

**INNER CITY INFORMAL TRADERS AS KEY SOCIAL AGENTS IN GOVERNING  
SECURITY: AN EXPLORATION OF POLICING ARRANGEMENTS IN WARWICK  
TRIANGLE**

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## DECLARATION

I, Eugene Sakhile Mngomezulu declare that

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Signed \_\_\_\_\_

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## **ABSTRACT**

This dissertation explores the way in which ordinary citizens in Durban take responsibility for security. The study focused on an organisation, Traders Against Crime (TAC) that was formed in 1996 by informal traders in Warwick Triangle in response to multiple safety challenges in the precinct where they trade. It examined the role played by this non-state security formation in generating safety in the Warwick Triangle precinct in the city of Durban. Drawing on the nodal policing mapping framework developed by Benoit Dupont, this dissertation maps out how this security 'node' fits within the broader network of nodal security actors in the Warwick Triangle area, and how the relationships between these actors change as a result of context, resources and power relations.

The dissertation demonstrates that the TAC has been a central node in the governance of security in the Warwick Triangle area. Indeed, at times, it has been the primary actor, rather than the state police. The dissertation therefore interrogates the mentalities and technologies used by the TAC in its quest to govern security. While there is little doubt that the TAC generated a greater sense of safety in the area, the ways in which they did so were not always considered 'legitimate' or even 'lawful' by other actors, such as the public police. Despite this, the nodal relationships between the TAC and the public police are complex and somewhat 'liquid'. The relationships between the various nodal actors can be characterised as both co-operative and competitive, as the various groupings trade-off and exhibit their 'capitals' and capacities. While the TAC provides a 'bottom-up' policing service, their effectiveness and sustainability is dependent on the response and support of state bodies such as local government and the public police which are neither guaranteed nor consistent. Furthermore, the sustainability of organisations such as the TAC is dependent on the commitment of volunteers, most of whom are struggling to make a living in the informal economy.

## **CHAPTER 1**

### **GENERAL INTRODUCTION**

#### **BACKGROUND**

Warwick Triangle is the transport hub for millions of black residents who live in and around Durban. On any given day, thousands of people wait for minibus taxis to ferry them from work to their places of residence. While Warwick Triangle is a bustling space, it is known for being unsafe due to the high density of people moving in and out of this area with very few regulatory arrangements in place.

The Warwick Triangle transport hub dates back to the early days of apartheid. According to Karumbidza (2011: 12), the precinct has its origins in segregation laws such as the Group Areas Act (1950) and the Reservation of Separate Amenities Act of 1953 which ensured that municipal grounds were reserved for particular races, creating racially segregated public transport, universities, and beaches. Karumbidza adds that the implementation of the Act prohibited 'non-white' public transport owners from parking in the inner city thus creating a congested transport hub in this part of the city. It is estimated that almost half a million people pass through the area each day (Z. Khomo Interview, 4 May 2012).

The huge number of people passing through the area created both formal and informal trading opportunities, resulting in informal trade on the periphery of the city, which included, and continues to include economic activities such as selling fruit and vegetables, cooked or roasted mealies, bovine heads, and live chickens, as well as providing services such as mobile hair salons and sewing outlets. Skinner estimated that there were roughly

8000 informal traders in the area in 2009 (2009:1). This suggests that a large number of people also earn a living through engaging in criminal activities in this area.

This study was motivated by the paucity of rigorous research on how informal traders' security governance interfaces with state security providers. Closely aligned with this point, is informal traders' ability to create sustainable livelihoods, educate their children and satisfy their basic needs while operating in an insecure area. Furthermore, they have to adopt strategies to protect themselves and their businesses without proper financial support. The other reason for this study was the researcher's observation of a gap between Community Policing Forums (CPFs) which are state linked, and vigilante groups and private security companies. Very little research has been conducted on non-state community security providers. Hence this dissertation examines the strategies employed by informal security providers to create a conducive work environment.

The prevalence of crime in Warwick Triangle motivated informal traders to form Traders Against Crime (TAC). According to the founding members, the TAC was officially launched on 7 October 1997 at Curries Fountain although it started operating in 1996. The main focus of this dissertation is the TAC. Although it has a democratically elected leadership, it sustains itself through mass mobilisation; all members are involved in confronting crime in the area by using strategies such as whistle blowing when one of them is robbed and collectively making citizens' arrests. The founding members reported that that the TAC brought informal traders together as a close-knit family governed by the slogan 'an injury to one is an injury to all'.

According to the founding members, the organisation was formed because the South African Police Service (SAPS) and Metropolitan Police were failing to provide security to informal traders and their customers. The crime rate was high because of poor police visibility, amongst other things. This is substantiated by Badsha's (2003: 19) study on the Warwick Trading area that states that "there are twelve SAPS members in the station but

they are not all here at one time, actually there are between three and four. There is no visibility”. It goes on to say that “there is a satellite police station in the bus station complex which has no physical accessibility at all (although there is a sign denoting the place as a police station)” (Badsha, 2003:19). This is in sharp contrast to the nearby tourist attraction, Durban Beach Front which is only two kilometres from the Warwick Triangle. At the Durban Beachfront, police are visible and they patrol on foot, cars, motor bikes and horseback. Police visibility is important in addressing crime.

While many security governing nodes operate within the Warwick Triangle, this study focuses on the TAC as the ‘primary’ security node governing a communal space. It is important to interrogate the way in which this grouping operates and its place within the broader policing nexus in the area. It is also important to understand how groupings like the TAC are regulated, if at all and how they deal with issues of accountability. The study explores the TAC in relation to other security providers like the SAPS and Metropolitan Police. It further investigates whether there is an existing security network in the area and how it operates in an endeavour to win the battle against crime. The dissertation also investigates the strengths, weaknesses and resources that the TAC deploys in its fight against crime in order to identify mechanisms that can further strengthen it as a ‘primary’ node in the area. Furthermore, the research study investigates how relationships among the security providers can be symbiotically enhanced.

## **RESEARCH AIM AND RESEARCH QUESTION**

The broad aim of the research is to determine how informal traders govern security in Warwick Triangle. A second but related objective is to map out how the various policing or security nodes such as SAPS, Metro Police and the TAC relate to one another and whether there is an overlap in their functions and roles.

In line with the literature on nodal governance of security, this research is concerned with exploring the mentality and technologies of the TAC. Therefore, it seeks to answer the following questions:

- What led to the formation of the TAC?
- What techniques or strategies does the TAC utilise to prevent and combat crime?
- Does the TAC have a formal constitution or mission statement?
- To whom is the TAC accountable?
- How does the TAC relate to state policing nodes in the Warwick Triangle precinct, such as the SAPS and Metro Police?
- What other non-state groupings exist to deal with the problems of insecurity in Warwick Triangle, and how does the TAC interface with these groupings?
- Is the TAC the dominant policing node in Warwick Triangle?

## **STRUCTURE OF THE DISSERTATION**

### **Chapter 2: Methodology**

Chapter 2 outlines the research methodology employed to achieve the study's objectives, including its aim and objectives, the value of the study, the problem statement, research design, data collection methods, data analysis and ethical considerations.

### **Chapter 3: Literature Review**

Chapter 3 presents the broad theoretical framework known as nodal governance. While states previously claimed to be the sole providers of security, they realised that they could not govern security alone, leading to the recognition of other nodes in the security field. The chapter also examines the relations between different nodes in their quest to create safer spaces and the mentalities and technologies they use to achieve their objectives. The chapter concludes by discussing the form of relationships between the nodes.

#### **Chapter 4: Warwick Triangle Background**

Chapter 4 presents the historical background of the study area, Warwick Triangle in relation to informal trade. This is done by examining the legislation and by-laws that limited informal trade. The chapter discusses the deregulation of informal trade during the 1980s and concludes by discussing the security challenges confronting informal traders.

#### **Chapter 5: Findings**

This chapter discusses the conditions that led to the emergence of the TAC, its organisational features, and the tactics and strategies used to fight crime. It explores the TAC's relationships with other security groupings in the area and concludes with an examination of the organisation's challenges and achievements.

#### **Chapter 6: Analysis**

Benoit Dupont's theoretical framework of local security governance is used to analyse the data. This chapter analyses how the mentalities and technologies employed by the TAC resulted in effective action. Security mapping is analysed by examining the relationship between the TAC and other security agencies and the reasons for the TAC being the primary node.

#### **Chapter 7: Conclusion**

This chapter summarises the study and highlights its key findings.

## **CHAPTER 2**

### **RESEARCH METHODOLOGY**

#### **INTRODUCTION**

The study seeks to unpack security governance in Warwick Triangle by exploring the policing arrangements in the precinct. I began my research journey without a clear sense of where it would take me. I imagined that I would be able to simply enter the world of the traders, particularly those who actively tried to 'govern security'. However, when I entered into the research setting, I quickly learned that I had to adapt my approach and my method so that I could successfully conduct research in a very uncertain environment. The data collection process which I thought would take me a few months, spread out over more than a year as I learned that qualitative research requires ongoing negotiation and adaptability.

#### **THE RESEARCH PROBLEM UNDER INVESTIGATION**

As stated in the introductory chapter, Warwick Triangle is characterised by the huge number of people who pass through the area each day because it is a transport hub. This creates business opportunities as well as opportunities for crime as it is a densely populated area. Poor policing calls for measures to be taken to ensure security.

In order to understand the nature and the emergence of informal security arrangements in Warwick Triangle, it is important to examine the conditions that the informal traders had and sometimes still have to contend with on daily basis. On the one hand, formal shop owners perceive the informal traders as crime nests that hide shoplifters and stolen goods while on the other, the police regard them as law breakers as the majority operate without permits which are expensive and often accompanied by stringent operational requirements. The police see the informal traders as a public nuisance. Thus, informal traders are not trusted by the formal traders and their livelihoods are criminalised by the

police even though they are also crime victims (Badsha, 2003:7). For example, their goods are stolen, customers are robbed in a broad day light by pickpockets, and there are mugging and stabbings. Criminal activity in the area affects business as customers avoid buying there. Matters worsened when a policeman and one of the informal traders were stabbed to death on different occasions while trying to apprehend criminals (Badsha, 2003:12). This situation influenced some traders to mobilise a defence mechanism in the form of the TAC.

This research study investigates the TAC's relationship with other policing formations like the SAPS and Metro Police. It investigates whether there is a security network, studies how it operates and assesses whether or not it is succeeding.

## **RESEARCH APPROACH AND DESIGN**

The research design is the bedrock on which research is premised. In the same way that a traveller uses a map, researchers require a research design to help them reach conclusions. Simply put, the research design (or map) assists the researcher to plan in advance the approaches and methods he/she will use for data collection and analysis. Watts (in Perecman and Curran, 2006: 180) notes that a research design pushes one to construct something more deliberate than a fishing expedition. It provides one with ideas about how and where evidence can be generated. The research design thus provides a researcher with the framework for producing empirical data.

In this enquiry I chose a qualitative approach because I wanted to understand complex relationships that span variations in human social conditions as well as their subjective experiences and activities (Weinberg, 2002:14). The qualitative approach is flexible and can examine issues in an exploratory, unstructured and open-ended way. I wanted to see the world of Warwick Triangle through the eyes of those that live and trade there. I sought to interpret the information that they shared with me and that I observed, from

the perspective of firsthand knowledge of the space and the people I was trying to understand. I was driven by the motive of “building a holistic picture by analyzing words and detailed views of the informants and conducting the study in a natural setting” (Creswell, 2006:249).

Three methods, participant observation, semi-structured interviews and focus groups, were employed to generate data. Secondary sources were also used.

## **SAMPLING**

If the size of the population is not small and there are time constraints, it is not possible for a researcher to involve the whole study population. Sampling is required to select whom to interview, and the settings and behaviours to be observed.

This study employed purposive sampling to select participants to interview and involve in focus groups. In purposive sampling, participants are selected on the basis of certain characteristics that will yield the required knowledge and information (Hall and Hall, 1996:113). While the sample does not represent the whole population, every effort was made to include founders of the TAC, current leaders and other activists. In formulating the broad categories of participants for the interviews and the focus group, I was assisted by two factors. The first was that I had already spent time with TAC members and as a result knew the key informants. Secondly, I asked the key informants to help me identify founding members who were no longer active and other activists who were not leaders. This approach is known as snowball sampling, where informants refer the researcher to other people with useful information on the topic (Davidson and Lyder, 1994 cited in Hall and Hall, 1996:113). However, availability and time constraints meant that not all targeted participants were reached.

Participant observation assisted me in identifying knowledgeable people and key informants. I spent time with the traders, observing their daily activities and listening to their stories. I held informal conversations (unstructured interviews) with individuals that were part of the TAC, as well as with other key informants.

## **PARTICIPANT OBSERVATION**

Through observing and participating in the life of Warwick Triangle and in particular the TAC, I was able to gain firsthand understanding of the social problem of security in the area. Participant observation enabled me to uncover the mundane and intricate day-to-day operations of the TAC. In conducting participant observation, I adopted an ethnographic approach. Brewer cited in Cassel and Symon (2004: 312) defines ethnography as “the study of people in their natural occurring settings or ‘fields’ by means of methods which capture their social meanings and ordinary activities, in order to collect data in a systematic manner without meanings being imposed on them externally.” Farrell (2009:14) notes that ethnographers became part of the continuous symbolic construction of meanings and shared emotional environment in which such meanings are constructed. This means that researchers become part of the world they are trying to make sense of. I wanted, as far as possible, to become part of the daily lives of the traders of Warwick Triangle, and to understand the world in which they live, work and govern security from their point of view. In short, I wanted to immerse myself in the Warwick Triangle trading hub. I did not want to be an outsider coming in to conduct interviews or run focus groups. The complexities of social life in the area required becoming embedded in the natural setting. It was important to gain trust by sharing the research participants’ space and lived realities. As Brewer (2004) points out, trust and rapport are keys to being able to do ethnography, but at the same time, ethnography is crucial to building trust and rapport.

I chose to operate overtly. It was important for me to clearly inform the TAC community about my intentions and the role I would play. I explained that the purpose of the study was purely academic and that I intended to ‘hang out’ with them, attend their meetings, participate when they patrolled and ask them questions about what they were doing. My transparent stance was informed by Herbert’s view that it is necessary for ethnographers to be forthright with those whom they study without misleading them (2000: 562).

I started hanging out with the TAC members during the day because I wanted to find out how they dealt with crime. I discovered that not much happened during the day and a lot of time was spent playing cards and snooker. So I started coming in the afternoon and eventually joined them on evening patrols. I kept field notes of my ethnographic experiences. These were mostly written after events. There were times when I tried to make use of a digital recorder, but this seldom worked as events occurred spontaneously and the participants were initially not comfortable with the recorder.

Below is an example of what I saw, heard and felt while 'in the field':

On the 20<sup>th</sup> of December 2012 in Berea Station between four thirty and five, Jabulani Sambo, the TAC leader identified a man of about 24 years old as troublesome. I wanted to know how he knew; I was told that he was loitering and he had noticed that from a distance he was being followed by one of the traders observing him. We continued with the game of snooker as if nothing had happened. I could see that Zakhele Khomo, the TAC leader was no longer concentrating on the game. The man passed us and went down the steps as if he was heading to the inner city. Sambo communicated with the other member on the cell phone who confirmed that he was following the 'suspect'. Within ten minutes the suspect was back and a woman was heard crying 'oh my bag!' Whistles were blown and people shouted *vimba* meaning 'stop him'. By the time I reached the suspect he was lying down on the steps towards Market Road. The crowd quickly gathered and wanted to beat him. The struggle ensued between those who wanted to beat him and the TAC leaders who wanted to take him to the police station. Finally the bag was recovered; upon searching him six cell phones were discovered. He was asked to say the numbers of the cell phones and he could only mention one.

The police were called and Sambo was very impatient with the lieutenant and I could hear him saying "I'm not going to waste my airtime doing your

work, remember I'm not paid for what I'm doing. You are the one who gets paid." I could read between the lines that he wanted the van and the lieutenant was explaining the unavailability of the van at that time. The van did not arrive and the suspect was taken to the police satellite station across Warwick Avenue. The woman was not interested in opening a case, but was simply happy that her bag was recovered. She stated that she was from Kokstad, so she would not have time to come back and testify in the court. Instead, the TAC opened the case for the possession of cell phones which were suspected to have been stolen.

I noticed that the constable who took the statements was not emotionally involved in what he was doing; it was rather part of his work routine. He commented in passing that the case would delay his knocking off time. Indeed it did because we left the station with him at round about six thirty which was thirty minutes later from his knocking off time.

I went home after this event and reflected on the day. My reflection not only spoke to what happened but my role as an ethnographer. Diphorn borrows from Denzinto to succinctly capture my reason when she says, "writing about self should not be the heart of ethnography: it is a crucial part of the research setting but it is one part among others. It is about bringing the author or observer into the analysis- as the source of light but not as the light itself" (2012: 6). I was an active participant in the bag snatching incident because I discouraged those who wanted the suspect to be beaten. I found myself actively pushing the crowd in an attempt to protect the suspect. I understood the crowd's anger and that they wanted to beat the criminal in order to 'send a message' but I also knew how illegal that was. I could hear the suspect begging the crowd not to kill him. Although I wanted the suspect to suffer the consequences of his actions, I did not want him to be harmed by the crowd.

I discovered that through my ethnographic enquiry I assumed what Diphorn calls "various selves" (2012:6). I assumed various roles depending on the circumstances. I

moved between being an active and passive participant, a full participant and an observer. There were times when it 'made sense' to be an observer, but still embedded within the context that I was trying to make sense of, together with the study participants. Below is a field note about a time when I tried to be more of an observer than a participant, although I recognise that I was a participant by virtue of being a part of the events that were taking place. I wished to be more of an observer at times like this, but in truth, I remained a participant, although admittedly a sceptical and scared one.

On the 22<sup>nd</sup> of December 2012 I was part of the patrolling team. We started by going to the police station and the briefing of the targeted areas was made. The police were not going to be part of the TAC intervention but would remain on standby and swiftly respond when called, so the briefing went. The TAC was targeting the area around the Fish Market in Victoria Street and the bus terminus in Warwick Avenue. When we were about to start patrolling a thought of danger I was exposing myself to, crossed my mind. I remembered that criminals were armed, violent and I only had a baton on my hand. I wished there could be a heavy storm that would lead to the patrol being called off, but it was never to be. Another person within me said nothing would happen, I remained resolute.

After three hours in the field nothing had happened and I had forgotten about my earlier feelings. John Khomo said that things were about to start happening because those who worked night shift and those commuting home were about to occupy the streets. While we were passing through Berea Station, we saw a group of people who were gambling. When they were approached, one of the gamblers shouted 'the forum'. That is how the TAC is called. They were asked to leave the area because those who would lose their monies would resort to crime. The group responded positively and I could tell that they knew the TAC members and there was respect awarded, aside from one person who said he could not be told by a

Mpondo what to do. He was referring to John Khomo. As we were leaving, I heard the noise of a person falling and the knife fell two meters away from Khomo. Other TAC members were on top of him, beating. I panicked and read between the lines that he was trying to stab Khomo and was knocked down by the TAC member who came from behind.

I moved a few meters away and became a spectator, in an attempt not to participate directly in the events that were unfolding before me. The man lay unconscious. One of the people I had seen from the gambling group was moaning that the forum had killed his brother. The man really looked dead. The police were called and they really moved swiftly as promised in the briefing. Upon the arrival of the paramedics, we were made to understand that he was unconscious. He was taken to the hospital.

We went to the police station to report what had happened. While at the police station I learned from the conversation of the TAC members that there are always people who follow the group of patrollers from behind to give cover to it.

When I reached home the vivid picture of the angry TAC members beating the man whom they attacked like wild dogs and the 'victim' lying unconscious was still clearly lingering in my mind. The TAC members had no choice because they were defending themselves.

In the course of the same scenario I both actively participated and created some distance, becoming an observer participant, meaning that I played two different roles. I wished to be more of an observer.

Initially, I planned to spend three months conducting participant observation, but in the end I was only able to do this for ten days. The TAC decided not to continue doing patrols during the time I had allocated for field work because there was a conflict when another group started patrolling. They claimed that they were residents of the area and had

spoken to the councillor. The TAC felt that it would not be proper for them to patrol while another group was doing the same thing. Secondly, the modus operandi of the group was like that of vigilantes. The TAC did not want to be associated with wrongdoing by this local group. It was therefore decided to meet with the councillor to resolve the impasse. However, EThekweni Municipality hired a private security company to patrol the market area. Having waited for three months for the problem to be solved I decided to conduct semi-structured interviews.

Although the time spent doing participant observation was short, I learned a lot about what it means to spend the whole day selling in the street and protecting that space. I learned that the life of a trader and TAC members in particular, does not start with arriving with the stock in the morning and end with counting the money made. It involves being exposed to danger and fighting crime in order to make their environment safe which is achieved by patrolling even after hours without pay. The smiles on the faces of the traders as they serve their customers are the end product of their dangerous voluntary effort to make their area safe. I appreciated the unity, solidarity and spirit of voluntarism displayed by the TAC. The vision of making their area 'crime-free' was and is the driving force behind their action.

### **SEMI-STRUCTURED INTERVIEWS**

As an informal security organisation, the TAC does not have much documented information on its history, operations, membership or achievements. Semi-structured interviews were thus used to gather information on its formation and mode of operation. These interviews proved useful in understanding the history of the TAC. Semi-structured interviews were selected as a data collection instrument because I wanted the interviewees to feel that they could shape the interview, within reason. My broad purpose was to understand the rationale for their actions, their feelings about policing in the area, and their attitudes towards criminals and law enforcement agents.

As it was not possible to interview all the TEC members, I decided to interview three founding members, three current leaders and two ordinary members. Also included in the

list of interviewees were key informants such as a SAPS lieutenant, a Durban Metro Police officer, a representative of a non-governmental organisation called Asiye Etafuleni and EThekweni Municipality's Business Support Unit, respectively. It was not difficult to identify key informants in the TAC because I spent time with them while conducting participant observation. Founding members that were no longer active were also identified during participant observation.

Different interview guides were prepared for the TAC members, the SAPS and Metro Police representatives, and Asiye Etafuleni and the Business Support Unit. All the questionnaires were prepared in English although IsiZulu was spoken with TAC members. Switching between the two languages was not a problem because the questionnaire only acted as a guide. I requested permission to record the interviews and all participants agreed.

All the interviews were at the participants' work place. One of the founder members of the TAC is now the local councillor now so his interview was in his office in Florence Mkhize Building. I understood that the primary task of the TAC members was to trade therefore I could not ask them to move from their work place. This meant that people were buying from them while the interview was in progress. The area where they work was noisy, and disturbances and interruptions were the order of the day. For example, while I was interviewing Zakhele Khomo, a group of teenagers was singing, and dancing *indlamu* (Zulu dance) for money and the noise of the drums could be heard from a distance. We continued with the interview but at the end the participant suggested that that if the interview was not audible, we could do it again. This suggestion was informed by the rapport we had built over time. To my relief, the tape was audible.

Interviewing Nicholas Zondo, one of the founding members, was very difficult because of the nature of his work. He operates in Berea Station where he renders services like faxing, laminating and typing. Most of his customers require typing which calls for concentration on his part, and the interview was interrupted on several occasions. We ended up rescheduling at his home in Umlazi. Rather than hold the interview at his house I

proposed to him that we stay in car, which he accepted. Themba Spellman was also interviewed in the car because he was not trading informally but was holding down another job to supplement his income.

After each interview I would go home and reflect on it while it was still fresh in my mind and write field notes. I transcribed the tapes immediately, so as not to lose any nuances and also to capture non-verbal cues. Caught between using the services of a professional transcriber and undertaking the daunting task on my own, I opted for the latter. Given the sensitive nature of their activities, I had assured the participants of confidentiality and therefore decided to do the transcribing myself. I applied the advice that:

Some researchers like ethnographers believe that the researchers should transcribe the data to become totally immersed within it. With small numbers of interviews, good typing skills and sufficient time, this reflects sound research practice. It also negates the problem of confidentiality and ethical issues if a highly sensitive issue is being researched (Dearnley, 2005:8).

