inaccurate to describe any aspect of gang activity as 'a routine bid for power', it would be equally inaccurate to describe it merely as organised crime or overtly criminal. This is because gangsterism includes some claim on behalf of a larger group.

The most extensive and intense site of conflict was the strike by municipal workers affiliated to SAMWU

The popular 'law and order' approaches to gangsterism should therefore, be approached with caution. At best, these will not be effective. At worst, they will aggravate the problem by further alienating a marginalised sector of Cape Town's youth. This is particularly so, given that an estimated 100 000 members of the coloured population are gangsters.

The SAMWU strike

The most extensive and intense site of conflict was the strike by municipal workers affiliated to the South African Municipal Workers Union (SAMWU). The main issue was a demand by SAMWU for a minimum wage of R1 500.

The strike and related events were at their most intense during July, as reflected by total monthly levels in Figure 1. In all, 133 events related to this strike occurred, 107 of which took place in July.

The salient features of the strike were the high levels of intimidation and vandalism, with 73 events involving some form of violence.

Many workers were 'forced' to join the strike or 'brought' to meetings. Many municipal officials and police were assaulted and injured. The inability of the security forces to contain largescale popular violence was a conspicuous feature of this action.

Local government

Competition between stakeholders at local government level resulted in the occurrence of 60 conflict events. These events will probably become more frequent as local government elections approach in the metropolitan area.

Local government's role as an agent of the RDP will set the scene for conflict and protest at this level. Control of local government will determine control of RDP related resources. Concomitantly, most events to date have been motivated by housing needs and the abolition of rent arrears.

Local elections in the non-metropolitan, non-rural areas held in November 1995 were relatively peaceful, given that nearly 25% of the people in the province were involved. Minor events of violence were reported in Grabouw and Ashton.

Racial attacks

Much has been made of racial tension in the Western Cape between coloured and black people. The best example is Reverend Trevor Steyn of the Anglican Church's statement that the Western Cape could become another KwaZulu-Natal. Judging by the number of racially motivated collective action events, fears of major conflict are unfounded.

Competition between stakeholders at local government level resulted in 60 conflict events

Sixty-eight such events did occur, most of which were located in Beaufort West, Grabouw, Woodstock, Steenberg and Ruyterwacht. Besides being racially defined, these events were predominantly conflicts over access to resources.

In both Ruyterwacht and Beaufort West, conflict erupted over an unused school which two race

groups wanted access to. In Grabouw, the issue was access to land. These events suggest that the real problem is not race, but the allocation of resources.

If this is the case, the Western Cape is in no danger of becoming another KwaZulu-Natal, since problems of resource allocation can more often than not be addressed by sound management.

Conclusions

The diversity of the conflict in the Western Cape reflects the diversity of the people inhabiting the province. In a democratic South Africa, there is no longer the will or the need to repress collective action. Interventions should merely be aimed at preventing violence. Given the diversity of collective action in the Western Cape, this is a particularly difficult task.

With the resources of the security forces stretched to the limit, and the Western Cape in the grip of a power struggle between provincial and central government, it is uncertain that this task is being approached in the best possible way.

This article is an edited and updated version of a paper read at the Annual Conference of the South African Sociological Association in Grahamstown, 2 - 5 July 1995.

REFERENCES

- Bridgman DHM et al (eds) (1992) *South Africa's Leading Edge: A guide to the Western Cape economy*. Wesgro, Cape Town.
- Carter C (1993) 'Dealing with squatter lords' in *Work in Progress Supplement* July.
- Cole J (1987) *Crossroads: The politics of reform and repression 1976-1986*. Ravan Press, Johannesburg.
- Goldstone RJ (1993) The Commission of Inquiry for the Prevention of Public Violence and Intimidation report on Crossroads (Cape) during March/June 1993.
- Human Rights Committee (1994) *Western Cape Focus: August 1994 - October 1994*.
- Karon T (1991) 'Behind Cape Town's Taxi war', *Die Suid-Afrikaan*. December 1991/ January 1992.
- Kinnes I (1995) 'Marriage of twin evils', *The Argus*, May 5.
- Murphy M (1991) *Gang interpretations of violence: Their perceptions of violence in South Africa and in the international community, and the relationship between the two*. Unpublished paper delivered at the 22nd Annual ASSA Conference in Cape Town.
- Tilly C (1978) *From Mobilization to Revolution* Addison-Wesley, Reading, Mass.

