Annual Report for 1999

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The Institute of Criminology

The Institute of Criminology founded in 1977 is a multi-disciplinary, inter-faculty unit at the University of Cape Town. It is somewhat exceptional within the University context, as it is both an academic department and a research institute. Its aim is to initiate, co-ordinate and develop teaching, research and extension services in the broad field of criminology within and outside of the University, and to promote public interest in, and awareness of all aspects of criminology. The Institute offers postgraduate courses leading to degrees in the Faculties of Law and Humanities.
### PERMANANT STAFF

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<th>Role</th>
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The Advisory Committee

The Institute is guided by an Advisory Committee, which advises the Director on aspects of the Institute’s work and assists the Director in fostering relationships between the Institute and interested parties and in promoting and publicising the work of the Institute. The 1999 Advisory Committee comprises the following members:

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<th>Role and Affiliation</th>
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<td>Professor, Department of Psychology, University of Cape Town</td>
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<td>Director of the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO)</td>
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<td>Professor, Head of Department of Criminal and Procedural Law, University of Cape Town</td>
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<td>Professor, Department of Political Studies, University of Cape Town</td>
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<td>Professor of Criminology, Director and Head of the Department, Institute of Criminology, University of Cape Town</td>
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<td>Elena van der Spuy</td>
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<td>Dean of the Faculty of Law, University of Cape Town</td>
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<td>Professor, Department of Psychiatry, University of Cape Town</td>
<td>Tuviah Zabow</td>
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Director’s Overview

1999 may be seen as the year when the Institute of Criminology reached maturity. This was marked formally when the launch of its 21st Annual Report was celebrated in June 1999 with a party attended
by many of the people who have worked with the Institute and supported its research and extension work, as well as by graduate students, colleagues and friends. Substantively, the work described in this report shows that the Institute can sustain a mix of research, extension work and teaching that justifies the decision of it founders to create an institute that has a different focus than that of a conventional university department.

The Institute cannot, however, rest on its laurels. It has constantly to seek new areas of research (and new sources of funding). In the first part of 1999 this process was assisted by a development grant from the Open Society Foundation. Various proposals were put forward as a result of work funded from this source. By the end of 1999 some proposals were still under consideration while others had borne fruit in various ways. One outcome was an undertaking by the Open Society Foundation itself to fund a consortium to study the effect of new legislation on domestic violence. Another outcome was support from other funders for proposals to expand the burgeoning work on ecological and marine crime.

The Open Society Foundation planning grant was a highlight in the development process, but it is not the only example of the creative ferment in the Institute. Another example was the development, late in the year, of a proposal to study the impact on crime of the planned introduction of lighting into parts of Khayelitsha. While research on the effects of improved streetlighting is fairly widespread in the international criminological literature, the circumstances where electrification is being introduced officially for the first time offer the opportunity for a unique study of the effects of improved lighting.

Other aspects of the Institute's work have been supported on an ongoing basis. In this regard special mention must be made of the funding from the Ford Foundation of gender, policing and imprisonment research, which has allowed much of the work in these areas to be sustained over a period longer than that covered by an annual review.

Also noteworthy is the second phase of the study of crime prevention through education, which formed the bulk of the work on youth justice. The study is being undertaken in collaboration with the Catholic University of Leuven and continues to be generously funded by the Flemish Department of Education.

A list of funders of the work of the Institute in 1999 is contained in Appendix B. The Institute is deeply grateful to all of them, as it is to its parent body, the University of Cape Town, which supports its work in many ways.

An overview of the year would be incomplete without mention of the teaching activities. The three permanent academic members of the Institute are responsible for teaching several courses: an undergraduate criminology course; a complete social science honours degree programme in criminology; as well as several courses in the LLB and the coursework LLM in Criminology and Criminal Justice. An increasing number of LLM students also do their short dissertations on criminological issues. In 1999 the teaching task was more onerous as Professor Wilfried Schärf was on sabbatical leave for the whole year. Fortunately Dr Bill Dixon substituted ably for him on the LLM course, Criminal Justice in Transition, and the researchers gave a number of occasional lectures on their specialist areas. The Institute was also fortunate that a number of distinguished outsiders were prepared to address our seminars. Prominent visitors included Judge Richard Goldstone, the former Chief Prosecutor of the International Tribunals for Yugoslavia and Rwanda and now a judge of the Constitutional Court and Professor Medard Rwelamira, the leader of the South African delegation to the negotiations on the International Criminal Court.
The work of researchers and students at the Institute was greatly enriched by the support provided by the Social Justice Resource Project. The Project is a specialist resource library that provides access to material that is not easily found elsewhere on all aspects of South African criminal justice. The website, which it is developing for the Institute, is gradually making much of this material available to wider audiences.

