

Michael McLaggan

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### **CRIMINAL GOVERNANCE IN CITIES DURING COVID-19**

This case study is part of a research project conducted by the Global Initiative Against Transnational Organized Crime (GI-TOC), with support of Germany's GIZ, that examines the impact of the COVID-19 pandemic and the economic challenges accompanying it on criminal governance in cities. The project aims to study how gangs and other non-state armed groups operating in illicit economies have altered their activities in light of the new circumstances in areas of criminal governance, and how governments and civil society have responded.

We define criminal governance as instances in which armed criminal groups set and enforce rules, provide security and other basic services – such as water, electricity or internet access – in an urban area, which may be a part or the whole of an informal settlement or a neighbourhood.

The project uses a comparative methodology, drawing from semi-structured interviews feeding into five separate case studies. The data is then synthesized in a final report that analyzes and summarizes the main trends. A fuller description of the methodology can be found in the final report.

The other case studies in this project are Tumaco (Colombia), Rio de Janeiro (Brazil), San Salvador (El Salvador) and Nairobi (Kenya). You can access the five case studies and the final summary report at criminalgovernance.globalinitiative.net.

#### **SUMMARY**

Criminal groups continued to operate largely unimpeded during South Africa's coronavirus lockdowns and were highly adaptable when faced with obstacles to their enterprises during this period. As the situation in low and low-to-middle income areas in Cape Town worsened during South Africa's first lockdown (which began on 27 March 2020), armed groups took advantage by tightening their grip on these areas by increasing provision of services (and sometimes preventing outside service from entering) and/or increasing violence and intimidation.

Patterns of gang behaviour continued as they had before the pandemic but replicated themselves in more pronounced ways as the economic downturn presented greater scope for influence in the parts of the city where gangs operate. This influence primarily took the form of the provision of conditional aid to adversely affected communities, increased recruitment among youths in these communities and the extension of extortion practices both to different consumer markets and different parts of the city.

During the pandemic, people in the Cape Flats frequently turned to gangs for financial support<sup>1</sup> as economic fortunes in low and low-middle income areas in the city markedly deteriorated during the lockdown, with many people in these areas informally employed or employed in manual labour or sectors that require face-to-face activity. Although unemployment grant payments were offered by the government, the slowness in disbursing the small amounts contributed to the general sense of mounting despair.<sup>2</sup> Lack



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of economic opportunity and purpose was also behind the drive in the recruitment by the gangs during the pandemic, with criminals exploiting the fact that schools were closed and extramural activities shut down or restricted.3 For young people, joining gangs offered the prospect for income and a reprieve from the idleness of life under lockdown. In terms of illicit economics, in the main, traditional gang revenue streams remained robust, in some instances declining during the first lockdown only to later rebound. Nevertheless, gangs adapted their modus operandi to offset the (as it turned out temporary) reduction of traditional sources of income, including extorting businesses that had not been the targets of gangs before the pandemic. Some formerly minor revenue streams also increased as gangs took advantage of opportunities created by the state's response to COVID-19, such as the government ban on cigarettes and alcohol. The broadened scope for illicit markets also provided new ground for conflict, or 'turf wars' for control of these markets, despite reports of a gang truce. 4 This truce, superficially an altruistic gesture designed to benefit the communities, in practice did not have any impact on violence levels. Similarly, the distribution of food by the gangs was in some cases merely a cover for moving drugs and guns.

Perceptions of gangs differed slightly, but most agreed that these armed groups were ingrained in the communities in which they operate and that a dependence on them was well developed. This was the case before the pandemic, but one that became more prominent as 2020 unfolded. Perceptions of law enforcement and government responses were overwhelmingly negative and critical.

Overall, the pandemic allowed armed groups to make further inroads into the communities where they are based through strategies designed to secure their authority, bolster their revenue and entrench their legitimacy.



Communities on the Cape Flats were subjected to tightened criminal governance by gangs during the pandemic.