This was a time consuming process as a one-and-a-half hour interview could take six hours to transcribe. Transcribing the TAC members' interviews proved to be difficult as it involved translation from IsiZulu to English. Doing the transcribing myself helped me a lot because I could see the gaps and the new points that needed to be further explored. I ensured that I enriched my questionnaire and was always improving my interviewing skills. To ensure validity I gave the participants the scripts of the interviews. The TAC members received both isiZulu and English transcripts.

Among other things, semi-structured interviews are used to probe for more information and clarification (Barribal and While, 1994:330). This technique was used to fill gaps when participants were not offering sufficient information, to clarify unclear statements, keep the conversation on the topic and gain clarity on statements by other participants (Cousin, 2009:86). At times, follow-up questions were asked to gain clarity, or I went back to the interviewee to fill the gaps. The order of the questions was not strictly followed because while the participant was answering an open-ended question, he/she would

address another one or I would pick up something that I had intended to ask later. The questionnaire thus acted as a guide.

The interviews also produced contradictory information. This is not surprising because an “interview is not the simple mine tool with which to mine information. It is a place where views may clash, deceive, seduce, enchant” (Schostack cited in Cousin, 2009:73). I wanted to know about the accountability of TAC leaders. All respondents agreed that it was practiced but only one informed me that they did not have a bank account and that financial statements were not presented. I had to establish the validity of the statement about accountability by asking two members to recount their ordeal in trying to register the company; one conceded that monies did disappear and no one accounted for this. I discovered this because the semi-structured interviews offered the opportunity to evaluate the validity of the respondent’s answers (Barribal and While, 1994:329). Being a participant observer allowed me to investigate some of the contradictions as I observed how people and groups interacted with one another, beyond the more formal words of the interviews.

Semi-structured interviews also offered three other advantages. Firstly, I could paraphrase a question when I realised that it was not clearly understood. Were it not for the method I used, the participants would have answered questions I did not ask. Closely related to this point, is that I noted the words they used to emphasise their point. Thirdly, their body language was very telling. For instance, they would tell me about the policeman they arrested and handed over to SAPS and their gestures about the outcome conveyed that no action was taken. The body language and the words used enabled me to gauge the participants’ perceptions and attitudes. Barribal and While (1994) note that, semi-structured interviews are appropriate to explore respondents’ perceptions and opinions on complex and sometimes sensitive issues.

## **THE FOCUS GROUP**

I conducted one focus group comprised of ten informal traders. It was not difficult to identify and persuade the participants as a result of the rapport that had been built over

time. Coming up with suitable time for all the participants was a challenge because it meant that they had to leave their work places. Ultimately consensus was reached. The group was made up of founding members, current leadership and ordinary members of the TAC. Although the categories matched those of the interviews, the participants were not exactly the same. They made the venue that they use for their meetings available for the discussion.

A focus group is defined as a research method that collects data through group interaction on a topic presented by a moderator (Short in Perecman and Curran, 2006:104). The main purpose is to “draw upon respondents’ attitudes, feelings, beliefs, experiences and reactions in a way in which would not be feasible using other methods for example observation, one-to-one interviewing or questionnaire surveys” (Gibbs, 1997). The advantage of a focus group is that it gives a “broader range of responses and elicitation of details that might otherwise be overlooked” (Kidd and Parshall, 2000: 296). Like any other method, focus groups have shortcomings; for instance, the facilitator has very little control over the interaction other than generally keeping the participants focused on the topic because it is open-ended in nature (Gibbs, 1997).

When I asked the participants to be part of the group I explained the purpose of the study and asked whether I could use a digital recorder. Having studied the literature on focus groups; I understood that it is sometimes difficult for a facilitator to distinguish the participants’ voices, attach them to the correct names and record body language at the same time. I therefore played the role of facilitator and was assisted by a person who took notes on body language and looked after the recording equipment. Focus groups require the facilitator to allow the participants to express their views in an interactive way, agree or disagree and spontaneously interrupt one another. As the facilitator, I realised the importance of remaining impartial even when participants’ views were different from mine. This enabled the participants to express themselves freely. I also had to ensure that the discussion remained focused. Some participants took a long time to

express their views while one remained silent. I encouraged this participant by asking for his views on the question under discussion.

During the focus group discussion I realised that some of the participants were saying different things from what they expressed in the semi-structured interviews. For instance one person had previously said that the TAC started operating after its launch in 1997 but during the focus group it emerged that it started operating in 1996; the formal launch took place in 1997. An interesting debate arose when members were asked whether the TAC was still operating in accordance with the vision and mission agreed at the launch or if it had changed. One founding member that was no longer a leader felt it had deviated from the original mission and vision because it was working closely with Asiye Etafuleni, while the current leadership challenged this statement. One of the current leaders explained that their close working relationship with Asiye Etafuleni was dictated by current material conditions which call for networking. Vigorous debate is part of the value of focus groups which are about deliberation, allowing the views and motives of others to be challenged and changing the participants 'perspectives (Kruger and Cassey, 2000). The authors add that participants tend to adapt their views in line with the group due to the give and take nature of the group discussion as it progresses.

The fact that the participants found the focus group discussion very stimulating was illustrated by the fact that it lasted for an hour and 45 minutes. It also served an empowerment purpose, as the final 30 minutes were spent discussing strategies to promote the aims and objectives of the TAC. I was impressed by the discipline in the focus group. While the discussion was interactive, participants showed respect for one another by raising their hands and speaking through the facilitator whom they treated as a chairperson. Even when the debate became heated, they clarified their points through the facilitator. For instance, a participant would raise a hand and say, "follow up" or "point of clarity", indicating the intention of their input. I concluded that the participants are used to attending meetings, understand meeting procedures and are able to strategise.

Another important conclusion is that the TAC has a powerful memory of events spanning more than 20 years. Members are able to vividly explain incidents in the life of the TAC and prior to its formation. However, the challenge lies in pinpointing exactly when events took place as there are no records. The institutional memory is not supported by documentary evidence; as a result, the researcher struggled to establish when certain events took place.

### **VALIDITY AND RELIABILITY**

To ensuring credibility and trustworthiness, I used triangulation by cross verifying the data. Triangulation was achieved using participant observation, semi-structured or in-depth interviews and the focus group.

The second mechanism to ensure trustworthiness was taking the research findings to the participants to solicit their views on their credibility. This technique is described as the most critical for establishing credibility (Lincon and Guba cited in Creswell, 2006: 208). Participants judge the accuracy and credibility of the findings. Thirdly, the TAC members and I agreed that I would give them a copy of the final research report because the history of their organisation is not documented. That meant that the data had to be accurate.

### **ETHICAL CONSIDERATIONS**

I ensured that I did not mislead the participants about the intentions of the research and explained that it was for academic purposes. My identity was not hidden, meaning that I overtly participated. All the information gathered through the semi-structured interviews and focus group remained confidential and I guaranteed that the participants would remain anonymous. The participants signed an informed consent form, which upheld the principle of voluntary participation and their right to withdraw at any time.

All participants agreed to the use of a digital recorder. I explained that I would make notes on the things I observed during ethnographic data collection. The notes I made were open for them to read and at times I left them on the traders' tables. I typed and

stored the field notes on my computer and protected them with a pass word only known to me.

Conducting participation observation in situations that involve citizens' arrests posed a problem from the time of writing the proposal. I was asked to explain how I would protect myself from danger because criminals are armed and they do not accept being arrested by citizens without putting up a fight. The same concerns crossed my mind when I was in the field. While I could step aside and observe, in the eyes of the criminals I was a TAC member. The scenario where one of the TAC members was under attack and was saved by others could happen to anyone, including me. The reality is that I was exposed to danger; I went there knowingly. Fortunately, the risk I took paid dividends. There was no way I could have understood that my discomfort for a few days was part of the daily lives of TAC members. Seeing them smiling at their tables and serving their customers, one would not imagine that they go through so much trouble and expose themselves to so much danger in order to make their environment habitable.

Secondly, I was sometimes uncomfortable with the way in which citizens' arrests were carried out. There were instances where criminals were beaten up by TAC members but they ensured that they did not touch their heads. They said that beating a person below the head did not easily reveal injuries. This was done with the knowledge of the police who conceded that they did the same thing. Both the police and TAC members stated that it was not enough to put a person behind bars. They believed that pain acts as a deterrent. They said that the criminal that is soundly beaten ends up respecting and alluded to former criminals who always greet them with respect. Such an act was and still is illegal. I was faced the dilemma of reporting this behaviour using their real names, thus becoming an 'honest researcher' or finding a way of protecting them. In the end, research subjects must be protected.

I could not behave like an undercover cop and report the participants to the authorities because the informed consent form that they signed stated that I could not expose the subjects of the research study to danger or harm and I conducted the research overtly.

Reporting them to authorities would have meant breaking my promise that I was doing the research for academic reasons and it was not my duty to police them. In the words of Marks (2012:10), “we do not have to blow the whistle in order to create change and bring about knowledge about immoral conduct.”

The third issue relates to the sensitive matter raised by one of the informants about finance. He believed that some of the chain stores were giving money to TAC members for the role they played in fighting crime. However, this money did not find its way to the coffers of the TAC, but rather to the pockets of certain individuals who did not report to the organisation. He added that many TAC assets were in the hands of individuals and mentioned names. I confronted the dilemma of getting to the bottom of the matter. I realised that it would cause divisions in the TAC and did not want to be the catalyst in dividing the organisation. Secondly, the matter would have taken a long time to resolve and it would have meant deviating from the purpose of the research. I decided not to pursue the matter.

Those were the ethical dilemmas I faced and I would like to believe that I tread carefully. Under very testing conditions, I did my best to follow the code of ethics laid down by the University of KwaZulu-Natal.

## **CHAPTER 3**

### **LITERATURE REVIEW**

#### **INTRODUCTION**

Around the world, communities at all levels are constantly trying to find ways of making themselves 'safer' and to govern security more smartly. Initiatives that aim to address insecurity and enhance safety are underpinned by different philosophies on the role of the state, and the non-state and the public sectors. There are also different mentalities about 'right' and 'appropriate' technologies for making communities safer. Regardless of philosophy, there does seem to be acceptance, even if a very low level, that the publicly funded police should play a key role in security governance activities and arrangements. Nonetheless, how this plays out in reality is not always what the state or other actors would see as ideal.

The role of the public police and its place in policing arrangements has changed over time. So too has theory about the police. This chapter examines theoretical views about the role of the public police in security governance arrangements across time and space. It outlines changing theoretical views on the police from viewing them in a 'modernist' way as having the monopoly to provide security to newer theoretical understandings of the police which argue for a more pluralist view of security governance. While there has been a shift towards a pluralist conception of security governance, there are definite philosophical differences in contemporary theories about security governance. Ultimately, nodal and hybrid theories of security governance or policing are given primacy in this chapter, as they appear to best explain African security arrangements.

#### **THE IDEA OF THE MODERN POLICE**

Wood and Shearing observe that the dominant thinking about security governance over the past two centuries centered on centralisation and force (2006: 1). The idea of the state as the only legitimate structure that should or could provide security and use force

stems from what Kempa *et al.* (2002:26) describe as the Hobbesian conceptual framework of 'sovereign national states'. According to Wood and Shearing, Thomas Hobbes' likened governance to a benign giant, a Leviathan straddling the territory he rules (2006: 1). The benign giant depicts the sovereign state formed from the bodies of citizens who created him as a ruler. Looking over his territory, the ruler holds a sceptre signifying legitimacy to rule and a sword symbolising the power to use force (Shearing and Johnston, 2010: 496). In the same vein Wood and Shearing add that Max Weber (1946) views good governance as using state power as a tool to govern through force (2006: 1). According to this conceptual framework, the citizens of a specifically defined space relinquish a degree of personal freedom to the legitimate ruler in return for, amongst other things, the provision of personal safety within the borders of the sovereign state. This grants the state the legitimate monopoly to use force within a particular geographical space, providing security to its citizens.

Safety and security is provided by the state primarily through the public police, a modern institution. The police are viewed as the bearers of the state monopoly to use force in the domestic sphere (Wood and Shearing, 2006: 2). Goldsmith elaborates on this view by stating that societies associate police with the "function of surveillance and the exercise of coercion" (2002: 10). According to Diphooorn, "public policing is traditionally defined as policing carried out by the state in public spaces that (ideally) serves all citizens and is impartial" (2013: 13). In this modern view, the police are authorised and provided by the state; therefore they are a key state agency used to provide safety and security, and to co-ordinate security arrangements. According to Shearing and Johnston, the Hobbesian "model views the public realm as the realm of government while the private realm was the realm to be governed" (2010: 496).

However, the view of the state as the sole authoriser and provider of security has proven empirically limited and practically unsustainable worldwide. For the purpose of this dissertation, I concentrate on African states in general and South Africa in particular. African states, described by scholars like Goldsmith (2003) as 'fragile' do not have the

capacity or resources to govern and effectively police people. Goldsmith (2002: 4) argues that “weak states often choose regime stability and narrow sectional interests over public safety considerations” and borrows from Berki (1986) to emphasise that, at times, they are guilty of “malevolent indifference”. Goldsmith adds that weak states advance sectarian interests, and detain and use excessive force against those opposed to them instead of providing security to all. Those involved in such abuses are seldom punished. Another reason for the state-centric approach being unsustainable is that for people who live in “rural areas or townships, it is not that the state police are ineffective, predatory or violent; they are absent” (Pelsner *et al.*, 2000 cited in Baker, 2004: 165). This suggests that the state cannot be the sole provider of security. However Goldsmith (2002: 08) contends that those that live in developing countries and ‘weak states’ still believe in achieving public safety through the operation of state police. It is within this context that Goldsmith believes that the state should be at the centre of contemporary policing, playing the role of a protective state.

States’ failure to protect their citizens as the sole security provider has prompted governments worldwide to call for other agencies to provide security, to build what they refer to as the ‘police extended family’. Boutellier and van Steden (2011: 462) cite the Ministry of Interior and Kingdom Relations of The Netherlands as saying that, “security is not a matter exclusively for the police. The police need partners and are therefore looking for ways of establishing worthwhile collaboration, for example through community policing”. In the same vein Eke (2000) observes that the “Nigerian government have virtually told Nigerians to fend for their own protection” (cited in Baker, 2004: 165). While the South African apartheid government primarily focused on curbing the spread of political resistance, it failed to provide security to all its citizens and hence called on commercial security companies to relieve pressure on the overstretched SAP to fight crime (Baker, 2002:31).

It is thus evident that the provision of security is not the sole responsibility of the state; rather, non-state agencies and ordinary people from all walks of life have to create safe

environments for themselves. This does not suggest that the state's role is shifting, but rather indicates acknowledgement on the part of the state and other actors of what has always been the status quo; indeed, non-state policing predates the existence of the state (Waller, 1999; Turner, 1955; Killingray, 1986 Ahire, 1991 cited in Baker, 2004: 166). Rather than being the norm, state monopoly of policing is specific to modernity and even then is never absolute (Bayley and Shearing, 2001: 2).

In the same vein, non-state nodes have been and continue to be involved in security governance before, during and after the Hobbesian state system as both auspices and provider in the security arena (Bailey and Shearing, 2001 cited in Kempa *et al.*, 2002: 27). Secondly, policing is a worldwide phenomenon because all societies create laws which authorities seek to enforce, and populations do not always comply with.

Furthermore, fear gives rise to feelings of insecurity; faced with the challenge of creating order, a policing mechanism is established with or without the involvement of the state. It is within this context that Baker (2004: 183) contends that non-state policing is ingrained in every community. According to Baker (2004:165), policing is "any organized activity that seeks to ensure the maintenance of communal order, security and peace through elements of prevention, deterrence, investigation of breaches, and punishment". In terms of this definition, policing is viewed as a public good. The way it is executed is determined by social arrangements, history and political arrangements. How this public good is provided, however, is contested within contemporary policing scholarship.

As stated earlier, state and non-state policing have co-existed and continue to co-exist. Baker (2004, 2008) notes that, during the era known as neo-feudalism, public policing was associated with the state while private policing was perceived of as commercial. Baker adds that public police were state authorised and provided security to society at large, while private security establishments looked after the welfare of their clients. Although the two types of policing were characterised by sharp distinctions, Baker (2004, 2008) identifies common features. In his view, both forms of policing involve coercion established for the purpose of maintaining order and employ similar control and

investigative techniques. For the purpose of this dissertation, private security refers to security formations driven by profit while non-state security covers security formations that are voluntary in nature.

## **REVISITING WAYS OF UNDERSTANDING POLICING: BEYOND THE MODERN STATE**

The existence of multiple providers and authorisers of security points to the need to understand security beyond the confines of the state. One way of doing this is through a neo-liberal perspective. As a form of government which has dominated the governance arrangements of states throughout the world, neo-liberalism has led to the state's withdrawal from the provision of public goods, leaving the state as the 'steerer' rather than the 'rower'. Neo-liberal theorists believe that states should govern at a distance, or 'steer', while devolving the 'rowing' to others (Savas cited in Osborn and Gaebler, 1993: 25). In simple terms, there should be a division of labour where the state steers and rowing is left to non-state actors; the state is thus a regulatory state. The regulatory state authorises and legitimises rowing (Kempa *et al.*, 2002). This view is captured as follows:

The word government is from the Greek word which means 'to steer'. The job of government is to steer not to row the boat. Delivering services is rowing, and government is not very good at rowing (Savas cited in Osborne and Gaebler, 1993: 25).

It is argued that this places the government in a better position to ensure that the whole system is democratically controlled and that accountability prevails while devolving rowing to nodes that are good at implementing programmes that meet local communities' needs (Kempa *et al.*, 2002: 28). The state has to form partnerships in order to accomplish this ideal. It creates space for the partners to 'row' and provide services while it 'steers', laying down the rules on how the services should be provided. This gives rise to a "new regulatory state" (Braithwaite, 2000a; Levi-Faur, 2005 cited in Wood and Shearing, 2006: 2). Scholars that support the notion of a regulatory state believe that the

role of the state is to regulate the multiple actors involved in the provision of public goods and in governance more broadly (Loader, 2000).

In recent decades the term 'plural governance of security' or 'plural policing' has captured the explanatory and descriptive imaginations of policing scholars. Bayley and Shearing (2001: 9-10), early proponents of the plural policing idea, are of the view that the pluralisation of the governance of security can be attributed, among other factors, to deliberate action on the part of the state when it realised that it could no longer govern alone. The state introduced property law which provided a framework within which private property owners, like the corporate world, could act like government in their privately owned spaces. This empowered property owners to regulate their private property in the way that suited their interests. Shearing and Stenning (1983) and Newburn (2001) contend that the passing of private property laws was an extension or legitimisation of what the corporate sector had been doing all along. Private property authorisers have a different mentality from the state police in the sense that owners were and still are more concerned with crime prevention and reducing risk. These two priorities (crime prevention and risk reduction) are achieved by employing private guards that act differently from the state police which focus on catching and punishing offenders, thus giving rise to new mentality of policing (Newburn, 2001: 837-8). This shift in security governance is a good example of the state enrolling others to do what used to be the state's function.

The growth of private policing is associated with the growth of private property. Private 'governments' became pervasive with the emergence of mass private property among other factors. Shearing and Stenning (1983:496) define mass private property as including "shopping centres with hundreds of individual retail establishments, enormous residential estates with hundreds if not thousands, of housing units, equally large office, recreational, industrial, and manufacturing complexes, and many university campuses."

What was once regarded as public life is now taking place on private property. As a place is privately owned, the private owner has to take responsibility for security. Private property owners' financial muscle enables them to create their own security to see to it that the order perceived by them as necessary prevails (Shearing and Stenning, 1983: 497). They therefore employ private security guards that carry out their mandate. Shearing and Stenning add that the security providers are able to exclude those who do not comply with the stipulations of the authorisers. The emergence of mass private property has given rise to the independence and authority of the corporate sector and illustrates the growing role of the corporate sector in private governance.

Neo-liberal theorists and practitioners believe in enrolling others to act in a way that will ensure the realisation of desired public outcomes. The government has a responsibility to govern in a democratic way where people are guided and not forced to choose a particular course of action. This results in voluntary compliance (Grabosky, 1995: 534). This type of governance is dubbed 'action at a distance' and 'rule at a distance' by Rose and Miller (1992). The withdrawal of the state means that the government directs as opposed to doing. This requires that the government develop sufficient capacity to mobilise agencies that will do the work which the government is failing to do well. The dominance of neo-liberal governance has given rise to a different landscape where states and an array of non-state nodes have developed a new operational mode; a division of steering and rowing functions. When state functions are executed by private nodes, state and private boundaries become 'blurred'; hence, hybrid entities prevail. Osborne and Gaebler (1993: 37) maintain that this mode of operation strengthens the state because its capacity to govern is improved by making use of many rowing entities (oarsmen) to achieve its goals.

As noted above, the state enters into a contractual relationship with the private sector to purchase certain services. Crawford (cited in Shearing 2006: 04) calls this 'contractual governance'. The state buys what used to be government services through the market.

These contractual agreements lead to the 'commodification' (Loader, 1999) and marketisation of security. Security commodification permeates society; for instance, property owners who live in expensive suburbs no longer rely on the state alone to provide security; they buy it by paying private guards.

Contracting work is associated with market mechanisms (van Steden and Jones, 2010: 292). In the security field this means that the government creates contracts with private security agencies, for instance, to look after government buildings as is the case in South Africa where police stations are guarded by private security agencies. Grabosky (1995: 534) elaborates on the governance at a distance theory by noting that states devise strategies like incentives and rewards in order to enrol others. Citizens are encouraged to assist the police with information that can expedite police investigations and a price tag is put as a reward. Grabosky adds that, once citizens have accepted that security is also their responsibility they do not have to be enticed with rewards. They are mobilised as responsible citizens to volunteer by assisting the state, hence 'responsibilisation'. Responsibilisation is described as the state's acknowledgement that it has limited ability to prevent and control crime; it then devolves responsibility to other institutions and individuals for private provision (Garland, 1996 cited in van Steden and Jones, 2010: 295). This leads to the 'multilateralization' (Bayley and Shearing 2001) of policing (and other public functions). Multilateralization refers to a situation where multiple agencies are involved in security provision, with both positive and negative outcomes:

Citizens rather than being passive consumers of police services, engage in a variety of productive security activities. Such co-production ranges from individual/household activities undertaken with police co-operation (property marking, becoming special constable) to those lacking such co-operation (buying a fierce guard dog, surrounding one's property with razor wire); and from activities supported by the police (liaison groups, neighborhood watch groups) to those denied such support (hiring private security patrols to protect

a group of residences, engaging in citizen patrol) (Johnston cited in Baker, 2006:168).

The above quotation emphasises that the state mentality of responsabilisation leads to plural governance or the multilateralization of police governance. The number of oarsmen increases and rule from a distance is entrenched. The involvement of many players in the security field gives rise to what Zedner (2006) describes as the “mixed economy” of policing. In the same vein, Burris (2005) describes the multiple players in policing as nodal policing, drawing on the seminal work of Clifford Shearing and Philip Stenning (1983). The common factor between multilateralization, plural policing, a mixed economy and nodal policing is that the state is no longer viewed as the sole player in the security field, but one of many players.

The neo-liberal conception of security has served as a good instrument to capture a situation where there are multiple authorisers and providers of security. It neatly captures the transition from the police as the only institution to provide security to a multiplicity of other players which Bailey and Shearing (2001) call multilateral or multilateralization policing.

