



**Deconstructing Gangsterism in the Western Cape Policy Response
to
the National Anti-Gangsterism Strategy**

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DECLARATION

The research dissertation is presented for the approval of the Senate in fulfilment of the part of the requirements for the Masters of Philosophy in Criminology, Law and Society in approved courses and a minor dissertation. The other part of the requirement for this qualification was the completion of programme courses. I, Clara Dybbroe Viltoft, hereby declare that I have read and understood the regulations governing the submission of the dissertation, including those relating to length and plagiarism, as contained in the rules of this University, and that this dissertation conforms to those regulations. I want to mention that some sections are similar to the final examination submission for the course 'Law in Action' (PBL5849) taught by Kelly Moulton with submission date 7 June 2018 as the paper consisted of a dissertation research proposal.

Date and signature:
9 February 2020

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ABSTRACT

In the Province of the Western Cape in South Africa, gangsterism continues to be associated with issues of violence, crime and localised conflicts, affecting residents on the Cape Flats in particular. Although the country's legal framework promotes human rights and despite ongoing interventions by law enforcement, the effectiveness of government responses is still debated by politicians as well as the general public. Using Carol Bacchi's 'What's the Problem Represented to Be' (2009) approach to policy analysis, the aim of this dissertation is to deconstruct the Western Cape's political problematisation and representation of the 'problem' by analysing the Western Cape Provincial Policy response to the National Anti-Gangsterism Strategy. From a social constructivist angle, this dissertation presumes policy as prescriptive guidelines that dictate action. Further, the aim is to discover how the problem is understood and represented and thus analyse which discourses and material responses are generated and which are not. The findings confirm that there is a discrepancy between what is articulated in policy and what actually happens on the ground, i.e. between discourse and practice. Moreover, it will be argued that sustained anti-gang intervention demand that structural obstacles and inequality in lieu of the spill over from the Apartheid era are addressed. Taking notice of these aspects, the minor dissertation concludes that it is critical to figure out how best to transform conflict conditions in areas with high levels of gang violence with the view to allowing both youth groups and individuals to exert agency and become empowered in pursuit of individual and community resilience.

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With much gratitude,

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LIST OF ABBREVIATIONS AND ACRONYMS

‘Integrated Violence Prevention Policy Framework’	2013 policy
‘Social Transformation, Gang Prevention And Intervention Strategic Framework’	2008 policy
‘What Is The Problem Represented To Be?’ Approach to Policy Analysis	WPR
Community Policing Forum	CPF
Justice, Crime Prevention and Security Cluster	JCPS
National Anti-Gangsterism Strategy	NAGS
National Crime Prevention Strategy	NCPS
National Development Plan 2030: Our Future, Make It Work, 2012	NDP
Prevention of Organised Crime Act (No 121 of 1998 as amended)	POCA
Protracted Social Conflict	PSC
Provincial Joint Intelligence and Operational Structure	ProvJoints
South African National Defence Force	SANDF
South African Police Service	SAPS
Southern African Customs Union	SACU
Southern African Development Community	SADC
Statistics South Africa	STATSSA
Strategic Roadmap towards implementation of the National Anti-Gangsterism Strategy in the Western Cape – a Provincial Response to that National Anti-Gangsterism Strategy (NAGS) 2019	NAGSWC
the Constitution of the Republic of South Africa, 1996	the Constitution
the Republic of South Africa	South Africa
the South African Police Service Act, 1995 (Act No 68 of 1995 as amended)	the SAPS Act
Western Cape Department of Community Safety	DoCS
White Paper for Safety and Security	WPSS

CHAPTER ONE: INTRODUCTION

1.1 INTRODUCING THE PROBLEM AREA

South Africa's transition to democracy in 1994 ushered in a new dispensation based on democracy, equality and the rule of law. It represented a break from Apartheid governance, which was based on racial segregation. The country's constitution encompasses a range of civil and political rights, such as human dignity (s10) and freedom and security of person (s12).¹ The South African Police Service (SAPS), previously known for human rights abuses during the Apartheid era, underwent major reforms to align itself with democratic and human rights principles including basic needs provision, as enshrined in the Constitution.

While the dawn of democracy promised a new beginning, the lingering effects of Apartheid remained, particularly the spatial configuration of cities and legacies of fractured communities. Cape Town, the country's second largest city and metropole of the Western Cape province, exemplifies this more starkly than elsewhere:

‘Apartheid spatial planning relegated the historically disadvantaged to the limits and outskirts of society, where they still remain, but the City of Cape Town perpetuated the relegation of the poor and working class to the verges.’²

The issue of gangs, and ensuing gang violence, predates democracy in South Africa. However, after 25 years of democracy, gang violence continues to affect safety and security of many communities in South Africa, and the ways of Cape Town and the Western Cape are not an exception. The nascent democratic government and newly recalibrated police forces have, in other words, struggled to address gangs and gang

¹ The Constitution of the Republic of South Africa, 1996 (hereafter ‘the Constitution’).

² Marvin Charles, "City Of Cape Town Lashed Over Spatial Planning," *Cape Argus* 5 November 2018.

violence effectively amidst the backdrop of widespread organised crime and corruption, social inequality, a sluggish economy, and poor service delivery.

Despite the constitutional human rights framework, including policing as a preventative as well as an investigative and public security institution, the state's response to gang violence has primarily relied on criminal justice approaches, characterised by forceful policing tactics. This approach ranges from the periodic deployment of the South African National Defence Force (SANDF) into the areas of the so-called Cape Flats³ as well as the (re-)creation of an Anti-Gang Unit which consists of,⁴

‘members from specialised units in the police services and whose focus is to weaken the capacity of gangs and to disable the criminal economy linked to gangsterism and drug and firearm supply lines.’⁵

South Africa is not unique in this regard; several countries are struggling with gang violence disproportionately centred in the urban environments. Nor is it the only developing country struggling to provide or uphold basic needs to socioeconomically disadvantaged citizens. Globally, gangs are present in both the global South and the global North, and in developed and developing countries alike. Gangsterism is further affiliated with other societal problems, such as dysfunctional families, disorganised

³ The Cape Flats (or the Flats) refers to the areas southeast of the central part of city of Cape Town. During the Apartheid regime, Black, Coloured, and Indians were forcibly removed from the inner-city residence out onto the Flats under the infamous Group Areas Act of 1950 (Act No 41 of 1950).

⁴ See for example: Jan-Ad Stemmet, "Troops, Townships And Tribulations: Deployment Of The South African Defence Force (SADF) In The Township Unrest Of The 1980s," *Journal for Contemporary History* 31, no. 2 (2006); Staff Writer, "South Africa Is Deploying The Army To Fight Crime - Here's How The Murder Rate Compares To An Actual War Zone," *BusinessTech* 12 July 2019.

⁵ Leila Dougan, "Launch Of Anti-Gang Unit Brings A Ray Of Hope For The Gangster-Ridden Areas Of The Cape Flats," *Daily Maverick* 2 November 2018.

communities, drug and substance abuse as well as the deficient provision of basic needs⁶ often linked to the inability to access prosocial opportunities, including employment. Informal social structures and perilous livelihoods are both conditions of and amplified in areas marked by relative poverty and high inequality.⁷ Coupled with the fact that areas with little or no social cohesion are more vulnerable to intergroup conflict, it is no surprise that such areas tend to experience higher levels of direct/physical violence.⁸ In South Africa, statistics suggest that a significant amount of this violence can be attributed to gangs in the Western Cape. Albert Fritz, the Western Cape Department of Community Safety (DoCS) executive, revealed that the death toll from gang violence for the first six months of 2019 was the worst in Cape Town's history, specifically referring to the Cape Flats.⁹

Even though Minister of Police Bheki Cele highlights a decrease of murder and attempted murder in Hanover Park post launch of the specialised Anti-Gang Unit, he still points to the same conclusion as the literature on youth and gangs. Namely, that the effects of high unemployment rates amongst high-risk youth and gang members; the lasting impact of the label 'criminal' (even in cases of petty crimes and small offences amidst poverty insecurity) and on-going physical violence are manufacturing gangs. Cele states, 'we cannot deal with the gangster until we improve the situation with youth.'¹⁰

While such conditions may contribute to the generation of gangs, their presence – in and of itself - further creates a gang pull factor as it allows for sense of belonging for youth

⁶ The Constitution. See note 1: the rights to education (s29) and healthcare (s27). See also: Peter Alexander, "Rebellion of the poor: South Africa's service delivery protests—a preliminary analysis," *Review of African political economy* 37, no. 123 (2010).

⁷ Brian-Vincent Ikejiaku, "The Relationship Between Poverty, Conflict and Development," *Journal of Sustainable Development* 2, no. 1 (2009).

⁸ Mohamed Seedat et al., "Violence And Injuries In South Africa: Prioritising An Agenda For Prevention," *The Lancet* 374, no. 9694 (2009).

⁹ Bill Corcoran, "Troops Deployed In Cape Town Failing To Dampen Gang Violence," *The Irish Times* 19 August 2019.

¹⁰ Saam Niami Jalinous, "Police Minister Declares Anti Gang Unit Succes In Its First Month," *GroundUp* 29 November 2018.

amidst fractured families and broken communities. Such lived experiences render gangs as an attractive alternative (and to some, maybe even desirable) in contrast to a life of hardship in difficult socioeconomic circumstances, where government services are often inaccessible and opportunities in the formal sector are unattainable.¹¹

Located on the outskirts of Cape Town, the Cape Flats area constitutes the largest residential quarter of the city; an area that account for some of the highest murder rates and recorded murder attempts in the world.¹² While responses to address gangsterism in the Western Cape have been forthcoming from local, provincial, and national levels over the years, gang-related crime and violence still represent a daily threat to safety and security of citizens – again, especially on the Cape Flats. In 570 days – or, 1 year, 6 months, and 24 days – events relating to gangs in the Western Cape made the news 28 times a day on average.¹³ Between November 2018 and May 2019, there were 2302 murders recorded in the Western Cape – the clear majority of these murders were gang-related, according to DoCS.¹⁴

‘Nobody knows exactly what has caused gang violence on the Cape Flats to escalate so drastically this year, with at least 900 people murdered in the first months alone (..) those are the Western Cape government’s statistics, based on mortuary records; many Cape Flats residents believe the real figure is much higher.’¹⁵

¹¹ Don Pinnock, *Gang Town* (Tafelberg, 2016).

¹² Erin Conway-Smith, "Soaring Murder Rate Drives Cape Town Up List of Deadliest Cities," *The Times UK* 1 July 2019.

¹³ Using the search words ‘gangs’ and ‘Western Cape’ on Google’s news tabs takes you to about 16 000 results in 0,22 seconds for the period 1 January 2018 to 25 July 2019.

¹⁴ Western Cape Government, "MEC Albert Fritz Meets SAPS On Surge Of Gang Related Murders In The Western Cape," ed. Department of Community Safety (27 June 2019).

¹⁵ Rebecca Davis, "The Worst Year In The Cape Flats: Army Deployed As Gang Violence Escalates To Unprecedented Levels And Residents Cry Out For Help," *Daily Maverick* 12 July 2019.

1.2 RESEARCH PROBLEM

The Justice, Crime Prevention and Security Cluster (JCPS) approved the National Anti-Gangsterism Strategy (NAGS) as ratified by the JCPS Cabinet Committee on 2 June 2016. The strategy was adopted by Provincial Cabinet in 2017. The details of NAGS, the national strategy framework, is still to be made public. What is known about it is that it aligns with the National Development Plan to ensure that *all* South Africans feel safe and their community live free of fear (emphasis added). Based on a four-pillar foundation, invention is directed through the areas of Human Development, Social Partnerships, Spatial Design, and Criminal Justice Process.¹⁶ NAGS further calls for a holistic approach to address issues that feed gangsterism at community level and additionally, a national interdepartmental anti-gang strategy that addresses both current impacts of gangsterism as well as prevention efforts (more details on NAGS to be presented later in the material section).¹⁷

In April 2018, DoCS began to develop its own provincial response¹⁸ to the NAGS, named *'Strategic roadmap towards implementation of the National Anti-Gangsterism Strategy in the Western Cape'¹⁹ – Provincial Response to the National Anti-Gangsterism Strategy (NAGS) 2019'* (hereafter NAGSWC). The Western Cape policy was concluded after five workshops held during 2018/19, facilitated by Don Pinnock on behalf of DoCS. A task team consisting of 'high-level input' from government and civil society members

¹⁶ Sune Payne, "Where's The Strategy In SAPS' Anti-Gangsterism Strategy?," <http://www.notesfromthehouse.co.za/news/iten/80-where-s-the-strategy-in-saps-anti-gangsterism-strategy>.

¹⁷ Don Pinnock and Romaney Pinnock, "Strategic Roadmap Towards Implementation Of The National Anti-Gangsterism Strategy In The Western Cape: Provincial Response To The National Anti-Gangsterism Strategy (NAGS) 2019," (South African Drug Policy Initiative 2019). (hereafter NAGSWC) on NAGS.

¹⁸ NAGSWC. See note 17, pp. 7-8.

¹⁹ Western Cape Government, "Presentation: Implementing The National Anti-Gangsterism Strategy," ed. Department of Community Safety (2 December 2016).

contributed with their knowledge and experiences in addressing gangsterism from their respective fields.²⁰

Evidence-based policy-making, such as the NAGSWC policy formulation, is increasingly used in preventative approaches to criminality and is more commonly viewed as a best practice model for interdisciplinary and multi-stakeholder public policy.²¹ But what exactly does that mean? Generally, the research on gangs in South Africa include critical definitions, identification of risk factors, definitions, and criminological/ sociological explanations for gang behaviour. However, little attention has been given the effectiveness of approaches and interventions' reel impact on gang crime and violence reduction, including formulation processes. Given that we know a lot about gangs but has less evidence-based knowledge about how the impact of gang prevention and disruption effectively address the related issues, this dissertation aims at contributing to the generation of such information by exploring means and ends in NAGSWC.

Over the past years, gang violence has spiked upwards and generated challenges in different spheres and on different societal levels in South Africa - and the Western Cape. As the literature reveals, multiple risk factors are involved: anti-social behaviour, substance abuse, mental health problems, victimisation and negative live events as well as safety and violence issues in or in relation to family, education, peer group and community.²² Thus, in contemporary South Africa, the realisation community engagement in tandem with police enforcement is essential in curbing gang violence.²³

²⁰ NAGSWC. See note 17, p. 6 and pp. 57-66.

²¹ Finn-Aage Esbensen et al., "Short- And Long-Term Outcome Results From A Multisite Evaluation Of The GREAT Program," *Criminology & Public Policy* 12, no. 3 (2013).

²² NAGSWC. See note 17.

²³ Portfolio Committee on Police, "Committee Meeting: Hawks Illegal Firearms Unit; SAPS Anti-Gang Strategy; Quarter 1 Performance; Vetting Senior Management," (Parliamentary Monitoring Group, 23 August 2018).

The lack of public engagement with NAGSWC has provoked criticism. The militarised approach to gangsterism as portrayed in the previous section in the Western Cape was criticised by the South African Drug Policy Initiative in Autumn 2019, as the government was called out for, 'sitting on its own report that calls for the demilitarisation of the police and the legislation of all drugs to help tackle the drug-related crime.'²⁴ The debate has led to accusations of the lack of willingness to further and publically engage with the issue but also puts into question the value of a national strategy relying on a provincial implementation. Subsequently and crucially, it prompted other questions: what is NAGSWC actually suggesting? What aspects of the broad issue of gangsterism are included in it and which are not? As the term gangsterism (as well as anti-gangsterism) lacks a common definition, it is valuable to assess the problem representations within the strategy as they impact the way in which gangsterism is governed provincially, since each province must develop an implementation of NAGS that account for localised and tailored responses. But what exactly does that entail in Western Cape?

The interest in deconstructing gangsterism in NAGSWC further stems from the author's involvement in the provincial strategy formulation from May 2018 to February 2019. The selection was thus done by a non-random case election procedure.²⁵ In the South African literature, there has, among other things, been a focus on crime prevalence and lack of social cohesion in former township areas as well as criminal justice and policing approaches to reduce crime and violence.²⁶ As NAGS requires each the province to develop individual strategies to better cope with the distinctive or localised issues of gangsterism, the case selection allows for engaging with the problem of gangsterism in NAGSWC to really understand how the phenomenon is problematised in the Western Cape and further, how that has formed the proposed strategies outlined in the policy.

²⁴ Staff Reporter, "Western Cape Government Slated For 'Sitting On Its Own Anti-Gangsterism Report'," *Cape Times* 23 October 2019.

²⁵ Robert K. Yin, *Case Study Research: Methods*, 3rd ed. (CA: Sage: Thousand Oaks, 2003).

²⁶ Vanessa Barolsky, "Is Social Cohesion Relevant To A City in the Global South? A Case Study Of Khayelitsha Township," *SA Crime Quarterly* (2016).

Finally, I familiarised myself with the Association of Social Anthropologists of the UK and the Commonwealth guidelines.²⁷ Ethics clearance was obtained on 10 August 2018 for a period of 12 months covering the period that I participated in the formulation of the NAGSWC. Anonymity and confidentiality is agreement with the requirements of the DoCS in the Western Cape and Dr. Pinnock.

²⁷ Association of Social Anthropologists of the UK and the Commonwealth, "ASA Ethical Guidelines: Ethical Guidelines For Good Research Practice."

1.3 STATEMENT OF PURPOSE

The government is obliged to commit to equality despite origin, gender, ethnicity, and/or socioeconomic status or other inalienable characteristics. Yet, 20 years after the abolition of Apartheid, gangs in the Western Cape disproportionately impact livelihoods of people on the Cape Flats. This dissertation, therefore, aims at assessing the assumptions within the document ‘*Strategic roadmap towards implementation of the National Anti-Gangsterism Strategy in the Western Cape*²⁸ – *Provincial Response to the National Anti-Gangsterism Strategy (NAGS) 2019*’ (NAGSWC)²⁹ written by Don Pinnock and Romany Pinnock for the Western Cape Department of Community Safety (DoCS) with a specific focus on what ‘gangsterism’ is represented to be. This will be done by employing Carol Bacchi’s ‘What’s the Problem Represented to Be?’ approach (WRP).³⁰ The deconstruction of gangsterism through the WPR approach will therefore answer the overarching research question:

- What is the problem of gangsterism in the Western Cape represented to be in NAGSWC?

including the following sub-questions:

- What presuppositions or assumptions underpin this representation of the ‘problem’?
- How has this representation of the ‘problem’ come about?
- What is left unproblematic in this problem representation? Where are the silences? Can the ‘problem’ be thought about differently?
- What effects are produced by this representation of the ‘problem’?
- How/where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?