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## **BACKGROUND**

riminal governance is most prevalent in the urban peripheries of Cape Town, especially in the large urban area known as the Cape Flats (a conglomerate of low-to-middle-income suburbs and sprawling townships and informal settlements south-east of Cape Town formed following the Group Areas Act, which assigned racial groups to demarcated residential parts of the city during apartheid).<sup>5</sup> Areas other than the Cape Flats are also affected, however, including pockets of the city's West Coast area, such as Mamre and Atlantis, and peri-urban areas adjacent to the city centre, such as Salt River and Woodstock. Certain peripheral areas around wealthy settlements, such as the townships of Ocean View and Masiphumelele, are also affected by criminal governance.

Historically, gangs have engaged in a range of criminal economies in these areas, primarily abalone trafficking, drug trading and extortion. The abalone and drug trades in the city are historically linked, with a barter economy present since around the late 90s and early 2000s whereby gangs trade abalone with foreign (mainly Chinese) organized crime groups in exchange for precursor chemicals for the manufacture of drugs, including Mandrax and methamphetamines. Both continue to be prolific in Cape Town alongside others, like heroin, which became more prominent in the 2010s. Drug markets were well established prior to COVID-19 and demand for drugs experienced an increase following the economic fallout prompted by the pandemic.

The market for extortion is prolific, and was present before the pandemic, especially in the nightlife economy and occasionally the real estate sector. Violence in the urban area has been commonplace for decades, notably spiking in 2011 with an influx of firearms and heroin.<sup>8</sup> The levels of violence have prompted military intervention in the past, drawing mixed responses.<sup>9</sup> The law enforcement response during COVID-19 did not drastically differ from ordinary times, but the expanded powers afforded law



 $\textbf{FIGURE 1} \ \ \textbf{Cape Town metropolitan area, showing parts of the city with a gang presence.}$ 

enforcement agencies under the government's lockdown regulations lent themselves to abuse and resulted in more adverse consequences for civilians without having any systemic long-term mitigating effect on organized crime and gang activity.



Reportedly, food packages were distributed by gangs to some Cape Town communities during the lockdown. © AP Photo/
Nardus Engelbrecht

# CRIMINAL GOVERNANCE DURING COVID-19

# The so-called gang 'truce'

t the start of the first lockdown there was news of a 'truce' in Cape Town between rival gangs – allegedly a gesture of goodwill by gangs as they sought to provide assistance to community members. The information that gangs had agreed to a truce came primarily from self-styled 'gang mediators'. The story, alongside the distribution of food packages by some gangs, received much media coverage, notably from the BBC.<sup>10</sup> It was unclear, however, which gangs were involved in the truce.

Police authorities, furthermore, were sceptical about the measure's impact on violence reduction, <sup>11</sup> and indeed it seemed that the alleged 'truce' did not actually have any material effect on criminal dynamics, with community members indicating that it was 'business as usual' and that inter-gang conflict never ceased. <sup>12</sup> It subsequently also emerged that the aid packages were not handed out indiscriminately, but were being used as a means to move guns and drugs, as well as ensure continued loyalty among the populace in areas controlled by gangs. <sup>13</sup> The packages were arguably pawns in a larger criminal endgame.

Even gangsters perceived the truce as a charade. As one former 27s gang member said, 'This truce should be disregarded, as this type of media is dangerous ... it misinforms the masses and that is exactly what the gang bosses want, as they then

have the upper hand and they can pursue their illegal activities at full bore.'<sup>14</sup> Another gangster was even more cynical about the integrity of the truce: 'These gangsters, they don't care – they will shoot anyone. When you say a truce, what do you mean? ... There's no such thing. Where the fuck will you get these gangsters making a truce for the government?'<sup>15</sup>