Steering and rowing, and indirect rule or rule from a distance as explained above emanate from the neo-liberal perspective of security governance. However, nodal security governance takes this view further by portraying neo-liberalist perceptions as a partial component of a broad framework of nodal governance. Nodal governance “denotes a multiplicity of governance authorities and providers” (Wood and Shearing, 2006: 3). Wood and Shearing (2006) observe that security governance is not necessarily executed by state organs, nor shaped primarily by the state’s thinking. Rather, the stakeholders involved in the field of security or institutions referred to as nodes or organisational sites harness a variety of ways of thinking and acting with the aim of directing the flow of events. They add that nodes govern under different circumstances; operate in a variety of ways under certain constraints; and enter into complex

relationships in an attempt to shape the flow of events. Wood and Shearing further define nodal governance as:

A complex of hybrid arrangements and practices in which different mentalities of governance as well as sets of institutional arrangements coexist. It is not simply the case that forms of indirect state governance co-exist and mingle with the command and control governance. Rather we have a complex set of relationships in which 'steerers' and 'rowers' constitute relationships and align their interests (2006: 4).

According to Wood and Shearing (2006), the state is not the only 'authoriser' or 'steerer' that has the monopoly to enrol others using rules. Rather, there are a range of providers and authorisers, and it cannot be predetermined which has primacy. In their view, which differs from other plural policing theorists who believe that the state retains a key role in new policing arrangements, there are many private and non-state authorities that authorise and steer governance directly and indirectly. These actors have different mentalities and technologies, that are sometimes compatible, and sometimes not. Simply put, nodes are capable of both authorising and enrolling others and being enrolled, including the state. The notion of 'private governments' illustrates this scenario. Private governments are non-state institutions that are not necessarily primary providers of governance on behalf of the state, but are governments in their own right (Macaulay, 1986 cited in Shearing, 2006:11). Private governments operate like state governments in the sense that they authorise security, and provide and enrol other institutions to provide security by steering the flow of events for the common good (Johnston, 2000 cited in Shearing, 2006). According to multilateralization theorists, the distinction between public and private policing is no longer relevant since it does not capture what is happening on the ground. They contend that:

Both public and private entities have assumed the responsibility for authorizing policing and to these auspices even government's role is no longer exclusively public. It authorizes policing, encourages non-governmental groups to authorize

policing, and provides policing to specialized consumers on a fee for service basis. Similarly, private providers are not exclusively private since they sometimes work under public auspices and are sometimes staffed by public police personnel (Bayley and Shearing, 2001:15).

In today's world, there is a blurring of 'private' and 'public' interests. In this instance, private interests govern 'public' space. Both private and public interests are accommodated. This is typical of the complex relationship where public governance is not necessarily equated to public space.

Wood and Shearing (2006: 5) contend that, private governments take cognisance of the advantages, objectives and legal or regulatory limits developed by the state. They become similar to states that are also guided by the objectives and constraints of the regulatory framework of other institutions. They further advance their argument by illustrating that:

The order maintained by a governing entity such as General Motors at its motor plants... is not simply designed to comply with the governance objectives of the states. These corporations have their own objectives that they attempt to put into effect through a variety of governing strategies. In doing so they take into account the objectives of state agencies and may seek to enrol these by assisting them in corporate governance if this seems sensible (2006: 5).

Private governments are enrolling the providers and the state while the state enrolls all security formations including non-state actors to offer security. When everyone is enrolling and being enrolled, the boundaries between public and private are blurred. According to Kempa *et al.* (2002) "public spaces are also becoming more restricted and guarded or are simply disappearing altogether. 'Communal spaces' (i.e. spaces that are neither public nor private) are becoming a norm rather than the exception" (cited in Diphorn, 2013: 13). Diphorn borrows from Loader and Walker (2007) to explain that:

The core factors that differentiate the public from private policing, such as executing actors and the spaces of operation, are thus increasingly neither wholly public nor wholly private. Therefore, rather than thinking in terms of public versus private policing, policing is best analysed within a pluralized security landscape (Diphooorn 2013: 14).

The fluidity of policing espoused above can be described and explained in a number of different ways. The preceding paragraphs highlight the views of nodal theorists. There are others, who speak, particularly in the African context of 'hybrid policing', drawing on the broader literature on state hybridity in Africa (Button, 2003 and Johnston, 1992).

#### **HYBRID SECURITY ARRANGEMENTS IN AFRICA**

While there is growing consensus in the policing literature that the modernist view of policing is somewhat dated, the new policing arrangements are viewed in various ways, particularly at the normative level. Loader (2000), for example, concurs that policing is pluralised, but retains the idea that the state should be central to policing endeavours to ensure the fair provision of public goods. This view acknowledges that there are diverse actors in the field of security provision. What is most important is the relationships and co-operation of the diverse actors which culminate in the formation of new partnerships. While the providers of security are diverse, Loader contends that they should not be viewed as autonomous, isolated groups; rather, they collectively provide security in a networked fashion. It is within this context that Loader speaks about the 'network of power' whereby the state is the major, but not sole, player:

This network continues to encompass the direct provision and supervision of policing by institutions of national and local government. But it now also extends to private policing forms secured through government; to transitional policing arrangements taking place above government; to markets in policing and security services unfolding beyond government; and to policing activities

engaged in by citizens below government. We inhabit a world of plural, networked policing (Loader, 2000: 323-324).

While plural governance of security is recognised, the state occupies the central role because, as Newburn argues, “many of the private operators had their activities effectively ‘underwritten’ by the public police- when things ‘went wrong’ the option of calling the police always remained” (2001: 834). State law is the fundamental operational framework for plural networked policing and the state is recognised as the primary node. It is in this vein that relationships are viewed in relation to the state. This can be illustrated by the action of the state in mobilising people to voluntarily participate in the provision of their security. Individual citizens are mobilised to take responsibility for their own safety which Loader (2000: 328) describes as policing below government. Encouraging individuals and non-governmental organisations to take charge of their security becomes part of the responsabilization programme alluded to above (Grabosky, 1995). The state also buys security from private providers through contracts; hence policing through government. Enrolling individuals, community organisations and private security companies to play a role in security provision means that security is offered through the network policing central to the state.

The pluralisation of policing leads to diverse, ‘fragmented’ (Loader 1999) policing which, in Loader’s view demands innovate ways of regulation to ensure accountability. In advancing the notion of regulation, he acknowledges that existing forms are no longer adequate in the sense that there is now policing beyond and above government and accountability is a challenge. Loader envisages accountability that promotes democracy and the equitable distribution of policing services which he argues can be realised by taking citizens’ voices into account. The state has to take the lead in this regard: as:

It is hard to envisage any agency other than the state with the capacity to undertake this role (Walker, 1999). As a ‘common public power’ Hirst (1997:33) argues that the state alone has the resources at its disposal to respond to the threats of democratic, equitable and effective security provision networked

policing poses. These threats demand an engagement with (now) connected tasks of democratizing policing within the state and politically fencing in policing beyond the state (Loader, 2000:336).

According to Loader, this calls for the state to use its power, the law in this instance, to formulate democratically constituted structures whose members are partly elected and partly co-opted. These structures would include national, regional and local commissions. Loader views these socially representative structures as serving as forums where citizens can make inputs on issues pertaining to policing matters across networks. Citizen's inputs and deliberations will inform policies that promote coordinated service delivery across all networks. Loader adds that the commissions ought to be guided by the principle of justice. This should include what Loader (2000: 337) calls a 'politics of recognition' dimension which promotes public participation in policies that affect the policing of any space including private ones to which the public has access. Loader elaborates that policies should also encompass fundamental human rights where prejudice is eliminated. The third dimension is 'a politics of allocation' which aims to ensure equitable distribution of policing, in terms of which there would be no under or over policing.

Loader's view is indeed influential and important. However, in the African context the 'given' central role of the state in police governance networks has been questioned. Loader's perspective is challenged by those who focus on policing arrangements in Africa. Tessa Diphorn (2013), for example, talks about 'twilight policing institutions' that are defined as:

The institutions that "operate in the twilight between the state and society, between public and private" (Lund, 2006). Such institutions exercise public authority, actively shape governance, and enforce decisions and rules on a collective level. They do not replace the state, but provide alternative forms of governance in specific local contexts. They do not function on behalf of the state, but operate like the state by incorporating state-like characteristics (Diphorn, 2013: 23).

According to Diphorn (2013: 23), the state is challenged by twilight institutions when they exercise governance and authority and strengthen it by 'borrowing' features and characteristics of the state, thus operating like a state. This is illustrated by the fact that private security organisations operate according to market principles in privately owned territories "but they are also increasingly taking over state police functions such as the provision of security in public spaces to non-paying citizens" (Diphorn, 2013: 24). When twilight institutions act like a state they remain private yet take on the features of a state, thus creating a particular twilight zone which Buur (2006 cited in Diphorn, 2013: 23) calls "a zone of on going contestation." Public and private elements are mixed in this zone, "which makes it difficult to distinguish unequivocally between what is state and what is not" (Buur, 2006 cited in Diphorn, 2013: 23). Diphorn elaborates that the "imbrications" (mixing) of the operations of state police and private security creates a 'new distinct thing' which is referred to as 'twilight'. The "imbrication" referred to can be equated with the hybridity cited above. Diphorn adds that twilight institutions augment the state by formally and informally working with it while at the same time substituting and challenging it by rendering services that are not provided by the state.

Diphorn uses the twilight concept to emphasise the fluidity of the spaces where it is difficult to draw the line between public and private and legal and illegal; therefore lines are perpetually in flux. Diphorn clarifies that she does not use the concept to refer to the temporary part of the twilight which eventually disappears, but rather "to evoke an in-between period, such as the period between day and night, and the state of uncertainty" (2013: 24). Simply put, twilight policing is a model that portrays private, non-state policing formations and state police as playing a role that can be described as overlapping, complementing and competing with one another. When policing formations are analysed, their twilight nature and mode of operation should be considered.

Bruce Baker similarly writes about hybrid policing in Africa, drawing primarily on Shearing *et al.*'s framework of nodal policing. Baker introduces the idea of 'multi-choice policing' in the African context (2002, 2008). For Baker, who has conducted extensive empirical

research on policing throughout Africa, the public police are but one actor in the hybrid policing field that operates in African context. Baker notes that in Africa, citizens and residents have to choose from among a range of actors with regard to security provision. Multi-choice policing is also based on nodal governance and emphasises that security should be viewed from the perspective of the poor; therefore it advocates the bottom-up approach. Some policing nodes work collaboratively with the state police while others do not. For Baker, multi-choice policing exists in Africa because states do not always have sufficient resources or capacity to provide security. Non-state policing actors have emerged or continue to function as the primary nodes because of this lacuna. These non-state agencies often develop mechanisms to deal with the problems of crime and insecurity in ways that are more accountable and in tune with local values (Baker, 2008:159). Traders Against Crime is a good example of a non-state agency which has become a primary policing node.

While Africans choose from various security providers(Baker, 2009), Isser *et al.*(2009); and Alemika and Chukuma (2004)contend that their choice is “based on ‘what is available’, ‘what works best’, ‘what supports local values’ and ‘what can be afforded’ and that invariably leads to preferring non-state informal providers.” These theorists add that the choice made by Africans about the type of security is also determined by personal experience, cost, the acceptability of the institution and the type of the mentality used like restorative justice and an institution that will best serve the complainant or victim rather than the authoriser and accountability. Africans make use of different forms or institutions of safety at different times in different situations. This is illustrated by a study conducted in Uganda by DANIDA (1998 cited in Baker, 2008: 28) which found that:

Most personal problems are usually taken to family, in-laws or relatives, friends or church leaders. Most serious offences like serious injuries or maiming during the fight, fraud, or theft are referred to either police or local administration. Matters of succession and land are normally first referred to

clan leaders opinion leaders and neighbours while simple squabbles are settled by friends and/ or peers.

This suggests that security is not only plural but also complex and overlapping.

Another way of understanding the role of police within the hybrid model in the African context is through the minimum minimalist state role. This model of hybridity does not advocate taking away all state functions and allocating them to non-state actors as suggested by the neo-liberalists. Rather, it moves from the premise that the working class and the poor are always hardest hit by crime and uneven security provision. According to the minimum minimalist model, governments need sufficient organisation and capacity to plan and regulate society (Chang and Wade, 1999 cited in Marks, *et al.*, 2011:52). This calls for the state to know its social partners, and their skills, strengths and weaknesses and mobilise them towards one shared vision. The mention of social partners means the recognition of a hybrid political order.

The hybrid concept acknowledges that there are many role-players who can contribute towards meaningful and legitimate goals without downplaying the relevance of the state but rather strengthening it. It further recognises the state building programme (Marks *et al.*, 2011). Skills and experiences at the local level are taken into consideration and factored into programmes that bring about long lasting solutions. Marks *et al.* (2011: 54) contend that 'weaknesses' become 'strengths' because state legitimacy is enhanced when state authorities work with local orders of governance as opposed to dislodging them.

According the minimum minimalist model, the state assumes the role of "facilitator rather than a director, mobilizing and enabling social allegiances that are largely autonomous" (Appiah, 1992 cited in Marks *et al.*, 2011:53). Simply put, there is a division of labour where the state deals with certain specific tasks while other tasks are delegated to non-state providers. The state is thus able to specialise where it has expertise and skills rather than trying to be everything to everyone (Marks and Bonnin, 2010:72). According to minimalist scholars, the state's role is to regulate non-state nodes at local level using

local government. They argue that local government is best placed to do such work. By virtue of its location, local government is able to map out the purpose of existence of non-state players, how they go about doing their business and how they interface with one another, including the state. Armed with such information, a negotiated division of labour is facilitated and regulated.

Marks and Wood (2007) examine the minimalist approach in a South African context and argue that the role of the state should be viewed in terms of 'core functions'. Drawing on the work of critical criminologists, they argue for a minimal and minimalist view of policing. Their research concludes that non-state providers need to authorise according to their abilities and specialised local knowledge to provide for roles falling 'outside' the state. Marks and Bonnin (2010: 71) warn that the state police have to guard against being 'too interventionist' and rather concentrate on what they are "trained and mandated to do, but do it in a consultative, effective and efficient manner." Reiner (1992 cited in Marks and Bonnin, 2012:72) views police intervention as "confined to cases where there is clear evidence of law-breaking, and should take the form of the invocation of legal powers and criminal process." The primary role of the police is to investigate crime and exercise force in cases of serious social conflict or violence. Bjork (2006) is of the view that police want to be 'real police' who can intervene effectively to combat crime, restore public order and 'carry a gun' as part of their symbolic power and want to be given the respect they deserve by the communities they serve. In the same vein Marks and Wood (2007: 38) advocate for the core function of the police to be violence and conflict control, regulation, interrogation, arrests and crowd control. The successful implementation of this modus operandi would mean that sound partnerships would be formed to fight crime. This requires trust and clear communication among the nodes operating in a given space. Marks and Wood (2007:38) quote other theorists at length to advance the argument why state police are accorded such functions:

Police no longer have the monopoly over the legitimacy over the use of force but remain unique in terms of their specialized training to use coercion in a graduated and discretionary way. Secondly, police remain fundamentally representative of the legal system (Reiss and Bordua, 1967:27) and through their presence demonstrate that a 'regime of law exists' (Bayley, 1994:34). Due to their capacity to curtail individual freedoms in the most dramatic ways, the police are able to intervene authoritatively to restore order (Bayley, 1994).

Minimalist theorists view local government as the best structure to play a co-coordinating and oversight role. Under the auspices of local government, all nodal players should work out how they will go about creating safe places. That will entail registration of the players, developing patrol mechanisms, how they communicate, who does what, that the role of state police be made clear to everyone and the principles that will guide all the nodal players. Marks *et al.* (2011:65) are of the view that local government should have a department that deals with these functions. They add that local government can assist voluntary non-governmental nodes with financial resources to grow their capacity to effectively execute their work. Ascribing this task to local government is based on the belief that it is best placed to act as the link with the state and the local nodes; therefore it can mediate when clashes occur between the state and civil society (Marks *et al.*, 2011:65). The minimalist approach is a bottom-up strategy to generate safety and security while the state plays a regulatory role. In this two-way process, the state enlists local players, and local players enlist the state when the material conditions so dictate.

This study is premised on the theoretical perspective within criminology broadly referred to as the nodal governance of security. The state should neither be viewed as the primary provider of security services, nor as the sole authoriser of it. Indeed, security in contemporary society is governed by a range of state and non-state actors. Which actor has primacy at any given point in time is an empirical question which this research seeks to establish in Warwick Triangle. The various actors are referred to as 'security nodes' in the literature.

'Nodes' differ in terms of the technologies they use and the mentalities they operate according to in achieving their security aims (Wood and Dupont, 2006:3). According to Wood and Dupont (2006:2), nodal governance refers to a multiplicity of organisational sites that *bring together* and harness ways of thinking (mentalities) and acting (technologies) where intentional attempts are made to shape the flow of events. Burris (2004: 341) adds that nodes use technologies (methods, strategies and tactics) informed by their mentalities and resources in order to sustain themselves. Wood and Dupont (2006:3) note that different security providers influence, cooperate and resist one another.

Burris (2004: 341-2) explains that:

[A] Node must have some institutional form. It needs not be a formally constituted or legally recognized entity, but it must have sufficient stability and structure to enable the mobilization of resources, mentalities and technologies over time. A street gang can be a node, as can a police station or even a particular shift at a firehouse. A node like this may be primarily part of an integrated network, like a department in a firm; it may be linked to other nodes in multiple networks without having a primary network affiliation, like a small lobbying firm; or it may be what we call a 'superstructural node,' which brings together representatives of different nodal organizations...to concentrate members' resources and technologies for a common purpose but without integrating the various networks- a trade association, for example.

The multiple actors that provide and authorise security create hybrid security arrangements. These arrangements involve a plethora of security providers authorised separately by both state and non-state actors to cater for the needs of diverse consumers. Diverse security providers view insecurity from different angles and develop technologies to cater for different needs. No single provider can cater for all the risks consumers face; hence the creation of partnerships and networks to pool their resources and deal with insecurity. Simply put, different providers acknowledge that they are not self-sufficient so

they form partnerships by pooling their resources that complement one another (although at times they compete) in order to make security provision manageable and coherent. This is achieved by forming networks. This dissertation draws heavily on the work of Dupont as it uses the local security network model as the tool for analysis.

Security networks are a set of institutional, organisational, communal or individual agents or nodes that are connected in order to authorise or provide security to the benefit of internal or external stakeholders (Dupont, 2004:78). Dupont (2004: 78) cites Castells (2000) who states that networks are not structurally homogenous, but are part of institutions and internal segmentations of institutions. Networks are horizontal as opposed to vertical and they are organised by different nodes with the aim of distributing resources and duties among themselves in a manner that cannot be achieved by a vertically organised formation. Security networks are not homogenous; some are complementary, some co-exist, and others enter into direct competition (Dupont, 2004). They also differ in size and composition and operate in different ways at different times and spaces. Dupont (2004) elaborates on this theory by identifying four types of security networks, namely, local, institutional, network without borders and informational networks transcending time and space. This is not an exhaustive list and they may take various other forms.

Dupont (2004) defines a local network as one that harnesses the resources owned by different nodes in a community with the aim of addressing crime. An institutional network is usually comprised of different government departments. The main purpose is to ensure efficiency and avoid duplication of services. A network without borders is neither state authorised nor supervised and operates internationally by selling its expertise and technologies that were previously the preserve of states. Its clients include governments and multinational companies. The last type of network, an informational network, transcends space and time. It specialises in the international exchange of information through the use of micro-electronics (Dupont, 2004: 79-84).The following section addresses the way the nodes operate within networks.

Networks are composed of various nodes that have different mentalities with the purpose of harnessing the resources which Dupont (2004) metaphorically call 'capitals'. Nodes are usually but not necessarily points on networks, while networks are the basic units through which nodes exert influence. This is done by pooling capitals (resources) to create the desired order. The nodes are not equal in the sense that they do not have equivalent resources; this leads to competition between them, resulting in dominant-dominated relationships. In most cases the dominance of a node is informed by the capitals it acquires over a long period of time; the network operation thus favours nodes that have been around for some time. Dupont adds that a struggle ensues when older nodes seek to maintain dominance while new nodes want to transform the playing field. An example is private security providers who introduce new technologies in order to change the balance of forces while the state police emphasise their strengths like being closer to the state which gives them political capital, and their level of professionalism (cultural capital). Although the struggle for dominance prevails, networks are able to rise above their own interests for the sake of network preservation. It is important to note that capitals are the source of contestation.

Dupont (2004: 85-87) draws our attention to the fact that 'capitals' are not limited to economic resources but cover anything that offers leverage that is deemed valuable in a network. The struggle for dominance is waged through five capitals. Economic capital refers to a node's financial assets or resources. The state police acquire financial resources through budget allocations. While the state confronts budget constraints, the state police have accumulated considerable resources over time. Private policing agents do not have the same financial difficulties; this allows them to aggressively seek profitable opportunities. However, while they may acquire more, they cannot match the state police in developed countries. The police use economic capital as a means to acquire other legitimate capitals like cultural, political and symbolic capitals. Economic capital gives a node muscle that makes it dominant within a network. It is important to point out that there are circumstances where the state police may become junior partners in terms of economic capital, especially when contracted transnational companies are involved. For

instance in Niger Delta, the transnational security company has far better equipment and training procedures than the state and it directs and trains state security forces. Moreover, state security forces use the transnational security company's speedboats (Abrahmse and Williams, 2008 cited in Baker, 2010:600).

Dupont (2004) points out that, sovereign states that adopt a top-down approach enable the state police to be rich in political capital. Political capital involves influencing or directing the state machinery to take a particular direction on a given matter. The police in centralised states are closer to the government and politicians; thus they amass bigger political capital, in contrast with the private police who are usually poor in this regard. However it worth noting that in decentralised states, where there are a few nodes that have strong connections with government, political capital is shared but not at an equal level because proximity to the state becomes a major factor.

As the population increases and other economic and social developments take place, new needs are created and new ways of policing develop. New expertise is required in the field of crime prevention and detection. This calls for research, high levels of training, and the use of new technology; hence, the police become highly professionalised. This knowledge forms cultural capital (Dupont, 2004: 86). Dupont contends that the state police have developed many specialised units which make them superior to other private nodes. This is facilitated by financial capital because financial resources are required in order to make such investments. It should be borne in mind that private security is gaining ground in providing what used to be the preserve of the state.

The fourth capital is social capital which is defined as the "whole set of social relations that allow the constitution, maintenance and expansion of social networks" (Dupont, 2004:86). This capital is open to political interference and corruption within the state, leading to poor delivery and tainting the image of the state police and resulting in a loss of trust by communities. The state is found wanting and other forms of policing are more trusted. Private and non-governmental organisations are catapulted to the 'moral high

ground' due to their social capital and they use it to negotiate a better position in the network.

The last form of capital identified by Dupont (2004: 86) is symbolic capital which bestows on a node the legitimacy and power to speak with authority. Symbolic capital facilitates the application of the other four capitals; for instance, a node will demonstrate that it has strong cultural capital by speaking with authority when it explains how suitable it is to offer training because it invests and produces experts in a particular technology. The public police use symbolic capital to question the actions of non-state nodes. Be that as it may, the growth of non-state nodes is a result of dissatisfaction with the state police and challenges their symbolic capital. Consequently, instead of symbolic capital working in favour of the state police, the opposite occurs.

The use of the capital metaphor demonstrates that networks are not static. Rather there is intra-competition within nodes where the five capitals are employed to dominate or counter dominance because there is no equity in capital distribution. It is against this background that nodal scholars suggest a different approach to the study of networks. Shearing and Johnston (2010) are of the view that nodal analysis should precede network analysis. According to these scholars, nodal analysis calls for an understanding of the characteristics of a node. An investigation should look at the node mentalities (ways of thinking), technologies (methods of implementing mentalities to support node operations and exert influence), resources (economic, cultural, social and political capital deployed to achieve objectives) and the institutional structure (Burris, 2004 cited in Wood and Dupont, 2006:3). Empirical mapping can be undertaken by asking questions about the four elements making up a node and investigating participants in security provision's knowledge, operational modes, resources, objectives and major successes and failures. Once these issues are dealt with, relationships can be examined to determine how the actors relate to one another and whether they co-operate or compete or if there is no relationship at all. This brings the issue of networks to the fore. These theorists contend that the extent to which networks are coherent should not be taken for granted.