²⁸ Western Cape Government. See note 19.

²⁹ NAGSWC. See note 17.

³⁰ Carol Lee Bacchi, *Analysing Policy: What's The Problem Represented To Be?* (Frenchs Forest Pearson, 2009).

1.4 CHAPTER OVERVIEW

By presenting the background, the research problem and the statement of purpose alongside a chapter overview, the introduction chapter accounts for the structure and content of this dissertation. The second chapter will provide a review of the South African literature on gangs to provide a basis for which the content of NAGSWC, the primary material for analysis, can be contextualised. Chapter three will firstly outline the conceptual framework and secondly, the analytical approach. The last part of the chapter is to present the material for analysis, specifically NAGS and NAGSWC. Chapter four undertakes the WPR analysis and thus, the chapter employ the research questions outlined in the previous section. The fifth chapter concludes the discussion by firstly revisiting the aims of the dissertation, recapping key elements from the literature and summarising the key findings.

CHAPTER TWO: LITERATURE REVIEW

2.1 PREVIOUS RESEARCH ON GANGS IN SOUTH AFRICA

The purpose of this chapter is to provide an overview of the South African gang literature to provide a context to the research problem. The review is divided into three subsections. As will become clear gangs are embedded in the nexus of crime, violence and localised conflicts and continue to evolve in response to changing social dynamics.

2.2 APARTHEID AND GANGS

Pinnock argues that the Group Areas Act of 1950 epitomises the long line of discriminatory race legislation which generated ‘foundations for disorganising the poor’ and that due to forced removals, social dysfunctionality was inevitably:

‘The old city was ripped up; a whole culture began to disintegrate. Although the old working class neighbourhoods had been geographically bounded by outside forces and penetrated by them (in form of schools, police, etc.), they were places in which people had organised space for their own style of life.’³¹

In effect, forced removals created conditions where spaces of both infrastructural networks and social webs were broken. Subsequently, the community structure rooted in extended family could not be recreated on the Cape Flats. The sudden reshuffling of the social geography also had practical implications – namely, that the spatial urban structure allowed for informal control mechanisms to advance, paving the way for gang formation and for the development of territorial and social gang control.

During the Apartheid years, much attention was afforded to prison gangs and their scope of control, with much attention given to high-profile gangsters.³² van Onselen was key in documenting the infamous number gangs, placing their origins back to the 1800s and linking gangs to the Black resistance movement. Through the examination of Nogoloza, the Zulu migrant and former leader of the gang ‘the Ninevities’, he argued that gang violence occurred as a form of rebellion against the government’s laws.³³ This was further

³¹ Pinnock. See note 11, p. 33.

³² J. M. Lötter, "Prison Gangs In South Africa: A Description," *South African Journal of Sociology* 19, no. 2 (1988).

³³ Charles van Onselen, "Crime and Total Institutions In the Making Of Modern South Africa: The Life Of 'Nogoloza' Mathebula, 1867-1948" (paper presented at the History Workshop, 1985).

explored by Steinberg in his well-known book *The Number*.³⁴ Steinberg illustrated subsequent issues of criminalisation and penalisation in prisons through former 28 gang leader Wentzel, whose only place of belonging was the gang.³⁵ Though first and foremost based on accounts from different people and different times, both authors point to the importance of hierarchal organisation within gangs as well as their strict governance through rules ('bibles') that institutionalises the use of violence as a legitimate means to a desired end.

Glaser argued in his work on Soweto gangs that whilst social disorganisation resulting from forced removals created conducive conditions for gangs to proliferate, he also noted that gangs do not thrive under a strict and oppressive political regime - even though gangs became more politically motivated during Apartheid. He believed that a supportive factor had been the tensions between gangs and other resistance groups, such as student groups.³⁶ This contributed to the advance of gangs' stronghold during this time, as they could band against a common enemy, the oppressive Apartheid regime.³⁷ He argued that the resistance of marginalised youth created a culture where the anti-social and informal were seen as 'freedom'. At the same time, to claim identity in the public space, youth embraced forms of hypermasculinity resulting in violent outburst, including armed robbery and sexual assault. Where Glaser highlighted the collective identity among urban poor, male youth in Johannesburg, Pinnock emphasised forced removals as key in the formation of gangs. In the 1980s, Pinnock conducted research on the Mongrels gang and described how different gangs emerged and organised themselves.³⁸ Again, he traced the forced removals of black and coloured populations under the Group Areas Act of 1950 to

³⁴ Jonny Steinberg, *The Number: One Man's Search For Identity In The Cape Underworld And Prison Gangs* (Johannesburg: Jonathan Ball, 2004).

³⁵ See also: Gary Kynoch, "From The Ninevites To The Hard Livings Gang: Township Gangsters And Urban Violence In Twentieth-Century South Africa," *African Studies* 58, no. 1 (1999).

³⁶ Clive Glaser, *Bo-Tsotsi: The Youth Gangs Of Soweto, 1935-1976* (Oxford: James Currey, 2000); Clive Glaser, "Violent Crime In South Africa: Historical Perspectives," *South African Historical Journal* 60, no. 3 (2008).

³⁷ Steinberg. See note 34.

³⁸ Don Pinnock, "Cape Town Gangs: The Other Side Of Paradise," in *Global Perspectives on Youth Gang Behavior, Violence, and Weapons Use* (IGI Global, 2016).

be essential in explaining why certain areas were (and arguably, still are) especially susceptible to gang cultures.³⁹

Moreover, it is often noted in the literature that the forced removal of non-whites resulted in gang formations as forms of resistance to the regime as well forms of survival or coping mechanism.⁴⁰ While not all people growing up in underprivileged areas become involved in gangs or gang violence, violence tends to reinforce itself to the extent where violent behaviour becomes normalised and even legitimatised. Prof. Robertson explains that,

‘Almost all [adolescent gang members] came from families where violence was an everyday phenomenon. The conclusion I came to was: the youngsters were not committing serious crimes because of some sort of abnormal criminal streak, but because of the circumstances they were brought up in.’⁴¹

In 2018, Seeth asked Pinnock how the continuous cycle of violence on the Cape Flats should be addressed:

‘To massively paraphrase the book and starting from the top – fix the economy (poverty is growing and we are a rich country); fix the education system (half the kids drop out before matric); rethink prison as a solution to crime (it just makes people worse and they join gangs inside); make life rough for hit-and-run fathers (a third of kids are growing up in single-parent families); prevent pre and postnatal epigenetic damage (mother stress, poor nutrition and drugs translates into dopamine-driven teenagers);

³⁹ Pinnock. See note 11, pp. 34-35.

⁴⁰ Don Pinnock, *The Brotherhoods: Street Gangs And State Control In Cape Town* (Cape Town: David Philip, 1984).

⁴¹ Staff Reporter, "Gang Culture In Cape Town," *The New Humanitarian* 27 February 2019.

decriminalise leisure drugs (half of the time, police, courts and prisons see drug-related issues and illegal drug use getting worse – harm-reduction works); and give young people meaningful things to do in their leisure time. Three words to cover all of that? Build youth resilience.’⁴²

This demonstrates that gangsterism involves multiple and intertwined issues, which bids us to acknowledge the structural elements of violence escalation; this can, in turn, also explain the subsequent rise of intergroup conflicts amongst people with similar socio-economic status occupying the same spaces, including gangs.⁴³ Adhikari suggests that our understanding of identities among gangs are still superficially constructed along the lines of racial classification, forgetting, and thus neglecting, ethno-cultural diversity and history prior to the Apartheid years and the developments after it.⁴⁴

The spill over from Apartheid does not only play part in how gangs have developed during the years of oppression and the years of transition but also how parts of South Africa, such as the Cape Flats in the Western Cape, have been locked into conditions of relative poverty. Scholars argue that poverty hardships coupled with communities with low social cohesion create complex relationships between groups, which can both complicate and ease gang-related crime and violence. Moreover, the role of the state was and is still contested when it comes to questions of governance legitimacy and capacity to questions of service and justice access, which render social geography and socioeconomic conditioning as factors for gang formation today as well.

⁴² Avantika Seeth, "Interview Wth Don Pinnock: Gangs Of Cape Town Revisited," *News24* 1 July 2018.

⁴³ Johan Galtung, *Peace By Peaceful Means: Peace And Conflict, Development And Civilization* (Oslo; London; Thousand Oaks, CA: International Peace Research Institute; Sage Publications, 1996).

⁴⁴ Mohamed Adhikari, "From Narratives Of Miscegenation To Post-Modernist Re-Imagining: Toward A Historiography Of Coloured Identity In South Africa," *African Historical Review* 40, no. 1 (2008).

Schärf⁴⁵ built on Pinnock's work but focused on the communities' perspectives on gangs. This research argued the need for incorporating local communities into conflict resolution and reconciliation processes in areas affected by gang activity and violence. Kinnes, who spent years working with gangs in different communities, explicitly linked the development of gang culture and political transition in South Africa; he argued that democratic South Africa seemed unable to prevent and control the problem of gangsterism in the country due to inefficient governance.⁴⁶ Where Schärf was writing during a period of political oppression, Kinnes' work was written in a period of political transition and contended that reformation of the criminal justice system was needed as community engagement alone would not solve the gang problem in the Western Cape. Specifically, he noted that asset forfeiture legislation disperses gangsterism into economies, thus shifting the focus to effects of the gangsterism without attending to root causes.⁴⁷ Other work, such as Samara's,⁴⁸ look at how the ability of gangs to maintain control is linked to the role and capacity of the state. This work zooms out and looks at street gangs as a manifestation of transnational and international organised crime rather than at gangs as a localised phenomenon. Samara emphasises that there is a lack of trust between those who protect people and public entities. This is aggravated by aggressive policing tactics, incompetence and corruption in law enforcement circles and harm relations with the community.

In lieu of missing access to justice and public service delivery, Petrus similarly contends that gangs maintain control by taking charge of local dispute strategies through vigilante justice and the provision of basic needs and thereby, play an important social role within

⁴⁵ Wilfried Schärf, "The Resurgence Of Urban Street Gangs And Community Response In Cape Town During The Late Eighties," in *Towards Justice: Crime and State Control In South Africa*, ed. D. Hansson and D. Van Zyl Smit (Cape Town: Oxford University Press, 1990).

⁴⁶ Irvin Kinnes, "From Street Gangs To Criminal Empires: The Changing Face Of Gangs In The Western Cape" (2000).

⁴⁷ Irvin Kinnes, "Contested Governance: Police And Gang Interactions" (University of Cape Town, 2017), p. 26.

⁴⁸ Tony R. Samara, "Policing Development: Urban Renewal As Neo-Liberal Security Strategy," *Urban Studies* 47, no. 1 (2010).

communities.⁴⁹ To this end, certain kinds of violence perpetrated by gangs may, then, be viewed as legitimate; a form of vigilantly 'justice' in places where the formal law enforcement and justice system do not make a difference. This brings about a dichotomy, something that Jensen⁵⁰ touches upon; namely, that communities may feel immobilised and scared of gangs but they may, at the same time, feel that their presence is needed. If we accept this to be true, gang pull-factors may be more complex than first anticipated as joining a gang can be both forced and voluntary at the same time. Before elaborating more on the gangs and youth as the main risk group as well as the key demographic of gangs, the next section will try account for how organised crime influence and sanction the authority of gangs.

⁴⁹ Theodore Petrus, "Social (Re)Organisation And Identity In The "Coloured" Street Gangs Of South Africa," *Acta Criminologica: Southern African Journal of Criminology* 26, no. 1 (2013).

⁵⁰ Steffen Jensen, "Above The Law: Practices Of Sovereignty In Surrey Estate, Cape Town," in *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World* (2005).

2.3 ORGANISED CRIME, CORRUPTION AND DRUGS

In South Africa and in the Western Cape gangsterism includes more than merely youth and street gangs. Gangsterism manifest as transnational criminal activities and are linked to organised syndicates as well. With this follows a multitude of issues such as drug dealing and trafficking, violent crime, the proliferation of small arms and light weapons, money laundering and cash in transit heists, human trafficking, and smuggling of goods.⁵¹

In 2000, the Western Cape was thought to have between 80.000 and 100.000 gang members and about 130 gangs, accounting for up to 70% of all crime on the Cape Flats – according to SAPS.⁵² In 2013, the police, too, estimated that there were more than 100.000 gang members in Cape Town Metro,⁵³ which according to the 2011 census has a population of 4 million people. Although the exact numbers are thought to be much higher, it is not unsurprising that this amount gangs create competition for the same turfs and the same commodities (mostly drugs). Such competition includes high amounts of both intended and unintended (or so-called ‘casualties’) violence perpetrated by different kinds of gangs.

Standing⁵⁴ argues that gangs in the province are not as organised as they appear to be beyond the core leadership. This stance is, to an extent, echoed in Pinnock’s later work, where he makes a distinction – not between different gangs per se – but between different types of members, ‘the leadership, the hard core, the associates, and the cliques’ and ‘the fringes and the wannabes’ and ‘the play gangs’.⁵⁵ Pinnock’s categorisation of different

⁵¹ Southern African Development Community, "SADC Commitment To Public Security," <https://www.sadc.int/themes/politics-defence-security/public-security/>.

⁵² Kinnes, 2000 in Cole Delano van der Linde, "Criminal Gang Activities: A Critical And Comparative Analysis Of The Statutory Framework Under South African Criminal Law" (Stellenbosch: Stellenbosch University, 2018)., p 22.

⁵³ Dan Plato, "The Crime Situation In The WCape - Dan Plato," *Politicsweb* 11 September 2018.

⁵⁴ André Standing, "Organised Crime: A Study From The Cape Flats," (Pretoria: Institute for Security Studies, 2006).

⁵⁵ Pinnock. See note 11, figure 3, p. 125.

types of gangs afford attention to their different contexts, i.e. operational spheres and roles and characteristics inside and outside the prisons.⁵⁶ Echoed in the work of Jensen⁵⁷ and Walторp and Jensen,⁵⁸ it becomes clear that the grip of number gangs does not end at the prison walls. The ethnographic research⁵⁹ showed that the socially constructed identities are deeply entrenched in the social fabric on the Cape Flats, reiterating the power of labelling and the risk of increased marginalisation. The work also found communalities among coloured people and gang identities as gangs are impossible to separate from the social fabric. Together, this enhances the ability of gangs to remain organised and thereby maintain control. Walторp and Jensen⁶⁰ also demonstrate the interconnectedness of gangs inside and outside prisons through relationships such as family, extended families, kinship, or neighbours, where relatives attempt to secure safety for those 'on the inside' or vice versa. Pillay⁶¹ states, along the same lines, that gang cultures are a product of cultural and social practices, which are tied to both local and global norms. Though written more than 10 years ago, it highlights that little research on the effect of globalisation on gang formation and activity South Africa. For example, how do gang activities change with increasing online communication? Salo⁶² is one of the few who explicitly acknowledging the technological development impact on gangs where others merely references the usage of for example cell phones as important in communication between gang members on the inside and outside.⁶³

⁵⁶ Pinnock. See note 40.

⁵⁷ Steffen Jensen, "Gangs, Politics And Dignity In Cape Town," (Oxford: James Currey 2008).

⁵⁸ Karen Walторp and Steffen Jensen, "Awkward Entanglements: Kinship, Morality And Survival In Cape Town's Prison-Township Circuit," *Ethnos* 84, no. 1 (2019).

⁵⁹ Jensen. See note 57.

⁶⁰ Ibid.

⁶¹ Suren Pillay, "Problematising The Making Of Good And Evil: Gangs And PAGAD," *Critical Arts* 16, no. 2 (2002).

⁶² Elaine Salo, "Mans Is Ma Soe: Ganging Practices In Manenberg, South Africa And The Ideologies Of Masculinity, Gender And Generational Relations," in *States of Violence: Politics, Youth, and Memory in Contemporary Africa*, ed. Edna G. Bay and Donald L. Donham (Charlottesville: University of Virginia Press, 2006).

⁶³ Walторp and Jensen. See note 58.

The prevalence of corruption is generally well-documented in South Africa; lately, there has been an increasing number of corruption cases of high-level politicians, which culminated in the state capture where former President Zuma was accused of using public funds for private purposes alongside the Gupta brothers. Despite a campaign promise to eradicate corruption, current President Ramaphosa was also accused of receiving funds for his political campaign from the already implicated, private consultancy company Bosasa – a company that specialises in providing services to the government, such as prison services.⁶⁴ In the Western Cape primary forms of corruption are bribery, irregularities in procurement and employment, embezzlement of funds and theft of resources – in schools, human settlements and land reform, health services and policing. Corruption hampers these specific sectors and moreover, essential and basic services to communities that depend upon them and thus result in severe and lasting harms to livelihoods.⁶⁵ Possibly, the outcome of the Zondo Commission of Inquiry play an important part in bringing the country out of years of corruption, as under Zuma, and could further set precedence for non-corrupt culture. Campaigning against the politics of corruption, President Ramaphosa urgently need to furnish institutional redress to curb the culture of corruption for self-enrichment. Coupled with the intense competition for resource access, von Holdt states that:

‘the emergence of new elite classes is often a ferociously contested, ugly and violent affair (..) In South Africa, this violence takes the form of burning down homes and state facilities, intimidation, assault, the deployment of the criminal-justice system to protect some and target others, and, increasingly, assassination.’⁶⁶

⁶⁴ Mark Gevisser, "'State Capture': The Corruption Investigation That Has Shaken South Africa," *The Guardian* 11 July 2019.

⁶⁵ Corruption Watch, "Bribery Reported As Most Prevalent Corruption In Western Cape," <https://www.corruptionwatch.org.za/bribery-reported-prevalent-corruption-western-cape/>.

⁶⁶ Karl von Holdt, "Politics, Economy And Business: Unpacking Corruption In SA," *IOL (Independent Online)* 7 March 2019.