Finally, a personal note as I conclude my two-year stint as Director of the Institute: I wish to thank all members of the Institute for their contributions. My best wishes to Ms Elrena van der Spuy who takes over as Director in 2000.

-- Dirk van Zyl Smit
Professor and Director
24 December 1999

Research and Extension Work

1. Gender and Crime
   Lillian Artz, Gaironesa Saban and Lisa Johns

Work in the gender and crime area has focused on developing research models and projects that integrate the analysis of gender violence, law and social development through (i) relevant and consultative research; (ii) policy reform and development; (iii) research emphasising violence against women in rural areas and links between violence and (under)development; (iv) the training, monitoring and evaluation of criminal justice personnel, in the area of violence against women; (v) victim surveys and the evaluation of victim services; and (vi) contributions to debates surrounding feminist methodologies and jurisprudence.

1.1 Policy and Legal Reform

The promulgation of the new Domestic Violence Act (116 of 1998), resulted in a number of legal and empirical research initiatives for the Institute. This has included the development of indicators to monitor the implementation of the Act, the re-drafting of the domestic violence regulations, presentations in Parliament on the identification of potential ‘soft spots’ of the Act, as well as the facilitation of numerous workshops for the state and non-governmental organisations surrounding the content and implications of the Act. These initiatives have resulted in the development of a research project to monitor the implementation of the Act for the next three years. The Institute will be a key partner in this project and has received overwhelming support from the state and relevant NGO’s working within the violence against women sector. This support has also encouraged us to re-design the police-training programme on domestic violence that the Institute has been steering for the past three years. Workshop material was also developed for training non-governmental service providers who work with battered women.

1.2 Legal Aspects of Rape

At the request of the Deputy Minister of Justice, the Institute (with Rape Crisis and the Gender Project at the Community Law Centre, UWC) was commissioned to write a discussion document on the legal aspects of rape. This document, which covered both substantive and procedural legal issues on rape, has been drawn on extensively by the South African Law Commission Project Committee on Sexual Offences for the drafting of new sexual offences legislation. The report included chapters on state commitments to address the legal aspects of rape; the substantive definition of rape and
recommendations to shift the definition; ancillary prosecutors; in camera hearings; protective measures for the testimony of the rape complainant; application of the cautionary rule in rape cases; previous consistent statements; evidence of previous sexual history; expert evidence; the production of personal records in rape cases; sentencing; victim impact statements; compensation and restitutions; HIV post-exposure prophylaxis following rape; and positive duties of state officials in rape cases. The Project Committee subsequently invited the author from the Institute to provide research support for the Committee during the drafting of this legislation. Additional work on the legal aspects of rape has included issues surrounding bail, witness protection and the inquisitorial system. Research support will continue until the legislation has been passed by Parliament.

1.3 Access to Justice for Rural Women

Access to justice for rural women has been a key area of research for the past five years. A comprehensive research report, in the form of a thesis, was completed early this year. The research, entitled *Violence against Women in Rural Southern Cape: Exploring Access to Justice within a Feminist Jurisprudence Framework*, is a comprehensive profile of violence against women in the Southern Cape. The research (i) examined the nature or profile of domestic violence in rural areas; (ii) considered the obstacles which prevent women from accessing justice in the face of domestic violence; (iii) identified support mechanisms within rural communities for victims of domestic violence; (iv) explored current policing, justice and health care responses to rural women who experience domestic violence; (v) examined the nature of secondary victimisation of these women by their communities and the relevant criminal justice departments; (vi) analysed the nature of current policy and legislation in relation to violence against women and established the extent to which they have impacted on rural women; (vii) identified gaps in service delivery in rural areas and (viii) highlighted the unique barriers to justice that rural women face, through a feminist jurisprudence framework.

Fieldwork was also done on a multi-phased project to evaluate criminal justice and medico-legal services in the rural areas for victims of rape and domestic violence. The research involved interviewing both victims of gender-based violence who are currently utilising the new court, criminal justice personnel (police and justice) working within the court, and medical personnel (nursing sisters and district surgeons). The central aim of the research is to develop recommendations with respect to the continuity of departmental services in rape and domestic violence cases in the Southern Cape. The researchers also investigated what preparations had been made for the operation of the new Domestic Violence Act. The outcomes of the research are: (i) the development of a model to maximise the potential of the court design for all criminal justice personnel and for victims of gender-based violence. (ii) to develop an accessible complaints mechanisms model for rural victims of domestic violence and rape, and (iii) to provide support to relevant non-governmental and community-based organisations in the Southern Cape in: (a) developing victim support services for rural women, and (b) in developing an advocacy model to ensure that the research recommendations are implemented adequately.

