

# Illicit Business Forums in South Africa: A Survey

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## ABSTRACT

Extortion is broadly understood as taking from another patrimonial or non-patrimonial advantage by intentionally and unlawfully subjecting that party to pressure which induces them to submit to the taking of the bribe. Extortion is not an unfamiliar concept in South Africa, including, but not limited to, the construction industry. The expansion and maintenance sites mandated with the installation of critical infrastructure and construction sites throughout South Africa are being invaded by the 'construction mafia'. It is reported by the South African Forum of Civil Engineering Contractors that in 2019 alone over 180 infrastructure and construction projects were victims of these illegal practices. These groups call themselves 'local business forums'. They demand employment, money or a share in all new project sites where development takes place. These intentional and unlawful acts resonate under organized and systemic extortion. The business forums often mislead construction companies by demanding 30% of the value of the contract by deceitfully referring to the stipulations in the Preferential Procurement Policy Framework Act 5 of 2000 and subsequent Preferential Procurement Regulation, 2017 (PPPFA).

If their demands are not met the business forums resort to violence and site activities become stationary by mass action, rioting, damage of vehicles, hostage taking or even in the worst cases, murder. The problem is growing and has been extended to normal operating businesses.

The South African Forum of Civil Engineering Contractors R40bn nationally reported the costs due to losses in 2019 alone. The much-needed construction of the Mtentu Bridge-R1.5bn development project in the Eastern Cape was abandoned by Strabag International, a German-based engineering company after work was stopped at the development site for over 80 days by armed business forum members demanding 30% of the project value, for example. Staff were threatened at gunpoint and the site was made inaccessible to any of the workforces. Strabag International canceled the investment and their involvement in the project, describing the condition at the site as worse than the Afghanistan or Iran war zone. Strabag conducted development construction in both of these areas.

The business forums justify their actions as radical transformations. This view is supported by local politicians who often actively encourage the activities through the forums or are involved for financial or political gain. President Cyril Ramaphosa called for a halt to these practices, but law enforcement is not yet in control of the situation. The growth of these activities can be linked to poor response from law enforcement often not understanding the extent of the problem, lack of knowledge of legislation or the nature of the crime taking place. The purpose of this paper is to first, determine which unlawful actions are committed by these business forums; what the possible negative effect of these actions has on the construction industry and South Africa's economy; determine if South African law enforcement understands these actions resonate under extortion and not labor matters, finally showing there is indeed need for amendment of the PPPFA where it concerns which, the workforce should be allowed to be called upon for the 30% requirement as is found in PPPFA. Ultimately it will be shown that PPPFA requires amendments to better equip the South African construction industry with legal recourses and assist law enforcement with a better understanding of these crimes.

**Keywords:** Illicit business forums, Extortions, Violence.

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## INTRODUCTION

Construction sites, business enterprises and infrastructure development are amongst the entities targeted by what the media call the "construction mafia". These are people or groups of people who, under the pretext of providing employment and inclusion of communities in which the development or enterprise is taking place, demand money, 30% of the contract or development value, subcontracting or a share in the project, under threat of violence and unrest. They call themselves "business forums" whereas law enforcement agencies term these syndicates as "illicit business forums."

These illicit business forums target multiple construction sites and developments. Incidents were reported from state-

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funded construction sites, privately owned and funded developments and businesses. This causes delays in critical infrastructure developments such as the installation of fibre.

The perpetrators gain sympathy from police, policymakers and political role-players by hiding their criminal enterprise behind a job creation and radical transformation narrative. This is compounded by the concerns that law enforcement agencies seem reluctant to get involved due to Marikana and a Directive stating that minor cases such as intimidation should not result in unnecessary arrests and seems unsure of the nature of the offences and their mandate to act.

Ultimately, it will be concluded that an integrated multi-disciplinary approach is imperative to deal with the criminal activities of illicit business forums. These actions of the illicit business forums are arguably systemic extortion.

## Extortion

The common law definition of extortion, as defined by the South African Police Service (SAPS), is understood to mean “taking from another some patrimonial or non-patrimonial advantage by intentionally and unlawfully subjecting that person to pressure which induces him or her to submit to the taking.”

Thus, extortion is a crime where a person or company, the victim, is subjected to some threat of violence, damage to property, assault or unrest unless the victim gives “something”, usually money, property, contracts or employment.

According to the United Nations, the actual exchange of the patrimonial or non-patrimonial advantage is not required but the threat must be of such serious nature that a reasonable person would believe the threat to be real and eminent.

Episodic extortion can be seen as an organized crime activity that takes place sporadically, aimed at a single target whereas systemic extortion is recognized by the targeting of multiple victims defined by a well-organized systemic criminal system in a Mafia-style criminal enterprise.

Since 2015, the existence of the construction mafia was recognized as a serious threat to the development of critical infrastructure, housing and development, several investors withdrew from projects. To date, this threat has exponentiated and the trust in law enforcement agencies is becoming ebb. Developers either file for business rescue or closed their doors. Projects are often delayed for months, deadlines are missed, and contract costs increase rapidly. As will be shown below, our research shows a disconnect in understanding victims’ available legal recourse and the criminal actions of illicit business forums.

## Role Players: Setting the Scene

### *Security Companies*

The role of security companies, who are mandated to protect clients’ property, needs to be mandated and should be included in a comprehensive all-inclusive strategy between the SAPS, Metro Police: SA and Psira so that criminality at illegal gathers can be dealt with. Specific training needs to be developed for all law enforcement agencies, including security companies, to comprehensively enable them to identify and deal with illicit business forums and their criminal activities.

### *Community liaison officers as the pivotal point of the illicit business forum to infiltrate construction sites and developments*

Although there is no legislation imperative, most construction companies are forced to appoint a Community Liaison Officer or CLO by the syndicates or the community. The functions of a CLO are generally to be a liaison between the community and the contractor. A CLO is usually only appointed for state tenders, where the 30% comes into play, as the contractor has a contractual obligation to appoint subcontractors, preferably from the community. Although the PPR does not refer to the appointment of laborers and general workers, there is often a need to employ such. A CLO will be responsible for receiving applications from the community seeking employment as laborers, general and ad hoc workers and ensure that medical testing and other legislative prescriptions are in place before a member of the community can take up employment. The CLO must ensure that the applicant can prove residency and that the residency is within the municipal ward where the development or construction occurs.

The CLO is further responsible for mediating all labor disputes between the community and the constructor, such as working conditions and wages. The contractor employs the CLO and the CLO is usually a respected and recognized community leader. Therefore, as an elective from the community, the Ward Councilor will, on behalf of the illicit business forum, insist on a CLO of his/her choice. A recommendation from the Ward Councillor as to who the CLO should be is acceptable – even preferable – but only regarding Municipal Contracts. It becomes problematic when the illicit business forums use the Ward Councillors to insist on inputs during the appointment of National or Private Contracts or to further their criminal activities by placing a CLO with strong ties to the illicit business forums.

In practice, the CLO has become the epic centre of the criminal enterprise. The illicit business forums will demand that the CLO of their choice be appointed on their recommendation. They demand the employment of their preferred CLO on all sites – private and state, although there is no need to employ a CLO at private developments. If their demands are not met, the construction site is prohibited from operating, usually with associated violence.

Once the CLO is appointed, the CLO will control general workers’ employment, as prescribed by the illicit business forums. This includes support functions such as security services. The illicit business forums will now be in total control of the construction site. The CLO usually establishes a labor desk next, implying that more members of the illicit business forums are employed. The labor desk will then take over the function of awarding tenders to subcontractors as per stipulations in the PPR often exceeding 30% of the contract value. The formulas as per the PPR will not be applied but contractors are appointed based on good standing with the illicit business forums.



When awarding the subcontractors, the labor desk will not consider expertise, financial stability or ability to perform the work based on experience and technical capabilities. This has dire consequences. Poor workmanship, inability to timeously deliver work, inability to purchase material and equipment and large portions of the work that needs to be re-done, delayed projects and increased costs as well as fines for the construction companies.

Any attempt by the company to ensure quality control or any form of resistance from the construction cohort is met with violent protest action and work stoppage.

In several cases, companies prefer to simply pay the extortion money, instead of dealing with the conflict and constant threat as is deduced from the questionnaires below.

### *Construction Companies*

During interviews, business owners and project managers of construction companies stated that the illicit business forums will arrive at a construction site, and 30% of the project's total value is in employment, protection fees, subcontracting or a "donation". They will fraudulently indicate that they represent the local community and local emergent contractors. The illicit business forums will fraudulently promise local emerging contractors subcontracts and the local community, work. When the illicit business forums cannot deliver, they ensure that the construction site becomes unstable, with work stoppages and protests from communities and sometimes workers. Offering to resolve the unrest at a fee or protection fees to the value of 30% or more is demanded.

Sites, where the installation of fibre or other critical infrastructure such as waterpipes are being installed, are experiencing the same criminal activities by the illicit business forums.

The same group of extortionists usually operate at more than one site. The illicit business forums are expanding to local business owners.

Many of the contractors did not open criminal cases. The reasons for this are:

- The business paid extortion money at some point and fear criminal prosecutions themselves
- The station police at client service centres were unhelpful and they dismissed the complaints as labour disputes, which round table discussions should solve.
- The police change the charge from extortion to intimidation.
- The detectives do not follow up after the cases have been opened.
- Prosecution takes too long.
- The construction is often completed long before the case appears in court. The witnesses and in some cases the complainant in the case is no longer in the employ of the contractor and there is no means to get hold of them. The Construction Mafia will for example threaten the safety officer. Once the contract is completed the safety officer is no longer employed and has no further interest to testify.

- The employees fear retribution from the syndicates.
- The process of obtaining an interdict or dealing with the syndicates is more costly than simply paying the extortion money.
- The manhours lost during shutdown periods of the site are more costly than paying the extortion money.

The following are comments provided during interviews with construction companies:

### *South African Council for the Project and Construction Management Professions (SACPCMP)*

The first response refers to a query "from the Cape Times a few months ago" *vis-à-vis* construction mafia:

**Question:** I would like SACPCMP to comment on this announcement if it is something that is indeed much needed.

"The SACPCMP supports and appreciates the President's action, as well as the Government's focus and support directed to the eradication of corruption and intimidation within the Construction Industry. Ensuring robust and ethical practices within the Construction Industry is vital to ensuring the development of the sector, and the SACPCMP supports measures that will ensure that good governance is maintained within the Built Environment at all times."