Drawing on the work of Wood and Dupont (2006: 4), it is clear that “networks are continuous, iterative, and more or less temporary processes carried out by a range of actors according to different positions of power”. Logically, this leads to an understanding that coherence in networks is not guaranteed and that while the nodes making up a network may share similar mentalities, they may be engaged in resistance and conflict due to power struggles. It is for this reason that the issue of co-operation and resistance should be empirically established. This approach to network analysis is informed by the complex, multilayered nature of networks. This can be illustrated by the relationship between war, terrorism and crime.

Burris *et al.* (2005: 38) further our understanding of the operation of networks by clarifying the role of the superstructural node alluded to in the definition of a node. The super structural node has the ability to tie together other network resources that enable the nodes to govern effectively. One of the characteristics of networks is their ability to act collectively while adopting different angles. Shearing and Johnston (2010) explain that, their efficiency depends on a number of factors including their level of organisation, whether or not they convey the same message or tell the same story, the collaborative strategies they use, the strength of their information systems, and loyalty and trust within the nodes that permeate to the network. Furthermore, Shearing and Johnston explain that nodes should be held together by strong social connections. These are the ‘traits’ that make the network effective. Possessing all these ‘traits’, a network will portray a united front, speaking in many voices but sending one message.

Within the broad nodal governance framework theory, it is important to look at the types of relationships the nodes produce in the course of creating a particular order. Understanding the nodes using a local network model is informed by the fact that they do not exist in isolation; therefore I explain the types of relationships and illustrate them with examples from the broad categories. This means that while the issue of networks is explained above, it will indirectly come into play through relationships. I explore how the relationships come into being and how the nodes interface in their relationships. The

general view is that relationships are formed because the partners involved mutually benefit; however, this is not always the case and that is why I start by defining the term symbiosis as:

A generic biological term which consists of four relational sub types: amensalism (where one organism is harmed or inhibited and the other is unaffected); commensalism (where one organism derives benefits while causing little or no harm to the other); parasitism (where one organism benefits while the other is generally harmed); and mutualism (where each of the organisms benefits). Furthermore, mutualism- the category which most often defines 'symbiosis' in common parlance –is, itself, made up two distinct sub-types: obligate mutualism (where the organisms are dependent on each other for survival) and facultative mutualism (where they derive benefits without such interdependence) (Johnston, forthcoming cited in Baker, 2010: 598).

There is a type of partnership in which both partners benefit. Baker (2005) provides the example of a self-policing initiative of taxi operators called the Uganda Taxi Operators and Drivers Association (UTODA). UTODA was formed to create a forum for taxi drivers and owners to air their grievances. The members elect leaders to act as a link between them and the government because the drivers were complaining about being stopped at roadblocks and having to pay money to be released, instead of being arrested or charged a fine. Baker explains that, in the long run, this partnership bore fruit when UTODA was awarded a contract to work with the police to enforce traffic regulations among taxi drivers and direct traffic during peak times so as to avoid congestion. They were also contracted to control taxi parks, arrest the thieves and criminals operating in the parks and assist children to cross the road. Intelligence was shared and UTODA members were trained and given equipment to do this work. At times there were joint operations. Baker notes that, while UTODA was enrolled by the state to do its work; the state benefited in

the sense that it acquired local knowledge. Policing improved which benefitted all, but the state gained more as the voters were pleased. UTODA was not passively enrolled without benefits; for instance, it ended up controlling all taxi associations in the country, and gained political leverage as the biggest body controlling the most used form of transport, taxis and hence became very influential in political decision making. What started as a forum to express grievances; ended up creating more jobs as members were no longer only taxi owners and drivers. The initially hostile relationship became mutually beneficial.

## **CONCLUSION**

This chapter reviewed the literature on policing from modern times when the state police seemed to have the sole responsibility for ensuring law and order through the use of force, to changes in policing when it became the responsibility of a variety of actors, both state and non-state. The involvement of different authorisers and providers led to a plethora of policing formations with different mentalities and technologies. The way different authorisers and providers execute their work is informed by the philosophies they subscribe to. Policing formations' effectiveness is contingent on the networks they form to bring about order. The relationships between policing formations were explained in detail. This assists in theoretically locating how informal traders survive in the under-policed, crime-infested Warwick Triangle. The nodal governance theory is central in understanding the policing networks and nodes that exist in Warwick Triangle, and in particular, how one node, the TAC, is positioned in the nodal policing arrangement. This is done using local security network theory. The capitals that the nodes bring to the network are analysed in order to determine the strengths and weaknesses of the nodes within the network, thus identifying the dominant one.

## CHAPTER FOUR

### THE BACKGROUND OF WARWICK TRIANGLE

#### INTRODUCTION

The site for this research study was Warwick Triangle or Warwick Junction (the two names are used interchangeably). This chapter presents the historical background of Warwick Triangle through the eyes of its main users and inhabitants, Indians and Africans. The laws and by-laws that shaped the area into what it is today are examined and the collective struggles of the traders to secure a place to trade are recounted. The chapter concludes by examining crime in the area which prompted the traders to develop a mechanism to protect themselves and their prospective customers.

#### DEFINITION OF INFORMAL TRADE

Harsh economic realities like unemployment force people to earn a living through informal trading. Informal trade can be better understood through the concept of the informal sector which Devey *et al.* (2006: 310) define as:

Economic activities that are small-scale and elude certain government requirements or as Castells and Portes (1989: 12) put it, are 'unregulated institutions of society, in a legal and social environment in which similar activities are regulated.' Examples of such requirements are registration, tax and social security obligations and health and safety rules.

In terms of this definition, Skinner (2000: 228) contends that "most of the informal traders would thus be part of the informal sector." Rogerson and Hart (1989: 29) portray the harsh realities of street trading, describing it as "a survival strategy for those groups who of people who have been relegated to work and eke out a meagre existence '*in the dungeons of the informal sector*'" (Booth, 1987 cited in Rogerson and Hart, 1989: 29).

Street trading is associated with poverty. For example, street trader Nobesuthu Mqibisa reported that she made a profit of approximately R300 a week (Interview, 22 October 2014).

### **WARWICK TRIANGLE BACKGROUND**

At the beginning of the twentieth century the majority of people who inhabited this area were white, followed by Asians, who opted not to return to India when their indentured labour contracts expired and Coloureds. The demographics had changed drastically by the middle of the century, when Asians outnumbered the other two races (Maharaj, 1999: 252). Although the area was racially mixed, Africans were not allowed to live there.

Warwick Triangle is situated in the province of KwaZulu-Natal in the city of Durban and covers "Block AK, through Botanic Gardens and Grey Street to the Casbah area" (Maharaj, 1999: 252). Maharaj (1999) uses the colloquial name, Casbah to refer to Warwick Avenue which was later used to refer to the whole Warwick Triangle. According to social historians like Naidoo (1993), Maharaj (1999) and Nesvag (2000), Warwick Triangle was strategically positioned near Berea Road which provided access to the interior of Natal Colony. Furthermore, the Victoria Street Market designated for Africans and the Early Morning Market for Indians meant that Warwick Triangle was a lucrative trading area (Nesvag, 2000: 36).



Warwick Triangle. Source: EThekweni Municipality. Adapted by the author.

Trade was racially segregated in Durban long before formal apartheid, with areas reserved for whites in the Central Business District (CBD), while others had to trade on the periphery (Rosenberg *et al.*, 2013: 157). Rosenberg *et al.* note that this was enforced through the 1897 Dealer's Licence Act. The Act enabled the municipality to control 'undesirable' street trade through denying or accepting trading licence applications.

Africans' emergence in the area as workers and traders was the result of industrialisation accompanied by urbanisation. Industrialisation had a domino effect in the sense that it led to the urbanisation of Africans in search of employment opportunities. They developed new needs which were catered for by African-run general dealers, eating houses, hotels in Grey Street and *shebeens* (Rosenberg *et al.*, 2013: 158). Others engaged in informal trade, selling fruit and, vegetables, shields, beadwork, traditional Zulu attire and traditional medicine known as *muthi*. According to Nesvag (2000: 36), informal

trading took place on the streets around transport nodes, single sex hostels for men, and near the factories and the dockyard.

### **TRADE IN WARWICK TRIANGLE**

In South Africa, “street trading is a long-established element of informal sector especially in urban areas” (Rogerson, 1983 cited in Rogerson and Hart, 1989: 29). Durban is no exception; Nesvag (2000: 36) cites La Hausse (1984) who states that street trade is a longstanding phenomenon in Durban dating back to 1900 when African traders from rural areas entered Durban on five-day passes to ply their trade. Nesvag adds that street trade was not limited to Africans; people of Asian origin were also active. Most of the trade took place in Warwick Triangle.

Nesvag (2000) notes that, informal trade thrived in Warwick Triangle during the early decades of the twentieth century to the extent that some Indians and Africans operated small stalls on the pavements. Africans also had designated trading areas on the periphery of the CBD like “the Native Market in Victoria Street and the nearby Market System in Warwick Avenue comprising the Squatters Market Complex meant for Indians. By the turn of the century both Indians and Africans trading areas were consolidated as non-white economic zones with bustling trade” (2000:36).

The backbone trade of African trade was the brewing of *utshwala* (African beer) and *umuthi* (traditional medical products). *Umuthi* is linked to the ancestors and is used to cure sickness. However, this thriving African trade was sabotaged by repressive legislation. Nesvag (2000: 37) points to the Native Beer Act of 1909 which was adopted by the Durban Town Council with the aim of establishing a beer brewing monopoly. The Act rendered private beer brewing and its sale illegal. The proceeds from the sale of beer financed Africans’ ‘welfare’ in the townships and their policing. Nesvag notes that this system that was first introduced in Durban was later adopted across the country. Those most hard-hit by the Beer Act were African women whose livelihoods were criminalised.

The *muthi* traders were also badly affected. This had grown to the extent that *muthi* shops were opened and it was even ordered and sent through the post (Nesvag, 2000:38). The growth of *muthi* businesses threatened pharmaceutical companies. La Hausse (1984) and Naidoo (1993) note that the passing of Medical and Dental Act of 1928 and the Witchcraft Suppression Act of 1957 were the result of pressure from western medical practitioners. These laws had dire consequences for *muthi* traders who had to operate illegally. Indians exploited this opportunity by opening traditional *muthi* shops and employing Africans.

The government of the day was guided by a philosophy that perceived the Africans as nothing more than labour units that were “‘birds of passage’ or temporary sojourners within the ostensibly ‘White’ urban space” (Rogerson and Hart, 1989: 31). The Native Urban Areas Act of 1923 stated that Africans were needed in the city to service white people’s needs and that when they had finished their job they had to go back to their reserves. Townships and the rural areas were regarded as labour reservoirs. The government and “municipal officials viewed the common street trader in negative vein, as anti-developmental, a blot on the urban landscape and anti-thesis of modern urban environment” (Rogerson and Hart, 1989: 45). In terms of the Native Urban Areas Act of 1923, street trading in Durban was perceived as uncivilised, unsanitary and criminal and therefore a nuisance that had to be dealt with. This view was informed by, among other things, the goods that were traded (*muthi* and cooked food) which targeted ‘non-whites’. La Hausse and Naidoo note that:

In 1916, the Durban Town Council introduced new Native Affairs By-laws which laid down precise procedures for the Registration of Natives, who required employment contracts and passes to be allowed into the city. This targeted all street traders... (La Hausse, 1984 and Naidoo, 1993 cited in Nesvag, 2000:40)

This by-law was aimed at restricting ‘non-whites’, particularly Africans, from flocking to the city.

According to Rosenberg *et al.* (2013), Indians were actively involved in trading. They operated as retailers and wholesalers, restaurants, 'tea rooms' and corner stores and were involved in jewellery manufacturing, property development, cinemas, bakeries and many other commercial activities. Indians also had stalls at the Indian Market and Early Morning Market known as the Squatters' Market. Poor Indians operated stalls on the pavements and streets. The municipality was opposed to hawking and from 1912, all hawkers, irrespective of race, were required to apply for a licence (Rosenberg *et al.*, 2013: 159). Realising that that licensing was not enough to control hawking, a 1916 law prohibited hawkers from "taking up a fixed or permanent stand, station or position but must be itinerant vendors of goods" (Rosenberg *et al.*, 2013: 159). This made it difficult for hawkers to carry big luggage and establish a clientele while on the move.

### **REPRESSIVE LAWS**

The Durban General Extended Powers Ordinance of 1929 that came into effect in 1930 enabled the municipality to pass laws to restrict street trading (Rosenberg *et al.*, 2013: 160). A 1949 by-law restricted street trade in areas set aside for whites. Traders were required to provide a photograph of themselves in order to prevent multiple licence holding. Those using vehicles for hawking had to be approved by the Licensing Officer. The by-law also prescribed that traders could not be in one place for more than 20 minutes and that they had to move 50 yards after this time. The city was divided into eight trading zones and hawkers were required to trade in a specified zone.

While these laws were oppressive, street trade flourished until 1930 because it was not as strictly regulated as in later years. Maylam notes that:

Local native policy throughout this period, while repressive, was only partially effective, as it was often contradictory and full of loopholes due to the deep division of interests between the various actors in whites' political and business circles in Durban (cited in Skinner, 2008:231).

Skinner (2008) adds that these loopholes were addressed with during the apartheid period. The 1945 Urban Areas Consolidation Act and the Group Areas Act of 1950 prohibited Africans from trading and residing in areas designated for whites. The Durban City Council passed a by-law in 1962 which declared street trading illegal (Skinner, 2008: 231). The Durban City Police relentlessly imposed this by-law and a large number of street traders were prosecuted.

Nesvag (2000: 41) notes that, nine years later, the Natal Provincial government passed the 1973 Natal Ordinance (11/1973) which made a minor concession by allowing very limited street trading. Hawking could not be practiced within 100 meters of a fixed, formal business. Hawkers could not have fixed stands and were only allowed to occupy a spot for 15 minutes; thereafter they had to move 25 meters away. They could not sell on the same spot more than once a day.

Maharaj (1999) notes that the coming to power of the National Party (NP) in 1948 and the racial segregation policies it adopted posed a challenge to the community of Warwick Triangle. The government passed a plethora of laws aimed at removing people of Asian origin from the area. However, these laws mobilised residents to resist removal. Maharaj adds that alternative accommodation was provided for Indians in places like Chatsworth, Newlands and Phoenix. Although Warwick Triangle was officially declared a white group area in 1963; not all 'non-white' people left; the area remained racially mixed. However, the repressive apartheid state machinery made resistance very difficult. Community leaders were harassed and detained; for example, Billy Nair was incarcerated on Robben Island for many years (Maharaj, 1999: 256). Although the area was reserved for whites in 1963, evictions were not fully implemented. Maharaj (1999) notes that, in 1984, when the municipality wanted to remove all 'non-whites' from Warwick Triangle, the community formed the Durban Central Residents' Association which organised petitions and held numerous meetings with the municipality. After a protracted struggle, the removals were abandoned.

The period from 1962 to 1980 was characterised by the repression of street traders. Their goods were confiscated, fines were imposed, and prosecution and violent confrontation were the order of the day. The traders organised themselves and rejected the criminalisation of their livelihoods. For them, street trading was a struggle for survival. Naidoo captures the mood of the time in an interview with a trader in 1990 who said “if police caught us that’s too bad. They took our goods away and fine us. But we come back the next day. We have to sell otherwise we starve... anything is better than starving” (1993: 73). Skinner cites an article in the *Daily News*:

Harassed fruits and vegetables hawkers in Grey Street complex have vowed to ‘declare war’ on Durban City Police whom they say are determined to force them out of business (*Daily News*, 7 May 1981 cited in Skinner, 2008: 231).

## **DEREGULATION**

Local government elections in the early 1980s saw the liberal Progressive Federal Party (PFP) take power in Durban. The PFP commissioned the Hawker Report, with the aim of formulating a policy on street trading. This resulted in the adoption of progressive policy that enabled those that flocked to the city seeking employment to be accommodated on its periphery through street trading (Skinner, 2008: 232). Having realised that informal trading could not be done away with a limited number of licences was issued. Another reason for the municipality’s relaxation of the by-laws was the changes in Warwick Triangle in general and Berea Station in particular which were described as:

“A whole new world” (*Daily News*, 1981). Fears by the local authority that this “new world” was going to penetrate into other parts of the city resulted in the initiation of a new policy towards the urban informal sector (Naidoo, 1993: 74)

The changes introduced by the PFP coincided with the national abolition of influx control (legislation that restricted the movement of Africans to urban areas) (Skinner, 2008: 232). Nesvag (2000) and Skinner (2008) argue that other factors included the high level of

unemployment in urban areas, heightened mass mobilisation to resist a government that was deemed illegitimate, increasing international pressure against the apartheid regime and the international neo-liberal agenda that viewed informal trade as the solution to increasing unemployment and poverty. According to Naidoo (1993: 74), this led to more lenient and tolerant policies on informal traders. For instance, hawkers could operate in designated areas on a 'free for all' basis and licensing was made easier. Rogerson and Hart (1989: 37) note that all that traders were expected to do was ensure that there was no traffic obstruction and littering.

While these processes were unfolding at local level, the National Party government started relaxing the national laws governing informal traders. This culminated in the passing of the 1991 Business Act of 1991 (Skinner, 2008: 232). The Act prohibited the passing of by-laws that restricted street trading. This Act and the Durban City Council's liberal policies opened the gates to informal traders who flocked to the city. The municipality had established the Informal Trade and Small Business Opportunities Department (ITSBOD) in 1993 to address street trading problems through negotiations with the traders. An umbrella body of traders' organisations, the Informal Trade Management Board (ITMB) was formed in 1995 to facilitate negotiations (Skinner, 2008: 233).

The Hawker Report introduced what was known as immune zones where informal traders could "operate on a 'free-for-all' or 'first come first served basis'" (Rogerson and Hart, 1989: 37). Initially, the immune zones appeared to be successful because the traders who operated outside them "were deterred by "relentless" police assaults" (*Daily News*, 5 February 1981 cited in Rogerson and Hart, 1989; 36). However these zones were not in the central business district but on the periphery of the city where there were few passers-by. Street trading depends on being located in an area with many people. The traders' defiance despite fines and arrests is captured by Stadler who described them as "birds in a cornfield" (cited in Rogerson and Hart, 1989: 32). Stated differently, the traders would be moved to one area and then occupy another area.

Secondly, the introduction of immune zones around the Early Morning Market in Warwick Avenue Triangle led to conflict with stall holders. The stall holders complained that informal traders were stealing their customers and that they were not paying rent to the municipality (Naidoo, 1993: 81). Naidoo (1993) explains that in an attempt to appease the stall holders the city police tried to evict the traders who resisted by staging a successful sit-in. No evictions took place.

The collective efforts of the traders and those municipal officials that were prepared to listen led to cooperation that yielded positive results. The Warwick Junction Renewal Project is a good example where municipal officials encouraged traders to develop their area (Dobson 2007; Skinner, 2008). Dobson (2007) and Skinner (2008) applauded the consultative nature of the project which led to the construction of the African *muthi* market, the installation of sanitary facilities, the renovation of the Early Morning Market, and many other projects. However, the situation changed with the adoption of the Business Administration Amendment Act of 1993 (Skinner, 2000: 238). Restrictions were reintroduced in the trading areas. Skinner points out that, only 872 permits were issued, excluding a large number of street traders. She adds that armed euphemistically named 'peace officers' specialised in removing traders from the central business district and harassment became the order of the day.

## **CRIME**

The dramatic increase in informal traders came at a time when the spirit of resistance was high and the Metro Police were no longer enforcing stringent by-laws. The trading areas were not conducive for trading. The lack of ablution facilities, cooking on the streets and skinning and preparing bovine heads caused health hazards. Furthermore, crime became rampant. Skinner notes that, "there were real concerns about urban management of the area. It was perceived to be a crime and grime hotspot" (2000: 234).

Warwick Triangle is a bustling space that it is known for being unsafe due to the high number of people moving in and out of the area with very little regulation. It is situated in a high crime precinct, Durban Central where 234 murder cases were reported and 3287

sexual offenses were documented between 2007 and 2012 (South African Crime Statistics 2012). Skinner reported that:

A trader described the area like 'a forest'. He added 'there was a small path to walk...shacks everywhere. There was no safety' (interview, 2 March 2008). He used the Zulu word *ihlathi* which literally means 'forest' but figuratively means 'lawlessness' (Skinner, 2009:04).

One of the major criminal activities affecting traders was theft of their goods by *tsotsies* (thugs) even in broad daylight. In an interview with Naidoo, a trader known as MaZondi said that:

Last week when I was working on the other side (along Warwick Avenue) the *tsotsies* stole all my money. I did not have anything and I could not even go home to get more stuff. They stole everything. I could not stop them (1993: 122).

The same sentiment was echoed Mrs Y, also interviewed by Naidoo:

When the *tsotsies* come other people run to the hostels. I just cannot run away and leave all my things. The robbers think we are women and just steal our goods... this happens all the time (1993: 122).

These statements reflect the crime the traders were exposed to that made it difficult to run their businesses. As one of the interviewees cited above stated that Warwick Triangle became a jungle, that criminals ruled with impunity. It is evident that the criminals were organised in the sense that they targeted those they thought were unlikely to offer resistance, particularly women. Moreover, the criminals were well known; this was why some traders fled when they appeared on the scene. It was not easy for some traders to report to the police because they did not have licences.

Crime was so rife in the area that customers were robbed and stabbed. Illegal gambling, murder, mugging, rape, and pick pocketing were the order of the day and stolen goods

were sold openly. Crime was badly affecting the traders' business and prospective customers avoided the area. It was in response to this situation that the TAC was formed.

The Warwick Triangle precinct has two main police formations, the SAPS and the Durban Metro Police. Durban Metro Police are controlled by eThekweni Municipality and are responsible for crime prevention, traffic and the enforcement of by-laws (Maharaj, Interview, 28 July 2013). The SAPS is state-controlled and deals mainly with crime prevention and investigates cases (Cebekhulu, Interview, 28 July 2013). The following chapter elaborates on the activities and mentality of the TAC working with both SAPS and Metro Police in their endeavour to fight crime.

## **CHAPTER FIVE**

### **FINDINGS**

#### **INTRODUCTION**

This chapter presents the empirical findings on how informal traders survive in Warwick Triangle. The findings are presented under the following themes: the emergence of the TAC, organisational features, tactics and strategies and interaction with other policing groupings. The TAC members' views are contrasted with those of the formal police. Therefore the role of the EThekweni Business Support Unit in creating a conducive or non-conducive environment is scrutinised in relation to the by-laws enforced by Metro Police. The chapter concludes by looking at the future of the TAC.

The preceding chapter laid the foundation by presenting the historical background of informal traders in Warwick Triangle and concluded by describing the high levels of crime. This chapter begins by examining the conditions that led to the formation of the TAC.

The Durban municipality's adoption of a *laissez-faire* approach to informal traders led to a massive increase in the number of traders. However, the municipality was unable to respond to the challenges that arose. This situation was exacerbated by the political transition to democracy.

#### **THE EMERGENCE OF THE TAC**

Many of the people I interviewed felt that, prior to the formation of the TAC, Warwick Triangle had become a paradise for criminals. Pick pocketing, mugging, theft, and hijacking became permanent features of the area. A key informant, Zakhele Khomo stated that:

It was a common occurrence that a customer would buy from a trader's table. While a customer is paying criminals are looking at the wallet or purse; then they will follow him or her, mug and take all the money and the cell phones. After a few minutes the customer will come back to the trader crying that he or she has lost everything and ask to be given money for a taxi home. That was a very painful situation to both the victim and a trader. As traders we were caught between helping the victim and upholding the trading principle that we have sold you something and we have no obligation on other things not related to the trade between us and the customer. This left us, traders in a dilemma where we had to fork out ten rand assisting a person who bought for five rands. That was a loss to us ... what could we do? We had no choice but assist a person (Interview, 4 May 2012).