A Criminal Justice Crisis

Sentencing Trends in South Africa

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Debates about sentencing are controversial and heated. This review of 17 years of sentencing trends reveals long overdue facts behind emotional issues like the death penalty. More startling, however, is that while crime rockets, fewer offenders are convicted, and fewer received prison sentences in 1993/4 than in 1977/8.

It has often been asserted that the South African judiciary is sentencing too many people to imprisonment, and that unless they change their perceptions of what constitutes an appropriate sentence, prison overcrowding will not be addressed.

The opposing perspective contends that sentencing is far too lenient and that offenders are literally getting away with murder. This article examines sentencing trends over a 17 year period from 1977/8 to 1993/4, in an effort to investigate these assertions.

News that we receive through the media is often a selective and biased version of what actually happens in South African court rooms. The public's response to these stimuli add another dimension

to the debate around which sentences are appropriate and about the nature of criminal justice reform.

The debate on the death penalty provides a good example. There is a common perception that lifting the moratorium on the death penalty will have a positive affect on the crime rate.

This perception remains popular regardless of the fact that over the past 17 years, the highest number of people to receive the death penalty in one year, was 266 in 1986/7.

This figure represents a mere 0,06% of the total number of people sentenced in that year. It is also clear that this relatively high number of death sentences did not have any significant affect - if any at all - on the subsequent crime rate.

Seventeen years of sentencing statistics hopefully provide sufficient information to:

- Assess whether sentencing practices have changed over recent years.
- Present hard facts on sentencing in South Africa and to dispel some of the myths around this aspect of criminal justice.
- Provide us with a sentencing profile.
- Present this information in an accessible format.

The current crime debate raises many suggestions regarding an appropriate response to the crime situation. One of these is harsher sentencing. This option needs to be critically reviewed against the reality of prison overpopulation and the current crime situation.

Conventional and alternative sentencing also need to be assessed against their objectives. Sentencing in South Africa presents an anomalous picture, because while crime and the population are increasing, the numbers of people prosecuted and convicted are decreasing.

Table 1: Reported Crimes, Prosecutions and Convictions*

	1992/93			1993/94		
	Male N	Female N	Total N	Male N	Female N	Total N
Prosecutions	403 613	58 803	462 416	361 088	52 384	413 472
Convictions	314 437	48 037	362 474	275 835	42 233	318 068
% convictions of prosecutions	77,9	81,7	78,4	76,4	80,6	76,9
% prosecutions of reported crime			26,0			22,3
% convictions of reported crime			20,3			17,2

* Crimes reported to the police in 1992 = 1 781 861
Crimes reported to the police in 1993 = 1 852 223

Table 2: Numbers of Convictions and Sentences 1977/8, 1987/8 - 1993/4*

	1977/8	1987/8	1988/9	1989/90	1990/1	1991/2	1992/3	1993/4
Total	337 635	389 978	375 572	356 068	364 517	373 590	362 474	3180 68
Cautioned	12 996	10 576	8 975	7 973	7 740	7 679	7 331	6 696
Fully suspended	46 848	48 578	47 924	47 481	52 158	59 087	64 799	64 898
Fine only	26 134	31 192	32 960	31 376	32 025	30 070	26 487	24 761
Imprisonment								
Or fine								
Not suspended	92 983	126 180	126 182	117 085	114 583	121 004	111 116	85 535
Partly suspended	20 497	34 974	33 742	32 689	33 115	32 890	31 654	26 845
Without fine								
Not suspended	70 641	66 492	57 760	54 871	56 833	59 114	59 092	51 697
Partly suspended	8 030	13 289	12 479	12 161	13 289	13 185	12 134	11 575
Plus fine								
Not suspended	201	205	193	63	61	94	121	65
Partly suspended	47	360	530	415	425	521	611	363
Plus corporal punishment								
Not suspended	433	227	133	84	124	122	194	243
Partly suspended	126	5 302	5 177	4 975	5 511	5 286	4 943	4 210
Corporal punishment only	39 142	35 404	33 893	31 647	32 689	30 337	26 001	22 830
Life imprisonment	17	12	6	9	28	28	18	15
Death sentence	151	204	154	123	64	65	80	149

* Due to space limitations, figures for 1978/9 to 1986/7 were not included in Tables 2 and 3. Several sentence types were also excluded, although their contribution is still reflected in the 'Total' number of sentences. Those excluded are: Other imprisonment (periodic, corrective, prevention, indeterminate), Reformatory/Industrial school, Work colony or asylum, Supervision of apprenticeship, Sentence deferred, Other sentences, Simultaneously served. This information can be obtained from the Indicator or from the author.