**Question:** Has SACPCMP received reports on this problem in the province, and how wide is it?

"The issue of 'construction mafias' has been a long-standing problem within the Built Environment. The SACPCMP has made several inputs to industry discourse and conversation regarding the issue. In recent years, the SACPCMP opened its Voluntary Association (VA) platform to include vigorous discussion on the subject. The Council and SAFCEC's Mr Webster Mfebe published an article on the 'construction mafia' in the SACPCMP's magazine, the Shape Shifter. The SACPCMP also facilitated a discussion session between industry representatives on the 'construction mafia' subject, which was broadcasted as part of the Council's online talk programme/channel.

In addition, the Council also approached its Voluntary Associations very recently on the 'Construction Mafia' subject, inviting them to share their comments on the issue, and how they have seen or experienced the negative impacts of these intimidation tactics so that the true impact of the situation can be reported upon and further understood."

**Question:** What is SACPCMP hoping this special police unit will do?

"Of course, the SACPCMP would like to see eradication of corrupt practices from every area within the Construction Industry. Through following every measure of the law, the SACPCMP hopes that the special unit will be able to successfully eliminate all incidences of intimidation that result from these 'construction mafias' and open an avenue for – not only constructive engagement – but also decisive action against corrupt practices that hinder the development of the Construction Industry."

### *South African Forum of Civil Engineering Contractors (SAFCEC)*

The second interview was conducted with SAFCEC an employer organization in the civil construction industry. Their members are “directly exposed to the scourge of the ‘construction mafia.’” SAFCEC regularly receive reports from members if an incident happened, however, not all cases are reported.

“The problem is quite big. It started in KZN and spread out to the rest of the country. It can be argued that seeing no consequences encouraged the rapid formation of so-called business forums- a vehicle under which contractors make demands. The industry does engage with business forums in KZN.

The core of the problem seems to be the 30% localisation that National Treasury stipulates on projects. This is used to demand and force contractors based on this. Some business forums are known to have demanded that they be “paid” the 30% of the value of the contract mainly as subcontractors.

When asked what they suggest can be done it was stated that

“More can be done by law enforcement agencies to curb this phenomenon. The fact that is still happening shows that more must be done to stop it; education in terms of regulations that the State passes, visible policing, detective, arrests and convictions of perpetrators; police intelligence and examples set to others; the industry is part of the stakeholders with the police to address the problem. I cannot say anything regarding the adequate training of the police.”

And “General lawlessness in the country must be addressed as a matter of urgency.”

### **Community Consultation**

The construction sector is under severe economic pressure. The slow economic growth saw several construction companies retrench employee’s and some companies closed their doors. Adding to the already mounting pressure are the demands from surrounding communities. Communities feel that they have a right to be included in developments in their area. The communities expressed their views that they need to be consulted before any development can take place. These communities live in poverty, often lacking basic services and non-existing service delivery. This leads to frustration and unrealistic expectations from the community.

The construction companies often try to engage with the community leaders before construction starts, at this point, the illicit business forums will step up as the “authorized” or “chosen” community leaders.

There is no legislative obligation on the construction companies to consult with the community unless the construction company infringe on the property or cultural rights of the community. It is however standard practice out of courteous and community inclusion. The illicit business forums sell the idea that it is a legislative imperative to speak to communities, provide permanent employment and profit

sharing of 30% or more, to communities before construction.

The illicit business forums use the often-unrealistic demands from the impoverished community, to fuel unrest, so that they can use the work stoppage, as leverage to get a foot in the door with the construction company, by offering to mediate between the community and the company. Companies are usually eager to work with the community, but the community often sees the construction project as a never-ending pot of gold.

Construction sites are unique in that project has an end date. The illicit business forums will offer or sell permanent employment to the community. Suppose the construction company decides to employ members of the community. In that case, the salaries must be paid to the illicit business forums, which will only pay a fraction of the fee to the workers. When the construction company are unable to deliver permanent employment, the illicit business forums will encourage the community to protest, often damaging vehicles, construction equipment and site offices.

The illicit business forums and several communities see the actions of the illicit business forums as radical transformation and no wrongdoing. 80% of all non-listed construction companies belong to black owners. This makes the construction sector one of the most transformed sectors in the country. Criminal elements simply use radical transformation as a disguise for criminal enterprise. No skills development or investment in communities have ever been reported where companies paid extortion money to the syndicates. All funding has been used for luxury items, cars, and lifestyle enhancement.

### **Rent a Crowd, the drug and firearm link**

The link between illegal drugs and firearm trade was confirmed during interviews with people associated with illicit business forums. Syndicates will recruit unemployed youth in townships and keep them on a “payroll” as “rent a crowd”. When the illicit business forums need volumes of people to close business and construction sites, the “rent a crowd” will be paid to gather and intimidate employees on sites. To keep these youth on a “payroll, “ they will sell drugs when they are not protesting. The syndicates are also linked with the illegal firearm trade.

### **eThekweni/Durban Metro Police**

Illegal business forums are a huge threat to the economic sustainability and future of the eThekweni region and KZN. The forums emerged in 2015 calling themselves “Amadelangakubona” and have gradually gained momentum with many breakaway groups being formed under different banners and the “guise” of radical economic transformation resulting in disruptions of projects and impacting negatively on service delivery and other catalytic effects.

The groups forcefully enter business premises or project sites, in groupings of 8 to 10 vehicles and 20 to 50 people. They mobilise the community through misinformation: the promise of work, increase remuneration etc. Using intimidation tactics, aggressive and violent approach at business premises





and project/construction sites/projects, demanding a 30% share in the business without following the application for proper tender process, they stop all work at sites until their demands are met. The group usually demand to have a meeting with management to acquire 30% of the business by force. They insist on providing services (cleaning, waste removal, security, landscaping, general maintenance etc.).

No construction or work can commence or continue unless all demands are met. Sites are simply stopped by force, incitement of violence and influencing the community to engage in barricading of roads (rubble, burning of tyres etc.) and public protest.

eThekweni/Durban Metro Police formed a specialist Metro Police Business Task Team which only deals with complaints relating to illicit business forums. The team consist of a Colonel, a Lt Colonel, 4 Captains and 50 members. They are both proactive and reactive. They understood that most of the illicit business forums operate on Local Level and there for emphasised the importance of Metro Police taking responsibility for the enforcement. They received special training. They are the leading law enforcement agency in the eThekweni area and understand their legislative mandate.

Illegal business forums have, continuously, threaten members of the Metro Police Business Task Team with assassinations and violence because of corruption and interference by individuals both from within the Police Service (SAPS and Metro) as well as Council, Provincial and other state departments.

The illicit business forums threats and activities have increased and are likely to increase further due to the recent flood damage to infrastructure within the eThekweni area increasing reconstruction, repairs and rebuilding of infrastructure. Many of these reconstruction and repair projects are also from damages attributed to the July 2021 looting and riots in KZN.

Their cooperation with SAPS is poor regarding dealing with illicit business forums and all attempts from the Metro Police for a more integrated approach have been unsuccessful.

They are currently deployed at 121 sites excluding day-to-day “smaller” complaints. They are monitoring another 133 sites where their intervention stabilised the situation but where future problems may flair up based on the sporadic history of violence and interference by the illicit business forums at these sites.

The situation in their view is because of inadequate legislation, specifically relating to the Illicit business forums, the lack of cooperation from SAPS and interference and corruption in the National and Metro Police, Local, Provincial and National structures of Government. A coordinated, intergraded approach with SAPS and NPA is needed.

## MATERIAL AND METHODS

This report will investigate the phenomena of the South African construction mafia. The research will be done with the application of two methodologies: firstly, conducting semi-structured interviews and online questionnaires with

several role players within the construction and infrastructure development industry, including business owners, law enforcement agencies and members of business forums. Participation in interviews will be done on the condition of anonymity due to the high possibility of retaliation of participants; secondly, black letter desktop research into the applicable legislation, being the PPPFA and Extended Public Works Program. The questionnaires will target three different groups:

1. The victims of Illicit business forums such as contractors, developers, companies who install fibre, business enterprises and their professional bodies to understand their experiences, and their interaction with law enforcement and to get a general idea of the magnitude of the problem, if any.
2. Law Enforcement will be requested to share the strategies, special training to deal with the forums and their experiences.
3. An attempt will be made to discuss the concepts with known associates of the illicit business forums currently in a judicial diversion program after guilty findings to get a sense of why these crimes are being committed, their motivations for their conduct and connected crimes, if any.

The interviews aim to get an in-depth understanding of the illegal business forums, how they operate as well as the scale of infiltration to the industry.

## RESULTS

### Questionnaires and preliminary interviews

Three sets of questionnaires were sent to South African law enforcement agencies, construction and development companies and illicit business forums respectively to determine the extent of illicit business forums. Interviews were also conducted, which, for privacy purposes, must stay anonymous.

### Law enforcement agencies

An electronic questionnaire was sent to law enforcement agencies on the premise of anonymity. These were security firms dealing with illicit business forums, the Metro Police services in South Africa and the SAPS. The purpose of this questionnaire was to determine the experiences, understanding of legislative mandate, training and proposed solutions of on-the-ground operational members 133 responses were received (Figure 1).

1. I am a  
123 responses

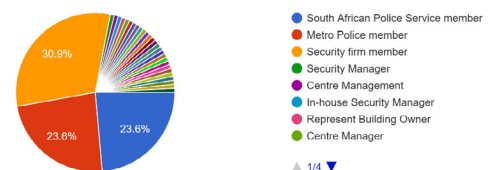


Figure 1: Determining which law enforcement agency the participant is working for

The participants were as follows:

30,9% security firms;

23,6% Metro Police;

23,6% SAPS; and

21,9% security managers, centre management and others (Figure 2).

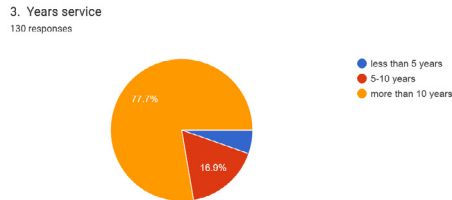


Figure 2: Establishing years of service of the officers

Most of the respondents had more than 10 years of law enforcement experience (77.7%) (Figure 3).