In the Western Cape, the causative link between corruption, gangs and organised crime has been emphasised⁶⁷ and at the same time, corruption can be framed as a violence enabler and escalator. Additionally, weaponry and guns and violence play part in gang identity as the thrill of fighting is a significant pull factor when discussing why (young) people join gangs.⁶⁸ In the documentary series *Ross Kemp on Gangs* from 2006, a high-ranking leader in the Americans gang, 'Kevin', is interviewed; he is cleaning his illegal arms with wooden glue to avoid living fingerprints on the weapons as he explains how it is possible to 'have the police leave you and go free' if you have R100 or R150 on you.⁶⁹ The episode focuses mainly on the numbers gangs in Pollsmoor Prison but features a section with Standing who traces the authority of the numbers gang to the 1980s when the drug mandrax became easy accessible in South Africa. Rich drug merchants and gang leaders did not only alter the street gang organisation outside prisons but because some ended up in prison, the Number gangs' desire to benefit from the drug trade allowed for forms of alliances between gangs inside prisons. The booming business of drug trade also provided job security, signifying the beginning of the awkward entanglements between inside and outside, as Steffen and Walorp⁷⁰ noted. Perhaps a less intended outcome, street gangs became increasingly aligned with Number gangs.⁷¹

'Life is very cheap here in Manenberg. People get killed for nothing, for a packet of Tik' (which can sell for as little as R20).⁷²

⁶⁷ Standing. See note 57.

⁶⁸ André Standing, *The Threat Of Gangs And Anti-Gangs Policy: Policy Discussion Paper*, ISS papers ; 116 (Pretoria: Institute for Security Studies, 2005). p. 9.

⁶⁹ Ross Kemp, "Ross Kemp on Gangs Series 2 Episode 4: Cape Town," (15 November 2006). 00:30:53-00:32:24.

⁷⁰ Walorp and Jensen. See note 58.

⁷¹ Kemp. See note 69, 00:24:00-00:25:08.

⁷² Wendell Roelf and Shafiek Tassiem, "Far From Cape Town Tourist Sites, A Gangland Battle Rages," *Reuters* 21 July 2019.

Louw⁷³ and Pinnock⁷⁴ note in different decades the link between violence and organised drug trade, namely, the dependency on crime for survival in a country within a thriving informal economy sustained by corruption and for example weak border control to Zimbabwe and Zambia allowing for money laundering. The transnational nature of organised crime is deeply dependant on relationships with local police, according to Shaw; he attributes increasing gang violence, petty crime and high levels of corruption in marginalised areas of the city to South African gangs' affiliation with foreign, criminal drug agents.⁷⁵ A lot is known about drug imports routes - that cocaine comes in from South America and heroine come from the Middle East and Asia is relatively common knowledge, for example. A quite unique factor is, however, that South Africa is perfectly situated between the global North and South with economy, infrastructure, technology and business practice superior to its neighbours; an environment conducive for transnational organised crime.⁷⁶

In 2012, illicit flows from South Africa amounted to US\$29.13 billions - of which about 80% was due to 'mis-invoicing' and payment balance manipulations.⁷⁷ Corruption, as alluded to earlier, has often been tied to police activity. Worryingly, the oversight mechanism for police corruption was demoted in 2003 despite the number of successful prosecutions against officers was increased by the anti-corruption by 600%. It has been argued, that corruption is 'the biggest enemy' and if it was not for corrupt police then 'we would have sorted these gangs out years ago.'⁷⁸

⁷³ Antoinette Louw, "Surviving The Transition: Trends And Perceptions Of Crime In South Africa," *Social Indicators Research* 41, no. 1 (1997). pp. 150-155.

⁷⁴ Pinnock. See note 11, p. 79.

⁷⁵ Mark Shaw, "West African Criminal Networks In South And Southern Africa," *African Affairs* 101, no. 404 (2002)., pp. 292-302. See also: Simone Haysom, "Hiding In Plain Sight: Heroins Stealthy Takeover Of South Africa," in *Policy Brief* (ENACT 11 April 2019).

⁷⁶ Charles Goredema, "Drugs And Violent Crime In Southern Africa," *SADC Law Journal* 1, no. 1 (2011).

⁷⁷ Pinnock. See note 11, p. 99.

⁷⁸ Shaw. See note 75.

Domestic corruption linking gangs and the criminal justice agencies, specifically SAPS, is problematic as a culture that both undermines democratic values⁷⁹ and weakens government institutions, mostly at the expense of the most vulnerable in society who depend on access to services. It does not only foster high-level crime within the state, it also appears to (significantly in metropolises, such as Cape Town) contribute to attract and intensify transnational organised crime in areas that does not have the capacity or resources to stand against international criminal drug syndicates.

So, amidst violent competition among gangs for control of the drug industry, which constitute an immense threat to safety and security, conflicts are further complicated by factors such as unemployment, poverty, and mental distress.⁸⁰ Whether directly affiliated with gangs or not, families and residents on the Cape Flats are ‘engulfed in deadly civil conflict’ and working-class communities are daily tormented by ‘gang turf wars, drug peddling, violent crime, murders, sexual assaults, killing of children’.⁸¹ Though scholars agree that illicit drug trade strengthens the dominance of gangs and severely harms individuals and communities,⁸² they disagree on whether legalising or regulating drugs would be more impactful in dealing with criminal gangs. Yet still, drugs implicate youth as drugs become a pull factor for joining gangs - for securing basic needs and for coping with mental distress – especially at the disadvantage of those who are part of or grow up in a dysfunctional family structures.

⁷⁹ the Constitution. See note 1, Chapter 1, Section 1(c) ‘supremacy of the constitution and rule of law’ and 3(2)(b): ‘all citizens are equally subject to the duties and responsibilities of citizenship.’

⁸⁰ Sintha Chiumia and Anim van Wyk, "Do A Third Of South Africans Really Suffer From Mental Illnesses?," *AfricaCheck* 18 July 2014 (updated 15 February 2018).

⁸¹ Rashied Omar, "Time To End This Civil War On The Cape Flats," *Cape Argus* 2 August 2019.

⁸² Tony R. Samara, *Cape Town After Apartheid: Crime And Governance In The Divided City* (Minneapolis: University of Minnesota Press, 2011).

2.4 YOUTH AND GANGSTERISM

An interviewee from a study in Khayelitsha, Ms. Dwane, gave a testimony which explained how some gangs have preferred certain types of weapons, including knives, pangas, and guns, and that all the gangs engage in violent crime such as robbery, assault, kidnapping, rape and murder. She finally argued that she believed that,

‘Youth gangs operating in Khayelitsha are quite different to the gangs that are operating in Manenberg and Mitchell’s Plain. Gangs in Manenberg are often connected to organised crime and drugs, while the gangs in Khayelitsha are more about identity – these fights actually are about claiming their space and their identity within these communities and also trying to show off that they are actually more powerful than the other groups.’⁸³

Especially, underprivileged people in former township areas are therefore subjected not only to the hardships of poverty but also the increasing violence that come with gang activity and gang crime, for example high rates of rape, house raids, and impaired mobility in public spaces.⁸⁴ This point is crucial because it reminds us that amidst intergroup conflict and violence, communities are harmed and youth is drawn towards gangs from an early age.

‘It is clear that societal structures influence young people’s decision. However, we cannot explain gangs and criminality without acknowledging marginalisation and exclusion, which has previously been the been a common trend. In such case, all who feels excluded would be part of gangs.

⁸³ The Commission Of Inquiry Into Allegations Of Police Inefficiency And A Breakdown In Relations Between SAPS And The Community In Khayelitsha, "Towards A Safer Khayelitsha," (August 2014)., p. 107.

⁸⁴ David Chandler, *Peacebuilding* (Cham, Switzerland: Springer International Publishing, 2017).

Those, who are in, are also in, because they choose to be.’⁸⁵ (translated by author)

Ward et al⁸⁶ very comprehensively spell out the depth of the issue of gangsterism and how it impacts children and youth negatively and specifically, the overlap of micro and macro risk factors for disadvantaged youth. Pinnock reiterates the urgent need to address the root causes of violence and specifically youth violence, as most of South African youth is at high-risk of enduring the devastating consequences of gangsterism – either as victims, perpetrators or both.⁸⁷ This is increasingly difficult in lieu of the transnational and organised crime aspect of drugs. Without taking away the power and influence that comes with the drug problem, it will be difficult to take away control from gangs.

Furthermore, lack of access to the formal economy, job scarcity and marginalisation generally contribute to high levels of criminality. The literature on gangs in South Africa suggest that gang-related activity becomes virtually unavoidable for youth, whether the choice of joining a gang is perceived or real, desired or not. Furthermore, unemployment correlates with high levels of substance and alcohol abuse and do not merely harm the individual misuser’s health; it also negatively impacts on the development of communities. Surveying 3.400 older and 1.400 young adults in Khayelitsha, DoCS showed a clear association between violence (including rape, murder, and assault with and without weapon) and depression - meanwhile, ill mental health increases significantly with the level of alcohol and drug usage.⁸⁸ Substance abuse, moreover, amplifies

⁸⁵ Steffen Jensen in Thomas Hoffman, "Bandemedlemmer Har Selv Et Ansvar," *Videnskab.dk* 27 March 2009.

⁸⁶ Catherine L. Ward, Amelia van der Merwe, and Andrew Dawes, *Youth Violence: Sources And Solutions In South Africa* (Cape Town, South Africa: UCT Press, 2012). Chapter 3.

⁸⁷ Pinnock. See note 11.

⁸⁸ Western Cape Government, "The Harms And Risks Of Alcohol In Khayelitsha," ed. Department of Community Safety (19 September 2017).

interpersonal violence and alter behavioural patterns and thus amplifies the cycle of violence.⁸⁹

Economic participation thus encompasses several layers of issues in low income and high unemployment areas besides access to the formal economy. To secure income and basic needs in these areas, gangs are almost impossible to avoid – gang cultures also implies high risk of alcohol and substance abuse, which all contribute to higher levels of direct violence.⁹⁰ This suggest a downward spiral linking poor mental health and well-being with alcohol and substance abuse as contributing factors to hostility and aggression; a self-reinforcing cycle is exaggerated in areas of disrupted family and community structures due to the lack social cohesion and low levels of individual resilience.

Just recently, South Africa was named the most unequal country in the world:

‘Inequality has been exacerbated as a result of “systematic failures at government level”, says Mthandazo Ndlovu, Oxfam South Africa’s democracy and governance manager, it’s not just income inequality that is cause for concern, he adds, but also unequal access to opportunities and essential public services.’⁹¹

After the army’s deployment in 2019, Pinnock recalled that more than 35.000 youth under the age of 25 are not in education, employment or training in Cape Town, many of which

⁸⁹ Richard Matzopoulos et al., "Applying Upstream Interventions For Interpersonal Violence Prevention: An Uphill Struggle In Low- To Middle-Income Contexts," *Health Policy* 97, no. 1 (2010).

⁹⁰ Naome Mudavanhu and Rinie Schenck, "Substance Abuse Amongst The Youth In Grabouw Western Cape: Voices From The Community," *Social Work/Maatskaplike Werk* 50, no. 3 (2014).

⁹¹ Katy Scott, "South Africa Is The World's Most Unequal Country. 25 Years Of Freedom Have Failed To Bridge The Divide," *CNN World* 10 May 2019.

‘are literally on the streets’.⁹² The burden of unemployment is thus momentous for youth, who at national level, accounts for 63.3% of the total number of unemployed persons.⁹³

A feature from Manenberg on the Cape Flat confirms this; according to group of youths, who does not seem to be affiliated with any gang but who ‘hangs out on the street’, gambling is a way to try to earn an income to survive. They explain that the government considers the street casino illegal and allude to the fact that gambling puts them at risk of being arrested. During the day, some ‘sit around’, ‘play soccer’, ‘go to the game arcade’ and ‘things like that’, where others note that trying to earn a living is hard, since they are not educated enough to get a good job. While unlicensed gambling is considered illegal, it seems that hustles, such as the street casino, provides some economic security: ‘you can buy shoes, food for your mother, you can get a haircut, buy toiletries.’⁹⁴

⁹² Don Pinnock, "Gang Wars: Here's Why Sending Troops To The Cape Flats Is A Very Temporary Fix," *News24* 18 July 2019.

⁹³ Statistics South Africa, "Quarterly Labour Force Survey - Quarter 1: 2019," (15 May 2019).

⁹⁴ Jason Staggie, "Video: Haiku 27 - Manenberg Youth Speaks," (YouTube 6 September 2012). 00:00:48-00:02:09.

For others, however, flying under the radar might not be a possibility as some areas are entirely controlled by gangs:

‘You can’t live in area and not be part of a gang. It offers you an income, safety, and a feeling of belonging and anyway there’s not much else to choose from.’⁹⁵

In stark contrast, Lindegaard⁹⁶ maintains the immense amount of adaptability by (young) people affected by gang violence. Noting that youth identity significantly overlaps with gang identity and is shaped by ongoing negotiations of race, space, and identity, gang culture also affects youth who are not necessarily in a gang or on the fringe of one. She stresses that many predominantly born frees (born after apartheid) are ‘ghetto chameleons’; increasingly able to survive the immense pull-factors from gangs and resist a path of criminality to a higher extent than other studies contend. This piece of work suggests that there are some possibilities for increased mobility and that prosocial life course is not only a possibility but a reality, despite the influence of gangs and high levels of violence.

⁹⁵ Matt Tennyson, "Victory Over Violence," Cure Violence, <http://cureviolence.org/post/victory-over-violence/>.

⁹⁶ Marie R. Lindegaard, *Surviving Gangs, Violence And Racism In Cape Town: Ghetto Chameleons* (Abingdon: Routledge Advances in Ethnography, 2017).

2.5 SUB-CONCLUSION

While the background chapter by no means encompass all that has been written about gangs in South Africa, it highlights the culture of violence as embedded within gang activity, the inherent element of intergroup conflict as amplified by the spill over from Apartheid governance, and lastly, the ability of gangs to transform their organisation to gain authority and maintain control both under oppressive state control and in places where it can fill the vacuum of missing state control - specifically through protection, purpose, and provision of basic needs. In summary, both individual cases and the literature suggest that stigmatisation and marginalisation of people, especially youth, in the urban periphery is tainted by vast poverty and structural inequality. This firstly exacerbates social disorganisation and heightens the impact of organised crime and corruption on those relying on informal economies and secondly advances pull-factors for youth to join gangs as well as strengthens the negative impact of gangsterism on communities on the Cape Flats particularly.

CHAPTER THREE: CONCEPTUAL FRAMEWORK

3.1 THEORY: WHAT'S THE PROBLEM REPRESENTED TO BE? (WPR)

Carol Lee Bacchi's 'What's the Problem Represented to Be?' approach (WPR) is concerned with the role of those formulating policy in shaping certain problems and how the characters of these problems are constructed.

The WPR theory is grounded in the idea that policy generally claim to solve problems that needs to be addressed.⁹⁷ Hence, issues in policy are problematised in specific ways; they are presented to us in a certain way and put forward as 'problems' in a certain way. This is Bacchi's motivation for studying how issues are thought as problems and in what way they reduce complexity or divert from reality.⁹⁸ Bacchi draws on feminist traditions in questioning power relations and truths and so, WPR as a method has been used in social sciences' critical tradition since the 1990s, especially within postmodern and social constructionist research. From early on, Bacchi compared affirmative action in policies in different Western countries and concluded that affirmative action had different meanings depending on which 'time and space' was examined. For example, it was noted that the same problem was problematised as 'special treatment' for 'disadvantaged groups' in some places but as 'social justice' in others.⁹⁹ Her methodology differs from traditional policy theory and draws on discourse theory by acknowledging the historical development of conceptual logics that forms a specific understanding of a problem.¹⁰⁰

WPR can therefore with benefit be utilised when one wishes to deconstruct texts or discourses to understand how 'meaning is made'. To do so, it makes visible the contradictions between what is said and how it is said, question truths, false binaries and dichotomies. WPR is therefore also a form of discourse analysis, which acknowledges

⁹⁷ Bacchi. See note 30. p. xi.

⁹⁸ Thomas Osborne, "Of Health And Statecraft," *Foucault, health and medicine* (1997).

⁹⁹ Carol Lee Bacchi, *The Politics Of Affirmative Action: 'Women', Equality And Category Politics* (Sage, 1996).

¹⁰⁰ Carol Lee Bacchi, "Chapter 2: Introducing The 'What's The Problem Represented To Be?' Approach," in *Engaging with Carol Bacchi: Strategic Interventions & Exchanges*, ed. A. Bletsas and C. Beasley (Adelaide: University of Adelaide Press, 2012).

that policy significantly impact lives and is not merely a paper that solves a political issue. Bacchi's method is now well-established and widely used to understand the effects of politics and how, and to what extent, policy addresses the problem it claims to solve. To capture the different meanings of the affirmative action, she developed the term 'contested concept'.¹⁰¹ How 'affirmative action is represented' – how it is conceptualised, that is, – has significance for its implementation and thus affect individuals it governs.

To understand how WPR presumes agency as part of its' outlook, Bacchi makes use of the poststructuralist and feminist argument on self-reflection stating that, 'the viewer must catch themselves in the act of seeing in particular ways.'¹⁰² This dissertation will therefore not uncover an objective truth or knowledge, as the application of WPR rather is about questioning how we are governed and not propose alternative solutions (referred to as 'governmentality').¹⁰³ 'The overall intent is to reflect on how we are governed, it opens up the possibility to think about how we could be governed differently.'¹⁰⁴

This aligns very well with Carol Smart's Foucauldian critique of law – what she calls 'the power of law'¹⁰⁵ – as a superior discourse that holds the power to exclude certain groups of people. It happens when the 'truth of law' is not contested and 'generates claims about social life.'¹⁰⁶ This separate discourse, then, creates, 'the truth'. Or, at minimum, the legal discourse is likely to become the superior discourse in establishing the truth, for example a court ruling will be viewed as having found the most accurate or objective account of a given case. Smart states that, 'the transformation of power conflicts into the language of rights and enables law to exercise power rather than abdicating control.'¹⁰⁷

¹⁰¹ Carol Lee Bacchi, *Women, Policy And Politics: The Construction Of Policy Problems* (London 1999).

¹⁰² Bacchi. See note 30, p. 45.

¹⁰³ *Ibid.*, pp. 46-55.

¹⁰⁴ *Ibid.*, p. 46.