Poor law enforcement

Judging by the statistics, the law enforcement picture in South Africa is dismal. It appears that only a fraction of reported crimes eventually result in convictions - meaning that an offender is found guilty of the offence that he or she is charged with (Table 1).

Furthermore, of the 1 852 223 crimes reported to the police in 1993, only 22% resulted in prosecutions - meaning that a person is charged by the police and then tried in a court for a criminal offence. Once prosecuted, his or her guilt or innocence must be established.

Of the total number of prosecutions, 77% resulted in convictions. Alternatively, only 17% of all reported crimes resulted in convictions. Certain factors should, however, be kept in mind when such statistical calculations are made.

First, certain crimes have a higher solvency and conviction rate than others, such as murder as compared with petty theft. Second, crimes

reported in a certain year are not necessarily solved in that year.

This should, however, be balanced by those cases that are carried over from the previous year. Third, the police use a 'January to December' year to record their statistics, while the Department of Justice and the Central Statistics Service use a 'July to June' year.

Nevertheless, the statistics under review do provide some indicators of the status of law enforcement in South Africa. It is therefore, alarming that the prosecution and conviction rates are dropping while the reported crime rate is on the increase.

Sentencing

The most obvious trend in sentencing since 1977/8 is that the number of people sentenced in 1977/8 (337 635) is in fact more than the numbers sentenced in 1993/4 (318 068) - a difference of 19 567 cases (Table 2). These figures for 1993/4 also represent a decrease of 5,4% from the previous year.

This decrease in offenders sentenced is even more significant when compared with the population growth, which is estimated at more than 2% per annum. Thus, in both real and relative terms, the conviction rate is decreasing.

The rapid decrease in the conviction rate is clear, with a drop from above 370 000 to below 320 000 convictions per year (Figure 1). This does not compare well with the population growth rate, or the increase in crime.

There are major variations in the proportions of convictions from one year to another over the total period under review (Table 3). Most figures show an increase or decrease ranging from 1% to 3%.

The most significant change is for 'imprisonment without the option of a fine that is not suspended'.

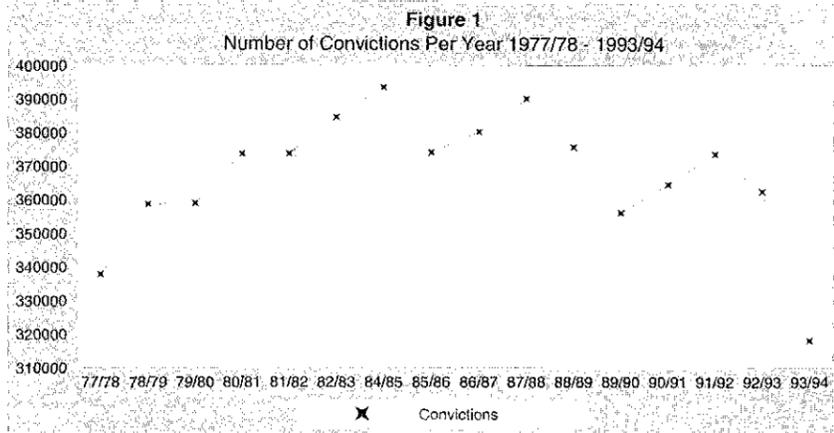
From its highest level in 1978/9 of 22% (79 537) of all sentences, it decreased to its lowest level of 15% of the total in 1988/9 (57 760). This is a difference of 7% of the total for the two years respectively (Table 3).

'Corporal punishment alone' - whipping or caning - also showed a decrease from a high in 1978/9 of 12% of the total (43 913 cases), to 7% in 1993/4. Corporal punishment can also, however, be combined with prison sentences, although this type of punishment does not contribute substantially to the total.

The decrease in corporal punishment can be attributed to changes in the perception of its acceptability and effectiveness as a sentencing option. Corporal punishment was abolished in 1995, although from about 1994, the sentence was still passed but not executed.

The figures show that the number of people sentenced to imprisonment has not increased dramatically, as is often the perception. Instead, the numbers are decreasing. This seems unusual, since prisons are currently overcrowded, yet fewer people are sentenced to jail terms.

The statistics explain this trend, showing that the length of prison terms have increased substantially over the past 10 years (Table 4). Overcrowding is therefore due to offenders spending longer periods in prisons, even though their numbers are decreasing.