The tactic of gangs announcing truces has often been observed in Cape Town in the past, 16 but has been more akin to a public relations exercise or fabricated as a guise for ulterior purposes, as opposed to stemming from a genuine concern for the safety of ordinary people. For these gangs, the 2020 truce garnered them some favourable publicity<sup>17</sup> and may have served to help strengthen their legitimacy among communities - especially in the context of limited, or absent, government assistance as far as social welfare is concerned. As it turned out, inter-gang violence continued unchecked throughout the lockdown. On just the second day of the lockdown, skirmishes broke out in Heideveld between the Americans and Junior Mafias, which continued for the next two weeks. 18 During this time, law enforcement agents seemed less concerned with policing gangs than with policing ordinary civilians, and enforcing restrictions on liquor and cigarettes.<sup>19</sup> More fighting broke out after the first two weeks between various gangs. The main belligerents in the first month of lockdown appeared to be the Americans, who engaged in conflicts with the 28s, Mongrels and Ghettos. The JFKs were also involved in conflicts, engaging in turf battles and scuffles with the Nice Time Kids, Hard Livings and the Sexy Boys. Affected areas mostly included Belhar, Mitchell's Plain, Hanover Park, Elsies River and Heideveld, although areas outside of the Cape Flats, particularly Atlantis and Ocean View, also experience high levels of gang-related violence.<sup>20</sup> Violence in these areas continued after the first month and persisted throughout the hard lockdown period, and into 2021.21

## Money lending and exploitation

Although money lending by gangs was a phenomenon before the pandemic, it had a heightened impact on vulnerable communities during the lockdown.<sup>22</sup> Some 2.2 million jobs were lost in South Africa in the second quarter of 2020,<sup>23</sup> and the lockdowns saw the temporary closure of countless numbers of businesses.<sup>24</sup> The number of employed people in the City of Cape Town metropolitan area dropped by 174 000 between the first and second quarters of 2020.<sup>25</sup> This situation affected not only household income, but also access to credit-providing services and goodsfor-cash transactions.<sup>26</sup> Families who had lost income looked to selling or pawning off belongings to bring in money. However, due to the closure of many pawnbrokers and other such businesses during lockdown, the gap was allegedly filled by gang members, who essentially became the new pawnbrokers.<sup>27</sup>

Answering this need, gangs offered loans, usually at high interest rates and with harsh penalties for those who failed to make their repayments.<sup>28</sup> In interviews, gang members confirmed that they offered loans to be paid back either with interest or 'favours'.<sup>29</sup> These favours included stashing firearms or drugs in their homes to

conceal them from the authorities, or acting as look-outs when the police were around.<sup>30</sup> Violence was often used against families of beneficiaries who could not repay the loans. A similar situation applied in cases where people lived in rented houses owned by gangsters.<sup>31</sup> With declining economic opportunities during lockdown, paying rent became a challenge, which prompted threats of violence by landlords as well as demands for the kinds of favours from tenants described above.<sup>32</sup>

## Service denial and increased gang control

Services meant for the community were disrupted in various ways during the pandemic. Emergency services and aid providers were deterred from entering communities by shootings, while shootings also prevented people from going to clinics. This form of violence appeared both a case of opportunistic robbery and a conscious tactic of community control on the part of the gangs. As a community leader in Tafelsig said:

If they don't want you or your family to go to the clinic, then they will block you off from going to the clinic ... Many times there have been shootouts at the clinics that stopped people from getting medical attention. When the army came in here with the police, then the gangs would start shooting at ambulances and rob the ambulance staff of their cell phones and equipment. So, many ambulances don't come into this area anymore and this happened during lockdown.<sup>33</sup>

Between January and August 2020, 44 attacks on paramedics had been registered in the Cape Flats.<sup>34</sup> Although this phenomenon is not new, the number of attacks on emergency medical staff reached 78 between March 2020 and March 2021 – the highest number in five years.<sup>35</sup>

These attacks on emergency services appeared to part of a broader trend by which gangs combined the strictures of lockdown with service denial to isolate and punish those who did not follow their rules. According to one gang member in Mitchell's Plain:

If the [community] doesn't do what the gang boss says, then he can make their life difficult for them, especially in lockdown, like he can put you in a lockdown inside lockdown, meaning you don't get food, water or electricity, or the right to go to hospital or the clinic.<sup>36</sup>

Coercive measures were also utilized by gangs to prompt community resistance against law enforcement. As one gang member put it: 'The gang can tell the people to throw stones at the army or at the police, because the gangs rule here and so if that's what we want them to do then that's what they will do ... if they don't do it, then we shoot them.<sup>37</sup>