The informants interviewed agreed that the busiest days were Fridays and month end. Criminals were targeting people withdrawing money from ATMs early in the morning, especially those coming off night shift and day shift workers on their way to work. On pay day, night shift workers withdraw money when they knock off early in the morning while the day shift workers usually withdraw money before reaching their work place. There were few, if any disturbances at this time, giving the criminals free rein. If they could not disturb their targeted victim while withdrawing money, it was demanded and forcefully taken after withdrawal. During the day force was not used but tricks like disturbing a person by advising them how to avoid charges were used to take the money. At times certain ATMs would be blocked and not accept cards, thus channelling clients to functioning ones where the criminals were ready to pounce on their victims.

One of the TAC founders, Themba Speelman noted that the criminals who were and still are pick pocketing and mugging people were 'working shifts.' The day shift targets those who come to town early in the morning and work until about four in the afternoon while another group starts at four and preys on people until the early hours of the morning. The afternoon group of criminals also went to bus terminals to pick pockets. Those who were

bold enough would enter a bus wielding a knife and demand money from passengers. Failure to comply led to stabbings (Interview, 26 June 2013).

Jabulani Sambo added that buses were no longer parking around the market and were rather roving because, usually in the afternoon, groups of criminals would confront the drivers and demand money at gunpoint. The bus owners decided to collect cash from the drivers at different times or the drivers had to deposit money at the bank during the day. It was common for delivery vans to be held up at gun point. Money from the drivers, personal belongings and the vehicles and stock would be taken. The driver would be dropped in a remote place and his cell phone would be taken so that he could not communicate with the outside world. Some companies resorted to escorting their delivery vans (Interview, 28 June 2013).

Speelman stated that there was a group of criminals that posed as the police and specialised in 'assisting' people to cross roads. They targeted people who were not used to a big city like Durban, mainly from the rural areas. They would ask a person why he or she crossed at the robot when the light was red. The person would be told that he or she was under arrest and be led to a place where he or she would be told to choose between paying a fine and being sent to jail. While 'paying the fine' all their money would be taken by force. If the person tried to fight he or she would be stabbed. The same happened to those who opted for arrest; money would be forcefully taken (Interview, 26 June 2013).

Former TAC leader and founding member, Nicholas Zondo explained that another group specialised in snatching handbags, mainly targeting women. They thrived in densely populated areas especially during peak hours. A victim would be identified then their bag would be snatched, thrown to another criminal and they would all run away, disappearing into the crowd. After a few minutes they would be back on the scene, having taken off their jackets and wearing different caps. All these groups were known to the traders because they were operating in the same space (Interview, 25 June 2013).

According to TAC leader, Jabulani Sambo (Interview, 28 June 2013) violence was directed at women in particular. A man would slap a woman in the face and ask why she was

cheating on him or ask why his child was aborted. Then he would start dragging her away, beating her and wielding a knife. The woman would beg for assistance, but the crowd would respond by shouting, “beat the bitch, she is rotten”. In most cases, the woman would be dragged to a taxi and driven to Umkhumbane (Cato Manor) informal settlement. On the following day she would be seen with the police in the market asking the traders to help to identify the person who had beaten her the previous day and explaining that she was raped for the whole night by a person she had never met before. Sambo emphasised that such incidents were common.

According to Zondo, gambling was also a major problem. Informal settlements at Berea Station and under the bridge at The Workshop were ‘designated’ for illegal gambling. He stated that the main problem with gambling was that some of the losers would be left with nothing, start fighting the winners and rob them of their monies. Some of the losers would resort to mugging innocent people to make up for their lost money. Those who tried to resist were in danger of being stabbed. He emphasised that not all losers behaved in the same way.

Seeing dead people was a normal phenomenon in Warwick Triangle and was traumatic for the traders and those passing by. The traders had to report to the police who would take time to arrive at the scene. In the meantime, people were scared and business was slow as the attention was diverted to the dead person instead of buying. Some people openly said that it was no longer safe for them to use that route (Interview, 25 June 2013).

There was a group that would throw down a stack of paper cut to money size, with a one hundred rand note on top. The stack of papers would be held together with a rubber band. When a person picked up the money someone would appear, claiming that the money was his or demanding a cut. In the midst of the debate someone would appear and assume the role of peace broker. The person would be led to a secluded place where the matter would be ‘resolved’ by them being robbed of their money, jewellery and cell phone (J. Sambo Interview, 28 June 2013).

Another group closely related to the one above would touch a person, then another one would be very sympathetic and concerned and explain to the touched one that all his money had become paper because of the magical power of the one who touched. He or she would advise the victim not to open their wallet but immediately consult a healer who is a specialist in bringing money back. The touched person would be accompanied to the healer who would pray for the money and instruct them to hand over their wallet or purse and leave the consultation room for a while to allow the healer to perform a ritual. Once the ritual was complete, the touched person would be called in and instructed not to open the wallet until he reached home, or the magic would not work. Driven by faith and a belief in the power of the healer, the touched person would comply, only to find at home that the wallet was full of paper (Z. Khomo Interview, 4 May 2012).

Speelman explained that both Metro Police and the SAPS were not helpful. Instead they exacerbated the situation. If a matter was reported and the traders had made a citizens' arrest, the police would take the criminal away and ask him to 'make something' (making a money gesture). After 'making something' (bribing), the criminal would be set free. As a result, the traders nicknamed the police 'make something.' The criminals would come back boasting that nothing would ever happen to them because they were working with the police (Interview, 26 June 2013).

No one was safe from being killed by the criminals, including the police. Themba Ncane, the former TAC leader commonly known as Duma explained that:

In April 1996, two criminals mugged a person in Berea Station on a broad day light. No one helped except the SAPS member who was not on duty on that day. He was not even wearing uniform. He tried to intervene, finally he was successful. The thugs disappeared in the crowds without money. The policeman remained in the station talking to one of the traders. When everyone thought the incident was over; the criminals came back catching the policeman off guard and stabbed him to death. I think they were revenging for being disturbed when they were mugging a person. The incident made us ask

to ourselves many questions like how long will this continue happening? Who will buy from us as the potential customers were avoiding the area? Who said what was happening to our potential customers would not happen to us? How safe are we, when even the police were being killed? Then we felt that something had to be done to deal with the situation. We started holding meetings as traders discussing the formation of a body that would protect us. We identified people from different parts of the town. Actually, I can say that the people who were at the fore-front were Themba Speelman, the late Emmanuel Dlamini, Nicholas Zondo and I. Later on we roped in Alex Mthiyane and David Dlamini. We formed the CPF which was commonly known as the 'forum'. The SAPS and Metro Police were present during the launch (Interview, 7 June 2013).

No one could recall the exact date of the formation of the forum. Nevertheless, it was well received and doing very well. The police gave the forum members cards with the member's photograph and the satellite police station's stamp depending on the area he or she was operating in. Warwick, Nichol Square and The Workshop are all satellites of Durban Central. The cards proved that the person was policing as a member of the CPF. However, the bureaucratic nature of the police operation confined the members of the CPF to the jurisdiction of the satellite. That posed a problem because the criminals were not operating according to satellites. A criminal would commit a crime in Victoria Street which belonged to Nichol Square. While the forum members were running after him, he would cross to Berea Station which is under Warwick. This meant that those operating under Nichol Square could not follow him. The forum wanted an organisation that would not hinder them from fighting crime. By then the forum was literally doing police work rather than acting as the 'eyes and ears of the police'. They were patrolling and effecting citizens' arrests.

According to Sambo:

To us, the members of the forum, crime is crime and knows no boundaries. Secondly, all traders had one common enemy, crime. Lastly, we were united as traders affected by crime. We were guided by the slogan 'an injury to one is an injury to all'. So we could not allow the police to divide us (Interview, 26 June 2013).

The traders decided to form an umbrella body of traders that would not be stifled by police red tape. Traders Against Crime (TAC) was formed in October 1996. According to Ncane, he changed one word in Business Against Crime, hence TAC. Asked why, he said that this was because they were not in business, but traders. Businesses were registered, whereas traders referred to anyone, including those selling in the streets. He vehemently denied that the TAC has any relationship with the Treatment Action Campaign which was only formed in 1998 (Interview, 7 June 2013). The formal launch of the TAC took place at Curries Fountain on 7 July 1997. It was graced by the then premier of KwaZulu-Natal, Ben Ngubane who donated R10 000 and second-hand computers. According to TAC leader, John Khomo (Interview, 1 July 2013) who was 63 years old when interviewed, Ngubane stated that:

It is for the first time that the ordinary people trading in the streets are doing such a wonderful thing, fighting crime. He went on to say that the presence of the TAC was being felt because the crime statistics were decreasing. He explained that the donation he was making was not for political reasons but to assist the TAC. He pleaded with us not to operate along political lines because that would signal the death of the organisation.

According to Zondo, the traders worked hard in preparation for the launch. They asked for donations from local shops who responded positively. For example, Cambridge Meats donated the yellow t/shirts worn by everyone who attended. The t/shirts had the TAC logo, a hammer and a bucket on which "crime buster" was written. Municipal officials assisted with the venue. Chris Edmund, a retired councillor was brought on board by one of the founding members, Dlamini to assist with preparations for the launch. The

members noted that he was co-opted due to his skills and knowledge as a white person who they believed could help them a lot. The stadium was filled to capacity by almost 10 000 people. Struggle songs were creatively remixed to fit the TAC agenda, thus ensuring that no one was politically alienated. This marked the birth of the organisation that would be the shield of the traders (Interview, 25 June 2013).

While the TAC was formed in response to the confining nature of the CPF; the organisation worked with the police. For instance, the Durban Central Police Station assisted with inviting the premier to the launch and Metro Police were also present.

Initially all traders were regarded as members of the TAC and there was no joining fee. The organisation was well received because it fought for everyone and openly declared that every person in Durban was a potential customer and that they would therefore protect all. News of the TAC's formation reached the criminal bosses through their agents. The idea was initially laughed off, but things changed when criminals were beaten for resisting citizens' arrests. Their bosses met with the TAC leaders. Ncane summarised the meeting as follows:

The highly respected people who could not be associated with crime met us and openly declared themselves the bosses of their boys, the criminals. They went on to arrogantly tell us that they have heard that there was a group that beat criminals and it will never succeed because they have been around Durban from 1969 while some of us were very young or not born. They boasted knowing every corner of the town and being connected to the police, therefore it was advisable for the TAC to stop what it was doing. They told us that we will never succeed in cleaning up Durban after all it was not our duty. Ours was to sell and make money for our children's survival. They reminded us that fighting crime was the work of the police. When they realized that we were not budging, they changed the tune saying that they were not targeting the Africans but the Indians. We wanted to know who was robbing and killing Africans on daily basis? If they were targeting Indians why were they not

going to their residential areas like Chatsworth and Phoenix? There was no clear response; instead they suggested that we had to work together. Working together meant that if their boys had taken things belonging to us, such things would be returned after consultations. We remained resolute to our position of fighting crime so we flatly refused to accede. The meeting concluded that we could not agree therefore we would meet in the street (Interview, 7 June 2013).

## **ORGANISATIONAL FEATURES**

When the TAC was launched it aimed to instil unity among traders and dignify the area they operate in. The broader vision of the TAC is the eradication of crime in the areas where it operates. This can be achieved by working with security structures and the police in particular. According to Ncane, one policeman was looking after 11 000 people; therefore they needed assistance (Interview, 7 June 2013).

Initially the TAC did not have a constitution but a code of conduct. The code of conduct was based on members' experiences. Chris Edmund, together with Street Net, the NGO working with street traders, assisted in planning the launch and drafting the code of conduct and later the constitution. The code of conduct applied to all traders because the TAC was open to all and there was no joining fee. The traders operated from the premise that all were affected by crime and therefore protection could not be offered selectively (J. Khomo Interview, 1 July 2013).

The main purpose of the code of conduct is to ensure that members behave in a manner that does not compromise the business and name of the traders. It also serves as a tool to resolve conflict among members. For instance, members are not allowed to occupy other members' stands and have to trade in their assigned places.

Members are not allowed to collude with criminals like buying stolen goods to sell. This clause assisted in addressing shop owners' misconceptions of the traders. They believed

that the traders were selling goods that had been stolen from them. Yet the traders' goods were also stolen by criminals. Both were victims of crime. The TAC was able to call a meeting that cleared the air. The TAC explained that their main aim was to eradicate crime; therefore they could not harbour criminals. Former TAC leader, Zondo (Interview, 25 July 2013) noted that since they adopted the slogan, 'away with crime, away', they could not be involved in criminal activities. He added that when traders were caught breaching the code of conduct, the goods bought from shoplifters were returned to the owners while the traders were hauled before disciplinary hearings. Such actions cemented the relationship between the traders and the shop owners. This relationship grew to the extent that retail stores like Edgars started making donations to the TAC. While the relationship with the independent shop owners grew, they did not accept the TAC's proposal that they contribute R2000 per shop in return for protection. Instead they hired Amavovo private security company.

All the key informants stated that if a member is caught breaching the code of conduct, he or she is subjected to a disciplinary hearing by a democratically elected structure. All the areas have disciplinary committees presided over by the chairperson. When conducting hearings the principle of *audi alteram partem* (listening to both sides) is upheld, and evidence is tabled, then cross examined. The accused and the complainant are asked to leave the room so that the disciplinary committee can apply its mind. The two parties are called back and the verdict is issued. In circumstances where the matter is not very serious a warning is given, whereas in serious cases a trader can be sanctioned to '*ukulala*' which literally means sleeping, while in practise it means being suspended from trading. Suspension can range from a week to a month. During suspension a member cannot even send someone to his or her stand for trading purposes. The aim is to give a person time to realise the bad things he or she has done while living without income. If a member is found guilty of a serious or repeated offence he or she can be expelled. The expelled member is reported to the municipality's Business Support Unit and is stripped of his or her trading permit. When a member is not happy with the sanction, he or she can lodge an appeal by writing a letter to the secretary of the disciplinary

committee. The appeal letters are tabled on Wednesdays to the same disciplinary committee that heard the case and arrangements are made for the matter to be heard again. Depending on the merits of the case a verdict can be converted or upheld.

John Khomo recounted how a member who breached the code of conduct was expelled:

The women traders alerted me that there were foreigners who used to come to that table (pointing at the table opposite his in Victoria Street near the Fish Market). I started observing the movements of the foreigners and discovered that they were delivering a drug called *wunga* (drug made up of RATTEX, ARVs and small pieces of glass). I sent someone to buy it in order to prove beyond reasonable doubt they were really selling *wunga*. I talked to the owner of the table about what was happening thinking he was going to tell those who were using his table to desist from such act. Seeing no change I went to the police in Nichol Square and gave them a tip. The police responded positively and the suspects were caught in possession of *wunga* and arrested. I expected the owner to come to me and explain what had happened because he was denying that he was letting his table and it was also used to sell drugs. When he did not come I decided to inform him about all that happened. He ended up admitting that he was letting his table which was against the code of conduct for traders and the by-law of the municipality. He was called to the disciplinary hearing whereupon he was expelled. His TAC membership card was torn and his photo returned to him. The municipality was informed. As I am speaking to you his status as an informal trader is in the dust bin of history (Interview, 7 July 2013).

All the informants agreed that the letting of tables is forbidden by both the TAC and the municipality because street trading is for poor people who want to make a living, not for landlords. It came to the attention of the two parties that there were people who were letting their tables to foreigners for R2000 a month yet at that time (2013) the municipality was charging R900 per annum.

Members are not allowed to drink or sell alcohol at work. Those selling alcohol were opposed to the TAC because it fought against trading in illegal substances. The reason for the ban was that people used to get drunk and became vulnerable to criminals. Secondly, the criminals used the *shebeens* where alcohol was sold as their waiting places before pouncing on their victims. Finally, *shebeen* kings or queens did not observe the alcohol age restrictions and sold to anyone who had money, including school children. According to Zakhele Khomo (Interview, May 4, 2012) drunken school children were victims of rape. Some would drink their transport money and end up doing petty crime.

The code of conduct also forbids members from having more than three males as assistants at a single table. This was informed by the belief that so many people at one table were not productive; rather, there were there to study the area in order to conduct criminal activities.

Interestingly, the code of conduct also protects assistants from unscrupulous traders. If assistants felt that there were unfairly treated by traders, they could report them to the disciplinary committee.

According to Ncane, the TAC became so popular that it expanded to other places like Isipingo, Pinetown, Bester, Verulam and Tongaat. This led to the need for an office and they acquired one at Bond Hyper for R500 a month in 1998. This became the headquarters of the TAC. The office had no full-time staff but members worked on a voluntary basis. It was equipped with basic furniture, including a table, a few chairs and a phone (Interview, 7 June 2013).

Juggling TAC work and trading became difficult as there were many meetings and operations. Newly-established branches had to be inducted and the way of carrying out operations had to be demonstrated. The courts were draining the financial resources and time of the TAC. For instance, in 1999, TAC members had opened more than 150 cases and they had to spend time in court rather than trading. The courts instruct a person to come at eight in the morning and the case may only be heard after lunch. Furthermore, the courts do not compensate a person for testifying, but only provide money for

transport. In 2013, a trader staying in Umlazi received just R50 for a return trip. When he took a taxi from the court to the market he might find himself in the same taxi as the accused which was very uncomfortable. Later, traders learned to be economical with the truth, claiming they came from distant places like Nongoma which is more than 300 kilometres from Durban so that they could get around R300 for each day they spent in court. Ncane stated that he became more of a TAC worker with no pay, than a trader. His business came to a standstill. He added that the TAC leaders understood when a person said he would not be available for a certain period of time. They knew that a person needed time at his or her table to be able to put bread on the table for his family. He was not the only one whose business suffered. Those who could afford to do so resorted to hiring assistants. The positive thing about the court cases is that 90 percent were successful (J. Sambo Interview, 26 June 2013).

All the informants conceded that as TAC members who were protecting everyone in their area, they were vulnerable. At one point in time the TAC, together with the SAPS organised to patrol Warwick Avenue. While on patrol, Ncane was attacked by criminals and hit by a brick on the head. A tussle broke out between the criminals and the TAC members and he was stabbed in the presence of the police. He was unconscious and taken to King Edward VIII Hospital where he recuperated. The TAC members interpreted the incident as a police set-up. They were angry and decided to go back to the same place the following day to avenge their leader's injury. The worst was to yet come; Rasta Muthwa, a trader was stabbed to death. The TAC started approaching different government departments for assistance with the burial but all was in vain. They ended up contributing from to the funeral from their own pockets.

The death of Muthwa was a turning point for the TAC. It was agreed that there should be a membership fee so that it could help in situations when a member passed on amongst other things. Some like Speelman were opposed to a membership fee. Speelman contended that there was no need for such a fee because members were donating their time and energy and thus exposing themselves to danger. He added that people

volunteered their lives. Ultimately, it was agreed that members should pay R100 per annum. Speelman did not join. The TAC had 56 members, but continued to serve everyone.

All the interviewees conceded that there was no recruitment strategy to ensure the survival and growth of the organisation. This could be attributed to the fact that initially all traders were members of the TAC who had one aim, to fight crime. When they woke up to the challenge of recruiting they were caught napping because their main focus was fighting crime. Recruitment brought a new dimension to the organisation which needed particular skills and tactics.

The TAC understood the importance of a programme that would be drafted at the beginning of the year, but in most cases it was not followed because the nature of TAC work meant responding to events taking place at a given point in time. The activities that were honoured were the fortnightly standing meetings which were held by all structures in their areas and the monthly ones which included the leaders of branches. Annual General Meetings were also held as a tool to ensure accountability. Generally, accountability was ensured through meetings in the areas where members were informed about what was happening and also aired their views.

There was a view that Edmund was using the TAC to enhance his standing in the Inkatha Freedom Party (IFP). All the interviewees claimed that he was making unauthorised press statements about the organisation and that he was once heard saying that it was discussed in the IFP that he would be assisted to be more economically viable because of his role in the TAC. Sambo contended that Edmund started to define himself outside the organisation by making press statements without the knowledge of the leadership. He introduced politics, which was totally against the principles of the TAC. He added that from the beginning it was agreed that the TAC would be apolitical and members were not even allowed to wear the t-shirt of any political organisation while doing TAC work. The members met in Edmund's absence and decided that he should be fired. The leaders were not brave enough to tell him and Ncane was left with no option as the chairperson

but to tell him that his services were no longer needed. Edmund hired some TAC members for his private security company, UIP (Interview, 28 June 2013). Unfortunately no one knew what UIP stood for. Asked about his expulsion from the TAC, Edmund vehemently denied that he was ever a member and described himself as a person who was assisting the TAC. Therefore it makes sense that he was not called to the disciplinary hearing.

The TAC did not hesitate to act against traders who were treating customers unfairly. According to Irene Manqele, some traders claimed that they could install 'golden teeth.' A customer would be told that the service cost R10 and would be taken to the place where the job was done. They were then expected to pay R100. Failure to pay led to the forceful taking of money and the customer's possessions. The TAC intervened and stopped the practice (Interview, October 25, 2014).

The TAC leaders viewed charging a joining fee as logical, meaning that the organisation had to be registered as a cooperative. As the leaders were poor people without much education, this created challenges. John Khomo (Interview, 1 July 2013) reflected on the registration process:

We asked for donations from business people who graciously contributed. The total amount raised was R5 000. Although I was the member of the executive I opted for my name not to appear on the certificate; instead I moved for the inclusion of ordinary members. I did this to ensure transparency and give ordinary members a voice. We waited for 15 months without receiving the certificate. I became sceptical because while I attended a workshop (that had nothing to do with registration), I was advised that it does not take more than three months to register a company. Together with the secretary we went to the manager of the company that was assisting (though I don't remember its name) to enquire. The manager told us that registration was incomplete. I wanted him to tell us in black and white the entire story he had said verbally and he complied. I decided not to give the letter to the secretary and kept it

myself. The intention was to make the manager to write three letters then I could demand money back or lay a charge. I sensed something was fishy because the chairperson was no longer calling meetings. We waited for a further six months. On the third encounter I told the manager that the members were tired of his letters and gave him two options; either he gave money back or went to the meeting with us because the members were waiting for feedback. He claimed that I had no mandate because I had not contacted the members about the demands I was raising. I became assertive telling him to stay out of the TAC's internal procedures. He started sweating and called other TAC leaders. Ncane told him over the phone that I was the deputy chairperson, so he had to comply with what I was saying. Ultimately we were paid a cheque of R2000 which was the amount on the receipt. As to what happened to the other R3 000, it is up to you to decide. I called the meeting and reported to the members. We registered the cooperative within three months and the bank account was opened for the first time.

### **THE TACTICS AND STRATEGIES OF THE TAC**

The TAC's effectiveness can be measured by its growth in areas outside Durban. The main challenge was that, while it had good relationship with high ranking officials in the police service, it was not recognised by the junior officials that they had to work with on daily basis. When criminal matters were reported, the police responded slowly or not at all. Consequently they resorted to dealing with criminals violently.

Within a few months of the TAC's inception (no one could pinpoint the exact date, but an estimated three months after its formation) it had to deal with the first challenge of resistance from the criminals as there was no agreement to work together. Rather than dealing with the bosses of the criminals; the TAC preferred meeting with the 'foot soldiers'. Sambo (Interview, 28June 2013) explained that:

We set up a meeting with the strong hardened criminals whom we knew as operating in Warwick Triangle. It was agreed upon that no one would bring

weapons. The purpose of the meeting was to map out the way we were going to operate together. While the meeting was progressing very well we “ambushed” them by resorting to *sjamboks* (whips) and hammers out of the blue. They were heavily beaten up. We ensured that we did not touch their heads because a few police who were sympathetic to our cause had advised us that the head is for the government. We were dealing with the parts below the nipples. The hammers were used mainly on the ankles. The aim was to beat them heavily but allow them to run away for a moment so that they could catch taxis home or to hospital. They were not able to move maybe for two weeks while they were nursing their injuries. The purpose was to start with the stronger ones so that the weaker ones would see how badly injured their brothers were and pass the message to others. The news spread like fire. When they went to report to the police they were ignored because the police were also happy because crime was reduced. During that time there was relief. Relief did not mean that there were no longer criminals, they persisted but the difference was great.