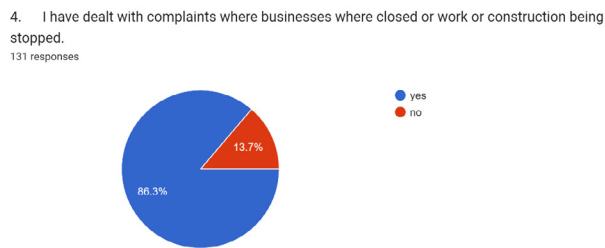


Figure 3: Determining exposure to construction sites during their years of service

Most of the respondents dealt with complaints (86.3%) where businesses were closed, or construction sites halted. During interviews, the law enforcers agreed that the syndicates use extremely violent tactics, with firearms and rifles often visible. Several legally employed have been murdered, including on a fibre construction site where the construction mafia drove with a vehicle over the workers digging trenches for fibre (Figure 4).

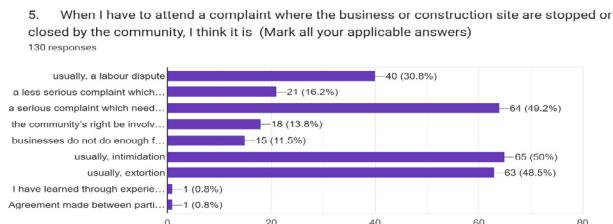


Figure 4: Determining if officer understands applicable crime/s at construction site disruptions

When asked what the participants thought the dispute was about, they responded as follows:

30.8% - a labour dispute;

16.2% - a less serious complaint which could be solved by talking;

49.2% - a serious complaint which needed police intervention;

13.8% - the community's right to be involved in construction projects in their area (Figure 5);

11,5% - businesses not doing enough for the communities;

50% - intimidation;

48.5% - extortion; and

1.6% - other.

From the responses, one may deduce that the seriousness of the offence is not yet understood: 30,8% thought it was a labour dispute. Labour disputes are not attended to by the police as these disputes are heard by labour-related institutions such as the Labour Courts and the CCMA. Combining the 30.8% of participants who thought it was a labour dispute with the 16.2% of participants who thought the parties should have round table discussions, it becomes apparent that this 47% indicates law enforcement officers who consider these violent acts of extortion as not serious, where no police intervention may be required (Figure 6).

7. I have received training in dealing with illicit business forums  
130 responses

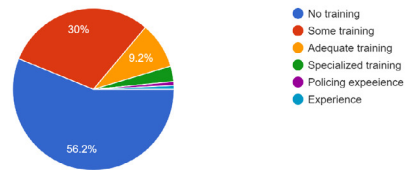


Figure 5: Determining if officer received training on construction site disruptions

56.2% received no training to attend Illicit business forums, while 30% received some training. Only 9.2% of participants felt they were adequately trained. This underlines the urgency to focus on specialised training, not only to deal with systematic corruption but, as highlighted in the Farlam Commission attending to the Marikana mine case, to manage large crowds (Figure 7).

8. I have seen an official policy document/letter/operating procedure issued by my department about how to deal with illicit business forums  
130 responses

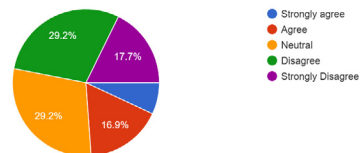
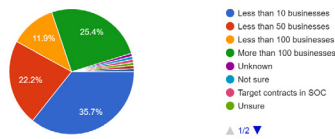


Figure 6: Determining if instructions are issued to officers regarding construction site disruptions

29.2 and 17.7% have not seen policy documents. When interviewing members of the different agencies, only Durban Metro Police had a policy document and clear guidelines on how to deal with illicit business forums. None of the other Metro Police Services had policy documents or guidelines. The SAPS had an Instruction circulated to the station level to inform the Provincial task teams when cases involving illicit business forums are concerned. No other guidelines could be produced, for first responders, on station level, responding to incidents of extortion or violent site obstructions (Figure 8).



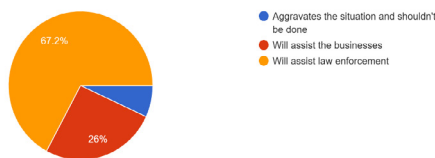
9. I think illicit business forums effects in my area of policing  
126 responses



**Figure 7:** Determining if officers see construction disturbances are a cause for concern

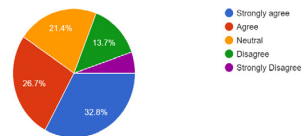
The question was asked how many businesses the law enforcement agencies think are being influenced by illicit business forums to determine if the participants understood the enormity of the construction mafia's illegal acts. It is clear from the reactions that the law enforcement agencies are unsure or underestimates the severity of the matter: 35.7% thought that less than 10 businesses are being impacted. 22.2% thought less than 50 businesses and 25.4% suspected that more than 100 businesses are being extorted by illicit businesses. Questionnaires sent to construction companies, which will be discussed later in this article, indicate that they have to deal with extortion at all their sites and often every week (Figure 9).

10. Obtaining an interdict by the business against the illicit business forum  
131 responses



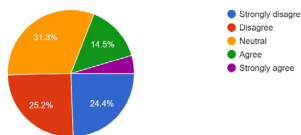
**Figure 8:** Asking officers if following the legal route of obtaining an interdict is beneficial to the construction companies  
67,2% of the law enforcement officers suggest that an interdict will assist law enforcement agencies in combatting illicit business forums (Figure 10).

11. Illicit business forums are my law enforcement agency's responsibility  
131 responses



**Figure 9:** Determining which law enforcement agency the officer thinks is responsible to attend to construction site disruptions

12. The legislation applicable to illicit business forums are not applicable to my law enforcement agency  
131 responses



**Figure 10:** Determining if the officer thinks the applicable legislation falls within their area of jurisdiction

The majority of participants acknowledged that they have a responsibility towards protecting businesses against illicit business forums. During interviews first responders within law enforcement indicated that they were instructed not to get involved, that they are not mandated to intervene, that it is a labour dispute or that they are merely attending in a supportive role. First responders were unsure of how to deal with the situation and did not know which crimes were committed on-site or which charges should be opened at the client service centre. Several respondents were afraid of the syndicates, as they seemed "connected" with support from political ward councillors.

The last question to the law enforcement agencies enquired how they think illicit business forums should be dealt with. The following were their comments:

- Community leaders should be engaged and make the community understand the running of businesses.
- Business forums should not be allowed to dictate how businesses are conducted. This idea of forcefully taking over the projects and the contracts should be stopped and they should go through the same procedures as any other service provider. They must understand that to get work, you must be competent and compliant, not intimidating.
- Peacefully but with strong law enforcement, harshly by the justice department.
- First, the justice system must assist law enforcement when dealing with them.
- Politician intervention must be stopped because law enforcement ends up becoming a laughing stock. The forum must be dispersed failing which be arrested if they refused. Also, business or construction management must play their part and open the case to make things easier.
- Criminal Acts to be dealt with by SAPS and cases opened and people arrested.
- Appropriate action should be taken against them and proper legislation should be instituted to control them.
- Dept of Labour in conjunction with SAPS.
- The interdict normally helps, construction managers always compromise the effectiveness of law enforcement because they agree to sit in on the meetings with these forum's leaders and once the demands are too much or not met then the managers turn around to the law enforcement for intervention.
- They should be prosecuted if they break any law. Legislation should be made to come down hard on this type of crime. NPA should get more involved. Businesses must realise that they MUST make statements against perpetrators before a case can be registered against the forums.
- As law enforcement agencies we should not tolerate their strong-arm tactics, arrest and detain, assist businesses with registration cases and obtaining interdicts against them, and profiling business forum members, SARS should be instrumental in profiling their bank accounts and work closely with law enforcement in doing lifestyle audits.

- Arrested and detained, Police.
- Persons responsible must be charged accordingly by law.
- More training from experts concerning dealing with issues.
- Proper intelligence and strong prosecution.
- With a sit-down and an amicable resolve within the private sector.
- They are illicit and should be dealt with as anything else that is illicit. Arrests should be affected and those responsible should be dealt with in court.
- At a political level and with special law enforcement sections, free from intimidation and charged and closed.
- Dealt with harshly as they are Gangsters with firearms.
- Stronger action by Law Enforcement to deal with instances of intimidation.
- Police should assist. Security must get powers to deal with situations. The law must change.
- They should be taken to court.
- Those businesses affected must be willing to open criminal cases for law enforcement to conduct their duties diligently.
- Interdicts should be obtained by businesses and the enforcement should be done by law enforcement and extra cost for armed security. Why should businesses pay when all their contracts are being taxed? Government should provide protection.
- Arresting and two years imprisonment.
- We need Law Enforcement to bring them to book.
- Needs to be stopped at the source as it is politically fuelled and allowed.
- Businesses should be closed immediately and people found should be dealt with with the full might of the law.
- In the correct manner and fairness.
- They need to be outlawed.
- We should get more support from high-ranking officers in the police. The NPA should also be more active in assisting us. We need to reassure the complaints that opening cases and going to court is the only way forward. I have been dealing with business forums as a primary function for more than three years now. Corruption and politics play a major role in how they operate. This needs to stop and they should be dealt with accordingly. To me, they are a bunch of thugs trying to extort innocent people of a hard earning. Serious intervention needs to take place or we will face a negative impact on the economy.
- Decisively. Arrest, charge, prosecute. Get AFU involved.
- Apply strict law enforcement.
- Educate the community.
- Cases of intimidation opened and investigated.
- Each case is different and should be dealt with accordingly.
- Special law enforcement units are trained to deal with this issue.
- They should be neutralized completely using law enforcement and bylaws.
- With the full might of the law. Have mafia-like tactics that need eradication.
- Strongly believe that there needs to be a forum with appointed people who represent the business or community.
- An official agreement must be drawn up which stipulates and address all concerns including regulations that each party must commit and adhere to. This agreement should be signed between property owners, managing agents, developers, etc which can be reviewed annually. With this in place, we can then liaise with specific key members who would refer us to allow us to members of the public or businesses who meet the criteria in the said agreement. From this, we would be able to appoint the relevant members.
- Rates, fees, and costs should be standardized in this forum which would enable us to work closer with the forum.
- Law enforcement can then step in if the forum does not adhere to the initial agreement between the property owners or developers.
- Any illegal activity should be dealt with and have a serious punishment.
- They should be forbidden! Their actions are monthly criminally motivated!
- Collect all details, save footage, and report to the group for backup n advice. Report to local law enforcement. Follow necessary precautions.
- It is criminal and cases must be opened and investigated and prosecuted.
- Criminal offence.
- There should be bylaws implemented and also a code of good practice and there should be inspections done on facilities that are practicing such.
- Should be arrested on the scene in the form of treason and extortion.
- They should follow the same tender process as other businesses. No negotiations. Zero tolerance since we cannot be controlled or dictated to by the so-called business mafia who continuously use bully tactics to get what they want.
- Instigators should be arrested on the spot.
- The relevant crime codes should be registered and the case investigated.
- Law enforcement agency needs some training, be trained as well on how to deal with political intervention in these business forums, court needs to come and advise on the proper process procedure for strong cases.
- They should be fined and their license of operation taken away.
- I think they have to first be defined as illicit business forums. And then a strategic plan must be put in place to directly resolve the problem in a way that all parties benefit in the end. This will minimize conflict.
- Prompt intervention by designated SAPS/Metro Police units.
- Law enforcement needs to stop this Mafia.
- They should be arrested. They must engage in a positive structured manner and enter into agreements.