Citizens in low-income areas in Cape Town are often deterred from reporting crime because do not feel safe – a situation that continued during the COVID-19 period. A former gangster said that citizens in these areas were barred from talking to the



police,<sup>38</sup> while a civil society member explained that talking to the police was allowed, so long as no gang member in control of the area in question was named.<sup>39</sup>

In some places gangs engage with the community over aspects of criminal governance. In the Manenberg township, for example, a business owner reported that a gang had set up a 'complaints department' for community members to lodge complaints if a gang member had been causing problems in the community, and the gang member in question would then be 'disciplined'.<sup>40</sup> However, the example of Manenberg arguably poses a more disconcerting prospect in terms of gang governance, with the gang's veneer of even-handedness potentially eroding the state's role as the arbiter of justice.

People flee from a police vehicle in Mitchell's Plain, Cape Town, April 2020. During the pandemic, there were claims of heavy-handed interventions as the police enforced the lockdown. © Rodger Bosch/ AFP via Getty Images

## Youth recruitment into gangs

One of the most marked changes identified by respondents in terms of criminal behaviour during the pandemic was an increased incidence of youths becoming involved in gangs. With schools closed and extramural activities limited or cancelled, young people were left idle for much of lockdown. One respondent explained that youths in households in the Cape Flats struggle to keep themselves occupied when

kept indoors for extended periods.<sup>41</sup> Youths in poorer areas generally do not benefit from the kinds of resources or distractions available to their counterparts in wealthier areas, meaning that 'youthful energy is spent elsewhere,' according to the same respondent.<sup>42</sup> Gangs saw this as an opportunity for recruitment.<sup>43</sup> One community leader in Mitchell's Plain said:

Because of the high level of unemployment, many of the youth here find it better to join [a] gang than to go out looking for a job. They look at the gangsters wearing gold chains and new Nikes and driving BMWs, and that's what the kids want ... they don't want to have a difficult life like their parents and work an honest day's work to earn money legally ... no, they want it quick and the gang life brings it quicker.<sup>44</sup>

This allure of the gang lifestyle, and recruitment of youths into gangs, is a long-standing phenomenon in the Cape Flats. However, interviewees in several low-income areas said that they perceived an increase in youth recruitment during the pandemic given the heightened imperative of the incentives – not only money, but also a sense of belonging – amid the socio-economic devastation. Sports clubs were identified by participants as prominent recruitment grounds, as these are spaces where interaction between gangsters and prospective youth recruits often occurs. Youngsters are sometimes deployed as drug and gun runners for gangs, and sometimes recruited into the ranks as fighters. The number of stone-throwing incidents and gang fights reportedly increased during the lockdown period.

By bolstering their ranks during the pandemic, gangs were able to extend their reach into the local communities and bring more of the local populations under their control.

## **Gang adaptability**

Overall, gangs demonstrated high levels of adaptability to the disruptions brought about by the pandemic. The first lockdown did impact some illicit revenue streams, but for the most part this was short-lived: after the partial lifting of the lockdown, there was a resurgence in gangs' traditional markets, such as the abalone and drugs trade. In addition, the constraints imposed by the lockdown measures on their regular income streams drove gangs to improvise, expand and diversify their illicit operations, driving shifts that are likely to persist in the post-COVID landscape.

#### **New targets for extortion**

In light of diminishing returns in some traditional areas of income-generation, gangs in Cape Town expanded their illicit practices to harness previously untapped sources of revenue. One such activity was extortion, which was carried out in certain services and product sectors. <sup>48</sup> Following the decline of the nightclub industry, which was shut down as a result of regulations imposed to curb the spread of the COVID-19 virus, groups began extorting other kinds of businesses that had not



been normally targeted hitherto. These included, reportedly, numerous coffee shops and restaurants in Cape Town's city centre.<sup>49</sup> Similarly, the operations of extortion networks against foreign-owned store owners in the Cape Flats were disrupted during the first lockdown, but made a resurgence thereafter, with gangs also targeting South African-owned businesses operating in the same areas.<sup>50</sup>

During South Africa's lockdown, some drug sales continued, but with some restricted supply of precursors. © Gallo Images/Sunday Times/Esa Alexander

#### Drugs, cigarettes and alcohol

Drug sales continued primarily in the urban peripheral zones, notably the Cape Flats, but, according to one respondent, lack of availability of ephedrine resulting from lockdowns meant that methamphetamine production was diminished,<sup>51</sup> at least during the initial few weeks of lockdown.