All the key informants agreed that the news of the forum (although the forum was no longer in existence, people maintained the old name) beating up criminals became the talk of the town. When criminals were running from the police they dared not go towards Warwick Triangle because they knew that the TAC would round them up and beat them heavily. The irony was that when the TAC was chasing criminals, they preferred to run towards the police vans and plead with the police not to hand them over to the TAC.

The traders maintained that it was important to strengthen their hand by beating the criminals because treating them with kid gloves would cause more harm, especially when a member was not in the company of other TAC members. They boasted that if you beat a criminal strongly, he will respect you when you meet again. He will not even think of victimizing you; instead he will call you ‘uncle’ even if you are younger than him.

Sambo stated that it came to the attention of the police that the TAC had called a meeting with the criminals and subsequently beat them. The police convened a meeting with the TAC and spoke at length on the illegality of beating people. The purpose of the meeting was to persuade TAC members to stop beating people. Initially, the TAC advanced the argument that beating people served as a deterrent; no one enjoyed beating people but the tactic was used because the police were not responding when called upon to intervene. Secondly, the TAC was dealing with armed criminals who were fighting, so being 'friendly' would not help. Finally, the TAC argued that the police themselves used force when facing non-compliant criminals. It was agreed that minimal force could be used when criminals resisted arrest. It did not take just one meeting for the TAC to change its position on violence. The Human Sciences Research Council (HRSC) assisted by introducing a programme called *Hamba uphephile* literally meaning, 'go safely'. Participants were taught how to carry out citizens' arrests and create proper channels of communication with the police (Interview, 28 June 2013).

The main strength of the TAC was its numbers and unity in action such that intimidation and threats were collectively dealt with. The criminals tried to isolate the leaders of the TAC and intimidate them. They approached leaders individually and discouraged them from continuing to fight crime. Speelman (Interview, 26 June 2013) revealed that:

I was approached by the criminals who instructed me to stop involving myself in TAC activities. They told me I had options of going back where I came from, Eastern Cape, die or stop disturbing them. I told them in no uncertain terms to do what they felt like because I would not let crime continue affecting our businesses. I further told them that if they wanted to continue with their criminal activities they also had to go where they came from Lamontville and Chesterville. They said I was declaring war on them so they were going to reinforce by calling more boys. I called a special meeting for traders so we could be ready for them. They never pitched up again. I'm convinced that their informers told them that we were ready to fight fire with fire when they came.

Whistles play a major role in informing traders when there is something wrong. For instance when a person is refusing to pay or snatches a bag, traders, particularly women, blow whistles and shout “*vimba*”. The suspect is apprehended by a group of traders and taken to the police station. In most cases the victims are not prepared to lay charges because of lengthy court proceedings; instead they prefer to regain their possessions. I witnessed an incident on 24 December 2012 that demonstrated the power of whistles and the use of evidence to reach a particular conclusion:

We were patrolling in Warwick Avenue near the Early Morning Market at around about half past six. The congestion of cars and big number of people commuting back home during that festive season Friday made moving very difficult. The peak hour made things worse thus making the environment suitable for criminals.

While were in Warwick Avenue we heard the whistles being blown in Market Street. As we were rushing to the side where whistles were being blown to find out what was happening; we heard people shouting “*vimba!*” Upon our arrival we saw a man wearing a black cap running towards the direction of the satellite station of the Metro police. As he was running people were hurling insults and throwing to him whatever they could find. Crossing Warwick Avenue towards the municipal clinic, he fell and he was caught by the mob. While the mob was kicking him, he cried out saying “*angenzangalutho mina anginacala, ningishayela into engekho*” meaning I did not do anything wrong. You are beating me for something I didn’t do.

Zakhele: Where is the jewellery?

Suspect: I know nothing about jewellery

Zakhele: (pointing at the crying woman) I mean the one you took from this woman.

Suspect: I don't know this woman. I had never set my eyes on her.

Crowd: (shouting) Beat him, beat him more! He is lying!

A man I didn't know slapped him in the face; others were kicking him.

Zakhele: Are you prepared to speak the truth or not?

Suspect: Let me tell you the truth but... but how will I speak if you beat me?

He put his hand into his pocket and pulled out a necklace and a ring and gave it to Zakhele.

When asked why he took them, he kept on begging for mercy. He was taken to one of the store rooms in Berea Station where he was interrogated. During interrogation it transpired that he was working with a female person who identified people with good jewellery. Then a targeted person is lured to the toilets where her things will be taken. The woman whose jewellery was taken could not be lured to the toilet; that was why the man had to step in and forcefully take the jewellery. The traders saw the incident happening; then whistles were blown. The robbed person identified the jewellery as hers. She was also asked to give full description as a proof that it really belonged to her. She was further assisted by the women who saw the incident happening but the victim was not willing to open a case.

Patrolling was done in a tactical way. For instance, people who worked in the area that was patrolled were not supposed to be at the forefront; rather, they would follow behind as if they were not part of the patrolling group, thereby acting as backup in case of trouble. This strategy rescued the member who was about to be killed as described in chapter two. It should be borne in mind that the criminals are also organised and they study the movements of the TAC. For instance, they monitor the movements of the patrolling group and target an area that has already been patrolled.

The pepper sprays introduced by Chris Edmund while he was still part of the TAC assisted a lot in apprehending suspects. All members agreed that the pepper sprays were donated by an ink company, but unfortunately no one remembered the name. They only remembered that Chris Edmund came with the sprays which helped overpower suspects that resisted arrest. When sprayed in the eyes, the eye sight is affected and the suspect is easily overcome. It is used mainly when there is no back up (T. Ncane Interview, 7 June 2013).

Communication between TAC members was and still is important in carrying out the organisation's work. For instance, if criminals are identified in a particular area, their movements are monitored. As they move, other members operating in the area where the criminals are heading to are told to keep an eye on them. Without even shouting "*vimba*", the criminals are easily caught. Monitoring is effective due to communication through cell phones. Initially, they were using pagers which were bought with the money donated by the then premier, Ben Ngubane. The pagers were not as effective but were used because that was what they could afford. They were later replaced by cell phones which are individually owned. The use of cell phones was and still a challenge because members are not always able to afford airtime.

Other than patrolling, the TAC conducts stop and search operations which is a method associated with the work of the police. Reports are tabled at meetings and areas are identified for stop and search exercises. This is informed by the analysis of crime in that particular area. The date and time are democratically agreed upon, determined by the nature of the crime and its prevalence. Stop and search operations are challenging because TAC members do not wear uniforms, but use their TAC cards to identify them as crime fighters. The public resists being searched.

Another tactic is to raid areas that harbor criminals. *Shebeens* and the slums in Berea Station are often the targets. These raids were very effective because weapons, mainly pocket and bush knives and stolen goods were discovered. Effective though the tactic was it was open to abuse by certain TAC members for their own benefit. John Khomo alluded

to the proposal by some TAC members to conduct raids in the slums in order to confiscate weapons. Once they were confiscated, people would come and buy the knives from their tables, thus boosting their business. Another challenge was that some of the recovered goods were never returned to their rightful owners.

Members of the TAC noted that handcuffs were important in citizens' arrest, but were in short supply. While we were patrolling in 2012, I enquired why handcuffs were not used while driving a suspect to the police station. Obviously a suspect would try to escape. Other than that, it means calling the police who always complain about the non-availability of vans and being understaffed. While waiting for the police who come after an hour, the criminal becomes violent and tries to escape. More people are needed to look after one person and work is affected. The interviews revealed that there were instances when handcuffs were used, but these were lent to the TAC by a private security firm and this only happened on rare occasions.

The TAC strongly believed that they could not institute a citizens' arrest without evidence. Sambo (Interview, June 2013) related the story of how they dealt with a young man who was allegedly a criminal, yet had never been caught in criminal activity:

There was a young man who was between 24 and 26 years whom we were told was a criminal. His mother was one of the traders. Because we were told about his criminal activities we decided to approach him and advised him to stop the criminal activities he was involved in. He defended himself saying that he was not involved in any criminal activities. Within a few hours we caught him red handed in Berea station robbing a person without even hiding himself. When we charged towards him, he drew a gun thinking that we were going to run away, forgetting that amongst us there were former security guards and ex-combatants. One of the ex-combatants fired a shot and the criminal fell. We all thought he was dead and we started panicking. Only to find that a bullet hit the cap and he was unhurt but unconscious. If he had taken our advice he wouldn't have gone through such an ordeal. After that he became

scarce in the area. That incident changed the way people looked at us and thought all of us had guns of which it was not the case. The ex-combatants were of great help to us because we were dealing with armed criminals. The good thing about the ex-combatants was that they did not show their guns and they seldom talked. They were more men of action.

Knowing the suspects that specialise in different crimes assists the TAC when it conducts investigations. For instance, when they investigate theft, the main suspects are street kids and foreigners because they use drugs. This leads to many criminal activities in order to get money to buy drugs because they are addictive. The members of the TAC believe that it is useful to ask foreigners for information because they like to portray themselves as being clean. The same applies to street kids when they are not involved. The street kids are the main source of information because they are all over the place and they know every corner. The TAC works closely with the street kids as part of their intelligence system.

The TAC has a very powerful security network backed by a powerful intelligence system. In all the areas around Durban they have people who inform them about what is happening. After gathering information they plan their operations from an informed position. Although I tried to establish how the intelligence system operates they refused to divulge information which they described as preserved for a select few members of the TAC. All they could offer was anecdotal evidence. For example, they became aware that criminals were planning to rob Cambridge Meats in Warwick Avenue which is 300 metres from the satellite police station. Cambridge Meats was informed about the plan but it did not take the warning seriously. A few days later the shop was robbed.

Women also form part of the TAC. They played a major role in information gathering and beating people who were taken to the store room for interrogation. A person would be left to the women to interrogate until the truth was out. According to Nobesuthu Mqibisa who had been informally trading in the area for 24 years, this was done purposely because people had a tendency to open cases against men who used force

against them, but were ashamed of pursuing cases against women (Interview, 22 October 2014).

Women are also part of patrols even after hours. According to TAC activist, Iren Manqele who worked at Berea Station in particular, they came up with idea of camping the whole night to prevent crime. They worked through the whole night sewing in their kiosks. They could hear when a person was attacked by the criminals and call for reinforcements. At times they patrolled for certain hours and then went to work in their kiosks. The main challenge with the camping is that it is done mainly by women who are widows or not married; others cite family commitments (Interview, 25 October 2014).

Asked how they felt about meting out corporal punishment to men in particular, both the women informants said that they do feel for the person but the thought of the suffering the criminals were causing to innocent people, and the hard experiences they went through and observed, made them continue doing their work with vigour.

## **RELATIONSHIP WITH OTHER SECURITY FORMATIONS**

The SAPS and Metro Police are the two main policing formations in Warwick Triangle. Ideally the combination of the two should be playing a meaningful role in the eradication of crime in the area, but the dominant force is the TAC's informal policing. Although both the SAPS and Metro Police attended the launch of the TAC and the SAPS helped with the logistics, high-ranking officers initially had a better relationship with the TAC than the junior officers that the TAC had to work with on a daily basis. Zakhele Khomo attributed this negative attitude to the fact that the police were not doing what they were employed to do and regarded the TAC as untrained, illegal and unprofessional, yet wanted to replace them (Interview, 4 May 2012). Speelman viewed the hostile attitude as a sign of panic because the police were colluding with criminals and they feared being exposed. Indeed almost all the interviewees recounted stories that linked both the SAPS and Metro Police to criminals. Of course, not all police are corrupt. John Khomo was adamant that the police who were nicknamed 'make something' were collecting bribes. He shared the following experience:

I left my table to order goods, I saw four men who looked perplexed. I asked what they were waiting for and they told me that they were stopped by a policeman. I decided to stand with them. Suddenly a policeman appeared and instructed me to move away and I complied. I asked the four men why they were stopped and they said they were told to pay R20 so they were waiting for others who were inside paying. I asked to speak to the policeman producing my TAC card and asked him to produce his appointment card. He vaguely said it was available. When I insisted he showed it to me but not openly so I did not see clearly. I wanted to know where he was working, he pointed to Nichol Square. Therefore I asked him to come with me to the police station. I was surprised because I knew all the police officers in Nichol Square. Immediately there was a big crowd surrounding us. Within the wink of an eye he disappeared from the scene. When he ran away I could not shout '*vimba*' to the policeman because people would assume he was running after a criminal therefore I fired a shot in the air and he was so shocked that he fell trying to climb the stairs. I called the police and he was put at the back of the van. It transpired that he showed me a fake appointment card and he was working in Kito (Cato Manor). I could not follow the matter to the end because I had many commitments. You know what? I'm sure he was never arrested. If he were, why was I not called to testify (Interview, 1 July 2013)?

Although relations were not good with the SAPS, the TAC had no choice but to work with them. Sambo referred to an incident that took place during the late 1990s when the TAC spotted many criminals from Umlazi, Lamontville, KwaMashu and Inanda playing kopie-dice near the Workshop Mall. In kopie-dice, a dice is put into a tin. The tin is shaken and bets are made on the numbers that will be reflected by the dice. If your guess is correct you win money depending on the amount of your bet and you become the person who shakes the tin. The police were informed about what was happening and they delayed coming. He went on to say that they decided to go there without the police. The TAC realised that it could not arrest them because of their large numbers. Sambo argued that

in the absence of the police they were left with no alternative but to beat them, going back to the tactic that they had discarded. As the criminals were beaten, a police cap and a gun were left on the scene. Those items were taken to Pine Parkade Police Station and it transpired that they belonged to one of the policeman working at the station. The law prescribes expulsion for such an act, but the TAC pleaded that he be suspended. They said that they were concerned for his children rather than for him. He was subsequently suspended for six months (J. Sambo Interview, 28 June 2013). The TAC was trying to work with the police but they did not cooperate because they were protecting some of their colleagues. This incident reflects the cold shoulder given the TAC by junior officials or being ignored in contrast to the action taken by senior officials against the culprit.

This was not the only such incident. In the second encounter, Ncane said that they were tipped off by their intelligence network that there were people who gambling in the same spot where the policeman was arrested. The Pine Parkade police were called to make an arrest; they complained about being understaffed but promised to come. Luckily two Metro Police officers who were passing by came to the TAC's rescue. The combined TAC and Metro Police force swooped on the criminals and arrested many people who were taken to the nearest police station, Pine Parkade. The criminals were handed over by the Metro Police and they left the TAC members writing statements. Things suddenly turned around and the TAC members were arrested for harassing members of the SAPS who were involved in gambling. The Metro Police who were involved were not arrested. These SAPS members had been secretly holding meetings with the TAC to persuade it to stop fighting crime because they claimed it was an illegal organisation that was beating people. They argued that harassing SAPS members would put them behind bars for a long time. It is interesting how the misunderstanding played itself out. The police were calling the TAC members informers. The TAC proudly lectured SAPS members that informers are paid and not elected while the TAC is not paid. The TAC stuck to its guns that the case had to continue because they were banking on the Metro Police who were also on the scene and were supported by the Legal Resources Centre. Ultimately the case died a natural

death (Interview, 7 June 2013). This incident is a good reflection of the spontaneous working relationship between the Metro Police and TAC.

There were also instances where the TAC and SAPS coincidentally found themselves working together. Speelman related an incident that took place in 1996 when a policeman in full uniform was mugged by criminals at Victoria Bus rank. A fight ensued, the policeman opened fire and a stray bullet killed a woman trader known as MaZondi and her son. The criminals attacked a policeman. The traders intervened but were too late; the policeman lost his life. All the traders could do was to recover a gun and call the police. The murderers were identified by the traders and subsequently arrested (Interview, 26 June 2013).

Lieutenant Cebekhulu of the SAPS maintained that the main causes of crime are vagrants and traders. According to him, vagrants live on the streets because they have nowhere else to go. They survive by robbing people. He described the traders as wearing two hats depending on the time of day. They trade during the day and when business is slow they resort to robbing people after hours. Thirdly, traders complicate crime because criminals steal and hide stolen goods on their tables (Interview, 28 July 2013).

Misunderstanding between the police and the TAC could be further attributed to the fact that the TAC does not wear uniforms. When they make a citizen's arrest and the criminal fights back, chaos ensues. When the police arrive on the scene they indiscriminately set dogs on all involved, and use sprays or teargas. The TAC members feel that the police do not appreciate the role they play and that they treat them like criminals. On the other hand, the police cannot differentiate between the criminals and the TAC members when there is a commotion. The TAC eventually decided to wear vests so that they can be distinguished from ordinary people, but they do not always wear them.

The relationship between the Metro Police and TAC was even worse. Sambo explained that this was due to an incident in the corner of West and Field Streets during the mid-2000s. The TAC was apprehending a criminal that had forcefully taken jewellery. While they were trying to make a citizen's arrest, a Metro policeman on a motorbike appeared

on the scene and instructed the TAC to release the criminal. The TAC members felt that the policeman was being arrogant by refusing to recognise them despite the fact that they produced their cards, so they told him to 'go to hell'. The officer pulled out a gun. Those from TAC who were armed did the same. The situation became tense, but no trigger was pulled. At the same time the unarmed TAC members held the criminal even tighter. There was chaos and an exchange of words. The policeman was told in no uncertain terms that he did not know how to do his job; he was supposed to call a van rather than instructing the TAC to release the criminal. The chaos was resolved by the arrival of the captains from Nichol Square (SAPS) and the Metro Police. Both captains knew the TAC and it is suspected that the incident was being watched on CCTV cameras. The policeman was not told that he acted improperly and no follow up was made by the TAC, but the criminal was arrested (Interview, 28 June 2013).

The bad relationship between the TAC and Metro Police is worsened by the by-laws enforced by the latter. According to Sbongile Gumede, the municipality's Business Support Unit (BSU) Liaison Officer there is a by-law which does not allow a table or stand with goods to be unmanned. The traders are allowed to hire assistants that must, however, be registered with the BSU. A photo of an assistant is attached to the trader's permit. When the Metro Police conduct inspections, the permit has to be produced. If the trader is absent, the permit remains with the assistant. If there is no one at the table, the goods are confiscated (Interview, 23 August 2013).

The main challenge with the by-law is that not all traders can afford assistants. If a TAC member is without an assistant or the assistant is not at work, and a call is made that crime is taking place, the member heeds the call by going to the scene of crime and the criminals are arrested. However, he receives a call from the neighbouring traders that the Metro Police are kicking his table and confiscating his goods. According to some members I spoke to, this is highly demoralising. They pointed to the irony that the people who are employed to fight crime, amongst other things are fighting those who fight crime. Gumede, who also deals with the enforcement of the by-laws applicable to informal

traders, claimed that she knows who the TAC leaders are and overlooks their tables when they are unmanned because she knows that they attend meetings. However she could not say whether all officials adopted this stance (Interview, 23 August 2013). The TAC is adamant that the fact that one person claims to be doing them a favour is an indication that there is something wrong with the by-law. Superintendent Maharaj was tight-lipped about Metro Police's conduct in relation to the enforcement of the by-law under such circumstances.

Secondly, the TAC and the traders in general question the repressive by-law that prescribes confiscation. They feel that they are not treated fairly because when a motorist commits a traffic offence his or her car is not confiscated; rather the same Metro Police issue tickets. The question is why they are not treated the same. Metro Police described imposing a penalty on informal traders as a waste of time because they will never pay. However, the traders contended that if an unpaid penalty could be added to the permit they would not avoid payment. They clarified that only the goods of illegal traders should be confiscated. Thirdly, they questioned the brutality of the Metro Police when they kick their tables. The police could do their work without breaking tables. Finally, when an assistant is not performing in the manner the trader expects, like stealing, the trader faces the dilemma of whether or not to fire them, as the photo of the assistant at the back of the trader's permit cannot be replaced until the permit is renewed. They raised the question of why informal traders should have photos of assistants in their permits when this does not apply to formal traders. Therefore a trader has to choose between staying with a person who is not performing well or exposing his or her goods to confiscation when going to order more stock. This by-law is making the relationship between the TAC and Metro Police very difficult. According to some TAC members (Focus group, March 21, 2013) the Metro Police look upon the TAC as the people who break by-laws and have to be apprehended while the TAC regard the Metro Police as people who abdicate their responsibility of fighting crime and concentrate on soft targets, the traders. TAC members stated that they had made numerous attempts to meet the Metro Police who ignored them.

Metro Police Superintendent A. Maharaj denied that the Metro Police refused to meet with the TAC. According to him, the TAC is made up of traders without licences who fear the police and they would not dare ask to meet the police because they know that they are on the wrong side of the law. He admitted that it had never crossed his mind that he could make an effort to meet TAC members (Interview, 26 July 2013). When I asked the TAC leaders during the focus group discussion whether or not they had permits to trade, they showed me their permits. On the other hand, Maharaj admitted that there had been a few occasions when the SAPS brought all the crime fighting formations under one roof, but he could not explain why the 'law-breaking and police fearing' TAC attended such meetings. This proved beyond doubt that the Metro Police through the eyes of Maharaj had unfounded perceptions about the TAC.

Another reason for the bad relationship with the Metro Police is the hands-off attitude it has towards fighting crime. The TAC noted that drug trafficking takes place under the noses of Metro Police. The offices of Metro Police are in Albert Park. Many people who stay in the park 24 hours a day use different drugs, especially *wunga*. Indeed, the park is now known as 'Wunga Park'. Ironically, a policeman who helped arrange the interview with Maharaj told me that they are based in Wunga Park. The question asked by the TAC is why Metro Police are not doing anything about the matter. Maharaj agreed that Metro Police are aware of the problem and claimed that they had removed the drug addicts from the park. They have relocated under the bridge of the Chief Albert Luthuli Highway (M4) which is 400 metres from the Metro Police offices. Nothing is being done to apprehend them. Maharaj contended that there is no law that allows police to arrest people because they are in the park or standing under a bridge. The same sentiment was expressed by Lieutenant Cebekhulu from the SAPS. However their argument does not hold water because they can arrest people for using drugs and sniffer dogs can assist them in identifying criminals.

Although the relationship between the SAPS and TAC started on a sour note, the situation has changed considerably. The effectiveness of the TAC in reducing crime and the gospel

preached by senior SAPS officers of working with all crime fighting formations have finally filtered down to junior officers who have changed their attitudes. The relationship has improved phenomenally. Furthermore, the incidents in which the TAC and the SAPS found themselves forced them to work together contributed to improved relations. This is demonstrated by numerous joint meetings and the exchange of contact numbers between members of the two formations. The close working relations between the SAPS and the TAC have been strengthened by joint operations involving raids and patrols. The TAC no longer embarks on operations without informing the police and even when the police do not participate they remain on standby.

The TAC has become so dominant in the area that at times the SAPS contact it when investigating certain cases and they end up working as police. A typical case was a person who was terrorising and killing people in Warwick Triangle. The TAC was contacted and used its intelligence to identify the person as Thulani; an identikit was produced. On investigating, the TAC discovered that he had taken cover in Umtata. The TAC and SAPS searched for him in the deep rural areas of the Eastern Cape. TAC members played a pivotal role in following leads and ultimately three people were arrested and the gun used to terrorise people was linked to them. They were brought to Durban to stand trial (J. Sambo Interview, 28 June 2013).

Paradoxically Lieutenant Cebekhulu, the head of Warwick Satellite police station denied that there was a working relationship between the SAPS and TAC and went on to declare the TAC dead. After asking him probing questions and mentioning incidents where I was present during the planning of operations between the TAC and SAPS, he backtracked. I attribute his thinking to the fact that almost all TAC leaders are also members of the CPF. Therefore, it is difficult for an office-based person to differentiate between the TAC and the CPF.