Prison connected sentences

Between 1992/3 and 1993/4 there was a drastic decrease in the number and proportion of offenders receiving a prison connected sentence (Tables 2 and 3). These sentences may or may not have been suspended, connected to a fine, or to corporal punishment.

This decrease is the most substantial from any one year to another over the whole 17 year period. Explanations are not entirely clear. It is unlikely that this was a result of the introduction and use of correctional supervision as an alternative sentencing option.

This trend is confirmed in Figure 2. Over the 17 year period, the year in which the lowest number of offenders - 51 697 or 16% of the total - received a prison sentence without the option of a fine that is not suspended, was 1993/4.

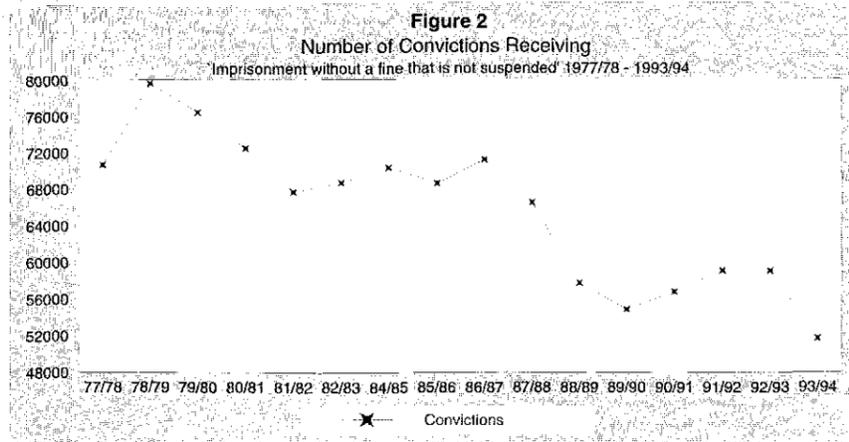
Proportionally, there was a marginal increase from 1991/2 to 1993/4 for this type of sentence, but this is still well below 17% of all sentences given in that year.

Non-custodial sentences

These are sentences which do not involve some form or period of

Table 3: Proportion of Convictions and Sentences, 1977/8, 1987/8 - 1993/4

	1977/8	1987/8	1988/9	1989/90	1990/1	1991/2	1992/3	1993/4
Cautioned	3,85	2,71	2,39	2,24	2,12	2,06	2,02	2,11
Fully suspended	13,88	12,46	12,76	13,33	14,31	15,82	17,88	20,40
Fine only	7,74	8,00	8,78	8,81	8,79	8,05	7,31	7,78
Imprisonment								
Or fine								
Not suspended	27,54	32,36	33,60	32,88	31,43	32,39	30,65	26,89
Partly suspended	6,07	8,97	8,98	9,18	9,08	8,80	8,73	8,44
Without fine								
Not suspended	20,92	17,05	15,38	15,41	15,59	15,82	16,30	16,25
Partly suspended	2,38	3,41	3,32	3,42	3,65	3,53	3,35	3,64
Plus fine								
Not suspended	0,06	0,05	0,05	0,02	0,02	0,03	0,03	0,02
Partly suspended	0,01	0,09	0,14	0,12	0,12	0,14	0,17	0,11
Plus corporal punishment								
Not suspended	0,13	0,06	0,04	0,02	0,03	0,03	0,05	0,08
Partly suspended	0,04	1,36	1,38	1,40	1,51	1,41	1,36	1,32
Corporal punishment only	11,59	9,08	9,02	8,89	8,97	8,12	7,72	7,18
Life imprisonment	0,01	0,00	0,00	0,00	0,01	0,01	0,00	0,00
Death sentence	0,04	0,05	0,04	0,03	0,02	0,02	0,02	0,05



steadily. By 1993/4 this number was below the previous low recorded in 1977/8.

The most recent decrease - from 1992/3 to 1993/4 - was also the most substantial recorded over a one year period during the 17 years under study.

Recognising that problems in law enforcement result in lower conviction rates, it appears in addition, that there may be pressure on magistrates and judges not to impose prison sentences. Alternatively, there could be a perception among those meting out sentences, that prison sentences are neither effective nor efficient.

Since prison terms were found to be decreasing, the obvious question is which type of sentences are replacing custodial ones? Figures show that only one pure form of non-custodial sentence - the fully suspended sentence - has increased substantially, from 13% in 1989/90 to 20% in 1993/4.