¹⁰⁵ Carol Smart, "The Power Of Law," in *Criminological Perspectives: A Reader*, ed. John et. al Muncie (London: Thousand Oakes; New Dehli in Association with the Open University: Sage Publications, 1996). pp. 424-425.

¹⁰⁶ *Ibid.*, p. 425.

¹⁰⁷ *Ibid.*, pp. 429-430.

Bacchi's WPR has been used in a variety of different discourse analyses of policy, but has not yet been applied to the topic of gangs or gangs in South Africa. However, Goddard has recently applied the theory to the White Paper on the Rights of Persons with Disabilities and the National Integrated Early Childhood Development Policy, Goddard reiterate that,

'Policy formulation is often viewed as a neutral, technical process, with policies developed by those considered experts in a particular field. Within the evidence-based paradigm, research and "scientific knowledge" are seen as providing rational grounds for policy development and analysis.'¹⁰⁸

Significantly, Goddard concluded that disability inclusion is assumed to be 'good' and 'necessary' and the responsibility of the government. However, it was uncovered that policy did not necessarily give enough attention to the recognition of the individual identities and developmental needs of children with disabilities, which is problematic as their needs change rapidly both mentally and physically during their upbringing.¹⁰⁹ This dissertation also found socioeconomic factors were influenced by a spill over from Apartheid and persuaded the policy formulation from the transition to democracy and onwards.

In sum, the WPR approach to policy analysis is a very concrete methodological toolbox that addresses a set of questions, where the objective of the analysis is to figure out how language and problem representations shape meaning and knowledge.¹¹⁰ However, the interrelatedness of the questions still allows for a flexible application to fit the chosen material and thus does not have to be applied sequentially.

¹⁰⁸ Martiana Goddard, "A Critical Analysis Of Problem Representations In Basic Education Policy In The Democratic South Africa" (Stellenbosch: Stellenbosch University, 2018).

¹⁰⁹ Ibid., pp. 15-17.

¹¹⁰ Bacchi. See note 30.

3.2 ANALYTICAL APPROACH: BACCHI'S WPR

Bacchi's approach is rooted in social constructivism and suggests that problems are not absolute entities but rather social constructions.¹¹¹ It thus become possible to deconstruct a problem to be 'a specific kind of problem' that accounts for 'how the issue is thought about and for how the people involved are treated and are evoked to think about themselves.'¹¹² WPR allows us to understand how policy may produce problems rather than solving them. It is not done with an intention to accuse policy or drafters of strategic framing, but as a way in which to understand policy 'better than policy makers by probing the unexamined assumptions and deep-seated conceptual logics within implicit problem representation.'¹¹³ To understand the problem representation within policy and to critical review that representation, Bacchi has developed six questions¹¹⁴:

1. What's the 'problem' (for example, of 'problem gamblers', 'drug use/abuse', 'gender inequality', 'domestic violence', 'global warming', 'sexual harassment', etc.) represented to be in a specific policy or policy proposal?
2. What presuppositions or assumptions underpin this representation of the 'problem'?
3. How has this representation of the 'problem' come about?
4. What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?
5. What effects are produced by this representation of the 'problem'?
6. How/where has this representation of the 'problem' been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?

The first three questions identify the representation of the problem in a specific policy (question one), analyses its conceptual foundation (question two) and finally, examines its origin, history and mechanisms (question three).

¹¹¹ Bacchi. See note 30.

¹¹² *Ibid.*, p. 1.

¹¹³ Bacchi in Bletsas. See note 100, p 22.

¹¹⁴ Bacchi. See note 30, p. 2.

The first question serves as a clarification exercise that begins with the interventions and works backwards to determine how the issue is problematised. It is commonplace that more than one representation may emerge as policy often address complex issues that require multifaceted, coordinated solutions.¹¹⁵ When applying this question to the NAGSWC, the character(istics) of the problems related to gangsterism should become clear.

The second question aims at pinpointing the presumptions or assumptions that underpin the problem representation so that the knowledge systems and set of values ‘behind the policy’ become apparent. Here, it is implicit that policy is formulated in discourse.¹¹⁶ The Foucauldian inquiry makes it possible to specify which kind of language or knowledge create meaning embedded within that discourse. In this sense, the second question is an extension of question one’s problem identification as it implies considering both epistemological and ontological aspects to uncover the foundation of understanding in the policy, looking not merely at why the policy has come about but also how.

The third thus questions trace the genealogy of the problem representation to understand how and under what conditions the problem has emerged.¹¹⁷ For this process, it is also essential to look at the surrounding policy landscape, as well as the contemporary context. This question thus addresses the origin and history of the policy in a more descriptive manner to understand what was prior to the current understanding of the key problem, relying heavily on the delimitations outlined in question two.

The last three questions comprise a critical engagement that exposes the potential for change by not merely looking at what is said, why, and how but moreover, what is not said (question four), what effects substantiate the problem representation, what solutions

¹¹⁵ Bacchi. See note 30, pp. 2-4.

¹¹⁶ *Ibid.*, pp. 4-7.

¹¹⁷ *Ibid.*, p. 10.

become unthinkable (question five), and finally, how this is communicated in media and general public as well as how the problem might be framed differently (question six).

The fourth question will assist in articulating that which has been left unsaid, possible gaps or limitations in the representation – thus highlighting contradictory representations within the policy. It thereby adds a critical dimension to the analysis by opening up the assessment to perspectives and stances that are not included in the policy itself. Bacchi emphasises that it is important to acknowledge that the understanding of a problem and its representation mirror the historical, cultural, and institutional context in which has come about.¹¹⁸ In that way, representations are always contingent on the discursive framework, for example by affording attention to simplified dichotomies, as identified in question two and assessed in question three.

The fifth question lends itself to think about how the representation of the problem can create a perimeter that excludes what counts as significant to the problem, how it shapes people's understanding of themselves and the issue and how it affects the lived experience.¹¹⁹ The interconnected and overlapping kinds of effects can be divided into three categories:¹²⁰

- Discursive effects: effects which follow from the limits imposed on what can be thought and said;
- Subjectification effects: the ways in which subjects and subjectivities are constituted in discourse;
- Lived effects: the impact on life and death.

The first effect, the discursive effect, bares a clear reference to the first, second, and third questions, as it shows how a specific representation of a problem position some people more favourably than others because one representation will manifest certainties. Subjectification effects are inherently linked to problem representations for it influences the way in which we think and feel about ourselves, others, and our surroundings. The last effect, the lived effects, directs attention to the material impact on people deriving

¹¹⁸ Bacchi. See note 30. pp. 11-14.

¹¹⁹ Ibid., pp 14-15.

¹²⁰ Ibid., pp. 15.

from the representation because terminology and concepts in policy has the power to create hierarchal categories.¹²¹

An extension of the third question (that aims to uncover how certain representations become dominant), question six affords attention to the contestation surrounding the representations.¹²² Through the recognition of discourse plurality, complexity and inconsistency, discourses can be used as a vehicle for re-problematisation.

The WPR approach thus can be used to critically re-problematised a representation, where questions unveil aspects not addressed in the policy and then propose a new or differently nuanced paradigm.

¹²¹ Bacchi. See note 30, pp. 15-18.

¹²² Ibid., p. 19.

3.3 COMPLEMENTARY THEORETICAL CONCEPT

Azar developed the theory of Protracted Social Conflict (PSC) to highlight the fact that root causes for conflicts in 'multi-communal' societies are to be found within and across, as opposed to between, nation states.¹²³

PSC advances the definition of conflict by identifying it as a phenomenon that has an invisible, latent character rooted in basic and developmental needs. These characteristics can explain why direct violence may appear random and why it is more prevalent in societies with multi-ethnic composition. It sheds light on the dynamics that affect populations in different ways and explain why it increases hostility and spiral into overt conflict. To build his theory, Azar makes use of four different categories of factors as preconditions for PSC and the escalation of intensity into overt conflict or violence: 'communal content', 'deprivation of human needs', 'governance', and 'international linkages'.

The first category, communal content, encompasses racial, religious, cultural, and other inalienable attributes and conditions that one is unable to change due to structural circumstances, an example could be socio-economic status. In places where the state is largely made up of one communal group (or a few communal groups), the needs of the remaining communal groups will more easily go unnoticed or be discarded at the interest of the dominant group. Thus, multi-communal countries are more prone to PSC, whether stemming from an oppressive background or a sudden change in demographics due to for example migration due to latent intergroup conflict. The communal content may overlap with ethnicity in an intersection of identity, ethnicity, and hostility. This means that the communal content is also a form of social identity and so, the social fabric will become

¹²³ Edward E. Azar and Chung-in Moon, "Managing Protracted Social Conflicts In The Third World: Facilitation And Development Diplomacy," *Millennium* 15, no. 3 (1986). pp. 395-397.

overwrought and produce fragmentation over time.¹²⁴ It is presumed that PSC is based on incompatible differences between social groups, which reflects the missing social organisation and cohesion and a disruption between state and society as a whole.

Deprivation of needs, the second category, range across different kinds of needs from security needs (including food, shelter, clothing, physical security) through access needs, political and economic participation to acceptance needs, encompassing both recognition and identity needs. This category embraces a broad definition of basic human needs and may also refer to the inability to access health treatment and education - as well as ill mental health or illiteracy.

The third category, governance - or rather, failure of the state to provide good governance - also contributes to PSC. Often this will be found in countries where the government is or is perceived to be incompetent, extremely religious or ideological, fragile, or corrupt and authoritarian. As with the first category, authority and control will be held by one or a few dominant groups and decentralising power mechanisms are not in place or not effectively implemented. Lastly, PSC will concentrate more in states where the growth in population is disproportionate to scarce resources.¹²⁵ In well-functioning democracies with high capacity and low rate of population growth, the government will be able to prevent issues rooted in relative needs deprivation. Thus, states who are unable to govern and afford its citizens realisation of democratic rights are more likely to experience obstacles to security leading to PSC.

International linkages, the fourth category, is based on the idea that internal conflicts inherently are affected by and tied to neighbouring countries in some fashion, be that through direct or indirect means for supportive or exploitative ends. In other words, external actors can both contribute to the escalation of conflict through biased support for

¹²⁴ Oliver Ramsbotham, "The Analysis Of Protracted Social Conflict: A Tribute To Edward Azar," *Review of International Studies* (2005). pp. 114-115.

¹²⁵ Ramsbotham. See note 124, p. 116.

one party to the conflict and the de-escalation through for example mediation and peace talks.¹²⁶ In short, the category emphasises the sway of regional dynamics.

Though PSC has generally been studied in the context of armed conflict, it seems relevant for this dissertation as situations of protracted social conflict are marked by hostile contact between communal groups rooted in one or more factors, such as race, ethnicity, religion, or culture. In PSC as per Azar, arguably the most useful unit of analysis in this dissertation is viewing gangs as not just a non-state actor but as both communal and identity groups as well.¹²⁷ By affording attention to the individual and group levels of analysis, the impact non-state actor(s) can have on the continuation of violence is recognised and examined. This makes PSC applicable to gang violence since it relates to intergang conflict, to conflict between state and gangs and between gangs and civil society groupings as well as the impact these conflicts have on communities and individuals – some affiliated with gangs themselves, some not. This aspect is captured in the part of the theory and is referred to as ‘communal content’. It is argued that the disarticulation between state and society is the central issue, which is intractable from the phenomenon that the individual’s societal needs (e.g. security, identity, and recognition and basic needs) are increasingly - if not only - articulated through membership of a group. Thus, PSC acknowledges that gang conflict and violence affect general intergroup conflict at local level.

As gangsterism still shapes safety and security in the Western Cape, it is moreover deeply intertwined with the absence of needs provision, which negatively impact individuals and society. It renders certain population groups affected by or affiliated with gangsterism stuck in a situation where competition for (human) needs continuously shift among communal groups as a means of shaping economic, social, cultural and political structures that become conducive to both social and violent conflict. By applying PSC, it will be possible to identify the needs of the different identity groups as well as communal groups and the disarticulation with the state. In this way, it is possible to understand which

¹²⁶ Ramsbotham. See note 124, p. 116.

¹²⁷ *Ibid.*, pp. 62-65.

conditions needs changing as opposed to merely describing who is criminal and what crime they commit. Even though the theory has previously been used in countries marked by ethnic conflict, the fact that the spill over from Apartheid has shaped the current demographic division and social geography makes a strong case for its applicability. Moreover, the conceptual framework of PSC is not restricted to focus on merely ethnicity, as Azar also highlights other factors for social conflict, such as socioeconomic status or needs deprivation. In this way, the PSC is used as a complimentary tool to structure the contextual aspects WPR, in accordance key thematic of the literature review, which highlighted the micro- to macro-dynamics of gangsterism across societal spheres. Where the PSC affords attention to the root causes of a context that is marked by ongoing conflict and fluctuations in violence, the WPR approach is concerned with the role of those formulating policy in shaping certain problems and following, constructing the character is these problems.¹²⁸

¹²⁸ Bacchi in Bletsas. See note 100, pp. 1-2.

3.4 PRESENTATION OF THE MATERIAL: NAGSWC

The WPR allows for a relatively open-ended selection of text. Bacchi herself says that a good place to begin is to select piece of legislation or a government report.¹²⁹ The primary material for research in this dissertation is, as outlined earlier, is the Western Cape policy response to the National Anti-Gangsterism Strategy (NAGS) called '*Strategic roadmap towards implementation of the National Anti-Gangsterism Strategy in the Western Cape*' (NAGSWC).

The document comprises an introduction, which firstly highlights that the Prevention of Organised Crime Act (No 121 of 1998) (POCA) simplifies gangsterism by asserting all gangs to be criminal gangs. NAGSWC thus created a working definition of a gang:

'A gang is a group of people with shared identity who meet continuously with common purpose. If that purpose results in antisocial, illegal, or violent behaviour, and is harmful to others, the group is a criminal gang.'¹³⁰

Further, the introduction establishes youth gangs as a persistent, social phenomenon in the Western Cape, which requires both,

'action in relation to reducing the impact of gangs, therefore, requires both actions that support desistance from gang attraction (prevention) and containment of violence and criminal activity (interruption).'¹³¹

¹²⁹ Bacchi. See note 30.

¹³⁰ NAGSWC. See note 17, p. 4.

¹³¹ *Ibid.*, p. 5.

Next, the introduction states that as the Western Cape policy is provincial response to NAGS, NAGSWC also aligns with the 2016 White Paper on Safety and Security. NAGS is the first national strategy calling for a holistic approach by means of four objectives:

- **Empower** communities by addressing human development, social cohesion, unemployment, poverty and inequality;
- **Communicate** with communities through social partnerships, stakeholder and community engagement, including civil society and the private sector;
- **Prevent** gangsterism through improved spatial design and creating safe living spaces for communities by adopting a holistic approach; and
- **Combat** gangsterism through effective law enforcement strategies, upholding the rule of law and maintaining the integrity and efficacy of the criminal justice system.¹³²

The objectives require effective stakeholder management, synergy across spheres of government and society, and information gathering and coordination – all of which must include responsive and preventative measures to work effectively. This means that the provincial implementation of the strategy must include an element of community-based work as the gangsterism has no singular, definitive formation of the problem. Therefore, NAGSWC accepts that there is no one solution that will be able to completely solve the problem gangsterism.¹³³

It is notable that previous provincial strategies to end gangsterism have not been directed by a national strategy document like NAGS. This does not mean, however, that there are no other strategies that have not tried to curb the issues of gangs. Many of them are anchored in one field aligned with the drafting department or focus on one specific area of gangsterism – for example substance abuse. Provincial, cross-departmental strategies

¹³² NAGSWC. See note 17, p. 7.

¹³³ *Ibid.*, pp. 6-9.

in the Western Cape has included the Social Transformation, Gang Prevention, and Intervention Strategic Framework from 2008¹³⁴ (which NAGSWC formally replaces) and the Integrated Violence Prevention Policy Framework from 2013.¹³⁵ Hereafter mentioned as the 2008 policy and 2013 policy respectively. Thus, these two documents are used as secondary material for analysis, as they are both viewed as predecessors to NAGSWC and seen as important when wanting to understand the emergence and constitution of knowledge (genealogy) of gangsterism in Western Cape policy.

¹³⁴ Western Cape Government, "Social Transformation, Gang Prevention And Intervention Strategic Framework," ed. Department of Community Safety (Secretariat for Safety and Security/ Directorate: Social Crime Prevention, July 2008). (hereafter 2008 policy).

¹³⁵ Western Cape Government, "Integrated Violence Prevention Policy Framework," ed. Department of Premier (2013). (hereafter 2013 policy).

3.5 DELIMITATIONS

When using WPR, this dissertation adopts a social constructivist approach. As per the statement of purpose, it is the aim to analyse how the problem is represented to be rather than describing the problem itself. The representation of gangsterism, in this respect, sets the boundaries for how the problem is dealt with. In continuation hereof, the research is focused on how the problem is diagnosed, identified and defined in the political sphere and further, which solutions and problems occur as underlying and relevant. The focus is not merely on how discourse operates but also on what it produces. In the WPR approach one works backwards, the diagnosis of the problem is first identified before exploring underlying values and assumptions.¹³⁶ Drawing heavily on Foucault's studies on powers and discourses,¹³⁷ choosing the WPR thus means accepting his idea of conceptual logics as an epistemological truth. In this sense, it is understood that approaching knowledge includes discursive mechanisms as inherently rooted in power.¹³⁸

It also assumed that society is created by human action and society itself is not an objective reality distinct from our understanding and interpretation of it. Rather, it is a subjective, moulded construct, which is influenced by social processes.¹³⁹ It means that the individual will follow pro-social or anti-social paths based on their understanding and knowledge of that reality and renders reality a construction that individuals share and co-create. The idea of social identity is therefore important because communality can bring about collective needs deprivation and collective action, violent and non-violent. Crime, then, is understood as a purely legal term of certain human conduct that conflicts with the dominant interest of society. It is presumed that the interest reflects those with the power to translate their interest to law and public policy.¹⁴⁰ As we have seen, the social

¹³⁶ Bacchi. See note 30, pp. 3-5.

¹³⁷ Michel Foucault, *Discipline And Punish: The Birth Of The Prison* (New York: Pantheon Books, 1977).

¹³⁸ Bacchi. See note 30, pp. 34-6.