However, as with extortion rackets, other markets opened. Two of these were black markets for alcohol and cigarettes during the bans on these products, which were in place between late March and mid-August 2020, which formed part of South Africa's COVID-19 response drive.<sup>52</sup> The prohibition of these goods stifled the licit industry and left the market vulnerable to exploitation by criminal groups.<sup>53</sup> The looting of liquor stores in the Western Cape became commonplace during the first ban on alcohol and cigarettes during the initial lockdown.<sup>54</sup> At least part of this



A closed alcohol store in Cape Town, July 2020.
Gangs sought to exploit the black market for alcohol during the ban imposed by government. © Dwayne Senior/Bloomberg via Getty Images

was the result of encouragement from gangs,<sup>55</sup> who would also acquire portions of the stolen alcohol and cigarettes, which they then sold at heavily inflated prices.<sup>56</sup> Liquor bans were sporadically reinstituted correlative to daily COVID-19 infection numbers, and isolated incidents of looting were observed during these periods.<sup>57</sup> The cigarette trade proved to be a significant income generator, with millions of rands reportedly made by various gangs during the four-and-a-half month prohibition on tobacco.<sup>58</sup> Evidence from interviews since the end of the ban suggests that these groups continue to be involved in the tobacco trade post-prohibition,<sup>59</sup> indicating that the ban made a lasting impact on the industry. One way in which this reportedly continues is through the extortion of store owners and informal vendors, who are forced to sell cheap cigarettes supplied by gangsters.<sup>60</sup>



# PERCEPTIONS OF GANGS AND LAW ENFORCEMENT

The South African military were deployed to enforce lockdown measures in some gang-affected urban areas.

esidents in areas with a marked gang presence expressed mixed views of gangs, reflecting the seemingly contrasting roles these groups have in both armed violence and occasional provision of community aid. Most suggested that gangsters were generally regarded with disdain by the general community, although one reported that some people perceive them as 'saviours'. The latter is perhaps explained by the fact that gangs make a conscious effort to portray themselves as servants to the communities, buying provisions for needy families, and handing out money and food parcels to people on the streets. Each

The relationship between gangsters and communities where there is a gang presence can also be complicated by the fact that gangsters are not outsiders. They are usually well-known figures in the communities in which they operate, often having grown up there as children. As one respondent put it, 'they are part of us'. <sup>63</sup> Gangsters also take advantage of the fact that in some of these urban areas the state often has little legitimacy in the public consciousness. Some people are subjected to violence from gangs *and* the state, so they do not perceive one as any more desirable than the other. <sup>64</sup> What is commonly agreed upon, though, is that in the face of lack of income and very limited state assistance in the form of a R350 (US\$24) monthly social welfare grant, many have little alternative but to accept assistance from gangsters. <sup>65</sup>

A common theme communicated in almost all interviews undertaken for this study was a sense of disdain for state actors, including government itself and its law enforcement entities, as well as scepticism towards the government's strict approach

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to mitigating the effects of the pandemic. Poorer areas of Cape Town were worse affected in terms of the economic impact by lockdown restrictions than wealthier parts of the city, and government support in such communities was severely lacking. Meanwhile, the state did not make any significant effort to provide more sustainable solutions to the gang problem in Cape Town – for example, through socio-economic development initiatives or better service provision among the affected communities.