Another important finding is that fewer offenders are being sentenced to imprisonment, but those who are, receive longer prison terms. This contributes to overcrowding in jails. It appears that a substantial proportion of offenders who would have received prison terms before 1989/90 are now receiving suspended sentences which are sometimes connected to fines. **IPIA**

imprisonment. For the purposes of comparison, three pure types of non-custodial sentences - which are unconnected to any prison terms - were selected. These are 'cautions', 'fully suspended' sentences and 'fines'.

'Fully suspended' sentences have increased since 1989/90, while the other two types of non-custodial sentences gradually decreased since the late 1980s. Proportionally, 'fully suspended' sentences increased rapidly after 1987/8 and by 1993/4 comprised more than 20% of the total number of sentences.

'Fines' only, appear to have remained constant at around 8% of the total number of convictions over the 17 year period. 'Cautions' also remained largely unchanged over the whole period, at between 2% and 3% of the total sentences given in each year.

Conclusions

Prosecution and conviction rates are decreasing steadily, indicating that there are fundamental problems in basic law enforcement in the country. This, however, needs to be considered in perspective:

- It is estimated that approximately one third of property crimes and about one half of violent offences are reported to the police. These estimates are very questionable, but do indicate that the 'dark figure' of unreported crimes is fairly high.
- The police, also, are severely understaffed with increasing workloads, especially in the criminal investigation units.
- The morale of the police cannot at present be described as high, as has been admitted by senior police officials. A number of problems relating to internal differences, personal issues and remuneration have contributed to this state of affairs.
- Given these factors, the quality of the cases taken to court for prosecution are often poor. This is exacerbated by the fact that the courts themselves, are also understaffed and overloaded.

Another important conclusion is that the number and proportion of offenders receiving prison connected sentences is decreasing

REFERENCES

- CSS (1979-1995) *Crimes - Prosecutions and Convictions with Regard to Certain Offences*. CSS Report, Pretoria.
- DCS (1994) *Annual Report 1993*, Pretoria.
- SAP (1994) *The Incidence of Serious Crime - A comparison between the first eight months of 1993 and 1994*. Centre for the Analysis of Crime Information, Pretoria.

Table 4: Duration of Prison Terms from 1983/4 to 1993

	1983/4	1984/5	1985/6	1986/7	1987/88	1988/9	1989/90	1990/1	1991/2	1993
	%	%	%	%	%	%	%	%	%	%
More than 2 years	7,82	9,78	12,62	13,80	13,51	13,65	15,22	18,13	19,94	20,86
6 months to 2 years	9,68	10,50	12,81	15,61	13,53	13,86	16,36	17,84	19,40	15,29
Less than 6 months	81,91	78,54	73,03	69,62	71,65	71,19	67,07	63,17	59,68	62,99
Other categories	0,59	1,18	1,54	0,97	1,31	1,30	1,35	0,86	0,98	0,86
Total	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00	100,00

Settling The Score

Lala Camerer

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In many parts of the world, the victims of violent crime are compensated for their losses, and the criminal justice process attends to them, rather than focusing exclusively on punishing offenders. South Africa lags behind in its victim support. While these measures may seem reactive, mobilising around victims may prove one of the most effective ways of curbing increasing crime rates.

Crime is currently a major concern for both the government and the public, but very little attention is being given to addressing the plight of the victims of crime in South Africa.

Crime combating initiatives have to some extent begun, with, for example the launch earlier in 1995 of the Business Initiative against Crime, Violence and Corruption. However, the time is ripe for broader societal coordination and lobbying around crime and in particular, its victims.

Why victims need attention

The direct or indirect impact of crime on victims in terms of trauma, and secondary victimisation is significant, and is intensified by several factors which are inherently South African.

Secondary victimisation refers to the unsympathetic or inappropriate responses particularly by the police and the courts. These actions actually multiply the effects of crime on the victim (Maguire and Pointing 1988).

Victims have certain emotional and practical needs including counselling, referral, information on court procedure as well as

compensation. Focusing on victims as a symptom, rather than a cure of violence, may initially seem reactive.

But mobilising around the victims of crime may yet prove one of the most effective ways of curbing increasing crime rates in South Africa.

An improved image

Sympathetic policing tactics, reinforced by continued training on how to treat crime victims, are a first step towards restoring the widespread loss of faith in the criminal justice system. This will encourage citizens to report crimes and cooperate with the police.

Providing victims who go to court with the necessary information and awareness of procedures will reduce secondary victimisation, which will in turn, impact on wider perceptions of courts as places where justice is seen to be done.