1.4 Costing Violence against Women

In partnership with the Border Institute of Primary Health (East London) the Institute is attempting to fill a critical gap in information relating to the costs of violence against women to economic, legal and social structures. The cost of violence against women, and specifically domestic violence in South Africa has, due to ineffective documentation of these incidents by health and criminal justice sectors, never been calculated. Even with loose indicators of the frequency and extent of violence against women, we can see that violence against women has a staggering economic impact on our health, welfare, policing and justice resources. Despite the awareness that the costs of violence against
women are great, there have been no systematic attempts to quantify them. We thus embarked on a project to develop a framework and appropriate research design to quantify these costs. With the guidance of international experts in this area, the project will be implemented in year 2000.

1.5 National Violence against Women Survey

In partnership with the Institute for Security Studies and the Centre for the Study of Violence and Reconciliation, a national survey was undertaken of violence against women. 270 women from three metropolitan centres (Cape Town, Durban, and Johannesburg) were interviewed. All the respondents were victims of some form of gender-based violence. The study covered all forms of domestic violence and sexual assaults and their impact on the lives of these victims. Detailed questions relating to women’s experiences with the criminal justice and health systems were also addressed in this study. The study, entitled, Women Abuse in Three Major Cities in South Africa: Women Speak Out is one of the most comprehensive national surveys of violence against women. Follow-up research by the Institute utilising the research results is anticipated.

1.6 Violence against Women as an Obstacle to Development

There has been increasing recognition within our gender work that South African criminological and development debates, particularly on violence against women, has not recognised violence as an obstacle to development. We have therefore attempted to shift crime prevention and criminological theory towards acknowledging development as a key element in the equation of women’s rights, safety and security. Our research work has thus included the production and publication of articles on violence and development, to facilitate debate and interaction between criminologists and development practitioners. We have argued strongly that current, gender-neutral, crime prevention and development initiatives risk exploiting women even further by not recognising their specific needs and that without challenging violence against women and its relationship to poverty, the feminisation of poverty and the cycles of violence continue.

1.7 Sex Workers

Under the supervision of Lillian Artz, Alanna Rondi (a Canadian intern) undertook extensive research on sex workers in conjunction with SWEAT (Sex Worker Education and Action Taskforce). Broadly, the research investigated discriminatory police actions and practices against sex workers in the Cape Town area. The research included proposing alternative methods, apart from arrest, to manage street sex workers. Cape Town municipal bylaws that were being used by police as the basis for arrests and fines were also analysed. Ongoing research on sex workers will include examining the nature of the authority and accountability that municipal police have in arresting, harassing, and fining sex workers.

1.8 Girls and gangs: violence against women within the culture of gangsterism

Rape Crisis Centre in Cape Town has recently noted a significant increase in the number of victims of sexual violence residing in the Cape Flats. As the Cape Flats has the highest concentration of gangs in the Western Cape, the prevalence of violence against women within the context of gang-infested communities urgently requires the implementation of appropriate interventions. The development of such interventions, however, in turn requires a thorough understanding of the complex dynamics underlying violence against women on the Cape Flats. During 1999 the Institute embarked on a preliminary investigation into violence against women within gang-controlled communities in the Cape Flats with the view to (a) obtaining a broader understanding of the patterns of gender violence, (b) exploring the survival strategies of women living under these conditions, and (c) providing an
understanding of the life-cycle of women victimised by patterns of gang violence with the aim of raising awareness amongst community workers, the police and legal professionals. So far the research has included (a) a review of both local and international literature on gangs and violence against women, (b) an environmental scan with regards to current intervention programmes, (c) meeting and maintaining contact with "expert" individuals in the area of gangs and significant role-players and, (d) interviewing young women who are or have been members of gangs in the Western Cape.

The importance of continuing and expanding on this research has been recognized as central to developing appropriate intervention programs to empower women living in gang-controlled communities. Without a thorough understanding of violence against women within the context of gangsterism, women may be stranded without appropriate structures/programmes, which may invariably lead to the continuation of the cycle of violence.