The police in Warwick Triangle use modern technology including CCTV cameras, motorbikes and a criminal intelligence network. Twenty 20 SAPS members are employed in Warwick Avenue to serve almost half a million people. At any time, some are on annual

or sick leave or absent without permission (Lieutenant Cebekhulu Interview, 28 July 2013). Metro Police also deploys 20 personnel during peak hours between six and nine in the morning and four and six in the evening. During the day there are only four police on duty. This is in sharp contrast to number of SAPS and Metro Police members deployed on the Beach Front, where there are less people, but police in cars, on foot patrol and on horseback. No one could explain the reason for this. Instead, Maharaj stated that even the mayor, James Nxumalo is aware that Warwick Triangle is understaffed. It was argued that police could not patrol Warwick Triangle on horseback due to the noise levels (Lieutenant Cebekhulu Interview, 28 July 2013).

There is also a CPF in Warwick Triangle. CPFs are provided for by law and work closely with the police. However, the police have to accompany them on patrol. They act as the 'eyes and ears of the police'. While the TAC works with police patrols and conducts stop and search operations like the CPF, it is independent. Although the TAC distanced itself from the CPF and became independent because of the constraints imposed by the rules governing CPFs; there was a change of heart as they realised that it was important to work with the CPF. They encourage their members to join the CPF. The fluidity between the TAC and the CPF was also strengthened by the fact that those who decided not to join the TAC when a membership fee was introduced were members of the CPF and there was no bad blood between them. The two hats worn by TAC members assisted them to overcome the constraints posed by the rules governing the CPF. When TAC members were working within their satellites they became CPF but when they were caught operating outside their areas of jurisdiction they became TAC.

### **THE CHALLENGES CONFRONTING THE TAC**

As with many community organisations, the TAC experiences resource constraints. A lack of financial resources led to the closure of the office during the late 2000s because rent could not be paid. Members commented that they found it difficult to work without a base and that they rely on cell phones. There is no place to meet unless a request has been made to sympathetic municipal officials and they cannot convene urgent meetings.

The TAC plays a major role in arresting criminals in Warwick Triangle and works with the police who are understaffed. When there are many criminals to be arrested and backup is not provided, the TAC resorts to tactics that violate the laws of the country, like beating people. Criminals open cases and TAC members are arrested. Once a member is arrested, bail has to be secured. In most cases there is no money in the coffers and members have to contribute to the bail. These contributions come from the meagre income the traders make from selling on the streets. Spending time in court in order to ensure that criminals are convicted has devastating effects on their businesses and makes them question the wisdom of voluntarily fighting crime. At one point in time, more than ten TAC members were charged and represented by the Legal Resources Centre. Fortunately, the case was withdrawn on technicalities (T. Ncane Interview, 7 June 2013).

The criminals devise strategies to discourage TAC members from fighting crime in certain instances. For example, they arm themselves with human excrement, and when TAC members try to arrest them, they fight back by throwing the mess in their faces. According to Sambo, this is not only humiliating but also dehumanising, and no one can continue fighting crime in such a state (Interview, 28 June 2013).

John Khomo observed that, during the numerous marches that take place in Durban, some marchers loot the traders' tables. The situation is exacerbated by criminals who exploit the situation. This motivated the TAC to meet with leaders of the largest trade union federation, the Congress of South African Trade Union (COSATU). The TAC explained the plight of the traders and COSATU deployed people to work with them for a day in order to experience what it is like to work as a street trader. The report made by those deployed highlighted the unhygienic place where the traders were working and the unavailability of ablution facilities even though the traders paid for permits. COSATU made an undertaking that looting would not take place in future. This was a significant achievement because the TAC not only successfully put a halt to looting but made COSATU understand the difficulties they experience on a daily basis. While the meeting helped to ensure that looting did not take place, especially when COSATU unions and

their alliance partners, African National Congress (ANC) and the South African Communist Party (SACP) were marching, other formations not aligned with COSATU were also marching. However, public statements prompted other formations to discourage their members from looting (Interview, 1 July 2013)

The TAC has a proud history of fighting crime and has saved lives of many people, protected them from crime, apprehended lawbreakers, and fought against corruption, including police bribes. As noted previously, within a year of its inception, the TAC had assisted in recovering stolen goods to the value of more than R24 000 (Durban Metro 1998, 9 April). Furthermore “crime rates have declined from fifty violent deaths in Warwick Junction area in 1997 to a recorded six in 2002” (Dobson, 2007:101); as a result the then City Police spokesman, Roy Ames nominated the TAC for a Mayoral Award which the organisation received.

Sambo noted that one of the TAC’s success stories was the removal of slums at Berea Station in 1996. He argued that those slums were home to many ex-convicts who organised themselves along the lines of the groups they formed in jail. The slums, named Bulawayo, Phola Inn, Nyangeni and Underground, caused an escalation in crimes like rape, gambling, murder and robbery. The ex-convicts were brave enough to confront and directly attack the TAC after it was launched. They messed with the traders’ tables at night. At times, a trader would receive a call on his way to work informing him that the criminals were literally standing on the tables wielding knives and saying that no one would trade because some of their brothers had been arrested or beaten by the TAC. The TAC used to call the police who never showed up, claiming to be understaffed. Left on their own, the TAC had no alternative but to organise themselves and beat their opponents. Later on, raids were conducted and many weapons were confiscated. After identifying the slums as crime hot spots, the TAC wrote letters to the mayor and the premier demanding that they be dismantled. However, this could not be done without providing alternative accommodation. The TAC made it clear that there would never be peace if the slums were not dismantled. They added that if the municipality and the

provincial government could not solve the problem, they would do so irrespective of whether or not alternative accommodation was provided. Ultimately, the municipality relocated all those living in the slums to Westridge Park without following the usual registration process. The clearing of the slums significantly changed the physical appearance of the area and ordinary people and traders breathed a sigh of relief. The TAC is proud that it cleared these crime nests (Interview, 28 June 2013).

Even those who usually clash with the TAC, like BSU Liaison Officer, Sbongile Gumede, sing the praises of the TAC. She observed that, when crime became rife in the Warwick Avenue taxi rank opposite the Early Morning Market in the second quarter of 2013, the first port of call was neither the Metro Police nor the SAPS but the TAC. She added that the TAC 'cleaned' the area within a week (Interview, 23 August 2013).

Members of the TAC complained that, while traders pay for permits, the municipality does not render any services in return. The area was and still is filthy and not maintained. The TAC mobilised municipal officials to provide resources to clean the area and traders to volunteer to clean it. Three hundred and fifty tons of garbage was removed on 8 November 2001 and the then deputy mayor, Logie Naidoo praised the traders for a job well done. However, the traders' hopes of working in a clean place remain elusive.

The TAC is also proud of its participation in a campaign to oppose the building of a mall in Warwick Avenue from 2007 to 2010. The construction of a mall would have threatened the livelihoods of the informal traders because informal traders are not allowed in malls. They would have lost their trading space and very few would have remained. Furthermore, others who benefit from the presence of the traders like *bhala* boys (those who use wagons to off load traders' goods and also transport goods for the public to bus and taxi terminuses) would have lost their jobs. Informal traders also employ assistants and they support approximately eight people. Therefore the construction of a mall would

have caused untold suffering and served to increase crime. The TAC was a pivotal player in the campaign against the construction of the mall. It joined hands with the NGO, Asiye Etafuleni (lets go to the table and negotiate), mobilised academics from the University of KwaZulu-Natal and marched through the streets to deliver memoranda to the municipal authorities. When the matter finally went to court, it was found that procedures were not followed leading up to the construction and the municipality lost the case. Although this initiative was not led by the TAC, it played a crucial role in ensuring the survival of street trade (J. Khomo Interview, 1 July 2013).

Another highlight was Asiye Etafuleni's training of some TAC members in 2009 to provide security for tourists who visit the market. Some members were also trained as tour guides. These members provided outstanding service because they were working in an area they knew very well (Interview, 9 September 2013). The cherry on top was the election of founding member, Ncane as a councillor in 2011. It is inspiring that he started selling on the street and moved on to become part of the middle class.

## **THE FUTURE OF THE TAC**

The TAC underwent a metamorphosis from an organisation that responded to crime with anger, beating people and operating outside the ambit of the law to one that is operating within the perimeters of the law. This was a long and bumpy road with many backward and forward steps. For instance, while it was initially rebellious and did not work with the police, the TAC later forged a relationship with them, thus clearly defining its independence and not operating parallel to the police. While it was clear from the start that the TAC was abroad church that welcomed all traders, experience taught it that commitment was required in the form of subscription fees. This led to a drastic reduction in membership.

The TAC is currently undergoing a process of organisational renewal. It is recruiting members, reviewing its constitution, and planning to re-open its office with a full time

staff member. It is negotiating with the municipality for a rent-free office because the work it does also benefits the municipality.

The TAC laments being taken for a ride by the municipality, which used it for fact finding missions in 2012 but dumped it afterwards. City officials invited the TAC to a walk about to identify the hot spots in town and suggest ways to change the situation. Thereafter the municipality hired a private security company to fight crime in the area. The TAC felt used and resolved not to participate in such activities again because their ideas are stolen and used by the municipality for the benefit of private security companies (J. Sambo Interview, 28 June 2013). The organisation is contemplating sending its members for training as security guards so that it can earn an income that will enable it to sustain an office and obtain the equipment required by a security company. It would like to operate at two levels, with one wing operating as a security company while keeping the informal character of the organisation for those who will not be accommodated by the company. It is well aware that such a company will not always have work because security companies have contracts that are time and performance based. It is envisaged that members will work as security guards and be paid a salary while most of the profit will go towards sustaining the company. The TAC dreams of operating at provincial and possibly national level.

## **CHAPTER 6**

### **DATA ANALYSIS**

#### **INTRODUCTION**

This chapter analyses the findings already reported. The theoretical framework is reviewed in making sense of policing nodes and networks in Warwick. The work of Benoit Dupont is central to this chapter as his understanding of how nodal policing networks operate helps us to understand and interpret mentalities, technologies and alternating nodal dominance. Bruce Baker's work on multi-choice policing demonstrates that what is happening in Warwick is not dissimilar to policing network arrangements in other parts of Africa, where state or non-state policing nodes are 'used' in alternating or simultaneous ways. Nodal mapping assists in explaining why a particular node becomes primary and the ever-changing relationship between the nodes.

#### **CRIME PREVENTION AT THE WARWICK PRECINCT**

The founders of the TAC stated that they were compelled to take action because of the high level of crime in the area and the police's inability to address it. The formation of the TAC reflects the view of Marks and Goldsmith (2006) that in places where state protective services are not available or poor, the community relies on alternative policing formations out of necessity rather than choice, although for the most part they would prefer the state to provide public safety services (cited in Wood and Dupont, 2006: 6). The traders developed their own structure and procedures, based on their local knowledge, capacity and experience. This made the TAC an important actor for a period of time. Local values and knowledge are important factors among local communities seeking solutions to insecurity problems (Baker, 2009; Isser et al. 2009; Alemika and Chukuma, 2004).

It is important to point out that the formation of the TAC did not lead to a total break with other policing services, such as those provided by the public police or the private security industry. Indeed, as stated in chapter 5, when the traders in Warwick find a dead

person in the place where they trade, the matter is reported to the SAPS. However, when the public police are called, the TAC is often requested to be present as a mediating body. It is within this context that Baker's (2008) notion of multi-choice policing in Africa is brought to light. According to Baker (2008: 27), the choice people make is determined amongst other things by "personal experience, preference for mentality (surveillance or punishment), costs or acceptability." In other words, different policing formations are not mutually exclusive.

The TAC is a non-state organisation that falls under Johnston's (1991) classification of a "responsible citizen" (cited in Baker, 2002: 36). Johnston describes responsible citizens as operating through police approval within the ambit of the law. This categorisation suits the TAC because its inauguration was graced by both the Metro Police and SAPS who also assisted with the logistics for the launch. However, while senior police officials offered assistance, junior officers were sceptical and often uncooperative.

The TAC members are what Bayley and Shearing call the auspices and providers of policing in Warwick. According to Bayley and Shearing (2001, cited in Baker, 2008: 23), "auspices are groups that explicitly and self-consciously take upon themselves the responsibility for organizing their protection while providers are the groups that actually do the policing asked for. Sometimes auspices and providers coincide." The TAC is playing the role of both auspices and provider based on the fact that it consciously takes responsibility for organising and executing the actual policing task in order to make the environment habitable. This dual role on the part of non-state informal groupings does not bode well for the modernist vision of the state that prefers citizens' organisations to assist the police by informing them about criminals. Even those who believe that the state police are the most fundamental security providers acknowledge that non-state groupings play a central role in the provision of public security as the support, at least initially, of the TAC indicates. Indeed, senior police officers proclaimed the TAC a partner in the fight against crime.

The participation of the TAC in the security field fits the government strategy which Grabosky (1995: 534) calls 'responsibilization.' Responsibilization is described as the state's acknowledgement that it has limited ability to prevent and control crime. It then devolves responsibility to other institutions and individuals for private goods provision (Garland, 1996, cited in van Steden and Jones, 2010: 295). Although the state did not directly instruct the traders to form the TAC, the formation of a crime fighting organisation is in line with the government's National Crime Prevention Strategy (NCPS) which calls for the "maximisation of civil society's participation in mobilising and sustaining crime prevention initiatives" (1996: 2). The White Paper on Safety and Security (1998: 10) elaborates as follows:

Another element of safety and security in a democratic South Africa is the necessity to enhance the spirit of voluntarism in our country. There are many important partners in a fight against crime. These include among others, organisations of civil society, particular business and community organizations, citizens who volunteer for services as Police Reservists as well as private security industry which performs useful roles.

Shearing is critical of the neo-liberal interpretation of responsibilization espoused by policing scholars such as Osborne and Gaebler (1993 cited in Shearing, 2006: 25). Shearing believes that nodal networks of policing are a reality in the contemporary South African landscape, and that, while economic imperatives have spurred responsibilization, this reality is maintained by the fact that non-state actors often have the advantage of local knowledge and resources. For Shearing and his peers, in the contemporary age the police assume the role of facilitators and knowledge brokers in the field of policing.

The TAC is a voluntary organisation. By nature, voluntary organisations find it difficult to sustain themselves. The change in membership and leadership in particular has a bearing on its relationships with other agencies. This can be traced from the forerunner of the TAC, the "forum" which came into conflict with the SAPS in terms of its role in fighting crime. It was for this reason that traders decided to form the TAC. The relationship

between the two formations (SAPS and TAC) was not cordial at first, but they realised that they had to work together as partners in the fight against crime. The SAPS came to appreciate the role of the TAC but this does not mean that conflict between the two agencies did not exist. It did and still does. The relationship is fluid and is determined by a range of factors such as the TAC's capacity, the public police's involvement in problem solving, the leadership of both organisations, and the nature of crime. The state police have denounced the TAC on many occasions, particularly when it resorted to vigilante tactics.

At present most TAC members are members of the CPF, indicating a significant shift toward the formalisation of the partnership. New members of the police in the Warwick precinct have a different attitude and approach to working with the TAC. Furthermore, those who have remained in the area began to regard the TAC as an ally in the fight against crime. This has contributed to the change in the relationship. That does not mean that the relationship between the two agencies became smooth but it improved significantly, while still characterised by fluctuations.

The relationship with the Metro Police has also waxed and waned. It seems that the relationship between these two groupings is complicated by the fact that the Metro Police are responsible for enforcing by-laws; this means that they come into daily conflict with the traders. Nonetheless, the municipality has formally recognized the important role the TAC played in reducing crime and victimisation in Warwick.

### **TAC MENTALITIES AND TECHNOLOGIES**

As noted above, the TAC could be interpreted as 'responsible' citizens. However, Johnston (1991 cited in Baker, 2004: 36) maintains that although responsible citizens are said to be operating within the ambit of the law, this does not mean that they do not employ brutal tactics which are illegal. Some policing functions might have been responsabilized to the TAC, but the reality is that the mentalities and technologies of the TAC do not always fall within the ambit of the law. Indeed, the TAC did and does resort to tactics that fall outside of the law. For example, in the early days of the TAC, it invited the bosses of criminals to

discuss a working relationship. As the meeting progressed the differences became irreconcilable and culminated in a fight between the two groups. The TAC had the upper hand because its members were armed. The police were reluctant to pursue the cases opened by the criminals' bosses. In other words, the police turned a blind eye to the selective use of force against the criminals' bosses. This marked the beginning of cooperation between the two nodes, but the partnership was tenuous.

Cooperation was guided by unwritten rules that upheld the use of force. It is therefore no wonder the SAPS met the TAC and advised them against the blatant use of force. Indeed, while the SAPS had to be seen to be condemning the 'illegitimate' use of force, according to TAC members, it advised TAC members to beat criminals from the nipples downwards so that injuries could not be easily identified. This represents what Diphorn (2013: 161) labels the junior-senior role between the SAPS and TAC. Diphorn notes that policing partnerships generally play out in a way that non-state actors are the junior partner with the state police taking on an authoritative role even when they are not adequately fulfilling their duties. However, the 'big brother' act of giving advice to the TAC did not elevate the state police to the position of dominant nodal actor; rather, dominance remained contested terrain. Furthermore, the TAC did not always follow 'big brother's' advice.

The use of violence and coercion which Martin (2013) describes a "force capital, the ability to deploy or threaten to deploy force across space" (cited in Diphorn, 2013: 140) is not always encouraged, but is rather used as a tool to quickly send a message or get the job done by "teaching an offender a lesson" (Marks and Wood, 2010: 315). In the same vein Diphorn notes that the use of force and coercion to ensure compliance is inherent in policing practices (2013: 141) amongst all policing actors and agencies. Shearing (1998: 1) is of the view that the use of force is an essential feature of policing because offenders do not like to be caught and obviously do not want to be punished; as a result they resist when they have the opportunity to do so. Meth points out that the police are tolerant toward the use of violence (2010: 255). Marks and Wood (2010: 313) add that "non-state

policing tactics can be heavy handed and have a tendency to undermine human rights and parsimony.” The researcher uses Burris’ analysis (2004: 314) to classify violence and coercion as a mentality because it is a *way of thinking* that inflicting pain is a quick way of sending a message to criminals. The use of force in South Africa can be traced to the Criminal Procedure Act (51 of 1977) which empowers “private persons” “to use reasonable force, and lethal force in relation to schedule 1 offences, where an arrest cannot be effected by other means and where resistance occurs, or when a suspect flees” (Singh, 2008 cited in Diphoorn, 2013: 138). This clearly empowers individuals to effect arrests and the use of force is part of the package. It is in terms of this Act that the TAC has made force part of its mentality. Meth (2010: 251) raises concerns about the use of violence especially when a person is wrongly identified. She demystifies the notion that it sends a message to the offender by pointing to instances when a person was beaten heavily and was later caught committing the same crime.

Although the TAC used and continues to use violence, it has toned down the extent to which it applies it in recent years. The advice from the SAPS, workshops conducted by different agencies like the EThekweni Municipality and NGOs, and the fact that TAC members were taken to court and charged with assault and public violence all served to ultimately shift the TAC’s attitude towards violence. As suggested by Wood and Shearing (2006: 3), nodes influence one another in terms of mentalities and technologies, but shifts are context- and resource-determined.

Another TAC mentality is for the most part what Shearing (1998:1) refers to as “bandit-catching”. He describes the police as organised to catch crooks. Among other things, this involves getting reports from victims and attempting to resolve the problem by identifying the offender and bring him or her to court after gathering information from informers and victims. If an offender is deemed guilty by the court, punishment is imposed. The TAC applies a similar technique, but it should be borne in mind that, while they do not have the legal authority to make a custodial arrest or mete out punishment, they nonetheless do so. When an offender is identified, physical force is applied, ensuring that bruises are

not identifiable and they are handed over to the police who in turn charge the suspect. In many instances, but not all, the public police turn a blind eye to this. The TAC provides information to the police with the aim of ensuring a conviction. Its members are willing to testify in court. It was noted in the previous chapter that TAC members makes sacrifices by spending time in court at the expense of their businesses because they want to ensure convictions. Therefore, the police and the TAC share the same mentality in this regard.

Catching bandits is facilitated by the TAC's intelligence network that is rooted in its members spread across the Warwick precinct. While the TAC members are trading, they always keep their eyes and ears open in order to identify criminal activities. Once a suspect is identified, whistles are blown to alert others. Their united collective action which appears to be sporadic but is very cohesive is the source of their strength. These are the mentalities and technologies that have encouraged the growth of the TAC to become an effective crime fighting organisation.

Patrolling is part of the TAC's technology. Burris (2004: 341) describes technologies as the methods, strategies and tactics informed by the mentalities and resources (capital) the nodes possess in order to sustain themselves. As stated above, the TAC mentality of bandit catching is actualised through patrolling and then through dealing decisively with undesirable activities. Studies have shown that the main aim of patrolling is the visibility that deters criminal activities; this is supported by Kunnasvuori *et al.* (2007: 3) who state that an everyday police presence especially in the form of foot patrols positively influences people's sense of security and discourages criminal activities. On the part of the TAC, this applies in a slightly different way because the traders are aware that their own members patrol the precinct and this gives them a sense of security.

Most non-traders are not aware of the patrollers because they do not wear uniforms. However, this does not deter criminals from their actions. Nonetheless, it is common knowledge that even though it may not be visible, surveillance does take place; therefore, criminals take calculated risks. TAC patrols covertly; hence, it is easy for them to apprehend criminals. Secondly, the aim of the TAC patrols is to catch criminals while they

are committing crimes. They easily mingle with the crowd, communicate via cell phones and obtain information from the traders which enable them to catch criminals. When a suspect resists arrest, pepper sprays are used as well as harsher methods of bringing offenders 'down'.

The use of cell phones, blowing of whistles, and shouting '*vimba*' when a suspect has been identified, are all forms of an effective communication strategy. Whistle blowing confuses a suspect while shouting '*vimba*' alerts members to be on the lookout for any person being followed by the TAC members, allowing for easy apprehension. The TAC's communication strategy ensures the actualisation of its mentality, the use of force and "bandit catching".

### **THE LOCAL SECURITY NETWORK IN WARWICK AVENUE**

According to Wood and Shearing (2006: 3), nodes differ in terms of the technologies they use and their mentalities that are aligned with their particular security objectives. The authors further describe nodal governance as a multiplicity of organisational sites that *bring together* and harness ways of thinking and acting where attempts are intentionally made to shape the flow of events (2006: 2). Nodes influence, cooperate and resist one another (Wood and Shearing, 2006: 3).

According to Dupont (2004: 79), local security networks are made up of agencies and actors that seek to harness the resources (capitals) owned by different nodes with the aim of overcoming crime challenges. According to Dupont (2004: 84), the capitals are not the same; therefore, the nodes themselves are not equal and hence there is often competition resulting in dominant-dominated relationships. In this study, the SAPS, Metro Police, TAC and a host of others form a security network in Warwick Triangle, although the focus is on the first three. The study analysed how they use their capital in their interactions.

While the TAC had a good relationship with high ranking officials in the SAPS, the junior officers resisted. An example is the incident where the TAC arrested people who were

involved in gambling. It needed the support of the SAPS to make these arrests but this was not forthcoming. Instead, two Metro Police officers who were passing by assisted. Faced with a large number of gamblers, the TAC felt it had no choice but to beat and arrest them. When they handed over the suspects, the SAPS charged the TAC members for beating the suspects because some of them were SAPS members. After lengthy negotiations, the TAC was told not to pursue the case because they were an illegal organisation. They were 'advised' to focus on trading and forget about fighting crime.

Not only were the SAPS compromised by the outing of their corrupt members, they also felt that their role was being usurped by the TAC. Their resistance manifested itself in questioning the TAC's legitimacy. They used their "symbolic capital" (Dupont, 2004: 86) to prevent the TAC from doing its work. Dupont describes symbolic capital as one which bestows a node with the legitimacy and power to speak with authority. SAPS officers reminded the TAC that its members were not trained as police; hence the advice to concentrate on trading. By doing so, they were drawing on their "cultural capital" (Dupont 2004: 86) which the author describes as composed of amongst other things, knowledge acquired through training and research which makes a person or institution highly professional. The SAPS invoked their knowledge acquired through training to question the TAC's legitimacy and charge them for beating police officers. In contrast, the Metro police cooperated with the TAC by assisting them to arrest the gamblers.