¹³⁹ John W. Creswell, *Qualitative Inquiry And Research Design: Choosing Among Five Approaches* (Sage publications, 2007)., pp. 20-21.

¹⁴⁰ Patricia A. Adler and Peter (eds) Adler, *Constructions Of Deviance: Social Power, Context, And Interaction* (Wadsworth, 2000).

constructivist understanding of policy analysis is commonly associated with Foucault's theory of discourse as a practice that regulate knowledge systems and our understanding of the whole around oneself.¹⁴¹ Policy should therefore be viewed as part of a network of social interactions which frames 'what is said' and 'what is done'. Policy is not only a product of a discourse but also (re)produces discourse.¹⁴² Although generalisability is virtually impossible for the findings of any case study, it is still possible to replicate the analytical approach to other cases and compare the methodological value. This, on the other hand, underpins the importance – and perhaps also the necessity – of approaching any social phenomenon with an in-depth examination of a specific case, such as the instrumental case study allows for.¹⁴³

Bacchi assumes that we are governed by problematisations, that we must study these and not merely problems themselves, and that we need to engage with problematisations to understand the rationale behind them. Focusing on the representation of the problem rather than the problem itself, the WPR is a tool to critically engage with what is not addressed or what is silenced in policy. In this way, WPR allows for a way in which we can operationalise the Foucauldian premise that discourse is power. With WPR we can assess the discursive mechanisms of the definition of gangsterism in the chosen document, NAGSWC.¹⁴⁴ Due to scope of this dissertation, the analysis does not hold a strict or systematic comparative element but will rather draw on the literature on gangs in South Africa grounded in the key elements of theoretical concept PSC and the chosen previous policies, which will allow the engagement with a conflict perspective and contemporary trends of gangsterism in the Western Cape. However, this should not a dismissal of other public and political agendas and solutions promulgated and formulated, such as for example applicable legislation and policy under the provincial Departments of Education, Health, and Social Development. Though such perspectives could shed

¹⁴¹ Foucault. See note 137.

¹⁴² Ness Goodwin, "Governmentality In The Queensland Department Of Education: Policies And The Management Of Schools," *Discourse: Studies in the Cultural Politics of Education* 17, no. 1 (1996).

¹⁴³ Creswell. See note 139, p. 74.

¹⁴⁴ NAGSWC. See note 17.

light on broader policy discourse on the topic and bring about significant findings, it is beyond the scope of this dissertation. Additionally, the WPR approach requires clearly defined limitation and bids a specific political text to allow for analytic depth – this is what Bacchi refers to as ‘the practical text’.¹⁴⁵ The social constructivist aspect of the approach also requires a form of triangulation to assess other discursive mechanisms, which will be done through engagement with news media, academic findings, applicable law, and previous policy.

When answering the overarching research question, ‘What is the problem of gangsterism in the Western Cape represented to be in NAGSWC?’, it is the aim to pinpoint, identify, and challenge that which is taken for granted. The so-called conceptual logics have shaped how NAGSWC (the primary material) and the news, academics, and previous policy (the surrounding rather than secondary material) defines the problem of gangsterism - and subsequently its solutions. This is not merely with the intent to be critical but just as much with an objective to understand what the issue of gangsterism is thought to be in NAGSWC.

¹⁴⁵ Bacchi. See note 30, p. 249.

CHAPTER 4: WPR ANALYSIS OF NAGSWC

4.1 INTRODUCTION TO THE ANALYSIS

The previous chapters have established that the understanding of a problem and its representation determines possible solutions, endorsing some and not others.¹⁴⁶ The first part of the analysis is to define what is seen to be the cause of the problem and what that means for how it is handled and thought of, thus taking a more descriptive character (first three questions); as opposed to the second part which explores which effects are created and whether the deconstruction of the problem allows for additional perspectives (the last three questions).

¹⁴⁶ Bacchi. See note 30, pp. 55-57.

4.2 THE PROBLEM OF GANGSTERISM IN NAGSWC

This section covers what the problem is represented to be and will further present a genealogical exploration of this representation's social, historical and cultural roots, notably by looking at the legislative framework, the chosen previous policies and NAGS itself. It aims at addressing the first three interrelated WPR questions, namely:

1. What's the 'problem' of gangsterism represented to be in NAGSWC?
2. What presuppositions or assumptions underpin this representation of the 'problem'?
3. How has this representation of the 'problem' come about?

As mentioned in the material presentation in the previous chapter, the introduction of NAGSWC firstly compares two definitions of gangs, when stating the agenda to be violence reduction in Western Cape neighbourhoods and the prevention of young people joining gangs. Contrasting the Prevention of Organised Crime Act (No 121 of 1998 as amended) (POCA) definition with its working definition, NAGSWC highlights that POCA makes a mistake in presuming gangs to be criminal.¹⁴⁷ Thus, it is relevant here to first analyse the applicable law before moving on to actual representation of the problem in NAGSWC as the applicable law provides the perimeter for the strategy and thus, allows us to understand how the 'problem' has come about.

¹⁴⁷ NAGSWC. See note 17, p. 4.

4.2.1 LEGISLATIVE FRAMEWORK

South Africa is signatory to international instruments for the reduction or elimination of criminal gang activity, organised crime, and gang violence.¹⁴⁸ This leaves the onus on the nation state to put in place adequate laws until universal acceptance and full implementation are established. In South Africa, the post-Apartheid government lead by Nelson Mandela promulgated several key pieces of legislation. The domestic legal framework relevant for gangsterism comprises:

- The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) (the Constitution),
- The Prevention of Organised Crime, 1998 (Act No 121 of 1998 as amended) (POCA),
- The Financial Intelligence Centre, 2001 (Act No 38 of 2001) (FICA),
- The Prevention and Combating of Trafficking in Persons Act, 2013 (Act No 7 of 2013),
- The Drugs and Drugs Trafficking Amendment Act, 2014 (Act No 140 of 1992),
- The Witness Protection Act, 1998 (Act No 112 of 1998),
- The Prevention and Combatting of Corrupt Activities Act, 2004 (Act No 12 of 2004),
- The Criminal Procedure Act, 1997 (Act No 51 of 1997),
- The South African Police Service Act, 1995 (Act No 68 of 1995 as amended) (the SAPS Act),

These pieces of legislation are accompanied by the following policy documents, which set out broad policy around the issue of gangsterism:

- The White Paper for Safety and Security, 1998 2016 and,
- The White Paper on Local Government, 1998.

Lastly, National Development Plan 2030: Our future make it work, 2012 (NDP) is assessed as it sets out the broad framework to address socioeconomic issues confronting South Africa. This section specifically will elaborate on the Constitution, POCA, NDP, the White Papers and briefly reflect on the role of SAPS via-á-vis gangs.

¹⁴⁸ the United Nations Convention Against Transnational Crime (often referred to as ‘the Palermo Convention’) and United Nations Convention against Corruption (UNCAC).

The Constitution was adopted in 1996 after extensive negotiations between all parties. The document embodies South Africa's transition from the state-sanctioned discrimination and abuse of the apartheid-era to democracy, representative democratic governance and multi-culturalism. The Constitution has been referred to as a strong instrument as it secures the positive rights of the citizens of South Africa as the highest law and further locates basic human rights as a key principle for the government. While the Constitution *de jure* affords rights to all those living in South Africa, critics state that the subsequent implementation of it in practice compromise 'the most admirable constitution in the history of the world.'¹⁴⁹ Critiques also tend to amplify certain screwed discourses, namely that the Constitution is 'giving criminals too many rights' or 'giving criminals more rights than the victims of crime'.¹⁵⁰

It contains a comprehensive protection of individual rights in the Bill of Rights, including but not limited to the right to: equality (s9), dignity (s10), freedom and security of the person (s12) and freedom of association (s18). It further protects a range of socio-economic rights such as the right to a healthy environment, including for example food, water, housing and healthcare, which the state must progressively realise within the limits of its resources. These rights can be limited by s36 but only by laws of general application and only to the extent that is 'justifiable in an open and democratic society based on human dignity, equality and freedom'. Certain rights can also be limited during declarations of emergency (s37) subject to procedural limits stated in s37. Another key feature is the framework found in chapter 7 that establishes controls for local government by granting municipal authorities significant executive and legislative authority.

Personal safety, enshrined in the Constitution (s12) as an inalienable human right, is elaborated upon in the National Development Plan (NDP) and further described as:

¹⁴⁹ Cass R. Sunstein, *Designing Democracy: What Constitutions Do* (Oxford University Press, 2001).

¹⁵⁰ African News Agency, "Criminals Have Too Many Rights In SA – Mbalula," *The Citizen* 24 October 2017.

‘A necessary condition for human development, improved quality of life and enhanced productivity. When communities do not feel safe and live in fear, the county’s economic development and the people’s wellbeing is affected, hindering their ability to achieve their potential.’¹⁵¹

Notably, the NDP calls for strategic alignment including interdepartmental cooperation and an integrated approach to safety and security in cooperation with community bodies and the private sector to revitalise community safe, which includes that:

‘All vulnerable groups including women, children, rural communities should enjoy equal protection and their fear of crime should be eradicated through coordinated responses of the police, business, community, and civil society.’¹⁵²

As the we have seen, gangsterism pose a significant threat to safety and security but also intertwines with issues of needs provision. POCA is aimed at combatting organised crime, money laundering, and criminal gang activities, and defines criminal gang members as someone who:

- admits to criminal gang membership,
- is identified as a member of a criminal gang by a parent or guardian,
- resides in or frequents a criminal gang’s area and adopts their style of dress, their use of hand signs, language or their tattoos, and associates with known members of a criminal gang,
- has been arrested more than once in the company of identified members of a criminal gang for offences which are consistent with usual criminal gang activity,
- is identified as a member of a gang by physical evidence such as photographs or other documentation.¹⁵³

¹⁵¹ National Planning Commission, "National Development Plan 2013: Our Future - Make It work: Executive Summary," ed. Republic of South Africa (February 2013). Chapter 12: Building Safer Communities, p. 386.

¹⁵² Ibid., p. 385.

¹⁵³ POCA. See page 63, Chapter 4, section 11(a)(b)(c)(d)(e).

The preamble of POCA references the Constitution affirming the ‘democratic values’ as set out above and states that,

‘(..) there is a rapid growth of organised crime, money laundering, and criminal gang activities (that) infringe on the rights of the people (..) it is the right of every person to be protected from fear, intimidation, and physical harm caused by criminal activities of violence gangs and individuals.’¹⁵⁴

It goes on to note that such violence ‘present a danger to public order, safety and economic stability and have the potential to inflict social damage’. POCA was thought to effectively address organised crime and criminal gang activities where other common law and statutory law had been unsuccessful to break the downward spiral of the pervasive presence of criminal gangs, with the preamble deeming gangsterism as ‘harmful to the well-being of those communities.’¹⁵⁵ Section 9 of the Act criminalises the activity of any individual who participates in or is a member of a criminal gang and who is involved in criminal activities related to gangsterism. In many ways, gangs are easily identified as armed groups, who commit crimes that under POCA are focused on perpetrating direct violence and informal market dealings and underground economy, significantly including drug dealing.

Addressing gangsterism within the criminal justice system, and in prisons specifically, has been undertaken by the National Intelligence Coordinating Committee (NICOC) since 2014 in conjunction with the Civilian Secretariat for Police that is involved with the development of an interdepartmental strategy. Policing gangs on ‘the outside’, in public and outside of the correctional system, falls under the mandate of SAPS, which also includes Integrated Task Teams, the Visible Policing, the Detective Service and the Directorate for Priority Crime Investigations (DPCI), with a life span of 3 to 6 months, to

¹⁵⁴ POCA. See page 63, Preamble, pp. 1-2.

¹⁵⁵ Ibid.

deal with specific issues when required as part of law enforcement. However, in the Western Cape specialised operations, such as the Anti-Gang Unit, were installed due to the high prevalence of gangsterism and subsequent severe social and crime-related problems.¹⁵⁶ Recall here that Kinnes¹⁵⁷ stated that it is difficult to pinpoint the effectiveness specialised operations carried out by SAPS; especially in lieu of a strained criminal justice system that is unable to cope with the high number of dockets submitted to prosecute gang-related crime and prominent leaders as well the fact that such interventions might bring about unintended effects, when the authority and control vacuum is 'just taken up' by other gangs or organised crime syndicates.¹⁵⁸

The new White Paper for Safety and Security (WPSS) from 2016 concerns policy on safety, crime and violence prevention, promoting integrated and holistic approaches to safety and security aligned with Chapter 13 of the NDP (that sets out to eliminate poverty and reduce inequality by 2030). WPSS states that to do so prevention must be clearly articulated in law to align policies on safety and security and further, must instate mechanisms for oversight, monitoring and evaluation as well as reporting on implementation prevention priorities across sectors. It is worth highlighting that it not just the government's responsibility as per Chapter 11 of the Constitution to provide safety and security but that it is also a basic human right as set out in Chapter 2 of the Constitution. In Chapter 24, it is also reiterated that every person has the right to a livelihood that is neither harmful to her health or well-being.

The objective of local government is, under s152(1) of the Constitution, to promote a safe and healthy environment, noting the pivotal role of the local municipalities in this matter. The idea is to address backlogs in service delivery and adequately manage economic development in lieu of the rural-urban divide and to equip administration in the municipalities to, among other things, foster better relations between communities and

¹⁵⁶ South African Police Service (SAPS), "PowerPoint Presentation: Policing Of Gangsterism," (Parliamentary Monitoring Group, 21 September 2019).

¹⁵⁷ Kinnes. See note 47.

¹⁵⁸ NAGSWC. See note 17, pp. 47-48.

government institutions. This underscores an important aspect effective governance, of which is trust as a foundation for accountability, justice and legitimacy. Arguably, the most critical dialogue between state and citizens in this regard includes law enforcement. The SAPS Act¹⁵⁹ commit to restoring and maintaining relations with the public, notably through the establishment of Community Policing Forums (CPFs). Chapter 3 of the Constitution dictates that SAPS must prevent, combat and investigate crime, maintain public order and protect and secure the Republic as well as *prevent threats to safety and security*.

The Constitution thus dictates that policing is primarily a national government responsibility but further takes into consideration the needs of each province, which further hold an oversight role.¹⁶⁰ Read with the SAPS Act, it directs the municipalities' policing powers. This, however, means that policing in South Africa requires direct and on-the-ground collaboration with the public. SAPS has more than 1 000 stations across the country and is mandated to keep the 54 million population secure but be that as it may, the country holds alarming crime statistics.¹⁶¹ In 2015, the country had the fifth highest murder rate in the world and the numbers were almost identical to warzone murder rates from Afghanistan, Iraq and Somalia.¹⁶²

The Khayelitsha Commission noted complaints relating to the failure of SAPS in informal neighbourhoods. One complaint noted that there were 'widespread inefficiencies, apathy, incompetence and systemic failures of policing' in the area including 'poor investigation of crime, failure to provide feedback to complainants and inadequate visible policing'.¹⁶³ This is increasingly problematic as the report also found that SAPS has no strategies in place to deal with two acute policing challenges in Khayelitsha, namely vigilantism

¹⁵⁹ The SAPS Act. See page 62, chapters 5 and 7.

¹⁶⁰ The Constitution. See note 1, sections 205(2) and 206(1)(2).

¹⁶¹ Reality Check Team, "South Africa Crime: Can The Country Be Compared To A 'War Zone'?", *BBC News: Africa* 18 September 2018.

¹⁶² Ibid.

¹⁶³ The Khayelitsha Commission. See note 83, p. 13.

undertaken by community members on people perceived to be criminal and the advance of youth gangs.¹⁶⁴ It is generally accepted that violence in post-conflict situations can be explained as forms of vigilante justice and become means of conflict resolution in areas marked by high relative poverty and unemployment. Especially where effective governance is not visible, for example when access to services that secure basic needs are not available.¹⁶⁵

In attempt to deal with gangs a testimony revealed how school principals had called out the taxi associations, known as key actors in gang-ridden areas: ‘[they] beat up those kids with *sjamboks* but we don’t believe that is the right approach [to divert youth from joining gangs]’. Sadly, the testimony also described that,

‘if the police were called to gang fights, they would arrive, the gangs would disperse, the police would leave, and once the police had left the gangs would continue with their fighting.’¹⁶⁶

POCA was thought to provide an avenue to address the issue of gang-related crime in the country as an effective additional measure to the existing criminal legislation in common law¹⁶⁷ as per the National Crime Prevention Strategy (NCPS) and further, make provision for new powers for law enforcement and prosecutors. However, Pinnock has argued that POCA is not helpful for police to control gangs and further, that association with gangs in areas such as the Cape Flats is ‘inevitable’.¹⁶⁸ The piece of legislation that was thought to significantly alter the criminal gang landscape also indiscriminately criminalises people ‘who dress or look a certain way’ and indirectly suggests that gang activity is *de*

¹⁶⁴ *Ibid.*, p. xxiv in ‘Findings’.

¹⁶⁵ Jensen. See note 50.

¹⁶⁶ The Khayelitsha Commission. See note 83, p. 107.

¹⁶⁷ The Criminal Procedure Act and Amendments, The Corruption Act, The Extradition Act and Amendment, The Proceeds of Crime Act, the Arms and Ammunition Act, International Cooperation on Criminal Matters Act, the Aliens Control Act.

¹⁶⁸ Pinnock. See note 11, pp. 90-93.

facto criminal. At the same time, penalties between three and six years with an option of a fine can largely be deemed unsuccessful, given that the penal system has been shown to perpetuate (as opposed to end) gang involvement.¹⁶⁹ This issue seem to be further complicated by the fact gang members are often able to stay somewhat in control while serving a sentence and moreover, easily able to revert to their former activities upon release. Additionally, arresting gang leaders might backfire, as it creates a power vacuum, which allows for new, criminal networks to take over – risking that law enforcement intel become outdated. It has finally been argued that while arrests of gang members have increased, this may not lead to actual convictions.