These needs must be addressed urgently. In addition, drastic reforms must be enacted regarding the victim's position in the criminal justice system. If these measures are not prioritised, South Africa's successful transition could be further undermined.

If civil society and agents of the criminal justice system are mobilised around the victims of crime, the basis for a long term, proactive crime prevention strategy for South Africa may become entrenched.

South African trends are best examined against the emergence of victim movements internationally - specifically in Britain and the United States - where much of this research has been conducted.

International trends

After the Second World War, a growing awareness of victimisation took place in Europe - especially Britain - and the United States. Academic research has been encouraged by the growth of numerous influential groups set up to help victims and promote their interests.

Innovations in policing policy, provisions for victim-witnesses before and during trial - such as volunteer Witness Friends who accompany victims to court - monetary compensation from the state and offender, all attest to the combined influence of academic research and effective lobbying.

Crime is longer discussed without considering the victim (Zedner 1994). Under the United Kingdom's (UK's) Criminal Injury Compensation Scheme for example, each claim is individually assessed by the Criminal Injuries Compensation Board. The minimum amount is £1 000 for a violent crime.

Last year, the UK government tried to introduce a tariff scheme for compensation, but it was rejected on grounds of illegality. The tariffs had been based on the average

claims over the previous five years, taking into account individual circumstances.

Under this scheme, an award of £3 000 would have been made for serious indecent assault, £7 500 for rape/buggery by one person, and £10 000 for gang rape/buggery. Compensation is also awarded for shock and mental disorder.

Internationally, services for crime victims have been addressed at a national level by organisations offering a variety of emotional and practical services. These multi-disciplinary initiatives are known as victim movements.

In South Africa, awareness of the needs of crime victims as well as services for them, compare unfavourably with developments elsewhere in the world.

Victim movements

A framework developed by Mauss (1975) in relation to social movements is useful in identifying international trends in the development of victim movements. The five stages will be reviewed with reference to South Africa.

Startup

Efforts directed towards victims are initially uncoordinated and sympathetic. In the 1970s, for example, organisations in Britain and the United States established hot lines, refuges and other support services for victims of sexual assault and domestic violence.

Despite lagging a decade behind - the first such shelter was established by People Opposed to Women Abuse (Powa) in 1981 - South Africa has generally followed a similar trend.

The focus has been more on women and children as victims than on victims in general, but even in this field, services remain fragmented.

Due to a lack of resources, the survival of these specialised services is continually threatened. Overseas funding has all but dried

up and applying for state funds is fraught with problems.

Coalescence

Alliances between formal and informal organisations gradually develop when a sympathetic public believes the government has failed to address crime and its victims.

The emergence in Britain of Victim Support, and the National Organisation of Victim Assistance in the United States during the early 1980s, characterises this stage.

These organisations provide standards for service provision, supplementary funding - since they are partially funded by the state - as well as a forum for lobbying around victim related issues.

In South Africa, no such organisation exists. One reason is the divided nature of South African society in general - hence a lack of legitimate coordinating agencies - as well as scant resources.

Research among the most visible victim service providers in this country conducted over the past two years, indicates that there is a desire for such a national body.

Also, until recently in South Africa, the mainstream positivist view of victims - which presupposes that certain persons or groups are victims without considering the processes involved in declaring someone a victim - has dominated criminology.

While the alternative human rights perspective of victims is gaining ground in South Africa - confirmed by the Truth and Reconciliation Commission's perception of victims as those who have suffered human rights abuses - victims are still perceived as the immediate targets of lawbreakers (Cloete 1990).

In the past, this view of victims had a decidedly negative effect on black South Africans who were denied appropriate support from social services and the criminal justice system, since they were not recognised as victims.

Squatters provide a good example. They are at once perpetrators - illegally squatting on land - and yet victims of a society which fails to cater for their most basic needs.

For various ideological reasons, victim movements throughout the world necessarily choose to concentrate on certain victims, while ignoring others - South African developments have been no different.

Institutionalisation

Organisers often run out of funds or energy, and their activity is short-lived. This has been particularly true of South Africa. This can be overcome by institutionalising activities, either by enlisting government support, or by turning to volunteers (Maguire 1985, Shapland 1984).

In South Africa today, the time is ripe for initiatives regarding crime and its victims to be institutionalised. This has been happening some extent, evidenced by the launch earlier this year of the Business Initiative against Crime, Violence and Corruption.

Sensing the government's inability to counter crime alone, organised business has taken up the challenge to combat crime. Workshops have produced numerous practical recommendations, such as recognising the effect of crime on employees and their productivity.