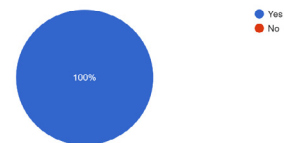
- Must be dealt with accordingly with the assistance of the law. In most cases should be charged with high Treason crimes against the state. Needs to be closely monitored.
- They should be dealt with neutrally and listen to both parties.
- Open discussions between all stakeholders i.e. Law enforcement, Businesses, Security, and Provincial government officials/Municipality to determine and discuss clear procedures for allocation of tenders and other interests that lead to conflicts.
- A Specialized Investigation Unit must be formed to investigate these incidents. These forums are mainly managed by the Taxi owners' associations, and in many cases turn out to be extortion.
- They are mafia-style operators they are not interested in working they just want a share of everything.
- They should be stopped, as they disrupt business.
- Open discussions with all parties to have a win-win outcome.
- SAPS/Metro should join forces to disband these groups.
- A case of intimidation and/ or extortion should be opened by the affected business, so it makes our work as law enforcement easier and for us to deal with the same complaint.
- Community involvement by business owners
- They should be charged criminally. These forums disrupt work being conducted by companies that are awarded said tenders.
- This practice is unlawful and that of "mafia" practices.
- If anything is done without the necessary documentation, they should be arrested.
- Needs to be arrested and dealt with accordingly.
- Businesses and law enforcement agencies should be in partnership in solving illicit business forum issues. Law enforcement should be educated more on illicit business forums.
- They should be directed on how a legal business forum is started and educated on the repercussions of stopping businesses and be made aware of the long-term damage it will do in that specific sector.
- They should be handed hefty sentences for their illegal behaviour.
- According to the law -harshly.
- Key members should be charged with any crimes committed by their members during any march/protest/riot that was partially or wholly organized by the forum or that has no direct support from the forum.
- Immediate arrests and no negotiation should be allowed between law enforcement and business forums. Political interventions as it is sometimes driven by politicians. Intimidation and extortion are a crime and should be dealt with accordingly. Any business that allows themselves to be extorted should also be dealt with.
- Lock all of them up for blackmail.
- By Dpp-driven investigations. Should be brought to book.
- Their actions should be dealt with if it becomes criminal in any way, by law enforcement.
- More specific laws should be drafted to assist law enforcement in dealing with this issue. Acts of criminality should be dealt with decisively and the justice system also needs to play its part in prosecuting offenders.
- Stricter laws should be put in place and workshops provided to all police members on how to apply and enforce the laws which are then backed by the courts. Also, empower security members to learn and assist in these matters.
- Law enforcement and legal entities must start doing their job.
- They should be charged for racketeering and the POCA Act.
- Zero tolerance. Harshly and quickly.
- I think if the government can just finish tenders and employ people who will work.

### Business Owners

Interviews were conducted with thirteen large construction enterprises. 9 of the 13 companies were either 100% Black-owned or 51% Black-owned companies. Due to the violence experienced by companies installing fibre, two companies dealing with fibre installations were included in interviews.

Companies with an annual total revenue of R50 million or more are classified as large enterprises. Exempted micro enterprises and qualifying small enterprises (QSE) that are 100% Black-owned are deemed to have a Level 1 BBBEE status, and exempted micro enterprises and QSEs that are 51% Black-owned are deemed to have a Level 2 BBBEE status. A QSE is, generally, a company with an annual turnover between R10 million and R50 million. The following are the results from the anonymous questionnaire (should parties be named, we removed the names) (Figure 11):

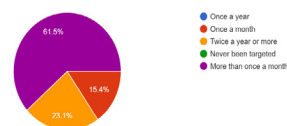
1. Have you ever been a victim of illicit business forums?  
13 responses



**Figure 11:** Establishing if business owners have experienced construction disruptions by construction mafia

All of the companies were victims of illicit business forums and at multiple sites simultaneously, as seen below.

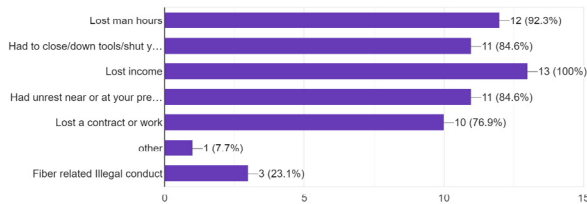
2. How often is your business targeted by illicit business forums?  
13 responses



**Figure 12:** Establishing how often construction sites are disrupted

61,5% of the participants were targeted more than once a month. During interviews, some of the companies indicated that they are being targeted daily. These companies have multiple sites operating at the same time in different locations. Their companies are often targeted daily at different sites.

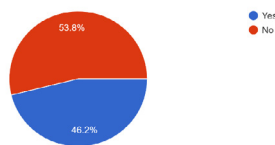
3. As a result of the activities of illicit business forums, has your business ever  
13 responses



**Figure 13:** Illustrating loss and damage caused by construction disruptions

92.3% lost manhours, 84.6% had to close down or shut down a site for some time, 84.6% had unrest near their sites, 76.9% lost contracts and all of the companies lost income (Figures 12-14).

4. Did you open a criminal case?  
13 responses



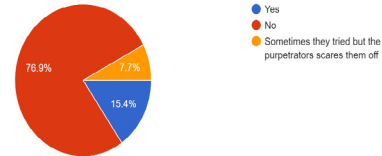
**Figure 14:** Determining if criminal cases were reported to law enforcement agencies

5. If you answered no – why not?

- The police did not want to help.
- Tried it before. Police refused to open a case. Said it labour and we must talk it out.
- I will be targeted. Reported to SAPS Hxxxxcxxx\*.
- I tried it but it was dismissed as a labour issue. I just want my site open. I don't care about the case.
- Called the Police. They didn't help. Called X XXXXXX\* and the mafia was removed and my site opened.
- Tried it once. The police didn't help. Sided with strikers. Didn't waste my time after that. I just want my site open. The case is a waste of my time.
- I did in the beginning, but the cases take very long before going to court. By then the people are no longer working for us. We also waste a lot of time going to court only to hear it's moved to another date. I just want the work done. The police always take the side of the criminal. So, I'll rather pay. It's less of a hassle.
- Waste of time.
- XXXXX XXXXXX\* assisted with opening the charge, opening the site and removal of the syndicate.
- We called the police but the police did nothing. We saw the main guy giving the police money. The police then left. We lose more money by not being able to operate than just pay the 30%."

53.8% of these large construction companies never opened criminal cases. 46.2% opened cases but the way the police dealt with the cases prevented them from opening cases in future. There are allegations of the police siding with the illicit business forums, taking bribes and advising the companies to negotiate with the illicit business forums. All the owners felt that it was a waste of time to open a case. The cases take a substantial amount of manhours and it is therefore more cost-effective for them to pay the extortion money (Figure 15). \*Names were removed for protection and anonymity.

6. Did you feel that the law enforcement assisted you?  
13 responses

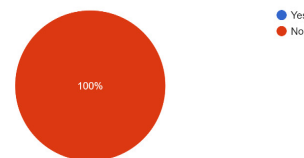


**Figure 15:** Indicating if business owners received effective assistance from law enforcement agencies

76,9% of the respondents did not feel that law enforcement assisted them. They were asked to give reasons for their answer.

- Refused to assist. Chatted with the group. Said it was a labour issue and left.
- They refused to open a case and took the side of the strikers.
- Had to use private security.
- Not pitched up at the site.
- I wanted the site open and wanted the police to chase the people away. Instead, they befriended them at our expense.
- They claimed it was a radical transformation and we need to negotiate with the community. They told us to pay 30%.
- They don't realise how serious this is and that we lose tons of money, contracts and jobs.
- They seem to think we are in the wrong and should pay. They are not trained to deal with crowds when they block sites. They open stupid cases that don't reflect what happened on sites.
- Didn't know what they were doing. Needs training.
- They took money from the criminals and left while our trucks were set alight and the site office vandalised. They left the mob to keep us hostage and left. (Figure 16)"

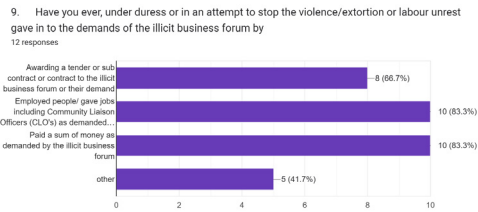
8. Do you think enough is being done to address illicit business forums?  
13 responses



**Figure 16:** Indicating the mindset of business owners towards effectiveness of law enforcement agencies in matters involving construction mafia



All the respondents felt that not enough is being done to address the illicit business forums (Figure 17).