2. Youth Justice
   Cheryl Frank (until April 1999), Cathy Wood (from May 1999) and Toni Sylvester

2.1 Crime Prevention through Education

This project is a collaborative exercise between the Institute of Criminology and the Research Group on Juvenile Criminology at the Catholic University of Leuven. It is funded by the Flemish Ministry of Education. The aim of this project is to develop and evaluate a Crime Prevention Training Programme for Educators. In 1999, the project moved into its second phase. During this phase, the original training programme was revised, adapted and re-tested in two primary schools in Cape Town. Follow-up work was also conducted with the educators in the original three primary schools. Work on crime prevention through education will continue into 2000, with support once again from Professor Lode Walgrave and Dr Nicole Vettenburg from the Catholic University of Leuven. The project will culminate in the production of a Crime Prevention Handbook for Educators and a second detailed research report documenting the intervention carried out in the six primary schools.

2.2 SAYStOP (South African Young Sex Offenders Programme)

This project is a joint initiative between the Institute of Criminology, NICRO Western Cape, RAPCAN and the Community Law Centre. SAYStOP, a working group, was established with the view to developing an appropriate intervention programme that could be offered to the courts as a formal diversion programme for young sex offenders who come into conflict with the law. The aim of this programme would be to prevent re-offending through early intervention. In 1999 SAYStOP has successfully facilitated two pilot groups, completed the training manual, conducted research to support the development of these diversion programmes, and planned extensively around broadening the scope of this work to ensure the long-term continuation of this diversion programme. In 2000, SAYStOP will be involved in the training of probation officers to establish and facilitate SAYStOP diversion programmes throughout the Western Cape, in providing support to these probation officers; in monitoring the success and effectiveness of the diversion programmes and in continuing to conduct research in the area.

2.3 Networks

Members of the Institute working in the youth justice area maintained working relationships with the following organisations and government agencies: Behaviour Management in Education Foundation, Cape Town and Newlands School Clinic, Children and Violence Forum, Community Law Centre, IDASA, NICRO, RAPCAN, the Family Workshop, the Trauma Centre for Survivors of Violence and
2.4 Evaluation of impact of the electric fence at Manenberg Secondary School

The Institute of Criminology together with Resources Unlimited were commissioned by the Western Cape Education Department (COLTS and Safe Schools Project) to evaluate the security system at Manenberg Secondary School and to consider its effects on the school community. It is envisaged that the research will serve as a guide for the introduction of security systems at other schools within the jurisdiction of the Western Cape Education Department. For the purpose of this study, the evaluators specifically designed a conceptual safety model based on (1) Constitutional principles, current legislation and policies in South Africa; and (2) realities on the ground.

3. Ecological Criminology
   Maria Hauck assisted by Aadila Munshi

3.1 Marine Poaching

Research continues to document marine poaching activities, particularly related to inshore resources along the southwest coast. In addition to identifying the modus operandi and stakeholders involved in poaching, research has also focused on the methods being used to regulate it. Both state and non-state strategies to address poaching have been explored in a preliminary analysis of policing and compliance.

3.2 An Overview of Coastal & Fisheries Co-Management in South Africa

One strategy that has been identified worldwide to impact on illegal fishing and contribute to sustainable resource management is ‘co-management’. The objective of this study is to provide an overview and analysis of co-management arrangements in South Africa. It takes a critical look at the feasibility and impact of implementing co-operative arrangements between resource users and the authorities. A bibliography on coastal and fisheries co-management has been published with the assistance of Aadila Munshi as a means of providing a rich resource base on international experience and debates. In addition, a series of case studies have been identified around the country to research, in-depth, the current experiences with co-management arrangements. A four-week fieldtrip to Kwa-Zulu Natal and the Eastern Cape provided the first stage of gathering information and establishing an important context for the research.

3.3 Co-Management of Inshore Resources in Kleinmond: A Pilot Study

The Institute has been involved in researching inshore poaching activity in the Kleinmond area, on the southwest coast, for the past two years. Members of this community requested that a project be developed to try to assist the community in addressing the escalation of poaching in their area. Thus, it was agreed that a project would be developed to explore the possibility of developing a co-management arrangement between members of the community and the authorities involved in regulating poaching activity. With valuable assistance from Renee Hector and two facilitators (Clayton Lillienfeldt and Sedick Crombie) from Mediation & Transformation Practice, the project has achieved a great deal of progress. A Coastal Management Forum was developed to include all stakeholders,
including fishers, poachers, community leaders, local government and the authorities. Through mediation, and the commitment of the various role-players, ‘one voice’ has developed within the Forum in addressing management plans and plans of action. Through the ongoing involvement of members of the Directorate of Marine & Coastal Management, the Forum has given input and will apply for experimental legal access to inshore resources. Although this is only the preliminary stage to a long road ahead, significant progress has been made in reducing conflict, bringing diverging role-players together and investigating alternatives to poaching activity. This process will continue to be documented to identify the obstacles, successes and viability of establishing co-management arrangements for lucrative inshore resources.