Some research show that it is extremely difficult to assert the effectiveness of policing operations and that the lasting outcome is impossible to feel at community levels, for example on the Cape Flats, where gang violence has been a part of everyday life for years on end,

‘If we were to apply these criteria to the gang operations, then it will be clear that the operations made no significant difference to the gangs in any of the communities of the Cape Flats. This is so because all the operations (except one or two) were launched not because of deliberate and effective planning, but as a reaction to political and other pressure. Another reason is during the Cape Flats war, operations were launched while others were still in the process. The targets of the operations were changed in the middle of the operation and the leadership did not appear to be in control of the operation.’¹⁷⁰

Whether scarce resources, corruption, external pressures or a combination of the factors can explain the missing output from policing responses to gang violence, it is certain that such efforts – even if successfully implemented – would still not address the gross

¹⁶⁹ van der Linde. See note 52.

¹⁷⁰ Kinnes. See note 47, pp 126-58.

inequality and socioeconomic dissonance in the communities. Coupled with the peoples' lack of trust in the police force, it is clear that the criminal justice route alone was and is not enough to curb gangsterism in the country. Beukman, Chairperson of the Portfolio Committee on Police, expressed his views on the matter as follows:

‘When communities are under siege by criminals and their ability to function as citizens becomes impaired, extraordinary measures should be taken by law-enforcement.’¹⁷¹

The above shows that despite South Africa's transition from Apartheid into democracy, the promise of safety and security for all those who live in the country is not yet a reality as envisioned in the Bill of Rights in the Constitution¹⁷² – especially not for people residing on the Cape Flats. The NCPS from 1996 marked the commitment to peacekeeping in the country ‘to keep it legal, keep it whole, and keep it in South Africa.’¹⁷³ This turn, as noted by van der Spuy and Shearing on policing and security, represented a shift towards crime prevention beyond mere policing – ‘heralding a new beginning’:

‘(..)these policy statements argued that safety could not be realized through police action alone. Rather, achieving safety required a holistic societal response that enabled the identification, mobilization, and coordination of a wide range of resources.’¹⁷⁴

¹⁷¹ Staff Reporter, "Comprehensive Strategy Needed To Tackle Cape Gang Violence, Says Parly," *Cape Argus* 3 October 2018.

¹⁷² the Constitution. See note 1, chapter 2.

¹⁷³ Justice Portfolio Committee, *Presentation On The National Crime Prevention Strategy*, 15 March 1999.

¹⁷⁴ Elrena van der Spuy and Clifford Shearing, "Curbing The Killing Fields: Making South Africa Safer," *The Annals of the American Academy of Political and Social Science* 652, no. 1 (2014).

Whereas the NCPS highlighted that crime prevention needs to be more than ‘mere policing’, POCA does not enable this. van der Spuy and Shearing argue that by the end of the shift in security policy, despite its initial outset, it had changed to a more combative discourse that propagated a ‘shoot to kill’ approach:

‘In March 2000, the National Crime Combating Strategy superseded this policy [the 1996 policy] and advocated a very different approach, focusing more on criminal justice resources. As a result, the police were inappropriately envisaged as an all-purpose agency, rather than a highly-specialised resource to be deployed strategically. This led to a police agency stretched beyond its capacity, with a mandate that is impossible to fulfil, and disenchanting police officers with fragile authority and legitimacy.’¹⁷⁵

President Ramaphosa and Minister of Police General Cele launched the new Anti-Gang Unit in November 2018 – an entity made up of members from specialised units aimed at dislodging and terminally weaken the capacity of the gangs where prevalent across the country.¹⁷⁶ Reporting on the Anti-Gang Unit (specialised law enforcement units with extended mandate to deal with gang related crime) on 25 March 2019, the programme ‘Carte Blanche’ notes that,

‘Many of these guns are believed to have ended up in the hands of gangs on the Cape Flats. In court papers lodged in 2016, Major General Jeremy Vearey said that 888 of the 2000 firearms stolen by Prinsloo had been forensically linked to 1066 murders in the Western Cape – including the murders of 89 children.’¹⁷⁷

¹⁷⁵ van der Spuy and Shearing. See note 174, p. 357.

¹⁷⁶ The Presidency, "President Ramaphosa To Formally Launch Anti-Gang Unit," news release, 1 November 2018, <http://www.thepresidency.gov.za/press-statements/president-ramaphosa-formally-launch-anti-gang-unit>.

¹⁷⁷ Rebecca Davis, "Murder Rates In 2019 Are Much Lower Than 1994, Even If It Doesn't Feel That Way," *Daily Maverick* 26 April 2019.

The previous Anti-Gang Unit, operational from 2009, was, for reasons unknown to the public, abolished in 2012.¹⁷⁸ While the literature has shown that policing efforts alone are not enough as they do not address systemic issues and root causes of violence, the missing trust and belief in police as neutral protector, equally engaging with all crimes, further complicates the picture.¹⁷⁹

While distrust in police as a repressive instrument is said to reflect the association with Apartheid policing, newer occurrences of brutal police conduct and ineffective policing should not be isolated from the expectation that police fulfil a form of conflict management at street level.¹⁸⁰ The new Anti-Gang Unit was launched just months after the so-called 'Operation Thunder' and deployed 296 police officers for three months,

'The operation came out of the concern for the communities in the Cape Flats and African Townships for the murders that are taking place, drugs, and gangsterism.'¹⁸¹

Nevertheless, temporary militarised efforts through police deployment are not new government responses and have been used before. In his dissertation, Kinnes states that the many police operations in recent years also prompt gang leaders and drug dealers to adapt to forced policing responses by upgrading residence and drug house security, allowing for escape routes and disposal of drugs.¹⁸²

¹⁷⁸ Johan Burger, "No-Man's-Land: The Uncertain Existence Of SAPS Specialised Investigative Units," (Institute for Security Studies, August 2015).

¹⁷⁹ Andrew Brown, *Street Blues: The Experiences Of A Reluctant Policeman* (Cape Town: Zebra Press, 2008).

¹⁸⁰ Jonny Steinberg, "Policing, State Power, And The Transition From Apartheid To Democracy: A New Perspective," *African Affairs* 113, no. 451 (2014).

¹⁸¹ Thembele Ntongana, "Area With Most Murders In The Country Will Wait Until 2023 For Another Police Station," *GroundUp* 16 May 2018.

¹⁸² Kinnes. See note 47, p. 159.

Another anti-gang strategy was based on the Cure Violence model and initiated by City of Cape Town. 'Operation Ceasefire' from 2011 operated with the aim to reduce the number of gang-related shootings and killings, raise awareness and promote public education as alternatives to violence. Implemented in partnership with Violence Prevention through Urban Upgrading (VPUU), it did, as other Cure Violence initiatives, significantly reduce violence between 2012 and 2016.¹⁸³ According to own reporting, murder and attempted murder rates was reduced in Hanover Park by more than 50% within the first year.¹⁸⁴ Despite promises over several years to prioritise and expand the project, it was withdrawn over 'political issues' in 2018. Chairperson Engel said, 'our people have the right to safety, and taking these recourses is a violation of that right.'¹⁸⁵

As van der Spuy states, the high rate of violent crime and the government's inability to address the gang issue has led to the re-militarisation of the police forces.¹⁸⁶ At the same time, police stations serving high crime areas have frequently been deemed understaffed and unable to cope with the violence rates in the area it is supposed to govern.¹⁸⁷

¹⁸³ Tanya Petersen, "Gang Violence Tears Up Cape Flats," *Weekend Argus* 19 March 2017.

¹⁸⁴ Tennyson. See note 95.

¹⁸⁵ Chevon Booysen, "Shock As City Drops Ceasefire Project To Reduce Gun Violence," *Cape Times* 9 May 2018.

¹⁸⁶ Elrena van der Spuy, "Chapter 3: Policing Insurgency: Remembering Apartheid," in *Policing Reform In Africa: Moving Towards A Rights-Based Approach In A Climate Of Terrorism, Insurgency And Serious Violent Crime* ed. Etannibi E.O. Alemika, et al. (Cape Town, South Africa: African Policing Civilian Oversight Forum (APCOF), April 2018), p. 45.

¹⁸⁷ Ntongana. See note 181, p. 264.

In a documentary film from 2014, a resident from Lavender Hill said:

‘The year before last was the only time when it was starting to become so bad then they sent out the army to patrol here. But that didn’t even do anything because they were only here for a short while and then everything was calm and then suddenly, when they left everything just changed rapidly and after that it just got worse. It really got worse. If you do call the police – they’re never here. They never come out. Very, very seldom that they will send a van out. But otherwise they don’t bother coming in here.’¹⁸⁸

¹⁸⁸ Michael Fischer, "Township Lessons From The Cape Of Good Hope - Gangs, Race And Poverty 20 years After Apartheid Documentary," (YouTube 26 August 2014)., 00:28:58-00:30:04.

4.2.2 GANGSTERISM, A YOUTH CRISIS IN THE WESTERN CAPE

‘At the individual level included dropping out of school, drug dependency, revenge, and identity formation during adolescence. At the relationship level, children viewed poor family environment such as domestic violence, drug use and having family members who are gangsters, as well as having peers who are gangsters, as factors that may contribute towards children getting involved in gangs. At community/societal level, children reported poverty, poor neighbourhood policing, high levels of drug activity in the community, high levels of violence in the community, a lack of alternative recreational activities and poor television role models.’¹⁸⁹

In NAGSWC, gangsterism is categorised as a ‘wicked problem’ and said to manifest in several key areas: policing and justice, peer groups, families, place making and community cohesion, health and youth well-being, education and safe spaces.¹⁹⁰ The spectrum which binds these societal spheres together is violence. NAGSWC thus purposely broadens the definition of a gang from the intersection of crime and violence to a spectrum, which allows for intervention areas to address gangsterism at different societal levels. By doing this, it is possible to utilise other bodies than law enforcement and military, namely ‘the public health and public safety fields as well as multi-disciplinary, multi-sector responses.’¹⁹¹ Although the report is still pending approved, NAGSWC was envisioned to replace the 2008 policy, ‘Social Transformation, Gang Prevention, and Intervention Strategic Framework’ (2008 policy).¹⁹²

Firstly, the 2008 policy also acknowledges the importance of an approach where government departments, communities and civil society actors work together,

¹⁸⁹ NAGSWC. See note 17, p. 5.

¹⁹⁰ *Ibid.*, pp. 10-14.

¹⁹¹ *Ibid.*, p. 12.

¹⁹² 2008 policy. See note 134.

‘to create one response to gangs and drugs [and] (...)the ability of gangsters to recruit more members, while dealing with the violence and other crimes that they commit.’¹⁹³

In NAGSWC, the chapters on place making and community cohesion and the appendices on drugs and on firearms and gun violence highlight in line with the literature how gangsterism is inherently linked to the issue of drugs as a form of organised crime.¹⁹⁴ In the same fashion, the 2008 policy¹⁹⁵ and NAGSWC both emphasis the disproportionate effect on youth and on communities, which can be interpreted as a further commitment to the preventative approach. The control of drugs paves the road to control as an illicit and profitable economy places and is viewed as a significant protective factor against offending among youth in the communities.¹⁹⁶

The NAGSWC goal to ‘develop plans for designing and adapting physical spaces that promote social cohesion and safety’¹⁹⁷ can be said to expand on the ideas of inclusions from the 2008 policy on ground level actors such as safe schools to provide safe and prosocial alternative for youth.¹⁹⁸ What is suggested in NAGSWC is that mid-level collective actors, neighbourhoods and communities as well as intentional spatial design together constitute a front against gangs by disempowering and preventing their ability to organise and engage youth.

The commitment to youth resilience is addressed throughout NAGSWC from the onset, with particular emphasis on young men and boys from disadvantaged communities:

¹⁹³ 2008 policy. See note 134, p. 3: Foreword.

¹⁹⁴ NAGSWC. See note 17, pp. 28-30 and 61-66.

¹⁹⁵ 2008 policy. See note 134, p. 18.

¹⁹⁶ NAGSWC. See note 17, p. 13.

¹⁹⁷ *Ibid.*, p. 28.

¹⁹⁸ 2008 policy. See note 134, pp. 23 and 31-35.

‘Resilience has been defined as ‘the process of, capacity for, or outcome of, successful adaptation, despite challenging or threatening circumstances. Resilience factors diminish the potential to engage in particular behaviours (..) and provides a buffer between the exposure of risk factors and the onset of delinquent and criminal involvement.’¹⁹⁹

When discussing youth, NAGSWC contends that one must understand the peer groups.²⁰⁰ As described when elaborating on the different type of gangs, youth involvement in low level crime is necessary to prevent so as disrupt the life course crime. This whole-of-society approach, rooted in preventing youth from joining gangs, is thus also about creating both to create safe places and spaces²⁰¹ for the family²⁰² and in the education system²⁰³ and to ensure general health and well-being.^{204,205}

In the conceptual framework of the 2008 policy, it is noted based on data from American gang studies that,

‘heavy handed suppression efforts can increase gang cohesion and police community tension, and they have a poor track record when it comes to reducing crime and violence’ and moreover, that acknowledges the effectiveness of the ‘promotion of jobs, education, and healthy communities, and lower barriers to the integration into society of former gang members.’²⁰⁶ Additionally, it states that hard policing interventions

¹⁹⁹ NAGSWC. See note 17, pp. 12-13.

²⁰⁰ Ibid., pp. 21-23.

²⁰¹ Ibid., pp. 40-42.

²⁰² Ibid., pp. 24-27.

²⁰³ Ibid., pp. 38-40

²⁰⁴ Ibid., pp. 32-36.

²⁰⁵ Notably, the different problem and solutions areas of gangsterism resemble that of other academic researchers, such as: Pinnock and Ward et. al. See notes 11 and 86.

²⁰⁶ 2008 policy. See note 134, p. 11.

may have the opposite effect than the desired action, as it prompts solidarity among gangs against a ‘common enemy.’²⁰⁷

This statement does not only go hand in hand with the South African literature but also appears to shine through in the assessment of the key act, POCA. Policing alone does not solve the problem – on this matter, the 2008 policy states that,

‘the Department [DoCS] failed to appoint sufficiently senior officials to manage the gang strategy. With time, the gang strategy fizzled out and was not sustained. This Framework is the third attempt.’²⁰⁸

In the ‘Integrated Violence Prevention Policy Framework’ from 2013 (2013 policy), the ‘intersectoral and whole-of-society approach to violence prevention’ resembles NAGSWC and the 2008 policy by identifying multiple risk factors for violence, including biological, behavioural, sociocultural and structural risk factors.²⁰⁹ In doing so, the 2013 policy applies a health and violence typology to describe the context. The justification is that it provides a helpful distinction between violent inflictions – thus separating violence into physical, sexual, psychological and deprivation spheres. Rather than targeting the key demographic of youth, the focus is on reducing the negative impact of gangsterism in society by addressing self-directed, interpersonal and collective violence.²¹⁰ The 2013 policy can thus be said to direct violence prevention strategies that include violence perpetrated by gangs in the Western Cape through existing government institutions, assets and people.²¹¹ In NAGSWC, the aspect of violence is elaborated upon in the introduction. Instead of using a violence and harm typology to describe gangsterism, NAGSWC argues that solutions:

²⁰⁷ 2008 policy. See note 134, p. 13.

²⁰⁸ *Ibid.*, p. 17.

²⁰⁹ 2013 policy. See note 135.

²¹⁰ *Ibid.*, p. 9.

²¹¹ *Ibid.*, p. 22.

‘require a multi-disciplinary, multi-stakeholder response and an effective framework for information gathering, planning and action as well as a reasonably complete, accurate, and useful description of both the problem and its solution. In public health terminology, it needs a systematic diagnosis, prevention and treatment.’²¹²

NAGSWC is thus anchored in the whole-of-society approach as both the 2008 and 2013 policies, but significantly uses the public health approach to violence to direct preventative and responsive interventions with focus on high-risk youth to address different aspects of gangsterism. This is visualised in Figure 4 ‘Drivers of social violence as defined by the World Health Organisation’.²¹³ The indicators are spread onto the four different spheres of society (individual, relationship, community, societal) and thus acknowledges that a top-down approach alone is not sufficient. To significantly reduce the impact of gangs, NAGSWC asserts that it is necessary to change group norms for which the public health approach has several policy implications with levels of interventions including the need to,

- Interrupt neighbourhood violence and criminality (primary prevention: reactive policing);
- Contain, prevent and reduce future spread (secondary prevention: pre-emptive containment);
- Create conditions that promote pro-social behaviour (societal deterrence);
- Alter community norms (the way people understand a situation) and in so doing alter community behaviour (tertiary prevention);
- Reduce inequality and associated poverty and increase community security (systemic change).²¹⁴

While NAGSWC utilises the preventative public health framework for intervention and multi-sector approach as its predecessors, it reads more like an action plan with evidence based suggestions. Rather than merely stating the scope of the mandate of different actors,

²¹² NAGSWC. See note 17, p. 6.

²¹³ *Ibid.*, p. 11.

²¹⁴ *Abt in Ibid.*, pp. 5-6.

NAGSWC also proposes step-by-step actions, including the allocation of both accountability and responsibility for each action.²¹⁵ To realise the objectives and adequately and effectively maintain them, the idea is to create a permanent Provincial Hub, tasked with administering the overall planning and implementation so that sustained efforts do not only fall within the Provincial Premier or the Provincial Joint Intelligence and Operational Structure (ProvJoints) - a body co-chaired by SAPS, SANDF, the State Security Agency and role-players within the criminal justice cluster. The two-tier Hub structure is progressively envisioned as purely evidence-based and accountable to decentralised coordination made up of multi-sector responsibility areas. Interventions are designed so that they can be scaled according to localised needs through Neighbourhood Safety Hubs to draw on local civil society actors and relevant government Departments, such as for example CPFs, schools and/ or Metro Police.²¹⁶ Though success does rely on allocated budgeting, the format could effectively begin in one area and scale its efforts over time to accommodate local differences. Taken together with the step-by-step suggestions on how to go about just that,²¹⁷ it seems that the only thing missing to operationalise the strategy is political will and availability of funds for at least one Neighbourhood Safety Hub.

²¹⁵ NAGSWC. See note 17, pp. 49-55.

²¹⁶ *Ibid.*, pp. 44-46.

²¹⁷ *Ibid.*, pp. 50-55.