Symbolic capital is not limited to the police; the TAC also amassed it. The hard work put in by the TAC and its success stories earned it symbolic capital. Officials from the Metro Police nominated it for the Mayoral Award, thereby acquiring symbolic capital. This indicated a good relationship between the two agencies, at least at that particular moment. The TAC's symbolic capital was further entrenched when TAC members were given the responsibility to protect tourists by Asiye Etafuleni in 2011 because of the role they played in reducing crime in the precinct (R. Dobson Interview, 9 September 2013). Furthermore, the training of TAC members as tour guides led to the improvement of what

Dupont (2004) would refer to as their economic capital. It gave the TAC leverage in the sense that it ensured income.

As a recognised, effective crime fighting organisation, the TAC started to be noticed by politicians like the mayor and the premier who was part of its inauguration. This meant that it had political capital which Dupont (2004: 85) describes as the ability to influence or direct the state machinery to follow a particular direction. Political capital was combined with the “social capital” (Dupont 2004: 86) earned through its role in fighting crime and speaking with authority when they wanted the ex-convicts who were living in the slums at Berea Station to be removed. The TAC was able to use its social, political and symbolic capitals to influence both the municipality and the provincial government’s decision to remove troublesome elements in the area. According to Sambo (Interview, 28 June 2013), alternative accommodation was provided in Westridge Park without following proper application procedures.

The above examples illustrate the use of capitals in order to leverage the positions of nodes at different times in different situations. Dupont (2004:79) states that some security networks “are complementary or simply co-exist while others enter into a direct competition”. The ex-convicts squatting in shacks at Berea Station were not only problematic to the TAC but also to the SAPS and the Metro Police. Both the SAPS and Metro Police could not use the capitals the TAC had. Thus the removal of the former convicts denotes a mutual relationship among the stakeholders. Mutualism refers to a relationship where all stakeholders benefit (Johnston forthcoming cited in Baker, 2010: 598).

Wood and Dupont (2006: 4) draw attention to the fact that networks are “more or less temporary processes carried out by a range of actors according to different positions of power”. The relationship between the TAC and SAPS after the TAC had fought with the criminals’ bosses reflects cooperation but it did not last. Its temporary nature is illustrated by the ‘collaboration’ reflected when the police agreed to accompany the TAC to apprehend the criminals who had stabbed TAC member, Rasta Muthwa to death. The TAC

members ended up being casualties which they did not expect because they had previously had the backing of the police. In the eyes of the TAC the police did not play the role they were supposed to but became watchdogs of the TAC, rather than collaborators. The police action could be described as cooperation in an instrumental as opposed to a principled way. In view of the fact that the incident occurred after the TAC's role in fighting crime had been acknowledged by the Mayoral Award and the exposure of corruption within the SAPS, the instrumental cooperation of the police could be understood as sign of indirectly resisting the TAC which was seen to be competing with the police. This is captured by Wood and Shearing's (2006: 3) view that security providers influence, cooperate with and resist one another. The nature of the relationship between the TAC and SAPS at that time could be described as amensalism. Amensalism occurs when "one organism is harmed or inhibited and the other is unaffected" (Johnston forthcoming cited in Baker, 2010: 598).

Competition between the nodes plays itself out in various ways, one of which is not sharing information. For instance, the TAC uncovered a plan to rob Cambridge Meats, a major meat supplier in the Warwick precinct, by using its intelligence strategies. The TAC did not inform the SAPS which has a station less than 400 hundred metres from the company. Instead, it informed Cambridge Meats about the pending threat. By not informing the SAPS, the TAC was making use of its cultural capital to negotiate with Cambridge Meats so that it could be hired or given a monetary incentive to avert the robbery. Unfortunately, the TAC was not taken seriously by Cambridge Meats and the robbery took place.

The accolades earned by the TAC like the Mayoral Award, its role in removing the ex-convicts and their shacks at Berea Station; their appointment to guard tourists in Durban; being trained as tour guides; exposing corruption within the police and many others proved that not only was the TAC successful, but it was also a dominant node in Warwick Triangle precinct. The primacy of the TAC node in the precinct is further illustrated by situations where the SAPS asked the TAC for assistance. The SAPS approached the TAC to

assist in arresting a criminal that was robbing shops and killing people. The TAC was able to trace the criminal to Umtata, more than 500 km away. The police went with some TAC members to Umtata to identify the criminal. The criminal was apprehended and a gun was recovered. This collaboration was exploitative (Johnston forthcoming cited in Baker, 2010: 598) because TAC members ended up working with the police in far flung areas without being paid yet the police and their informers are paid.

The TAC's high level role in policing the area is also demonstrated by the Metro Police approaching the TAC to be part of a tour around the Durban city in 2012 in order to identify criminal hot spots. They were approached because they were known to be well versed with what happens in the city. In a plenary session, the TAC suggested strategies and tactics to deal with problematic areas. However, the TAC was surprised when eThekweni Municipality hired a private security company to assist the Metro Police with policing, thus overlooking the TAC. The TAC members felt that they were exploited for the benefit of others. This example seems to indicate that the state is perhaps more comfortable working with formal security nodes, casting aside the knowledge and expertise of bottom-up nodes such as the TAC.

Despite the tensions and contradictions, for the most part, the TAC is a primacy policing actor in the Warwick precinct. The BSU, which is part of the municipality, concurs with this analysis. BSU Liaison Officer, Sbongile Gumede stated that complaints were raised about bag snatching and pick pocketing in Warwick Avenue. Ironically the BSU asked the TAC, rather than the Metro Police, to intervene and the problem was resolved within a week. While this could be regarded as a vote of no confidence in the Metro Police, another way of looking at it is through the multi-choice policing framework espoused by Baker. In terms of this framework, people and organisations will turn to whoever is most accessible and whoever appears to be most knowledgeable and effective. The interviews revealed that the BSU's choice was influenced by what works best. At the back of the minds of BSU officials was the idea that other agencies like the SAPS and Metro Police were going to take longer to bring stability to the area. In addition, the TAC's use of force quickly yielded

the desired results. The acceptance of the use of force at times, though not openly stated, and denouncing it at other times indicates the contradictions within the nodal relationship.

According to Wood and Dupont (2006: 4), security networks are neither permanent nor static but are rather “continuous, iterative and more or less temporary”. For instance the Metro Police collaborated with the TAC when they arrested gamblers. That cooperation was not permanent because when the TAC was arresting a criminal that had snatched earrings from a woman on the corner of West and Field Streets, a Metro Police officer on a motorbike ordered the TAC to set the suspect free. Intervention by senior officials of both the SAPS and Metro Police defused the situation. The cooperative relationship which prevailed earlier was negatively affected.

The fact that the relationships between security nodes in Warwick Junction vacillate between good and bad confirms that networks are not static (Dupont, 2004: 86). Although the relationship is bad at times, Dupont adds that it is held together by the mere fact that the nodes have an intrinsic instinct to work for a common cause. It is within this context that Dupont (2004: 85) posits that conflicts are relative; “since all actors have invested heavily to enter the network, they have vested interest in its preservation, hence sharing an ‘objective complicity’ that transcends their divergence”. Dupont borrows from Bourdieu, (1984); and Lahire, (2001) to highlight that actors within networks are able to rise above their narrow interests by adapting to new constraints assisted by their intrinsic flexibility and present a united front (cited in Dupont, 2004: 85). This is illustrated by the joint operations of the nodes in Warwick Triangle especially when they set up roadblocks. The SAPS, Metro Police and TAC cooperate from planning the roadblocks to execution. This is the type of cooperation which Johnston (cited in Baker 2010: 598) describes as mutual. It is an indication that their network can be very powerful if it is well-coordinated.

## **CONCLUSION**

This chapter highlighted that nodes with diverse mentalities find themselves operating in the same space. Their differences cause them to form networks in order to effectively

fight crime. These networks are characterised by contradictions and tensions which play themselves out through fluctuations in relationships. Policing nodes within a network cooperate, complement and resist one another (Wood and Dupont, 2006: 3). Competition arises within a network and capitals are used to achieve dominance. The dominance or primacy of a node is determined by the capitals acquired and is not static. This research study has shown that the TAC is an important node in Warwick precinct, even when the technologies it uses are not entirely legitimate in the eyes of the custodians of formal law. The common goal of fighting crime enables the nodes to rise above their differences and work together against their common enemy. The nodes will continue operating in the same space because those they serve have multiple choices of security agencies. The choice of the agency is informed by what suits those served at a particular point in time.

## CHAPTER SEVEN

### CONCLUSION

Upon receiving the complaint, the suspect was pointed to us. We positioned ourselves: Nobesuthu stood in the entrance of Cambridge Meats, Mlaba was roving and I followed the woman suspect in the shop. She was going with the mentally disabled man. While in the queue to the till, I could see that in the suspect's basket was a tray of red meat and bread. The disabled man signed for grant payment in the till. The money and the grant card were taken by the woman. The disabled man was given items from the basket and a R10 note. I asked why the money was taken by the woman yet the man signed for grant payment. The woman claimed that they were married. I wanted her to show me a ring and marriage certificate. They were nowhere to be found. My other two colleagues closed in and we took the woman for interrogation. The disabled man and his brother who had lodged the complaint were also present. It became clear that the woman under the guise of being a love partner had been taking the money for the disabled man and giving him a tray of red meat and R10 for three years. The woman would disappear then be seen with the man on pay day. The police were called and arrested her (Manqele, Interview, 25 October 2014).

This incident was relayed to me during an interview with a TAC member. It demonstrates how close to the ground TAC members, as non-state actors, are in terms of threats to the safety of local community members. It also demonstrates the speed with which they are able to respond to such situations. This is in line with nodal policing theory which allows citizens to choose from among multiple policing providers. Baker elaborates on this theory by coining the multi-choice policing concept and notes that Africans are spoilt for

choice when it comes to security providers. Among other things, their choice is determined by the desired outcome. It is little wonder then that the TAC is the police node of 'choice' for many residents in the Warwick Triangle area; the organisation has grounded, tacit knowledge, is accessible and offers immediate rather than bureaucratic solutions. This is not to say that those who work and live in Warwick do not make use of the public police or even of private security agencies. However, the primacy of the TAC in the nodal security network in Warwick is very apparent from the stories that were told and the observations made during my time in the Warwick precinct.

As this study has shown, the TAC arose primarily as a result of deficits in the state's provision of security through the two public police agencies, the SAPS and the Durban Metropolitan Police. A gap was created for informal traders who had a very direct stake in making Warwick a safer place to operate and to organise. The relative absence of the public police at the time that the TAC was formed also provided the TAC with legitimacy as a body that was actually doing something to make the precinct a safer place. This is in line with Marks and Goldsmith's assertion that poor or non-availability of protective services leads to the formation of alternatives.

However, at no point did the public police disappear or completely retreat from the Warwick precinct; this resonates with Baker's view that multi-choice policing is not mutually exclusive. They played an important role in terms of legal recourse and in terms of proper custodial arrests. They also remain the only formal agencies available to officially report crime and conduct investigations, which is partly in line with minimal policing as espoused by Marks and Wood. The difference is that the areas of specialisation are not clearly defined. In reality, what has existed in Warwick Triangle since the formation of the TAC is a complex security governance network. The TAC's relationship with other security formations reiterates Benoit Dupont's point that security networks are characterised by complex and fluid relationships among the various nodal actors. Functions and roles are often blurred and the relationships are at times cooperative and at other times conflict-ridden. Which node is primary within Warwick

Triangle is highly contingent on a range of contextual factors and the perceived legitimacy and effectiveness of these nodes. In addition, each of the nodes mobilises forms of capital to secure their place within the nodal security network.

This research study discussed Benoit's security network theory in detail, emphasising how different resources (capitals) are used to ascend to the dominant position in security governance. It demonstrated that the strength of the TAC lies in its intelligence capital that uses people who are familiar with the area. It has 'eyes and ears' all over the place. Secondly, the unity of purpose to make the area crime free galvanises traders into action after the identification of the problem at any given point in time. Social and political capitals have been used by the TAC in its journey to dominance but the use of force has proven to be the main contributor. The combination of the use of all of the above capitals has seen the TAC becoming a dominant node that caters for the interests of all in the precinct. This explanation shows that the broad aim of this study of examining security governance and security mapping has been achieved.

## **FINDINGS**

The historical background of the TAC shed light on the dangers traders were exposed to and the crime that continues to negatively affect their livelihoods. The study found that, while not all traders are TAC members, the small, dedicated TAC core has the ability to galvanise traders into action in an endeavour to make their place habitable. The TAC is made up of committed people who render selfless service even beyond its jurisdiction in the sense that they protect everyone in the precinct, including formal businesses. This is demonstrated by Mgqibisa's statement that it is common knowledge that when they patrol and find a person breaking into a shop they intervene (Interview, 22 October 2014). This signals what the neo-liberals call responsabilization in the sense that the TAC voluntarily takes responsibility for providing security and no longer needs to be enticed to do so.

The TAC involuntarily used force to fight crime in the Warwick Triangle because of its poor relationship with the police. This saw the organisation becoming the most effective

node in the precinct, as it chased away the criminals that boasted that they had ruled the precinct since the 1960s. Another highlight in successfully dealing with known criminals was the effort TAC members put into clearing the slums that were harbouring ex-convicts at Berea Station. All this was mainly achieved through the use of force capital. Force capital was used in conjunction with social capital when the TAC, as the most respected, effective node demanded that ex-convicts be removed from the area, failing which it would forcibly remove them. Indeed, eThekweni municipality relocated the ex-convicts.

Although force proved to be effective capital, it also adversely affected the TAC. The organisation's constantly changing relationship with the police can be attributed, among other things, to its force mentality. As professionals, the police are at times reluctant to be associated with the TAC as it uses force. Furthermore, the fact that the TAC was exposing criminal elements within the police sometimes contributed to poor relations. It did not go down well with the police to be exposed by an informal security formation which in their eyes was illegal. When relations between the TAC and the police were poor, security was the major casualty.

However, there were times when cooperation prevailed between the police and the TAC. This enabled them to understand each other better; it is for this reason that most TAC members are part of the state-led CPF which they initially denounced. Furthermore, there are joint operations that involve the TAC from planning to execution. These operations fall within what the neo-liberals refer to as responsabilization. As the TAC participates voluntarily in joint operations, according to the neo-liberals, they have been made to take responsibility for their own safety. Viewing the joint operations through the eyes of Osborne and Gaebler, the state is using many oarsmen to steer. Joint operations or collaborations are bound to succeed because they involve many nodes with different expertise which the neo-liberals view as strengthening the state. This point of view is informed by the perception that when the police are involved in a successful campaign they take the credit. Furthermore, when other nodes do the work previously undertaken by the police, they become part of state mechanisms to fight crime. It is in this context

that neo-liberals speak of the use of many oarsmen in order to steer. Although collaboration has positive spin offs, the TAC, SAPS and Metro Police are not homogenous formations; differences will always manifest themselves through resistance.

The Warwick precinct is characterised by numerous nodes with different mentalities, technologies and organisational structures that are used to achieve their objectives. As noted in the discussion on the theoretical framework, the need for security in the area is greater than what the police can provide, which is why multiple actors are providing the same service in different ways. It is within this context that networks are formed to create safe spaces. The formation of networks does not mean that the police relinquish their responsibility or play no role in the precinct; they remain one of the nodes. The formation of networks is aimed at better and more efficient security provision.

While working with the TAC, the researcher came to understand their perceptions and attitudes about the police. These changed constantly. While TAC members initially regarded the SAPS as 'useless' (Focus group, 21 March 2013), they later accepted them as partners. The TAC highlighted its strong belief that if the police could work closely with them and spend more time patrolling, with senior officers closely monitoring junior officers, crime could be drastically reduced. In a nutshell, they believe that the police are not doing enough and are not monitored.

Although the TAC pointed to the shortcomings of the police, especially when it comes to corruption, the same vigour is not applied to members of the organisation. That was demonstrated by the facial expressions when one member revealed the problems experienced in registering the TAC and that a certain amount could not be accounted for (Focus group, 21 March 2013). It was clear that the TAC did not want its dirty linen to be aired in public. They closed ranks by quickly moving on to the next topic.

This study arrived at similar conclusions to the one conducted by Marks and Bonnin (2010) on the formation of alternative security formations to the state due to deficits on the part of the police. Alternatives emerge to fill the void. Marks and Bonnin borrow from Baker (2009) to emphasise that "African states are not able to provide adequate

protection to citizens. As a result, non-state policing has proliferated [thus giving rise to] ‘multi-choice’ policing” (2010: 58). The TAC was formed because the police were not able to effectively fight crime.

Marks and Bonnin’s (2010) study on street committees in Newlands East describes these committees as a non-state agency that volunteers its services for the creation of safe places. Marks and Bonnin highlight the efficacy of the committees by summarising the views of Mthembu, a street committee member: “the street committees in the area had already reduced crime by 80 per cent in the two months prior to the formal launch” (2010: 63). The TAC’s experience is similar. The remarkable, documented record of the effectiveness of the TAC shows that, within a year of its inception, it had assisted in recovering stolen goods valued at more than R24000 (Durban Metro 1998, April 9). “Crime rates have declined from fifty violent deaths in Warwick Junction area in 1997 to a recorded six in 2002” (Dobson, 2007:101); as a result, Metro Police spokesman, Raymond Ames nominated the TAC for a Mayoral Award. The success stories of the street committees and the TAC are an indication that local people’s participation in securing their own safety yields positive results.

Although the TAC has proven successful, the dangers they are exposed to are a problem. Some TAC members have lost their lives or been injured while fighting crime. The members have accepted and internalised that they will always be exposed to danger. The key informants argued that if they do not participate in fighting crime, they become more vulnerable. In contrast some of those who do not participate fear being exposed to danger. That threatens the growth of TAC membership. Unfortunately, being exposed to danger is inherent in fighting crime.

The TAC has a sound code of conduct which aims to discourage members from being involved in criminal activities. However, it is difficult to police whether members are buying stolen goods and selling them at their tables. Stolen goods are very tempting because they are cheaper than those bought from the shops and are thus highly profitable. Iren Manqele stated that most of the cases resolved among members involve

selling stolen goods (Interview, 25 October 2014). This indicates that the TAC's internal process to address criminal activities will always be a challenge.

The TAC also needs to undergo organisational renewal by injecting young blood in its ranks. This requires a recruitment strategy. Bringing in new members could introduce new ideas and tactics to fight crime. It will also assist the TAC to review the technologies they use. Handcuffs would go a long way in reducing the use of force because in many instances criminals resist arrest and fight back. It becomes worse when a criminal has to be 'driven' by a group of TAC members to the police station. If handcuffs are used, a criminal will realise that it is not easy to run away.

A form of TAC identity is needed in terms of dress so that they can be distinguished from the general citizenry. The lack of identify creates confusion among the police who use force indiscriminately when a commotion occurs due to TAC members trying to make a citizen's arrest.

The TAC members interviewed are optimistic that their organisation has a bright future and that it will continue to grow. It derives its legitimacy from the support and respect it has from informal traders; even those that are not members associate with it. However, the researcher is of the view that the survival of the TAC as a non-formal organisation is precarious because it is dependent on responses from other formal nodes like the police. While the police work with the TAC, this study has shown that they prefer working with formal private security formations. Although the TAC is an important dominant node, its survival depends on police cooperation.

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We were having lunch while sitting on the bonnet of his car on a cliff overlooking the Indian Ocean in the south of Durban. I surprised myself by suddenly asking, "So what do you actually do?" He suddenly laughed, looked at me, and said, "You should know that by now, after all these years. But yeah, we respond and patrol, we're on the look out. We do what clients ask us to,

we try to help out the police.” He turned his face towards the ocean, stared out onto the crashing waves, and said, “I just try to help people, but it’s not easy. All this crime, this violence. It’s pretty damn dark, and there’s a lot of light to guide us. We do what police do, but we’re not them. We are somewhere halfway” (Diphorn, 2012: 277).

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## **APPENDIX 1**

### **TAC KEY INFORMANTS INTERVIEW GUIDE**

#### **The emergence of the TAC**

1. What were the circumstances that led to the formation of the TAC?
2. Who were the founders of the TAC and what was their vision?
3. What did the TAC stand for when it was launched?
4. How did the community of Warwick Triangle respond to the launch of the TAC?
5. How did the police respond to the emergence of the TAC?

#### **Organisational features of the TAC**

6. Does the TAC have a formal constitution or mission statement?
7. Can you describe to me what the TAC does to achieve its mission?
8. How many active members are there in the TAC, and what kind of people are they?
9. How do prospective members join the TAC?
10. How does the TAC mobilize members to do organizational work?
11. How often does the TAC leadership meet with the members?
12. Does the TAC have a programme?
13. Is there an accountability system within the TAC?
14. What resources, if any, does the TAC have?

#### **The tactics and strategies of the TAC**

15. How does the TAC fight crime?
16. What would you say are the main tactics used by the TAC?
17. How effective would you say the TAC is in achieving its goals?
18. Have the tactics of the TAC changed since it first started? If yes, explain.
19. Do TAC members ever use violence to achieve their goals?

20. Explain the challenges of the TAC as the crime fighting organization?

### **Interactions with other policing groupings**

21. How would you describe the working relationship between the TAC and the SAPS?

22. How would you describe the TAC's relationship with the Metro Police?

23. Has the relationship between the TAC and the police changed over the years? If so, in what way?

24. How can the relationship with the SAPS and Metropolitan Police be strengthened?

25. What relationship does the TAC have with private security companies in the area?

26. Who do the TAC view as their main ally in the work that they do?

27. As the TAC is made up of informal traders, how does it relate to the formal traders in Warwick Triangle?

### **The future of the TAC**

28. In your view, how can the TAC be strengthened to improve its efficiency?

29. Do you think that the TAC will still be around in five years time? Explain.

## **APPENDIX 2**

### **SAPS AND METROPOLITAN POLICE KEY INFORMANTS INTERVIEW GUIDE**

- 1 Do you believe that the police need assistance in preventing and combating crime, if you do, how should they be assisted?
- 2 How do SAPS and Metropolitan Police complement each other in fighting crime?
- 3 What do you think is the role of non-governmental structures in crime fighting?
- 4 How does your formation interface with the TAC?
- 5 Do you approve of the technologies and methods used by TAC?
- 6 In your view, how does TAC differ from CPF and which organization do prefer to work with?
- 7 How does working with the multiple non-state security formations assist or hinder your organization in its operation?
- 8 How can work relations with the TAC be strengthened or improved?

## APPENDIX 3

### FOCUS GROUP GUIDE

The focus group met in Durban on the 21March 2013. Below is the interview guide used:

1. What were the conditions that led to the formation of the TAC?
2. What is the difference between the 'forum' and the TAC?
3. How was the formation of the TAC received by the traders and criminals?
4. What were the founding values of the TAC? Are they still relevant today?
5. How did the TAC intend to fight crime?
6. Explain whether the techniques used by the TAC from inception are still relevant or not.
7. How do you view the use of force against the offenders?
8. How was the TAC relationship with the police? Explain why it was like that.
9. What were the major challenges you experienced as the TAC and how you overcome them?
10. What are the TAC's strengths and weaknesses?
11. Would you say the TAC is succeeding in doing its work or not?
12. What is the future of the TAC?

## **APPENDIX 4**

### **INFORMANTS LIST**

<b>INFORMANTS</b>	<b>DESIGNATION</b>	<b>INTERVIEW DATES</b>
Zakhele Khomo	TAC member	4 May 2012
Themba Ncane	TAC founder member	7 June 2013
Nicholas Zondo	TAC founder member	25 June 2013
Themba Speelman	TAC founder member	26 June 2013
Jabulani Sambo	TAC leader	28 June 2013
John Khomo	TAC leader	1 July 2013
Sbongile Gumede	BSU liaison officer	23 August 2013
Anand Maharaj	Metro Police Superintendent	26 July 2013
Cebekhulu	SAPS lieutenant	28 July 2013
Richard Dobson	Asiye Etafuleni founder	9 September 2013
Nobesuthu Mqgibisa	TAC member	22 October 2014
Irene Manqele	TAC member	25 October 2014