**Figure 17:** Business owners indicating if they gave in to construction mafia's demands

66,7% of the respondents awarded a tender or subcontract to the illicit business forum under duress. 83,3% employed people, appointed a community liaison officer and/or paid a sum of money as demanded by the Illicit business forum under duress. They further remarked:

- All owners of the businesses did (paid) but they will never admit it.
- Cheaper for me to pay. Criminal cases waste hundreds of man-hours.
- We know that the syndicates are hiding behind Non-profit organizations. We pay the non-profit organization and that keeps the site operational.
- Paid the ward councillor and city council officials and donated money to the councillor's political party.
- We paid the ward councillor and some council employees in the city manager's office."

Paying ward councillors and council officials under duress seems to be a common problem too, which requires attention.

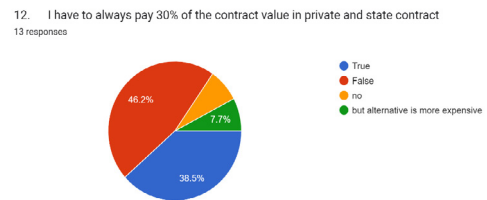
The companies were asked what the monetary value (money) was that their company lost per annum due to some activity of the illicit business forums.

- Few million rands per contract.
- Millions.
- Difficult to determine. Potential customers walk away.
- We lose billions. We lost contracts and had to retrench people.
- Billions. Lost contracts. Paid penalties for poor workmanship after giving employment to these "community forums".
- Millions considering penalties, redoing poor workmanship, and site stoppage.
- Billions and loss of jobs. We paid syndicates before and gave them jobs. After the first payment, they ran away and we had to pay the community who did the work. The work is bad quality and often we have to do it over. We also pay fines for deviating from schedules.
- Billions.
- A lot of money. Probably Billions over the years. This includes manpower, damage to vehicles and equipment, loss of contracts, downtime and fines. we also retrenched people.

From the comments of the participants, it is clear that great losses are the result, should they not comply with the illicit

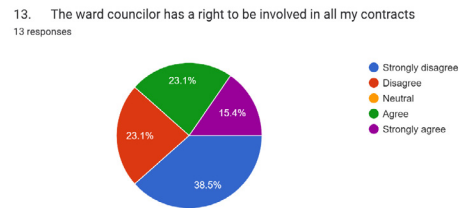
business forum demands. Retrenchment, loss of contracts, loss of manhours, fines for delays in contract deliverables, and poor workmanship are direct results of site stoppages. Instead of creating jobs, people are retrenched.

Contract costs skyrocket due to delays. The impact on the economy is devastating as increased cost of e.g., Government developments is recuperated again from the taxpayer. Companies cut back on community outreach programmes and social investment in communities to absorb some of the losses (Figure 18).



**Figure 18:** Illustrating the misconception of applicable legislation by the business owners

The contractors understand that they are not obliged to always pay the 30% but are often forced as the downtime is more costly if the site is closed down for longer periods. The "legal" route is paved with red tape and time delays (Figure 19).



**Figure 19:** Determining if ward counselors are involved in construction site disruptions

Ward councillors seem to be a constant factor mentioned by all. The ward councillors and council officials may only get involved in Council or Municipal Contracts. Ward councillors may not get involved in Central and Provincial spheres of government contracts and private development.

The companies were asked how they think the issue can be resolved.

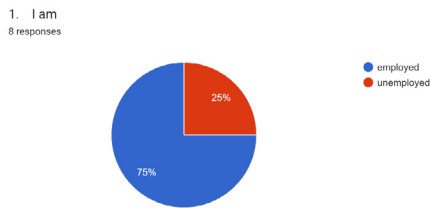
11 responses were received:

- Stop councilors from interfering. Police must arrest these people.
- By enforcing the law, Police must do their work.
- No councilor may be involved in any of the contracts he only has oversight and reports such matters to the city or authorities.
- People are not being taught how to tender and run a business. As a black business owner, this is wrong. The culture of handouts and getting everything for free do not teach smaller business owners skills. They will never be big role-player or be able to learn how to tender or do business if we allow this culture of legal business and threats to get their way to continue.

- The ward councilors are in business with these criminals. They must draft a clear policy to prevent the role of councilors. The work and appointment of CLOs need to be clarified as CLOs are nothing but agents of syndicates. The latest scam is the infiltration of non-profit organizations. Criminals are now using NPOs to con us into getting paid.
- Train the police. Arrest the people closing sites.
- Address the corruption within the city council and the ward councilors. Teach the police to be policemen and how to deal with crowds closing businesses.
- Get rid of corruption. Stop free handouts. Create jobs.

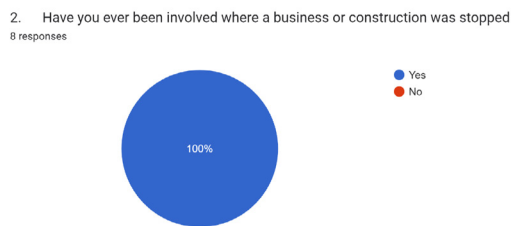
## Illicit Business Forums

Five illicit business forums (groups) were willing to participate in the study. These groups consist of 5 to 10 members each of which the leader and at least three more members were found guilty of activities relating to illicit business forums. Their sentences varied from alternative dispute resolution, suspended sentences, admission of guilt fines, and incarceration of less than two years. None of the participants were in a correctional facility. The illicit business forums answered as a group (Figure 20-31).



**Figure 20:** Determining if construction mafia members are employed elsewhere

The majority of participants had full-time employment, other than their illicit business forum activities. The response creates an impression that employment might not be the motivation for the actions of the illicit business forum. During interviews, they explained that they seek employment in impoverished communities with high unemployment rates. They will take a percentage of the salary paid to the worker for the duration of the employment as a type of founder's fee and protection money. The illicit forum decides who is to be employed as part of their demands (Figure 21).

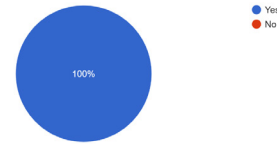


**Figure 21:** Confirming that the participants are involved in construction site interruptions

All the participants were involved in action where construction sites or businesses were forced to close for some time, usually

using threats, violence or protest action until their demands were met.

3. Have you ever been involved in any action where the 30% in terms of the Preferential Procurement act were demanded from a company of construction?  
8 responses



**Figure 22:** Confirming that business owners do pay 30% to construction mafia members

All the participants were involved in action where 30% of the business or construction contract value was demanded. During interviews, the participants indicated that they are often involved in several sites simultaneously.

4. I believe it is radical transformation  
8 responses



**Figure 23:** Construction mafia members believe their actions are justified

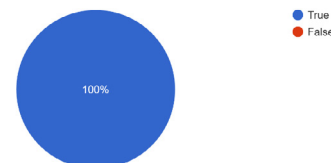
5. Communities have the right to demand money/employment and contracts from companies in the area  
8 responses



**Figure 24:** Illustrating that construction mafia activities are justified (even though the correct legal process was not observed)

All the participants believed that their actions were a form of radical transformation, that no harm was caused to the companies and that they had a historical right to be paid a percentage of the contract value.

6. I have been involved where demands were made outside my ward where I live in.  
8 responses



**Figure 25:** Construction mafia members do not commit their crimes in only their own ward





Although the illicit business forum usually introduces themselves as members of the community of the area or municipal ward where the construction is taking place and demands money or employment for members of the community where the construction is taking place, all the participants have been involved in several extortion incidents outside the area where they usually reside. It supports the hypothesis that impoverished communities are being exploited for personal gain by illicit business forums and that very community upliftment or development takes place.

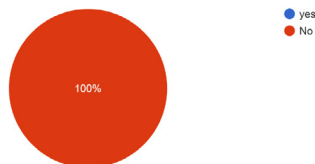
7. All construction sites must have a Community Liaison Officer (CLO)  
8 responses



**Figure 26:** Construction mafia believes there must be a member to facilitate their communications with business owners

All the participants were adamant that a Community Liaison Officer (CLO) must be appointed by the illicit business forum. Although the appointment of a CLO is not a prerequisite in the Preferential Procurement Act, a CLO is usually appointed when a government contract, across all three spheres of Government, has been awarded to a contractor. As 30% of the contract value is usually paid in the form of employment opportunities for the duration of the contract to immediate community members, a CLO is appointed to liaise between the community and the contractor. The illicit business forums insist on the appointment of a CLO as the CLO is used as a point of entry for the illicit business forum to infiltrate the site. Once “their” CLO is appointed, they control the awarding of subcontracts and all employment on the site, even who the security firm may be. Any attempt from the company to object is met with threats of violence and site stoppages, often including damage to property, expensive machinery, and assaults. Some groups have kept contractors and engineers hostage for extended periods.

8. Have you ever tendered for a subcontract?  
8 responses



**Figure 27:** Determining if construction mafia follows the correct legal process of tendering

None of the participants ever tendered for contracts.

9. If no – why not?

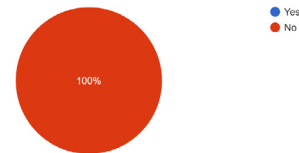
8 responses were received from the groups

- I don’t need to.

- I don’t know how.
- Don’t need to.
- It’s a long difficult process. I will be disadvantaged. Our way is easier. At least we get something.
- I don’t think we need to tender. We make enough money from our demands. Big companies pay. If they don’t, we stop the site until they pay.
- Too complicated. We getting paid in any case or we close the site.
- No need to tender. We stop the site. That’s how we make money.
- It is too difficult. I think [I] will be disadvantaged. I don’t want to pay taxes.

The formulas used in the Preferential Procurement Act, to appoint subcontractors are by design to assist developing/new contractors – the little guy. These same formulas are confusing and scare them off. The administrative processes are time-consuming and complex. None of the respondents understood the legislation relating to tenders and sub-contracting.

10. Are you registered for employment in the Extended Public Works Program (EPWP) or Employment Services of South Africa (ESSA) program?  
8 responses



**Figure 28:** Members of the community is not registered as active employment seekers

None of the participants registered for any of the government’s employment programs.

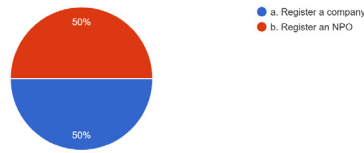
11. If no, why not?