It has also been suggested that individual companies provide the necessary mechanisms to detect crime victims at work and provide trauma counselling.

These initiatives indicate the seriousness with which business views crime. They are not, however, alone in their efforts. Admittedly on a smaller scale, over 300 groups throughout South Africa are organised around crime and related issues.

Fragmentation and demise

The public may lose enthusiasm for the cause, believing that things have improved. In-fighting may also

occur among the leaders regarding new directions for the movement.

Or, the most critical elements of the movement's programmes are appropriated and its leaders bought off.

For victim movements, however, the endemic nature of crime inhibits closure once an awareness has been established.

The violent crime rate in South Africa and the thousands of direct and indirect victims it continually produces, suggests that it is unlikely that perceptions of real improvements will occur for some time.

Of concern, however, is that the currently fragmented and sectorial initiatives regarding crime and its victims may bypass the essential institutionalising phase altogether if successful mobilisation around the issue fails.

This is a real possibility, especially as citizens become increasingly apathetic and debilitated as a result of the apparent impossibility of ever combating crime.

From the initial contact with police, to the court procedures, few provisions have been made to reduce the victim's trauma. But recent reforms in the police and the court system may help alleviate crime and secondary victimisation.

Victims and the police

As gatekeepers of the criminal justice system (Zedner and Morgan 1992) police play an important role in shaping the crime victim's initial experiences. Although they depend on victims to report crime and cooperate throughout the investigation, police attitudes towards victims internationally, are found wanting.

To address this problem, a variety of measures have been implemented over the past decade. These include special training, statutory amendments, administrative guidelines, as well as establishing state funded or

voluntary services connected with the police to provide information or counselling for victims.

In South Africa, a tradition of reactive policing has led to the isolation of the police from the broader community. The current focus on community policing is aiming to address this problem.

This change in policing style may offer some relief for victims, as police are urged among other things to be 'compassionate, caring and wise' (Servamus 1993). But this has yet to be experienced on a broad front.

In South Africa, specialised services do exist for victims of certain crimes such as sexual assault or child abuse. Countrywide, specialist units have been established where police officers are specially trained to deal with these victims in a confidential, sympathetic manner.

This training is, however, inadequate because although police training covers sexual assault and the social aspect of rape, it has been criticised for being too theoretical and cursory (Rauch 1992).

In line with international trends, apart from specialist areas of innovation like training, little has changed with respect to police attitudes or responses towards victims of crime in general.

Courts and concerns

In other parts of the world, as is the case currently in South Africa, criminal procedure focused on apprehending the offender, rather than consoling the victim.

Deterrence rather than restitution is the pivot of South Africa's justice system, and the victim tends to be the most marginalised.

If a criminal is caught, cases are conducted as a matter between the State and the offender, while the victim is often merely a witness to proceedings, considered an item of evidence or a non-person (Shapland 1985).

This has consequences for compensation and restitution, but the victim also feels that justice is on the side of the offender. This gives criminal justice a whole new meaning.

Since the system is not designed to deal with the practical, financial, medical or mental health problems victims may face, many might resort to retributive action - taking the law into their own hands - should the situation not improve.

New measures

Over the last 20 years, a rediscovery of the role of the victim in the criminal justice system has taken place and measures have been introduced to counter secondary victimisation which may occur.

Internationally, reforms have been introduced which ensure that victims are not treated as mere witnesses, but are provided with information on the outcome of their case, as well as compensation and counselling.

In the United States, certain measures have been instituted which allow more active participation by victims in the criminal justice process through, for example, victim impact statements or victim statements of opinion (Zedner 1994). These measures are by no means uncontroversial.

There is consensus that a balance must be restored in the criminal justice system. But the call to address victims' needs and reorient the criminal process away from the offender towards the victim may carry with it certain dangers which South African policymakers would be wise to heed.

For instance, a law and order approach which characterises victims as weak innocents, may manipulate their cause to lobby for harsher penalties, stricter measures such as stiff bail conditions, and more oppressive treatment of offenders - all disguised under the noble cause of securing a better deal for victims.

These measures may convince the public that the state is seriously attempting to combat crime, but actually do little for its victims. The danger is that a healthy victim movement is transformed into a backlash against criminals, and that progress over the years to humanise the criminal justice system, will be reversed (Fattah 1986).

Compensation in SA

There is currently growing concern in South Africa over the need for some form of restitution or state compensation for victims of crime. According to the Minister of Justice, the increase in violent crime has made the whole area of justice for victims, including expeditious restitution, particularly relevant.