The perception of law enforcement responses was unanimously negative. One respondent said that although the greater presence of law enforcement had the effect of curbing the violence for a time during the pandemic, it did not take advantage of the opportunity to plan and execute intelligence-driven operations to disrupt gang enterprise. 66 Rather, the police focused on enforcing the lockdown provisions on the general population, including the controversial bans on alcohol and cigarettes. 67 This broader police mandate and presence appeared to drive higher levels of police violence during the pandemic. 68 Enforcing the restrictions on movement, gatherings, the curfew and bans on alcohol and cigarettes gave security forces a much broader remit than before, leading to increased altercations with the general population. Law enforcement was often haphazard and heavy-handed. In one case, according to a media report, a man was assaulted by police while allegedly on his way to buy beer in the suburb of Ravensmead in Cape Town during the alcohol ban. 69

Citizens felt that they had been left behind by the authorities and even persecuted by state forces, including the army, whose involvement militarized the government's lockdown response. Once again, tackling organized crime was not a priority for the state and its security forces. While the army has deployed to civilian areas in South Africa before to tackle crime, most recently in 2019,<sup>70</sup> the focus of the military in 2020 was to enforce the lockdown measures in gang-affected areas,<sup>71</sup> which, like the police response, led to confrontation and violence with citizens. In general, police and army brutality was witnessed throughout the country.<sup>72</sup> Use of force and the meting out of humiliating punishments, such as ad hoc physical exercise, on lockdown rulebreakers were commonplace.

With attention focused on the COVID-19 response, the effect of the presence of police and the military on organized crime was negligible. While violent gang-driven incidents were sometimes curtailed, the enterprises run by gangsters continued to operate.<sup>73</sup> For law enforcement, this was mainly a result of lack of political will and deploying a long-standing approach to policing that prioritizes heavy-handed interventions over more collaborative and preventive measures, which has proven to be ineffectual in countering gang governance in local communities.

The effectiveness of the police response was also blunted by the fact that collusion between armed groups and police personnel is reportedly common in these urban areas. Police officers are often bribed by gangs to turn a blind eye to their activities; meanwhile, some officers are also reportedly often complicit in illicit transactions, such as the sale of police firearms to armed groups,<sup>74</sup> as well as the distribution of drugs.<sup>75</sup> Often, guns and drugs have been confiscated during raids, but not recorded and then later sold back to gangs or the rivals of the affected party.<sup>76</sup>



One respondent explained that because a number of police are on the 'payroll' of gangs, 'good cops' are often afraid to do their jobs for fear of reprisal.<sup>77</sup>

Law-enforcement capacity was also severely constrained during the pandemic by the closure of a number of police stations owing to the spread of the coronavirus.<sup>78</sup> Some police stations reopened, including the Athlone station, which serves a large part of the Cape Flats communities, only to close again when COVID-19 cases were reported among police officers.<sup>79</sup>

Civil society organizations were generally limited in their ability to respond, although some efforts did have a meaningful impact. While countering gang activity is highly challenging in the best of times, initiatives such as a soup kitchen and grocery distribution service run by one community activist deterred some people from accepting assistance from gangs and in doing so reduced gangsters' ability to blackmail and elicit support from communities. Non-profit organization When Rainbows Meet provided the same sort of assistance to people in gang-afflicted areas, mainly Steenberg, Vrygrond and Lavender Hill.<sup>80</sup> Community resilience was thus largely focused on developmental issues and preventing people from seeking the conditional assistance given by gangs through alternative provision of assistance.

Cape Town Metro police conduct a search operation in Hanover Park, June 2020. © Marco Longari/AFP via Getty Images



Ocean View is a Cape Town community, like many, plagued by gang activity.

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Esa Alexander

# **CONCLUSION**

riminal groups in Cape Town proved highly adaptable during the COVID-19 lockdowns and even expanded their enterprises in some respects.

State responses were generally ineffective in the sense that they failed to disrupt gang activity in any meaningful way. Civil society made attempts to assist communities and broker peace between armed groups, but such interventions were limited and could not substantially address gang governance and criminal operations. Although perceptions of armed groups within the communities of the Cape Town metropole are mostly negative, gangs are often viewed by community members as a lesser evil than state's own forces and agencies; some are even seen to be sources of relief to community members in dire circumstances. Far from disrupting criminal governance and gang activities, the COVID-19 lockdowns imposed by the South African government therefore gave armed groups an opportunity to extend their influence and consolidate their control over communities in the Cape Flats area of Cape Town.

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