8 responses, being the following:

- Don’t need to.
- I don’t know about it.
- Too much work.
- We getting money from non-profits.
- We don’t want to register because it will take our business away. It will regulate our work. In most cases, we don’t stay in the area we stop at the sites. These systems have too many rules.
- To many strict rules. Take our business away.
- That will kill our business.
- It’s too difficult. Not many jobs are available through these. It’s controlled by the ward councillor for his friends.

Most of the respondents were employed. They however do not want the unemployed communities to register for the employment programs, as it will undermine the very nature of their operations. The reluctance of constructors to make use of these programs, unknowingly, gives support to the nature of the illegal business of the illicit business forums. The communities are not familiar with the processes and do not trust the process. Little information is being shared with the communities about these programs.

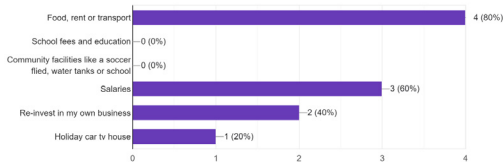
12. In order for you to qualify for the 30% did you  
8 responses



**Figure 29:** Construction mafia leaders register business entities to qualify for legal requirements

A few construction companies mentioned that they are using non-profit organisations. The question was asked to the illicit business forums if they register companies or Non-Profit Organisations as a front for their illegal dealings. 50% of the illicit business forums register companies, while the other 50% register Non-profit Organisations. Funding extorted from companies is paid into these entities.

13. I used the funds obtained from companies for (tick all that is applicable)  
5 responses



**Figure 30:** Determining what the funds received from business owners is used for by the construction mafia members

14 If other please list them below

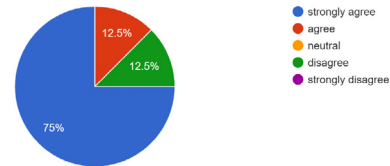
The following are the 7 responses received:

- Tv, car.
- Clothes, holiday, car, tv.
- Car, tv, jewellery.
- The councillors want their cut. We have to pay the police. We have people that we pay so they come to sites, that cost money. We buy alcohol and houses with the money.
- Alcohol, perfume, jewellery. Paid the police and councillor.
- We bought land and built houses. We have expenses like giving the cops, the people working for the municipality and the ward councillor their share. The rest we bought cars and trucks and taxis. We have a side job selling name and heroin. We bought stock to sell.
- Built my own house. Bought a car. Bought liquor. paid the police municipal office workers and councillor for us to stop the site.

None of the funding was used for the upliftment of the communities. Money was spent on paying bribes to the police and ward councillors, paying salaries of the casual workers after a percentage was taken off, payment for people who helped to destabilise the site and even drugs to resell in quieter months when construction companies close over December. If the community members are not violent enough or cannot be forced into violent protest action, people associated with the illicit business forums will be brought in from other areas at a fee. Luxury vehicles and homes are also bought with extortion money. There seems to be a link between the taxi industry

and some of these groups but that was not interrogated as the syndicates were reluctant to discuss it. The link between the drug trade was however confirmed.

15. I have been cohorst in taking part in civil unrest, a strike or site stoppage in my community  
8 responses



**Figure 31:** Determining if members of the community is forced to participate in illegal construction interruptions

Members of groups feel obliged to partake in unrest. There was no indication that any member of a syndicate was forced or threatened. Community members however are threatened to partake in protest action.

16. What is your opinion about companies, the community and stoppage at sites?

8 responses as per the below:

- It's our right.
- The company must pay.
- We do nothing wrong.
- They have money. They can give jobs and pay. We do nothing wrong.
- The companies pay. We give jobs to people and they pay us part of their pay. We will continue as long as these companies pay. I make more money than at my other job.
- While we getting paid, we should be allowed to continue.
- The communities are hungry. There are no jobs. These companies make lots of money. They only pay a little bit of what they make. The companies must pay.
- Companies must pay because they hire foreigners without papers while the community do not have jobs and go hungry. The municipality and councillors are corrupt and also take. A big part of our money goes to them and the police. We know nobody will stop us.

From the above three sets of questionnaires, it may easily be deduced that law enforcement agencies, both private and from the executive sphere of government require training to enable them to adequately attend to these illicit business forums. Meanwhile, the trust from the South African companies is beyond the ebb and will rather give in to extortion than follow the long and costly legal route. The illicit business forums, under the guise of community upliftment, are only profiting as they use the payments for their gain. This is an aspect which will not end as legislation creates these uncertainties, as is discussed below.

## DISCUSSIONS

### Legislative confusion

Two pieces of legislation find application to tenders but are misused to extort companies. These are the Preferential



Procurement Policy Framework Act 5 of 2000 (PPPFA) and Preferential Procurement Regulations, 2017 (PPR). What's more, the Intimidation Act 72 of 1982 (the Intimidation Act), Regulation of Gatherings Act 205 of 1993 (Regulation of Gatherings Act) and the Prevention of Organised Crime Act 121 of 1998 (Prevention of Organised Crime Act) provide ample *lacuna* misused on a *mala fidei* basis by the illicit business forums. To expound this, the constitutional duties bestowed upon South African law enforcement agencies via the Constitution of the Republic of South Africa, 1996 (the Constitution) provide a disconnect between their duties and society's right to a safe and economically thriving South Africa. Below explains these *lacunas*.

### The Constitution of the Republic of South Africa, 1996

Metro Police has been established in terms of sec 205(1) of the Constitution. Furthermore, the functions of the police on a National, Provincial and Local sphere of Government are depicted in sec 205(3): "The objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law."

Most of the protests linked to the illicit business forums occur in the Local sphere of Government. It is therefore imperative that Metro Police jointly with Local Development Departments within the Municipality develop a strong strategy within their mandate; a preventative strategy and a strong policing reactive strategy if construction sites are prevented from functioning. Yet very few Metro Police Services and members are aware of their Constitutional obligations, the possibility of extortion and how to deal with it within local spheres of Government. The SAPS (National) may determine the policing and training standard to which Metro Police must adhere but may not reduce their responsibilities or interfere with Metro Police due to the separation of powers underpinning a Federal Government. Operationally the SAPS is of the view that they are the only enforcement agency who are allowed to deal with these incidents. SAPS established a small reactive task force in a few Provinces, mandated to investigate incidents where illicit business forums are implicated.

The teams are however small with very few members. They are not able to respond to all incidents and cannot manage crowds. They are highly effective as investigators. A force multiplier such as the Metro Police must come to the table to get the out-of-control spiralling of violence and extortion at construction sites under control.

It needs to be mentioned that the Dangerous Weapons Act 15 of 2013 (the Dangerous Weapons Act) and the Firearms Control Act 28 of 2006 (Firearms Control Act) also provides a duty upon the SAPS and Metro Police to protect everyone. Currently, however, cases are seldom opened by the police after public violence even after firearms were present during the protest.

### Preferential Procurement Policy Framework Act 5 of 2000 and Preferential Procurement Regulations, 20175

#### *Tender processes*

The illicit business forums use the stipulations in the PPPFA and subsequent PPR to "legitimize" their criminal enterprise.

Specifically, Regulation 9 of the PPR provides that, if feasible to subcontract for a contract above R30 million, an organ of the state must apply subcontracting to advance designated groups, by advertising a tender. This tender must specifically provide for a subcontract of a minimum of 30% of the value of the contract to an EME or QSE; an EME or QSE which is at least 51% owned by black people. This sub-regulation 2 also includes an EME or QSE which is at least 51% owned by black people who are youth; women; disabled; living in rural or underdeveloped areas or townships; people who are military veterans; a cooperative which is at least 51% owned by black people, or more than one of the categories referred to.

In addition, Regulation 9(3) provides that the organ of state must make available the list of all suppliers registered on a database approved by the National Treasury to provide the required goods or services concerning the designated groups mentioned hereabove from which the tenderer must select a supplier.

The illicit business forums use the reference to a minimum of 30% of the value of the contract found in Regulation 9(1) (2), selectively, to place an enterprise "on terms" to provide, in funding, employment or contracts, to the "business forum", with 30% of the total contract value. If the company refuses, the site is prohibited from continuing to operate by mobilizing the community to partake in a, usually, violent protest as is seen from the questionnaires above.

The stipulations in the PPR above however state the following:

A contractor who was awarded a tender must subcontract 30% of the value of the tender to a designated previously disadvantaged group. However, it must be a state tender in other words funded either by a National or Provincial Department of State or a Municipality. Therefore, PPR does not apply to private enterprises or private developments.

Another concern with the PPR is that it is not feasible. For example, where machinery is supplied to the value of R30 million, the machinery cannot be broken down into smaller parts; or the work might also be of such a specialised nature that it will be difficult to find a specialist from the designated group to subcontract.

The contract value must be more than R30 million. Thus, any contracts less than R30 million are invited to extortion by the illicit business forums.

Lastly and as seen in the questionnaires above from the participating companies and illicit business forums, the 30% subcontracting which must be awarded subject to the point

system in the regulations during a competitive tender process, provides a lengthy and administrative process.

The illicit business forums selectively demand 30% but ignore the rest of the Regulations and do not distinguish between private and state developments. No formal tender process is followed. The illicit business forums demand that no formal process must be followed as the group usually does not comply with the minimum requirements stipulated in the regulations such as letters of good standing and tax registration. A formal tender process will therefore expose their criminal activities. This came afore in the questionnaires with the illicit business forums above.

### *Employment of the local community*

The PPR is moot on lower-level operational matters. Subcontractors often need entry-level general or ad hoc workers. This lacuna in the legislation is exploited by the brokers of the illicit business forums as they employ the local community by selling permanent employment to them and then demand that the contractor transfer 30% of the contract value to the illicit business forums. However, two employment initiatives need to be mentioned here.

The Department of Employment and Labour is legislatively mandated to reduce unemployment, poverty and inequality through employment creation, sound labour relations, eliminating inequality and discrimination in the workplace and alleviating poverty through employment.

This Department created a user-friendly web-based employment database where employment seekers and employment hunters can register. The system is known as Employment Services of South Africa (ESSA). The Department makes inspectors available to assist companies or communities to register employment seekers on-site or in the community.