3.4 Subsistence Fisheries Task Group

A Subsistence Fisheries Task Group was appointed within the Directorate of Marine & Coastal Management to identify and investigate subsistence fishers and fisheries in South Africa in order to provide recommendations for management of this new sector. A national research programme was developed to provide a socio-economic profile of fishers and to identify the resources being targeted and the areas involved in subsistence fishing. The Institute assisted in developing the research programme and analysing the results of the socio-economic research. In addition, an international literature search was completed on subsistence and artisanal fisheries, a bibliography compiled and a report written, providing an overview of international debates and trends.

3.5 The Wildlife Trade in South Africa

With access to a planning grant to investigate methods of addressing crime in South Africa, a series of workshops were held relating to the wildlife trade in South Africa. The first workshop explored key problems and issues relating to the trade and identified four priority areas for intervention. It was recognised that the wildlife trade could only be successfully addressed through a series of strategies that focused on the problem holistically. Thus, it was decided that a second workshop was necessary to discuss each of these areas in greater detail as a means of developing project proposals for funding. A second workshop was held and four project proposals were developed:

- to develop uniform and effective legislation, at a provincial level and in alignment with current national legislative developments, to prevent the illegal trade of fauna and flora in South Africa (this project has received funding from the United Nations Foundation);
- to foster crime prevention by recommending changes to existing and proposed formal and informal institutions in order to create enabling incentives for sustainable utilisation of wildlife;
- to develop a consistent and effective justice system, in relation to the illegal wildlife trade, by developing an effective law enforcement training programme to increase the knowledge, capacity and co-operation of key role-players;
- to develop a national wildlife alliance to achieve consistent and effective policies, develop co-ordination among the various stakeholders and lobby at a political level.

Funding opportunities are currently being explored for the three proposals that have not yet been funded.

3.6 Provincial Legislation relating to the Wildlife Trade

Funded by the United Nations Foundation, this project is underway with the research assistance of TRAFFIC and three legal consultants. With severely fragmented legislation at both a provincial and national level, regulation of the wildlife trade has been largely ineffective. Therefore, this project aims
to make recommendations for aligning legislation between the provinces and ensuring consistency between the provinces and the national legislation process. A literature search is currently being conducted on important background information and some fieldwork has been completed in a number of the provinces. With a national Endangered Species Act currently underway, this project will contribute to recommendations for alignment and consistency of this legislation with provincial developments.

4. Policing Research & Outreach
Elrena van der Spuy, Lisa Johns, Aadila Munshi and Gaironesa Saban
(Note: Wilfried Schärf while on sabbatical continued to play a part in various of these projects. See section 7 below.)

4.1 Police Reform
Research on Police Reform and International Assistance is an ongoing project that in 1998 had included the compilation of an inventory of donor assistance to the South African criminal justice system for the Secretariat of the National Crime Prevention Strategy. Building on the factual material presented there, current research has focused on the implications for policing reform generated by the diverse donor projects since the early 1990s. There is now a burgeoning industry of bilateral and multilateral aid from the First World to police agencies in various 'developing' nations. Much of this aid is driven by the self-interest of, in particular, Western states in the fight against organised criminal groupings, the illicit drugs trade, and various hostile political-cum-terrorist tendencies. A further consideration is the desire on the part of such states to promote stable, preferably multi-party, political systems in the interest of international order in general and global trade and investment in particular.

South Africa has been a prominent recipient of this kind of international assistance, especially since the democratic elections of 1994. This aid has however undergone marked shifts in direction and content over the last five years. Donors are increasingly demanding stricter controls over resources while becoming much more concerned to enhance the crime-fighting capacity of the South African Police Services. The result in part has been the construction of specialist units sometimes at the expense of the morale of the overall police machine in the country. Two conference papers and an article accepted for publication represent the main scholarly outcomes for this project.

During 1999 the Institute also commissioned Bill Dixon to take a closer look at the ways in which models of democratic policing prevalent in the Western Hemisphere become diffused into policing discourse and practices in the South. In the research report titled The Globalisation of Democratic Policing, Dixon examines how programmes of sector and zero tolerance policing - developed in the affluent West - are interpreted, adapted and implemented in the local, South African context. This report is bound to be of value to those interested in the complex politics of police reform. An article based on the research has been submitted for publication in a practitioner-orientated journal and a paper is also planned for the British Criminology Conference in Leicester in July 2000.