4.2.3 NAGSWC: A COLLABORATIVE POLICY FORMULATION

NAGSWC is the final report to direct the provincial policy response to NAGS under the direction of DoCS. DoCS chose Pinnock to set up a Provincial Task Team that ‘over five workshops developed principles, plans, strategies and interventions to create a framework for policy and action to radically reduce the impact of gangs on communities’ with the following workshop agendas:

1. Establishment of definitions and areas of focus;
2. Creation of a youth development platform to develop plans to reduce the impact of gangs on communities;
3. Identification of game changers within each area of focus and development of approach principles;
4. Unpacking best practices and learnings of existing or past programmes. Putting together a draft action plan for the strategy;
5. Final drafting of a framework to reduce violence and the impact of gangs on communities.²¹⁸

The process brought together high-level inputs from government and civil society members – the task team specifically included experts from different government departments (from the Premier, the departments of Community Safety, Health, Education, and Social Development), SAPS officials, gang researchers, rehabilitation and reintegration organisation workers and other relevant ‘frontiers’ from for example local non-governmental organisations or civil society organisation.

Key discussions around transforming theory to on-the-ground action appeared to be the primary concern at first two workshops and debated the need to separate ‘the wicked problem of gangsterism’ into different areas – both to define and understand the different issues of gangsterism but more importantly to figure out how to impact and alter social, groups norms to reverse the normalisation of violent, aggressive and anti-social behaviour. Already at this stage, there was a majority consensus around the fact that the decentralisation of responsibility was needed, as gangsterism is a social phenomenon that

²¹⁸ NAGSWC. See note 17, p. 6.

emerge and develop on the ground. Even though the task team members first seemed to agree that all the intervention areas were equally important as not addressing one area would seriously compromise the effectiveness of NAGSWC at the same time, all individuals seemed to 'stick' to the idea that their area of the expertise area remained a bit more significant. However, in devising the framework for intervention with clear mandates and an inter-accountability structure at both provincial and neighbourhood level, NAGSWC overcome the possible complication of 'powerful' individuals dictating a certain agenda. The challenge was, then, that while gangsterism is easily dissected into different problem areas, the problem of gangs may be similar in and around Cape Town but is specific to each local area and consequently, interventions can not necessarily be replicated from one area of the Cape Flats to another and moreover, that effective scaling and adaption of interventions requires time – more than the mandate of a government term. So, without the political commitment to establishment of a Provincial Hub, NAGSWC will remain a reference document.

The commitment to evidence-based work in NAGSWC can, on the one hand, be said to mirror DoCS' desired methodology for monitoring and evaluation. On the other, it became apparent that the lack of evidence-based work became a form of a mantra throughout the formulation process in maintaining that NAGSWC, unlike its predecessors, would for example be agile enough in addressing changing condition or able to explain why this strategy would succeed where others had not. In some sense, evidence-based policy practice mantra could in that sense be used as a scapegoat for past pitfalls and an assertion for future success. While this might be correct, several task team members pointed to elephant in the room throughout the process – namely, what is going to happen once NAGSWC is drafted? Even though a core of perhaps 10-20 task team members did commit fully to the whole process and all the workshops, all of them were invited into policy formulation because of their current work. Work that, for the most part, had and is already working towards reducing the impact of gang violence on community. Unsurprisingly, successful high-level actors are unable to take up the responsibility of steering either a collective pressure on local and national government to go forward with report either due to lack of resources, time, capacity or mandate. So, while the idea of having a neutral coordinator to direct the suggested Provincial Hub and

its local Neighbourhood Security Hubs fluctuated back and forth throughout the five workshops, the following inaction with regards to utilising the report shows that this idea remains only as successful as its implementation – which again, depend on political will and governmental action and is beyond the mandate of the drafters. In response to the accusation of government to be sitting on its own report, DoCS MEC Albert Fritz ‘assured us’ in October 2019 that NAGS is pending approval at the ProvJoints and thereafter the Provincial Cabinet.²¹⁹ However, Fritz is also quoted saying that the final step in the consultation process, the presentation of NAGSWC, was concluded in 2019.²²⁰

Crime analysis is based on problem-oriented approach, that is, a focus on the public security problem at hand. As we have seen, in South Africa, this includes collaboration between law enforcement, such as SAPS and other organisations and local actors within preventative and repressive intervention framework. In effect, this means that local problems handled by the police ideally reflects regional and national outputs. But how does that happen, when the national framework (NAGS)²²¹ remain under wraps and the commitment to utilise the provincial framework (NAGSWC) seemed only to become present when the report was leaked? Notably, NAGSWC recognises that effective policing is more than crime control and at the same time, that there is a need to address community violence, thus asserting that policing of gangs should reach broader than it does at present.²²² This is somewhat reflected within a community’s perception of ‘good’ law enforcement; this safety, however, requires well trained officers, high standard of discipline, and proper management directed by good governance. While it is understandable that sensitive matters, i.e. intelligence, requires a level of secrecy, it questionable whether this is as progressively attained as the politicians contend it to be done when the intention to move forward with NAGSWC was only communicated after the report was leaked in Autumn 2019. It certainly is hard to believe that during the latest deployment of the military in the Western Cape, it was not possible to note that high-level

²¹⁹ SADPI. See note 24.

²²⁰ Ibid.

²²¹ Recall here that NAGS was adopted by Provincial Cabinet in 2017.

²²² NAGSWC. See note 17, pp. 17-19.

stakeholders had been working on furthering a new integrated approach to gangsterism. Whether lack political will, bureaucracy, inefficiency or all three, are to blame, it seems fair to assert that it has yet to be determined whether the use of resources and capacity to develop NAGSWC is been all for naught?

4.2.4 SUB-CONCLUSION

It has so far been identified that the dominant representation of the problem of gangsterism is youth at risk and that the main solution lies in building individual and collective resilience at community level by reducing neighbourhood violence. The central strategies to achieve this are understood to lie in the creation of both responsibility and accountability firstly managed by a Provincial Hub but decentralised into Neighbourhood Safety Hubs to secure localised responses (WPR question one). At present, however, it is apparent that the conceptual foundation for strategy has not managed to include proper channels for the commitment to coordinated violence prevention and social transformation, as envisioned in both the applicable law and the previous strategic framework (WRP question two). This is further rooted in the historical, social and cultural governance and policing context, which has maintained a militarised discourse, where political will and adequately, sustained efforts have not been present (WPR question three). The previous part has attempted to address what has been said, how, and why (WPR questions one to three). Now, the dissertation will turn its gaze to what has not been said (WPR question four) and what effects this might bring about (WPR question five), and how we might think about the problem differently and whether there are other apparent nuances or solutions to consider (WPR question six).

4.3 CRITIQUE OF THE PROBLEM OF GANGSTERISM IN NAGSWC

Although NAGSWC has afforded lots of attention to social violence and how to cope with the immense effects of gangsterism on communities and the disproportional impact on youth, there is less of an emphasis on how the different groups in the communities relate to one another and play into on the ground conflict and hostility.

‘For both police and communities in low-income, high-risk neighbourhoods, an ever-present issue is violence and it is central to any policy related to gangs.’²²³

This part of the analysis will therefore build on the previous by focusing on youth, resilience and violence reduction. As opposed to a thematic analysis of each identified problem theme, this part of the analysis draw on protracted social conflict theory (PSC) in addressing the last three WPR questions recalled below. PSC been defined as a tool to identify and understand different kinds of violence, visible and invisible, systematically or ad hoc and finally, to address the social identities and group complexities which gangsterism has been shown to be intractably contingent on.

- What is left unproblematic in this problem representation? Where are the silences? Can the ‘problem’ be thought about differently?
- What effects are produced by this representation of the ‘problem’?
- How/where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?

The representation of the problem is inscribed into a cultural and historical perspective when framed by the social constructivist perspective, as WPR bids, and so it is further needed to discuss the surrounding discourses. Besides addressing ‘what kind of society are we dealing with?’, ‘what decisions has been made and which are being made?’ and

²²³ NAGSWC. See note 17, p. 16.

‘what are the underlying opinions and ontological assumptions behind meaning-making?’ The focus is now on what is not said - the ‘silences’ and following, what could have been said.

‘A critique does not consist in saying that things aren’t good the way they are. It consists in seeing on what type of assumptions, or familiar notions, of established unexamined ways of thinking that accepted practices are based.’²²⁴

The representation does not only set the boundary for political thought in the given context but also affect the production of knowledge and thus shape discourse within society, included governance as captured in policy.²²⁵ Notably, the presumptions of the problem are rooted in the thought that current practices are dysfunctional or inadequate practice and at the same time, the vastness of issue of gangsterism is underscored by many problem feeders. Moreover, a dichotomy can be found in genealogical framing of the problem, namely the critique of the militarised discourse, as it is also a key part solving the multifaceted, ‘wicked problem’.

²²⁴ Bacchi. See note 30, p. 15.

²²⁵ Ibid., pp. 153-156.

4.3.1 SOCIAL VIOLENCE, IDENTITY, AND INTERGROUP DYNAMICS

Although South Africa can be positioned as a strong state with excellent legal provisions for democratic rights, including so-called positive rights that provide for human rights and basic needs as a primary device for governance, the high levels of inequality, poverty and unemployment render most underprivileged population groups, largely along apartheid era racial groups, in perilous conditions. The previous section also showed how NAGSWC echoes the work of other scholars when stating that POCA is not a helpful instrument in addressing gangsterism. As above analysis section uncovered, NAGSWC uses the concept of social violence to engage multifaceted solution to a so-called ‘wicked problem’, a problem with no definitive formulation.²²⁶

Here it may be beneficial to apply the concept ‘resource stress’, which is used to describe the emerging perceptions of resource access in society to be disproportionately reserved for certain population groups and is embedded within PSC.²²⁷ This type of stress has been theorised to amplify relative poverty, a condition that is already as prompting hostility to escalate into (violent) conflict to eliminate the competition. Moreover, the lack of inclusion into the formal economy coupled with both perceived and real hindrances to political representation and participation generate frustration and increase lack of trust in the government and its agencies and thereby, create a fluctuating upsurge in violence in communities with high levels of gang activity. Issues of poverty, inclusion and the right to self-determination propagate other issues such as for example ethnic, racial, interpersonal and gender-based violence and highlights the broader socioeconomic inequality in the Western Cape. The absence of consecutive and uninterrupted anti-gang initiatives indicates that there is a disconnect; either political will or capacity to commit to strategies long-term at local and provincial level.

²²⁶ NAGSWC. See note 17, pp. 8-10.

²²⁷ Esses et al. in Christian S. Crandall, Mark Schaller, and Thomas F. Pettigrew, *Social Psychology Of Prejudice: Historical And Contemporary Issues* (Lewinian Press, 2005).

Gang violence has involved immediate and almost uninterrupted suffering for non-gang population groups with the same immobilised socioeconomic status in the Western Cape on the Cape Flats. This result in violence, such as murder, violent attacks and deprivation due to inaccessibility to basic and human needs, although these rights that are enshrined in the Constitution. Additionally, parallel informal development includes both anti-social, deviant behaviour and informal economies that generate and perpetuate conditions prone to organised crime – significantly, the presence of alcohol and drugs dealing at high and low levels magnify inability to pursue life chances where gangs maintain control. As the South African literature on gangs also noted, it is no surprise that it is hitting hardest in the communities on the Cape Flats – that is, in communities that lack social cohesion devised by forced removal legislation during Apartheid. The fact that peoples’ needs cut across sectors and have been shown to extend over multiple years’ bid both urgent and long-term solutions, encompassing more than merely criminal justice agency involvement.

While the identity group (e.g. racial, religious, ethnic, cultural, or other) is important for understanding the level of intergroup conflict, Azar suggest that PSC will occur when communities are deprived of basic needs based on their communal identity. The theory presumes that if there are too many identity groups, it will be increasingly difficult for a state to satisfy everyone’s needs, which in turn will prompt both intergroup hostility and conflict and disbelief in a legitimate authority. In a such sense, the state becomes increasingly desensitised to the spectrum needs within a community, promulgating easily identifiable goals, such as basic needs. However, it should be remembered that basic needs satisfaction alone will not eliminate intergroup conflict – this requires security, political access, recognition and subsequent development.²²⁸

At the same time, secondary deviance²²⁹ may not only be attributed to spatial segregation but might also rise out of labelling that intensifies intergroup tensions. It is not unusual

²²⁸ Crandall et al. See note 227, pp. 100-102.

²²⁹ Howard S. Becker, *Outsiders: Studies In The Sociology Of Deviance* (New York: The Free Press, 1963)., pp. 217-18.

that Coloured South Africans are portrayed as the Cape Flats gangster. In South Africa, alcohol consumption and drug use are linked with issues such as domestic²³⁰ and interpersonal violence²³¹, foetal alcohol syndrome²³² as well as illegal abuse, use and sales.²³³ Drunk driving further lead to high levels of traffic accidents – especially around the festive season. In lieu of dangerously high alcohol consumption, the Western Cape Government (and ‘Safely Home’) released an anti-drunk driving campaign video with message ‘Everybody knows alcohol and roads don’t mix’ and the hashtag #BoozeFreeRoads, which feature residents from Hanover Park as gangsters drinking and playing dominoes.²³⁴ The Western Cape spokesperson for the Minister of Transport of Public Works first explained that the creative concept was based on the core target ‘coloured males aged 19-39’ and second, that the response to the campaign video had been ‘extremely positive’ among Handover Park residents before finally contending that the video counters the story of a gangster as someone with smart clothes and flashy cars:

‘to avoid the possibility of positive portrayals of gangsters by using actors or models, the cast was selected through street auditions. The dialogue in the ad is unscripted, and is thus 100% authentic – the cast were given free rein. As can be seen from actually watching the commercial, the gangsters are presented as completely unattractive, poorly dressed, wild-eyed, uncouth and driving an old, beat-up car.’²³⁵

²³⁰ Ward et al. See note 86. See also: R. Matzopoulos et al., "Issues in Public Health: Interpersonal Violence Prevention: Prioritising Interventions " *SAMJ: South African Medical Journal* 98, no. 9 (2008).

²³¹ Matzopoulos et al. See note 231.

²³² Pinnock. See note 11, pp. 64-71.

²³³ Yashar Taheri-Keramati, "Drugs, Police Inefficiencies And Gangsterism In Violently Impoverished Communities Like Overcome" (University of Cape Town, 2013).

²³⁴ Robin-Lee Francke, "Video: #BoozeFreeRoads 'Ad An Insult To Capetonians'," *Daily Voice* 12 May 2017.

²³⁵ Ibid.

While the intent of the commercial is commendable, the idea of the criminal, coloured, male gangster, who is too clever to drive drunk appear both demeaning and imprudent. Firstly, it perpetuates the idea that coloured people or people from the Flats are gangsters. Second, it portrays the same people as people who are inherently drunk gamblers, who are 'up to no good'. Third, it negates the stereotype of the coloured gangster not just as a dangerous, enemy of society but also gives the idea that drunk driving somehow is worse if it is a 'bad apple' driving. Finally, it contributes to primarily negative and one dimensional portrayals of the Cape Flats and its residents. Surely, an anti-drink-and-drive campaign could have catered for the target group without perpetuating racial, labelling stereotyping. Another campaign video portrays, black youth drinking at a township club turning into 'a drinking demon' who is killed on the road. It emphasis not merely alcohol as impacting self-control or judgement but that alcohol demonises youth, leading to a bloody traffic accident where the protagonist is killed.²³⁶ The video is uploaded under the title 'ubuthakathi' which means *sorcery*, where it is noted that the campaign does not just target Coloured youth but black and coloured males, aged 19-29. A third video shows a White and an Indian boy from primary school age through adolescence. The White individual is shown to slowly but surely, due to increasing alcohol and drug (mis-)use become violent, eventually stabbing another man. His Indian friend, shown as a prime student, is also arrested, but after a breathalyser test at a road block.²³⁷ Whereas the latter two campaign videos do show alcoholism in other contexts, the representation of people of colour is all over deeply stigmatising. The Indian as a prime student, the reckless Black youth, and the coloured gangsters stand in stark contrast to the single White individual, a victim of his circumstances and negative socialisation over time.

The appalling description of the 'the coloured, drunk gangsters' also diminishes the actual characteristics and scope of gangsterism in the Western Cape. For example, of the 30 top

²³⁶ Safely Home Western Cape Government, "Video: #Boozefreeroads: WCape's Shocking Holiday Ad. It Has Drinking Demons..." (Wheels24, 2 December 2016).

²³⁷ Safely Home Western Cape Government, "Video: #Boozefreeroads: Boys," (YouTube, 5 August 2017).

murder stations 10 are in Western Cape²³⁸ – and notably include Nyanga, Philippi East, Gugulethu, and Khayelitsha, former black townships that are all still mostly home to gangs that are not Coloured. In the 2008 policy, the following is acknowledged:

‘By labelling the behaviour of certain people gangsters, societies often make the mistake of pushing the child at risk further downstream into the hands of gang leaders. There are situations where force must be used to contain some of the more violent gangs across the Province, but these gangs are usually in the minority. Adopting strong anti-gang measures invariably drive the younger gang members into the hands of the hardened minority.’²³⁹

What is perhaps less explicit in NAGSWC is the fact that many young people in gangs are part of larger networks that resemble armed groups because they are engaged in crime and violence, operating outside of the law. What NAGSWC is suggesting, however, is to target the high-risk youth, disengaged but parallel to dealing with institutionalised, organised crime syndicate. This distinction is very definitive for the violence prevention framework that NAGSWC is proposing. What perhaps is the issue at hand is that such a response gives less of an immediate outcome, visible outcome for government in comparison to the deployment of the military, for example. The risk is that calls for ‘demilitarisation of anti-gang strategies’ and ‘regulation of drugs’ is more commonly perceived to mean ‘no military or law enforcement’ and ‘free drugs’. This harmful counter-narrative is increasingly provoked by the missing public commitment to NAGSWC by politicians and provincial government.

The academic literature on gangs in South Africa largely agree that gang formation is prevalent among young men because the gang can function as a surrogate family, space

²³⁸ Caryn Dolley, "Crime Stats: Western Cape Is The Murder Centre Of South Africa," *News24* 24 October 2017.