When an unemployed community member seeks employment or a contractor seeks an ad hoc, temporary or permanent worker or specialized skilled worker, the inspector will register the community member on the database or place a worker at a company or contractor. Skills development takes place unlike with the illicit business forums where it is unregulated and not subjected to some form of control. Corruption and extortion are circumvented in the ESSA project. Community members who can prove residence are placed in a controlled manner and subjected to labour laws. The illicit business forums are venomously opposed to the ESSA program.

The second initiative, which Local Government mirrored the ESSA programme, is the Extended Public Works Program (EPWP). Municipalities register employment seekers on the database and when a tender is awarded in the municipal sphere of government, contractors can access the EPWP database to source general workers, employment seekers or specialists. This employment program is often driven by Ward Councillors.

On the Local or Municipal level, illicit business forums often infiltrate the ward councillor. Ward councillors have

no authority over state, provincial or private tenders. A ward councillor may only get involved in Municipal funded tenders. In practice, contractors are threatened regularly by ward councillors who join the criminal enterprise of illicit business forums. Ward councillors demand employment for their community but refuse to use the EPWP or ESSA program. Employment is often reserved for the benefit of relatives or political party members and money meant for the community, finds its way to political party bank accounts. The community is incited to violence if the constructor insists on making use of formal programs such as the EPWP or ESSA program as is stated by the company's questionnaire above. In 2022 a former Mayor of one of the prominent Metropolitan Councils was charged with fraud, corruption, money laundering and racketeering. These cases were linked to amongst others, the construction mafia. In 2021 award councillor was shot in Tshwane. His murder was linked to the construction mafia.

There is no clear policy or nexus between the PPR and the ESSA or EPWP program currently and from the above it is clear that the lacuna in the PPR provide for extortion.

### **The Intimidation Act 72 of 1982**

When an extortion victim opens a case, the SAPS often opens a case of intimidation instead one of extortion. In an extortion case, the victim is placed under duress for the perpetrator to extort money, contracts, and employment of interest in the contract from the victim. In criminal intimidation cases, the illicit business forums will threaten the victim to do or omit an act usually compulsory to the construction project. Both have an element of violence or the threat of violence.

The Intimidation Act provides that any person who, without lawful reason and with intent, compels or induces another to commit or omit or abandon a standpoint by acts or threats of assault, injures or causes damage to that person or any other person; or in any manner threatens to kill, assault, injure or cause damage to that person or any other person may be found guilty of intimidation. Such an intimidator will be guilty of an offence and liable on conviction to a fine of a maximum of R20 000 or imprisonment to a maximum of 10 years or both.

Intimidation is seen by the South African criminal justice system as a misdemeanour or lesser offence. Moreover, as determined from the questionnaire from the law enforcement agencies, at the operational level, it is seldom understood what the difference between intimidation and extortion is, which includes a lack of understanding of what the impact is of each. Intimidation is a Schedule 2 offence in terms of the Criminal Procedure Act, Act 51 of 1977, whereas extortion of this nature is a far more serious Schedule 5 offence.

### **Regulation of Gatherings Act 205 of 1993**

The illicit business forums incite community members in the surrounding area of construction sites or developments to gather at the site of operation and disrupt all work. The gatherings are often violent with damage to vehicles, equipment and offices and armed members of the Illicit business forum present.





Legally employed employees of the companies are assaulted and even kept hostage. Cases of murder have been reported. Law enforcement agencies are hesitant to get involved after the Marikana massacre and the subsequent Farlam Commission. The Farlam Commission noted that the SAPS are ill-equipped and poorly trained to deal with large crowds of people. The Farlam Commission has incapacitated the police to the extent that they have become mere bystanders when large violent crowds engage in criminal acts such as destruction of property and assaulting people.

### **Prevention of Organised Crime Act 121 of 1998: Racketeering**

Common and statutory criminal law focus usually specific acts (or omissions) to secure a conviction. The purpose of the Prevention of Organised Crime Act is to focus on the network of criminal conduct. It focuses on the higher level of organisational structures of these illicit business forums and how they interlink with the individual on the operational level at the construction site. It aims to expose the criminal network of organised crime on a grand scale.

Specifically, the Prevention of Organised Crime Act provides that any person or group, either being a manager or employee or who has reasonable knowledge of an employee who acquires or maintains any interest in or control of any enterprise through a pattern of racketeering activity is guilty of an offence.

Corruption Watch defines a “pattern of racketeering activity” to be understood as “planned, ongoing, repeated or continuous participation” in any of the over 30 crimes listed in the law’s first schedule. These include corruption, fraud, extortion and murder.

Interviews with law enforcement agencies and Proman revealed that the same suspects or illicit business forums are active in several construction sites. A clear pattern of organised, planned, repeated, and continued criminal enterprise using extortion, is thus present. Yet no evidence of any racketeering cases or cases in terms of the Prevention of Organised Crime Act was opened. Any illegal enterprise or system to acquire any undue monetary income falls within the ambit of racketeering. Corruption Watch defines “protection racketeering” as the offering of protection of companies from a threat created by the “protector”. This is a common practice in illicit business forums. Misusing non-profit organisation donations or falsely impersonating a community-sanctioned business forum to disguise extortion money is money laundering and a type of racketeering, again methods commonly used by illicit business forums to extort money.

Police and law enforcement agencies seemingly have not made the nexus to the various illicit business forums with their vast network of sites being disrupted and extorted. Alternatively, they might lack training in identifying the possibility of racketeering due to the isolated silo nature of crime reporting.

## **CONCLUSIONS AND RECOMMENDATIONS**

Extortion is an extremely complex crime to combat. The nature of the crime necessitates a multi-disciplinary proactive preventative program inclusive of the commitment of a vast number of role-players, if this type of extortion is to be rooted out. It is clear from interviews and questionnaires with business owners and construction managers that interventions were needed already before it became such a well-established criminal enterprise. Although the President declared the construction mafia and their criminal enterprises, a priority crime, law enforcement is still battling with power struggles between the various law enforcement agencies, uncertainty about who should be responsible for combatting the illicit business forums and understanding the crime and charges which need to be filed. This results in a reduced response as the complainant and victims are being sent from pillar to post to get immediate assistance. In the same vein, some law enforcement agency responds, the company usually had to stop work, close the site and suffered losses such as penalties for missed deadlines, damage to vehicles and equipment and injury to employees or themselves.

Construction companies and developers and communities need to also take responsibility for their role in the growth of extortion within the construction environment. Often communities do not make use of programs such as the EPWP or ESSA programs, designed by the Government to assist people with employment and upliftment. No attempt is made to tender for subcontracting although the formulas in the PPR make it extremely favourable for these impoverished communities and emergent contractors to obtain subcontracts. It is easier to support illicit business forums by closing sites for a fraction of the extortion money. No action is taken against these community members as it is commonly believed that they fear for their lives and were forced into participating in mass action. The community has the power to refuse to work with or for the syndicates and follow legal routes in obtaining employment as casual workers or subcontractors.

Companies are not without fault. They entertain the illicit business forums, give recognition to them by attending meetings with them and often pay them “protection” money, give employment to syndicate members, allow substandard work or award, without legal processes - subcontracts to them. They are themselves uninformed of the regulations of the PPR. Often subcontracts are awarded without a tender and competitive bidding process. This creates inconsistency in awarding of tenders, used at a later stage by the illicit business forums. This is in contradiction to the PPR. The illicit business forums are paid even if they deliver substandard work.

### **National, provincial and local spheres of Government**

The PPR should be amended to include the hiring of casual workers who are not linked to subcontractors. The amendments must clearly define the role of CLOs and under which circumstances CLOs must be employed.

There should be an integration of the ESSA and EPWP so that contractors are forced to make use of these structures to employ casual, *ad hoc* or specialist workers. This will eliminate the grip of illicit business forums. It will further encourage community members to register on both these databases. The role of ward councillors also needs to be clarified in the PPA. Separation of powers between the different spheres of Government must be emphasised. A ward councillor cannot interfere in Central Government, Provincial Government or Private Developments. Ward councillors must make use of the EPWP to introduce employees in municipal or local Government contracts.

Robust training and information sessions are necessitated to educate construction companies and community members on rights, responsibilities, and programs available for employment and skills development.

### Law Enforcement

It is the legislative duty of both the SAPS and Metro Police to combat extortion and respond to complaints of site stoppage, hostage taking, unrest, damage of property and murder. Whilst eThekweni/Durban Metro Police has taken a robust approach to eliminate these types of crimes, the rest of the Metro Police Services and SAPS are lagging in attending to complaints or developing strategies to deal with these cases.

The SAPS and Metro Police at station or precinct level, need training in how to recognise and deal with extortion. Cases cannot be dismissed as labour-related matters if extortion takes place. Even if the root cause of the problem is labour related, the moment that the disgruntled employees resort to criminal conduct and extortion, it must be dealt with as such.

Civil unrest can be handled with tact and discretion but must be followed up with the opening of cases. The recommendations of the Farlam Commission must be implemented, and video footage must be used to identify perpetrators. Cases of public violence, destruction of property and extortion must be opened by Metro Police and the SAPS to deter individuals and community members from resorting to violence to raise grievances and to make it less attractive to support the illicit business forums.

Metro Police must take responsibility for crowd management and deal with complaints. They are, in terms of the Constitution, equal in responsibility to the SAPS for the prevention of crime and keeping citizens safe. This includes responding to cases of extortion and public violence on construction sites.

All complaints must be taken seriously and if a complainant wishes to open a case, the case must be opened. Care must be taken to not change complaints to lesser criminal offences. Protestors and members of the illicit business forum are usually armed with firearms or other weapons. This must be dealt with in terms of the Dangerous Weapons Act or the Firearms Control Act. Currently cases are seldom opened by the police after public violence even after firearms were present during the protest.

Private security agencies are very important role-player when protecting the property of clients at construction and development sites. Whilst the SAPS incorrectly still regards the Metro Police as a lesser policing agency and private security as not a law enforcement agency at all, they cannot cope with crime on a local level. Private security companies are the first responders when an illicit business forum storms a construction site. They are the primary role players to keep the property safe and protect people's lives until one of the other law enforcement agencies arrives. They are vital as witnesses or even complainants in criminal cases. It is therefore imperative that they be included in a holistic crime prevention plan and be trained to deal with extortion and public violence.