4.2 Policing and Organised Crime
Reacting to both international pressure and local developments, South African security agencies have targeted the growth of organised crime in the country as a priority for counter-measures. With the restoration of full international links, South Africa has witnessed a great increase in immigrant populations. A small fraction of these new residents now contribute (together with some long-standing local gang formations) to the growth of serious social problems such as the illicit drug industry, sophisticated commercial fraud, endangered species smuggling and various other criminal...
activities associated with the presence of professional criminal groupings.

The Institute has embarked on research in this area with a view to monitoring the extent of organised crime and its impact on policy (through new and sharper legislative measures), on policing (with the formation of new specialist units) and on interregional police co-operation. This is largely new terrain for a police body long sheltered from the complexities of an increasingly internationalised crime scene.

4.3 The Policing of Urban Disorder and the Rise of Vigilantism

The past few years in the Western Cape have been marked by a new and disturbing phenomenon – the rise of vigilante-type organisations in reaction to the long-established criminal activities centred on the supply of illicit drugs, unlicensed alcohol outlets and associated social problems. The emergence of People Against Drugs and Gangsterism (PAGAD) since 1995 has led not only to widespread criminal violence but also to the use of explosives to attack a variety of targets. Since 1998 the emerging patterns of ‘urban-terrorism’ have stretched policing capacities to the limit, and beyond. Pockets of the urban landscape have been turned into a ‘war zone’ in which contending forces have become locked into a spiral of conflict.

Work at the Institute is attempting to build up an information centre on these events of the last four years, with a view to the deeper understanding of the community dynamics involved, as well as the impact on policing. Aspects under consideration include the history of PAGAD, the complex community dynamics that have formed the backdrop for self-help policing initiatives, and the role of the media in forming public perceptions of the actors involved. This research has provided an opportunity for collaboration with Lisa Johns, a research colleague at the Institute, who presented a conference paper on the topic.

In the last quarter of 1999 the Institute hosted a number of small round table discussions on the topic of vigilantism and governance. The exchange of ideas between members of the criminological and law enforcement community proved very fruitful. The Institute looks forward to continuing the 'spring talk' initiative in 2000.

4.4 Crime, Drugs and Development

Both the rise of PAGAD and the heightened activity of various drug syndicates have contributed to concern about the extent and impact of the circulation of illicit drugs in the Western Cape and nationally. The Institute has established a longer-term project to contribute with other research institutions to furthering our grasp of the many social issues involved. Links have been established with the HSRC and SACENDU (at the MRC) both of whom are engaged in or planning ambitious projects in this field. At the Institute itself, current projects include the compilation of an annotated bibliography of Southern African materials; a review of national policy developments including the publication of the Drug Master Plan, and analysis of the crime-drugs linkage. Research assistant, Aadila Munshi, contributed to the compilation of the annotated bibliography and also delivered a conference paper on Drugs and Crime: Critical Reflections during the year under review.

4.5 Neighbourhood Watch Study

Following the Neighbourhood Watch Training programme initiated last year; the Institute conducted an empirical study looking at neighbourhood watch schemes in the "coloured" areas of the Cape Metropolitan Area. The focus was on the number and location of these schemes, their structure and function, and the relationship with the local police in the respective areas. Information pertaining to
approximately 140 active neighbourhood watch schemes was gathered and recorded for the period June 1999 to October 1999. Interest in this area has increased, with the Provincial Secretariat initiating a neighbourhood watch programme, with the aim of registering and monitoring neighbourhood schemes.

4.6 Quarterly Service Index: Quality Assurance Project

The Directorate Civilian Oversight, a directorate within the Department of Community Safety, initiated the Quality Assurance Project with the aim of monitoring and recording complaints against the South African Police Service. The Institute was commissioned by the Directorate to compile a Quarterly Service Index Report drawing from recorded complaints for the period July to August 1999. This was the first of an on-going series on complaints against the South African Police, and was especially useful in highlighting the number and nature of complaints against the SAPS at the various local police stations across the Western Cape.

4.7 In loco inspections at the police stations in the Western Cape

As part of monitoring the South African Police Service, the Directorate Civilian Oversight conducted in loco inspections at 145 police stations in the Western Cape. The adoption of the in loco inspection project was a means of assessing police stations on certain primary issues, particularly in relation to management and the control of stations. The Institute was commissioned by the Department of Community Safety to compile a report drawing from the data gathered by the members of the Directorate for the period May to September 1999. This report was particularly useful in highlighting the problems experienced at local police stations and is the first of an annual series on in loco inspections conducted by the Directorate.

5. Sentencing and Punishment

Dirk van Zyl Smit assisted by Julie Berg and Ricky Röntsch

5.1 Prison labour

The project on prison labour was completed with the publication by Dartmouth of Prison Labour Salvation or Slavery? edited by Van Zyl Smit and Dünkel, in December 1999.