Internationally, government compensation rests on the premise that since the state is obliged to maintain law and order, and the commission of crime results from a failure to fulfil that duty, compensation must be paid accordingly (Council of Europe 1983).

While similar in outline, compensation schemes abroad differ according to the definition of crimes they cover, the degree of loss or harm, the obligation to cooperate with authorities, and consideration for the victim's conduct. Usually, only victims of violent crime receive compensation.

In most countries, the prevailing notion is that compensation is not a right, but a reward given to deserving victims. Consequently, compensation schemes only reach a small proportion of victims, with most either unaware of their eligibility for compensation or not being encouraged to apply.

While Sections 300 and 301 of the old Criminal Procedure Act (1977) deal with compensation and restitution claims, research has shown that the courts are reluctant to make use of these powers, and in most cases victims are left

empty-handed (McQuoid-Mason 1992).

Since the state acts on behalf of victims in criminal cases in South Africa, the state usually benefits from the fine. Often victims are unable to institute civil charges, thus forfeiting any possible monetary restitution.

Laws to be passed

Within the past six months the entire sentencing procedure has been closely examined by the Law Commission. Also, a Private Member's Bill on a Fund for Victims of Violent Crime has been tabled (Selfe 1995).

This Bill proposes a central fund into which all court fines - except those paid to local authorities - will be paid, as well as forfeited bail money. It has been approved in principle by the Minister of Justice.

In effect, the costs are not directly borne by the State but rather by fines imposed by the courts on criminals - currently a figure amounting to around R80 million a year.

It is envisaged that compensation claims will be assessed by a Board of Trustees - a multi-disciplinary group of experts - appointed by the Minister of Justice for a five year period. If successful, victims of violent crime or their dependants could receive between R200 and R30 000.

Although fraught with problems such as how to decide on the amount per crime, international research indicates that victims of violent crime are not necessarily interested in how much they are paid. Rather, it is important that society recognises that they have suffered a loss (Maguire and Pointing 1988).

The parliamentary recess has put things on hold, but as a next step and a precursor to legislation, the Department of Justice intends drafting a white paper for public discussion on the issue.

Similar schemes are operating all over the world to ameliorate the social damage caused by violent crime, and there is no reason why such a scheme cannot work in South Africa.

Conclusion

Compensation schemes are fraught with problems, but are essential if citizens are to remain committed to the social contract, rather than resorting to violent counter measures.

By focusing on the victims of crime and by consciously mobilising around them and addressing their needs, the moral authority of South Africa's criminal justice system will gradually begin to be restored. **IPJA**

ACKNOWLEDGEMENTS

A fuller version of this article can be found in the forthcoming *General Policing Monograph* of the Crime Policy Project at the Institute for Defence Policy.

REFERENCES

- Camerer M (1995) A comparative perspective of victim support services with specific reference to South Africa. Unpublished M.Phil. thesis. Exeter College, Oxford.
- Cloete M. The study and field structure of criminology as a subject in Cloete, M & Stevens R (eds) *Criminology*. Pretoria, Southern Books.
- Council of Europe (1983) Convention on compensation for victims of violent crime. Strasbourg.
- Fattah E A (1986) (ed) *From crime policy to victim policy: reorienting the justice system*. London, Macmillan Press Ltd.
- Maguire M (1985) 'Victim's needs and victim services: Implications from research' in *Victimology*, Vol 10.
- Maguire M and Pointing J (1988) (eds) *Victims of Crime: A new deal?* Milton Keynes, open University Press.
- Mauss A L (1975) *Social problems as social movements*. Philadelphia, Lipcott.
- McQuoid-Mason DJ (1992) 'The role of legal aid clinics in assisting the victims of crime' in Schurink W, Snyman I, and Krugel W (eds) *Victimisation: nature and trends*. Pretoria, HSRC.
- Rauch J (1992) 'An independent assessment of basic training on the police response to rape' in Skiwward P, Jagwanth S, and Grant B (eds) *Women under the criminal justice system in South Africa*. Pretoria, HSRC.
- Selfe J (1995) *Fund for Victims of Violent Crime Bill*. Parliament, South Africa.
- Shapland J (1984) 'Victims, the criminal justice system and compensation' in *British Journal of Criminology*, 24(2).
- Zedner L (1994) 'Victims' in Maguire M (ed) *The Oxford Handbook of Criminology*. Oxford, Oxford University Press.



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