Attention must be given to building partnerships among the three law enforcement agencies. Partnerships are essential between the law enforcement agencies on the one side and the community and construction companies on the other side if the war against mafia-style extortion is to be won. Trust and partnership will ensure a flow of intelligence which in return can assist with preventative and corrective intelligence and evidence-based policing. A sound partnership will encourage community and construction companies to report extortion cases or illegal activities of illicit business forums.

### Culture of Corruption and Extortion

Corruption and extortion have become the norm in the construction environment and awarding of tenders. There are reports of corruption and extortion almost daily in the news. The average citizen is no longer shocked by these reports which to a certain extent normalised corruption and extortion. Unless a united front is created against the illicit business forums, corruption and extortion will continue as an integral part of the culture of the construction industry. Business owners must be encouraged to take a stand against illicit business forums and change their business practices by including a strategy to root out corruption and extortion.

### Unemployment and economic interventions

Illicit business forums use the underpinning poverty of communities. The lack of service delivery, unemployment and lack of basic services needs to be addressed. The EPWP and ESSA are two excellent initiatives but are largely unknown and underutilized. Ward councillors need to communicate with impoverished communities on employment opportunities and future service delivery initiatives, as these communities are targeted by illicit business forums largely based on their unfamiliarity with business practices and unrealistic expectations. The illicit business forums mislead them with promises of employment and wealth sharing. Education is power. Communities need to be educated on how the business world functions and how future opportunities can be accessed e.g., teaching communities how to tender for subcontracting. Simple integration of the EPWP and ESSA programs in the existing legislation of the Department of Trade and Industry will already assist in clarifying uncertainty and limit the opportunity for syndicates to misappropriate the system.



## REFERENCES

1. Daily Maverick “*Global Initiative Against Transnational Organized Crime*”
2. <https://www.dailymaverick.co.za/article/2022-06-16-construction-mafias-are-holding-a-key-south-african-economic-sector-to-ransom/> (visited 1 August 2022), Okuhle Hlati “*Bid for special police unit to tackle ‘construction mafia’ welcome*” <https://www.iol.co.za/capetimes/news/bid-for-special-police-unit-to-tackle-construction-mafia-welcomed-2ca70e1d-ee9b-49ba-8550-a6fb7bbf57cd> (visited 1 August 2022).
3. BizNews “*‘Working conditions are worse in SA than in Iran and Afghanistan’ – German firm Strabag International*” <https://www.biznews.com/global-citizen/2022/06/29/construction-mafias-working-conditions> (visited 2 August 2022).
4. Mail and Guardian “*‘Construction mafia’ closes down municipal housing project*” <https://mg.co.za/news/2022-06-03-construction-mafia-closes-down-municipal-housing-project/> (visited 1 August 2022).
5. Moneyweb “*Construction mafia creates crisis by derailing infrastructure projects*” <https://www.moneyweb.co.za/news/industry/construction-mafia-creates-crisis-by-derailing-infrastructure-projects/> (visited 3 August 2022).
6. My Broadband “*Mafias holding back better fibre networks in South Africa*” <https://mybroadband.co.za/news/fibre/441666-mafias-holding-back-better-fibre-networks-in-south-africa.html> (visited 3 August 2022).
7. National Commissioner of the South African Police Service “*Instructions relating to arrest and detention of suspects*” <https://www.firearmtrainingacademy.co.za/wp-content/uploads/2020/01/SAPS-Circular-Arrest-and-detention-19.11.2019.pdf> (visited 2 August 2022) provides that intimidation is a minor offence.
8. South African Police Service “*Common law offences-Definitions*” <https://www.saps.gov.za/faqdetail.php?fid=9> (visited 1 August 2022).
9. United Nations office on Drugs and Crime “*Extortion*” <https://www.unodc.org/e4j/zh/organized-crime/module-4/key-issues/extortion.html> (visited 1 August 2022).
10. Oxford “*Extortion*” <https://www.oxfordbibliographies.com/view/document/obo-9780195396607/obo-9780195396607-0282.xml> (visited 1 August 2022).
11. BizNews “*‘Working conditions are worse in SA than in Iran and Afghanistan’ – German firm Strabag International*” <https://www.biznews.com/global-citizen/2022/06/29/construction-mafias-working-conditions> (visited 2 August 2022).
12. Interview with Lt Col Prem eThekweni Metro Police on 8 August 2022.
13. Figure 17 and comments.
14. Interview with Lt Col Prem eThekweni Metro Police on 8 August 2022.
15. See par 4.1- 4.3.
16. Greg Nicolson “*Marikana report: Key findings and recommendations*” <https://www.dailymaverick.co.za/article/2015-06-26-marikana-report-key-findings-and-recommendations/> (visited 1 August 2022).
17. National Prosecuting Authority.
18. Asset Forfeiting Unit.
19. Prevention of Organised Crime Act 121 of 1998.
20. Werksman “*BBBEE act and codes explained*” <https://www.werksmans.com/wp-content/uploads/2018/11/BBBEE-Codes-Explained.pdf> (visited 1 August 2022) (Werksman 2018).
21. OECD “*Data Enterprises by business size*” <https://data.oecd.org/entrepreneur/enterprises-by-business-size.htm> (visited 1 August 2022).
22. Werksman 2018.
23. Werksman 2018.
24. Dr Jaap de Visser “*Local accountability: enforcing the Code of Conduct for councillors*” <https://dullahomarinstitute.org.za/multilevel-govt/publications/enforcing-the-code-of-conduct-for-councillors.pdf> (visit 1 August 2022) (Code of Conduct for councillors).
25. Code of Conduct for councillors.
26. Interview with Lt Col Prem eThekweni Metro Police on 8 August 2022.
27. Available at [http://www.thedtic.gov.za/wp-content/uploads/PPPFA\\_Regulation.pdf](http://www.thedtic.gov.za/wp-content/uploads/PPPFA_Regulation.pdf) (visited 1 August 2022).
28. The Constitution of the Republic of South Africa, 1996 (the Constitution) section 205 (1) provides “The national police service must be structured to function in the national, provincial and, where appropriate, *local spheres of government*.” <https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf> (visited 1 August 2022).
29. and, where appropriate, *local spheres of government*.” <https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf> (visited 1 August 2022).
30. South African Government “*Structure and functions of the South African Government*” <https://www.gov.za/about-government/government-system/structure-and-functions-south-african-government> (visited 1 August 2022).
31. The Constitution of the Republic of South Africa, 1996 (the Constitution) section 205 (1) provides “The national police service must be structured to function in the national, provincial and, where appropriate, *local spheres of government*.” <https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf> (visited 1 August 2022).
32. and, where appropriate, *local spheres of government*.” <https://www.justice.gov.za/legislation/constitution/saconstitution-web-eng.pdf> (visited 1 August 2022).
33. Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA) and Preferential
34. Procurement Regulations, 2017 (PPR), regulation 9 (2)(1) (a-h).
35. See Figures 13, 16 and 17.
36. See figures 18, 22, 28, question 9 and 11 under par 4.3.
37. See par 4.3.
38. <https://www.labour.gov.za/About-Us/Pages/vision-and-mission.aspx> (visited 1 August 2022).
39. See Figures 11,12, 16 and 17.
40. Eyewitness News “*Zandile Gumede, 21 co-accused plead not guilty to fraud, corruption charges*” <https://ewn.co.za/2022/08/22/zandile-gumede-21-co-accused-plead-not-guilty-to-fraud-corruption-charges> (visited 1 August 2022).
41. IOL “*Tshwane ANC councillor Tshepo Motaung gunned down in Mabopane*” <https://www.iol.co.za/pretoria-news/news/tshwane-anc-councillor-tshepo-motaung-gunned-down-in-mabopane-94b24c11-d123-4536-9b95-abcb2006a5b0> (visited 1 August 2022)
42. Intimidation Act 72 of 1982 (Intimidation Act) section 1(1).
43. Intimidation Act section 1(1).
44. S v Munyani, 1972 (1) SA 411 [https://journals.co.za/doi/pdf/10.10520/AJA0035483X\\_343](https://journals.co.za/doi/pdf/10.10520/AJA0035483X_343) (visited 1 August 2022).
45. See Figures 4-7, 9 and 10,
46. Criminal Procedure Act <https://www.justice.gov.za/legislation/acts/1977-051.pdf> (visited on 1 August 2022).
47. See questionnaire completed by law enforcement agencies, illicit business forums and companies par 4.1-4.3.
48. Organised Crime and Corruption Project “*GI-TOC Reports on South Africa’s Emerging ‘Construction Mafia’*” <https://www.occrcp.org/en/daily/16447-gi-toc-reports-on-south-africa-s->

- emerging-construction-mafia (visited 1 August 2022).
49. The Marikana Commission of Inquiry <https://justice.gov.za/comm-mrk/index.html> (visited 1 August 2022).
50. Research Unit “*An overview of the Farlam Commission’s Recommendations*” 19 August 2015 <https://static.pmg.org.za/15081919FarlamCommission.pdf> (visited 1 August 2022).
51. Section 2(1)(d) -(f) of the Prevention of Organised Crime Act 121 of 1998.
52. Corruption watch Tharin Pillay <https://www.corruptionwatch.org.za/making-a-racket-about-racketeering/> (visited 14 August 2022).
53. Interview with Lt Col Prem Ethekewini Metro Police on 8 August 2022
54. Corruption watch Tharin Pillay <https://www.corruptionwatch.org.za/making-a-racket-about-racketeering/> (visited 14 August 2022).
55. See par 4.2.
56. Okuhle Hlati “*Bid for special police unit to tackle ‘construction mafia’ welcomed*” Cape Times, 31 March 2022 <https://www.iol.co.za/capetimes/news/bid-for-special-police-unit-to-tackle-construction-mafia-welcomed-2ca70e1d-ee9b-49ba-8550-a6fb7bbf57cd> (visited 14 August 2022).

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Kumar RA, Sridevi K, Kumar NV, Nanduri S, Rajagopal S. Anticancer and immunostimulatory compounds from *Andrographis paniculata*. *Journal of Ethnopharmacology*. 2004;92:291-295. Available from: [doi.org/10.1016/j.jep.2004.03.004](https://doi.org/10.1016/j.jep.2004.03.004)