5.2 Prison Law

The enactment of the Correctional Services Act 112 of 1998, late in 1998, should have seen the end of this project. However, only a few sections of the new Act were brought into effect in 1999. One reason for the delay was the necessity of drafting regulations to complement the new Act. This task was undertaken by the Department of Correctional Services itself but Professor van Zyl Smit acted as general consultant. He also conducted an extensive training course for the legal advisers of the Department, which included exercises in drafting of regulations.

5.3 Prison Privatization

Julie Berg conducted research on the developments that had led to the acceptance of the idea that prisons run and even owned by the private sector should form part of the South African correctional system. Unfortunately, the Department was not prepared to co-operate with the research as the contractual negotiations were at a sensitive stage. However, valuable information has been gained from interviews with various role players in the privatization process.
5.4 General Prison Studies

Work continued on the large comparative project on imprisonment worldwide. It consists of national reports on prison systems in 28 countries together with further chapters on specific international trends and developments. The product will be an edited book of about 1000 pages to be published in 2000 by Kluwer. In 1999 considerable progress was made in collating, translating and editing the various chapters. A chapter on South Africa was also written. The editors, Van Zyl Smit and Dünkel, held a seminar November 1999 with some of the authors in order to assist them with drawing conclusions from the mass of data.

5.5 Sentencing

The section on Sentencing and Punishment in the loose-leaf volume, *Constitutional Law of South Africa*, edited by Chaskalson and others, was updated.

Particular research attention was paid to the mandatory minimum sentences that were introduced by the 1997 Criminal Law Amendment Act. The research took various forms.

a. A 'before-and-after' empirical study financed by German Technical Assistance is underway to measure the effect of the new legislation on sentencing patterns.

b. A critical analysis was conducted of the first High Court judgments to interpret the new legislation. Particularly controversial was the provision that allows departures from the otherwise mandatory minimum sentences if "substantial and compelling circumstances" exist. A paper on this issue was published in mid year.

c. A wider study was made of the circumstances that led to the adoption of the legislation on mandatory sentences notwithstanding the principled opposition to such legislation from the judiciary. A paper on this question was presented at an international conference on sentencing and will be published in 2000.


Elaine Atkins and Sindiswa Dlikidla

This year the Social Justice Resource Centre continued to:

- Provide an information service to the general public, academics and students to assist with information on criminal and social justice issues.
- Collect material on criminal and social justice issues and to make this information available to all the user categories through the resource centre;
- Provide support to the Institute of Criminology’s researchers and research partners in the fields of policing & crime control; prisons and punishment; gender violence; youth at risk and ecological criminology.

The SJRP has a user-friendly classification scheme and an Inmagic database which enables users to search the 8000 holdings housed in our library. The SJRP also offers Internet access to local, national and international criminal justice and related databases.

The information housed in the SJRP is not readily available elsewhere and consists of ephemera such as conference papers, policy documents, journal articles, bibliographies, research papers, government publications and seminar papers. The main focus is South African and African material.
Our resources were used by the Institute's researchers, criminal and social justice institutions, academics, students from South Africa as well as overseas and the general public.

**Information service:**
This consisted of:

- Locating information and providing a current awareness service for researchers at the Institute.
- Answering queries for information and posting off or faxing information to users who are further afield.
- Networking with and exchanging information with other criminal and social justice institutions.
- Assisting library users to find information, to use the Inmagic database to search our holdings for information and to use the library computer facilities to conduct wider searches using the Internet.

**WebPages developments:**
More information was placed on the Institute WebPages to inform people of the Institute's activities and many more Institute publications are now accessible on-line. Bibliographies of our library holdings on restorative justice, popular justice and gangs are now on the WebPages. Full text documents of research work done by the Institute are now on-line including abstracts of some larger publications. An on-line directory of links to international and national criminal and social justice resources is accessible via the website.

**Institute Publications:**
A new-look Institute publications cover was designed and Occasional Papers published. Other research done by the Institute's researchers was reproduced and made more accessible.

**The objectives for the year ahead are:**

- To act as an information hub to link the different criminal justice and crime prevention initiatives of the Institute, to use the Institute WebPages to provide a networking platform for announcements, posting of research projects and information about seminars and current research projects, and to disseminate the publications of the Institute and publicise the research using the website.
- To network with people in the criminal justice field to inform them of current research projects and to facilitate an exchange of information and resource sharing for research and policy development purposes.
- To provide training in the use of electronic information and on-line databases to develop research skills among students and offer training in information seeking skills, using the search engines accessible from the SJRP computers.