²³⁹ 2008 policy. See note 134, p. 19.

of belonging or place to find protection in the urban peripheries marked by social exclusion, poverty and violence.²⁴⁰ Additionally, 'the brotherhood or sisterhood' of gangs is not just 'the cool choice'²⁴¹ but also (perceived to be) *the only choice*²⁴² in areas where unemployment is high, schools are unsafe²⁴³ and/ or institutions are unable to motivate those who are not doing well. Simply put, boredom and view of a life without a proper future pulls children and youth 'to the street', a place where gang culture thrives and can provide what the system cannot.²⁴⁴

The empirical work, though conducted at different times and in different areas, established certain things about gangs in South Africa: first, while not necessarily particularly organised at street level, gangs are inherently affiliated with organised crime in the country and beyond the country's borders and is (highly) dependent on the illicit drug trade.²⁴⁵ Second, gangs in the Western Cape are largely structured around ethnic heritage due to the demographic segregation during Apartheid. This further render the Cape Flats areas prone to gangsterism as social disorganisation provides optimal conditions for informal or vigilante justice and service provision controlled by gangs because many lack basic needs.²⁴⁶ Third, gangs provide a form of security in certain areas, even though this security often relates to organised violence and insecurities for others.

²⁴⁰ Nadine F. Bowers Du Toit, "Gangsterism On The Cape Flats: A Challenge To 'Engage The Powers'," *HTS Teologiese Studies* 7, no. 3 (2014).

²⁴¹ Shannon Walsh and Claudia Mitchell, "'I'm Too Young To Die': HIV, Masculinity, Danger And Desire In Urban South Africa," *Gender & Development* 14, no. 1 (2006).

²⁴² Don Pinnock and Dudu Douglas-Hamilton, *Gangs, Rituals & Rites Of Passage* (African Sun Press with the Institute of Criminology, University of Cape Town Cape Town, 1997).

²⁴³ Nancy Shields, Kathy Nadasen, and Lois Pierce, "The Effects Of Community Violence On Children In Cape Town, South Africa," *Child Abuse & Neglect* 32, no. 5 (2008).

²⁴⁴ Theodore Petrus and Irvin Kinnes, "New Social Bandits? A Comparative Analysis Of Gangsterism In The Western And Eastern Cape Provinces Of South Africa," *Criminology & Criminal Justice* 19, no. 2 (2018).

²⁴⁵ Derica Lamprechts, "The Impact Of Organised Crime On State Social Control: Organised Criminal Groups And Local Governance On The Cape Flats," *Journal of Southern African Studies* 38, no. 4 (2012).

²⁴⁶ Bill Dixon, "Exclusive Societies: Towards A Critical Criminology Of Post-Apartheid South Africa," *Society in Transition* 32, no. 2 (2001).

And finally, gangs are a part of the communities – as children, as parents, as siblings, or friends and therefore, an intrinsic part of the social fabric of those communities, which disproportionately affect youth.

Gangsterism in the Western Cape is linked to organised national and transnational crime, making gangs increasingly able to maintain territorial and social control – especially considering inadequate criminal justice efforts and prevalent corruption and lack of social cohesion. To an extent, any reform government strategies may prove less effective than desired as the ‘breaking the ability of gang cooperation’ is key in disempowering gangs:

‘Even if the epidemics of gangs can be cured on the streets, it can still be transmitted from where it thrives – inside Pollsmoor Prison.’²⁴⁷

It is increasingly clear that it is difficult to separate between criminal use of violence and armed violence as part of an intergroup conflict with gang actors. These are issues linked to drugs and gang control as well as the socio-economic aspects and all amplify the hostility between gangs.²⁴⁸ Taken together with the transnational characteristics of organised crime in South Africa, it could be argued that threats to physical security and gang violence is both an expression of hypermasculine group culture, which condone or encourage violence as a legitimate or necessary custom to safeguard illicit or informal practices to sustain authority or monetary activities, as well as a tool to contest pushback from real or perceived threats, including government, other gangs and community actors. It should be noted, that high levels of corruption in society - present amongst elites as well as in informal settlements - are key in securing webs of safe passage for criminal and violence activities. Such cooperation also suggests shared interest and benefits for gangs as well as affiliated non-gang actors. While it is not necessarily possible to establish direct linkages from transnational crime to all gang violence in Western Cape, it certainly is

²⁴⁷ Kemp. See not 69, 00:39:18-00:39:31.

²⁴⁸ Caryn Dolley, *The Enforcers: Inside Cape Town's Deadly Nightclub Battles* (Jonathan Ball Publishers, 2019).

clear that hostile competition for control of the drug market would amplify violence between gangs. In the Western Cape, most gangs consist of male youth – and generally alongside Apartheid racial groupings due to its unique spatial configuration, shaped by the Apartheid era legislation. Stereotypes of ‘the gangster’ needs to change across government communications if a youth-at-risk centred approach is to include the communities. If communities and youth feel labelled as stereotypes, there is little chance that others can convince them that they are not. Especially, given the well-establish culture of hypermasculinity which promotes violence and serves as a pull-factor for gang membership. Moreover, given the structural inequality and relative poverty, the gang landscape has diversified since the transition to democracy in lieu of persistent high levels of violence crime and fragmented societies, where street gangs constantly are forced to secure their turf, even when the people are caught in the crossfire.

4.3.2 GANGSTERISM, WOMEN AND FEMALE YOUTH

So far, much attention has been afforded male youth as they are thought to be the key demography and target group. However, one could wonder why the effect on women is not elaborated upon more – especially, when the impact on youth and pervasiveness of violence in especially the Cape Flats communities has been well established in NAGSWC.

In a testimony from the Khayelitsha Commission report, the principal of Chris Hanani Senior Secondary School, a public school counting about 1 300 learners between grades 8 and 12, described how deeply entrenched gang violence is at the school, thus inflicting harm on girls too. He noted that learners are hiding dangerous weapons in their uniforms, some saying they do so ‘for self-protection.’²⁴⁹ Children in gang areas in the Western Cape are therefore not only at risk of being forced or drawn into gangsterism due to the severe lack of basic needs, such as food and shelter, their route to school²⁵⁰, their learning environment, too, is highly marked by gang violence.²⁵¹

In addition, South Africa has one of the highest rates of violence against women on the entire continent, a rate five times the global average and it is estimated that one in five women have been exposed to physical abuse.²⁵² While high levels of rape and sexual violence are by no means restricted to gangsterism it has many times over been documented to be embedded in gang culture.²⁵³ As with studies on gangs elsewhere and across studies on different types of gangs, it has been documented that hypermasculinised groups both celebrate and encourage physical and sexual violence as symbols of power.

²⁴⁹ The Khayelitsha Commission. See note 83, p. 116.

²⁵⁰ Jonathan Jansen, "The Big Read: The Kids Who Dodge Bullets," *TimesLive* 1 June 2017.

²⁵¹ The Khayelitsha Commission. See note 83, pp. 97-8.

²⁵² Candace Smith, "How Communities Are Addressing Violence Against Women In South Africa," *abcNEWS* 17 July 2019.

²⁵³ Lisa Wegner et al., "Meaning And Purpose In The Occupations Of Gang-Involved Young Men In Cape Town," *South African Journal of Occupational Therapy* 46, no. 1 (2016).

Informal areas, with low lighting in public space coupled with poor access to sanitation, further leaves the people, and especially women and children, at high risk of sexual violence and rape,

‘The intersection between lack of amenities and sexual violence is no more striking than in the story of a 19-year-old Khayelitsha girl, Sinxolo, who was raped and killed while relieving herself in a toilet on the outskirts of her township. The fact that she lived in a shack and had no access to proper sanitation made her extremely vulnerable to sexual predators.’²⁵⁴

Although men are understood and proved to commit more violence and are found more likely to engage in criminal behaviour due to the negative influence of deviant peers,²⁵⁵ the lack of addressing girls and women in NAGSWC is worth looking at. One study shows that the role of women and girls are increasingly entering the gang landscape - no mention is of this made in NAGSWC.²⁵⁶ The role of women and girls are noted as either victims of sexual²⁵⁷ or domestic violence,²⁵⁸ as disrespected family members²⁵⁹ or as mothers in need health care pre- or postnatally.²⁶⁰ The fact that women, young women, or girls are not explicitly envisioned a place or a space might prove problematic at ground level, especially if local offices – the so-called ‘Neighbourhood Hubs’ - are not equipped to deal with gender specific issues amidst the hypermasculinity with is intractably linked to gang culture. Given the acknowledgement of the immense impact of violence of women and girls, it could have been refreshing for NAGSWC to have incorporated a

²⁵⁴ Shantelle Weber and Nadine Bowers-DuToit, "Sexual Violence Against Children And Youth: Exploring The Role Of Congregations In Addressing The Protection Of Young Girls On The Cape Flats," *HTS Teologiese Studies* 74, no. 3 (2018).

²⁵⁵ NAGSWC. See note 17, p. 11.

²⁵⁶ Mark Shaw and Luke Lee Skywalker, "Policy Note: Gangs, Violence And The Role Of Women And Girls: Emerging Themes And Policy And Programme Options Drawn From Interviews With Female Gang Members In Cape Town," (The Global Initiative Against Transnational Organised Crime, March 2017).

²⁵⁷ NAGSWC. See note 17, p. 25.

²⁵⁸ *Ibid.*, pp. 5 and 11.

²⁵⁹ *Ibid.*, p. 25.

²⁶⁰ *Ibid.*, pp. 32-33.

section on the role of gender when addressing the need for resilience building among youth²⁶¹ – especially given the emphasis of the importance of the development of agency and empowerment towards establishing resilience among youth.

²⁶¹ Ibid., pp. 13, 22-24, 32, 38, 40.

4.3.3 YOUTH AND SOCIAL INCLUSION

Through the lens of PSC (WPR question six), it became clear those who are most disadvantaged are those most at highest risk of being affected or affiliated with gang crime and violence. Notably, this was noted in relation to youth. Moreover, it became apparent that a negative labelling discourse perpetuating the coverage of gangsterism as an unintended effect, which further result in the legitimisation of hard solutions (WPR question 5). A silence in the report occurred in the absence of a representation of solutions for women and girls as separate from men in NAGSWC could result in gender insensitivity during implementation stages, if the report reaches this far (WPR question four).

Specifically, the presence of gang violence and the fear and risk of gang violence can be said to fuel and be fuelled by intergroup conflict. In this sense, gangs can be viewed as groups of (young) people with the same socioeconomic status who live in the same neighbouring areas but are experiencing similar differential opportunity to attain safety and security and livelihood needs. In addition, structural violence in the form of unequal access to basic needs further widens the gap between people of different socioeconomic status and further, fuels intergroup conflict and violence, especially in former township areas between other groups than gangs as well.²⁶² As have been mentioned several times, gangsterism in the Western Cape is usually associated with the Cape Flats coloured South Africans - groups and communities in areas with primarily Black and Coloured residents, who often which lead lives under severe strain.

Second, the lack of basic needs is reflected in the cumulative impact of basic needs access and insecure livelihood, hitting hardest among the urban periphery, notably marginalised

²⁶² Muzukhona Buthelezi and Jacob Mofokeng, "Crime Prevention At Local Level In South Africa: Challenges Regarding The Implementation Of Community Safety Forums," *Acta Criminologica: Southern African Journal of Criminology* 28, no. 3 (2015); Jean Pierre Misago, "Disorder In A Changing Society: Authority And The Micro-Politics Of Violence," in *Exorcising The Demons Within: Xenophobia, Violence, and Statecraft in Contemporary South Africa*, ed. Loren B. Landau (2011).

and underprivileged population groups on the Cape Flats. These groups were shown to be trapped in an intergenerational poverty cycle, which severely harms the resilience of individuals and communities, born out of Apartheid's discriminatory policy and protracted by capacity challenges, politicised and scattered anti-gang strategies.

Moreover, the lack of (human) needs provision can amplify hostile and violent behaviour among young people in communal groups and in gangs that compete for the same real or perceived means. The literature on gangs in South Africa showed that a key factor for gangs to maintain territorial control is that they can provide access to basic needs, for example as modes of income generation or in the form of protection from violence perpetrated by other gangs.²⁶³ Azar's PSC theory highlighted that basic needs do not merely encompass food and water, clothing and shelter but also security, fair access to political institutions and economic participation.²⁶⁴

Protracted gang violence has involved immediate and almost uninterrupted suffering for non-gang population groups. Often people with the same socioeconomic status in the Western Cape on the Flats experience murder, violent attacks and deprivation due to inaccessibility to basic and human needs are all rights that are enshrined in the Constitution. Additionally, a threat to solving gangsterism is parallel society development including layers of both anti-social and deviant behaviour and informal economies generating and perpetuating conditions prone to organised crime – i.e. the presence of alcohol and drugs dealing at high and low levels magnify inability to pursue life chances. As the fact that young people's needs cut across sectors and have been shown to extend over multiple years' bids both urgent and long-term solutions, encompassing more than merely criminal justice agency involvement and must therefore include resilience building among individuals, especially youth, and at community level in general.

²⁶³ Adhikari. See note 44, and Theodore Petrus, "Policing South Africa's Ganglands: A Critique Of A Paramilitary Approach," *Acta Criminologica: Southern African Journal of Criminology* 27, no. 2 (2014).

²⁶⁴ Ronald J. Fisher, "Cyprus: The Failure Of Mediation And The Escalation Of An Identity-Based Conflict To An Adversarial Impasse," *Journal of Peace Research* 38, no. 3 (2001).

NAGSWC emphasis the power of building youth and community resilience.²⁶⁵ Yet, it afforded less attention to the gendered aspect of agency and empowerment, even though local conflict and gang violence does not only severely impact male youth in disadvantaged areas but has devastating consequences for women and girls as well. Particularly so, as the toxic hypermasculinity has been deemed intractable from gang culture and violence translate into high levels of sexual and interpersonal violence. This finally brings about a more general question, what role of youth is when working towards reduction and eradication of gang violence in the Western Cape? When wishing to establish Neighbourhood Hubs to address local issues. If the youth is at the centre of the issue of gangsterism, surely, they should be engaged more explicitly than they are now; agency and capacity building mechanisms – which NAGSWC also acknowledges as key – towards empowerment and influence as an aspect of community engagement and local knowledge is therefore a foundational principle in the Western Cape policy.

²⁶⁵ NAGSWC. See note 17, pp. 21-23.

CHAPTER FIVE: CONCLUSION

5.1 DECONSTRUCTING GANGSTERISM IN NAGSWC

Gangs and gang violence have been a persistent feature of contemporary South Africa. Perhaps no city has been affected more by gangs than Western Cape and Cape Town. Despite a legal framework promoting human rights and multiple on-going interventions by law enforcement, gangs and gangsterism have generated and continue to generate crime and localised conflicts that disproportionately affect many of the region's residents, especially those in high unemployment and low income areas, such as the Cape Flats.

The National Anti-Gangsterism Strategy requires provincial implementation and in 2018, the Western Cape Government developed their response under the direction of Department of Community Safety through a collaborative policy formulation process and developed the Western Cape Policy response, referred to as NAGSWC throughout this dissertation. This strategy is aimed at to reducing gang violence and preventing youth from joining criminal gangs.

This dissertation has sought to understand how gangsterism have been problematised and represented in the development of the NAGSWC through utilising Carol Bacchi's 'What's the Problem Represented to Be' approach to policy analysis to discover how the problem is understood and represented and thus, analyse which discourses and material responses are generated and which are not.

When applied to NAGSWC, the six interrelated WPR questions brought about the following findings. Firstly, gangsterism was represented as a 'wicked' problem with many problem feeders, rendering disadvantaged youth most vulnerable to join gangs or at risk of gang activity or violence. Significantly, the presumptions policy makers have made about the problem of gangsterism and interventions to curb gang violence and youth joining gangs. Secondly, the ambitious goals within NAGSWC might not be new or impossible to implement but they do require long-term commitment and political will to be allocated needed resources and capacity. Thirdly, the gap between creating an action plan and implementing it posed significant challenges, as those involved in the

collaborative formulation process had no possibility to control over the adoption or implementation, once the process was finished. Fourth, it is not possible to say for certain why NAGSWC has not been utilised yet. The fact that DoCS and the Western Cape Government have not begun adoption and implementation suggest that the problem of gangsterism produces a political pressure to ‘show action’ – hence the lack of public engagement regarding NAGSWC stands in stark contrast to recent (and not new) deployment of military into gang-ridden areas alongside the re-launch of Anti-Gang Unit, which represent the militarised, ‘tough-on-crime’ approach to gangsterism. This should be questioned in lieu the evidence from the empirical research on gangs in South Africa and the applicable law and policy, notably NAGS, that requires ‘a holistic approach, which includes diverse issues rooted in communities which feed the gang problem’²⁶⁶ and ‘national interdepartmental anti-gang strategy requires not only the phenomenon and impact of gangsterism to be addressed, but also prevention of gangsterism.’²⁶⁷ Fifth, although NAGSWC does mention the high impact of violence and the vulnerability of women and girls, it is surprising that the progressive report does not only employ more gender sensitivity in lieu of gender inequality and extreme rates of sexual abuse. Moreover, although the guiding principles for the section ‘peer groups’ does outline principles for working effectively with youth, NAGSWC has not explicitly created a forum for youth engagement and inclusion in the development of the anti-gang interventions, for example in the suggested Neighbourhood Hub. Sixth, even though the action steps are carefully thought out and most likely would create meaningful results, the evidence-based model did arguably prompt the idea that this strategy would (or will) succeed where previous policies have not – despite the acknowledgement of the impact of (transnational) organised crime on gangs and subsequently, illicit drugs. Issues that require solutions beyond both provincial and national levels. Additionally, the protracted social conflict lens as well as the previous research on gangsterism highlighted that the socioeconomic inequality, shaped by Apartheid legislation, still poses one of the greatest challenges with regards to youth at risk of joining gangs.

²⁶⁶ NAGSWC. See note 17, p. 7.

²⁶⁷ Ibid. p. 8.

The dissertation has argued that there is a discrepancy between what is articulated in policy and what is carried out in practice. It has been suggested that lack of public engagement with NAGS and a lack of political commitment to utilising the report aids the discourse and practice of militarised, short-term responses as adequate solutions despite research and evidence suggesting otherwise. Namely, that to effectively address the conditions that foster gangsterism, more attention should be given to structural conditions, especially inequality, to effect transformation through sustained anti-gang interventions. Considering these findings, the dissertation concludes that more attention should be given to transforming conflict conditions in areas with high levels of gang violence as opposed to focusing on how these areas can adapt to society, just as NAGSWC proposes in devising a two-tiered model with neighbourhood level intervention. Such an approach would allow room for both groups and individuals, affording attention to youth, to gain or maintain agency and realise more active and participatory forms of citizenship through building resilience.

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