**7. Sabbatical: Associate Professor Wilfried Schärf**

This was a productive and interesting sabbatical year in which a new research direction emerged, and existing research fields were taken forward:

As a result of an 'access to justice' workshop for eight sub-Saharan countries in Kampala it became clear that there is an under-researched area which needs urgent attention. What we understand as 'justice systems', meaning an elaborate set of state structures that create the possibility of a fair trial and disposition of an accused person, are not to be taken for granted in most African countries.
Preliminary research done among the delegates revealed that most of the countries had a minimal infrastructure of qualified lawyers to make up the 'justice system' and that many gross injustices flowed from that fact. In short the human and infrastructural resources for fully-fledged justice systems are lacking in most of the countries surveyed. The question becomes pertinent as to how one can assemble the 'social capital' of these countries to constitute an appropriate system under the circumstances. That is the new area into which my research energy is going to be channelled in the next few years.

The European leg of the sabbatical was spent gathering contemporary data on the transformation of the policing systems in some of the former Warsaw Pact countries such as Hungary, Poland, the Czech Republic and East Germany. A prior 'take' was done on those countries in 1992. Northern Ireland was added to the countries about whose police transformation primary and secondary resources were gathered. The work on the South African transformation of policing still continues with an analysis of both the state system and civil society efforts at generating a safer social environment. This body of research is being gathered for a monograph.

Lastly, work on the edited volume "The Other Law: Non-state forms of ordering in South Africa" was finally completed. It will be published in 2000.

As far as extension work is concerned three processes stand out: First, given the national policy developments relating to local government’s role in crime prevention, the Cape Metropolitan Council requested guidance about its options in the context of scarce resources. Two workshops under the theme of the 'Urban Revolution' were held to explore how local government in the Cape Metropolitan Area could use its human and other resources to become significant players in crime prevention and detection.

Second, religious organisations under the umbrella of the Western Province Council of Churches were eager to assess whether they could make a greater impact in generating a lower-crime environment. A similar workshop was conducted with select religious leaders to explore their options.

Finally, the Institute was the co-convenor, together with the Western Cape Anti-Crime Forum, the largest civil-society grouping against crime in the Western Cape, of the third short course to members of neighbourhood watches and street committees in the 'coloured' and African areas. The purpose of the course is to equip the trainees to be effective crime preventers who perform their functions within the law and in partnership with other relevant organisations, including the police. The trainees are expected to convey to their fellow members the skills they acquired on the course. A motivation for the course was to contribute to law-abiding responses to crime in local communities and to discourage the resort to vigilantism.

The course was an opportunity for us to gather research data on the people who volunteer so much of their time under dangerous conditions. That research augments the other research undertaken by the Institute on the scope and scale of neighbourhood watches in the Cape Metropolitan Area.

I was privileged to attend two conferences during the year. The first, organised by Penal Reform International, took place near London on the theme of *Penal Reform and Access to Justice: New Agendas for the new Millenium*. I was the rapporteur for Africa. The second was a Colloquium in Freiberg, Germany, under the theme: The role of criminal law dealing with state abuses of power after transitions. Nineteen countries including South Africa presented on their approaches to coping with the past oppression.
University Teaching

Postgraduate Courses

- **Current Debates in Criminology Theories & Practices** - *Elrena van der Spuy*  
  (to Master of Laws and Social Science Honours students).
- **The Criminal Justice System in Transition** - *Bill Dixon*, substitute for Wilfried Schärf  
  (to Master of Laws and Social Science Honours students).
- **Sentencing & Punishment** - *Dirk van Zyl Smit*  
  (to Master of Laws and Social Science Honours students)
- **International Criminal Law** - *Dirk van Zyl Smit*  
  (to Master of Laws students)

LL.B. Courses

- **Criminology** - *Elrena van der Spuy*  
  (to final year law students, half-year optional course)
- **Sentencing and the Constitution** - *Dirk van Zyl Smit*  
  (to final year law students, half-year optional course)
- **Criminal Procedure** - *Dirk van Zyl Smit*  
  (to intermediate year LLB students)

Undergraduate Course

- **Crime and Deviance in South African Cities** - *Elrena van der Spuy*  
  (to Humanities students)

Theses Passed for Higher Degree in 1999

M.SOC.SC.


LL.M. BY COURSEWORK


HONOURS


POSTGRADUATE DIPLOMA


Publications, Conferences and Consultancies

Publications

REFEREED ARTICLES

• Van Zyl Smit, D. & Oppert, A. (eds) 1999. Unbegrenzte Möglichkeiten hinsichtlich


BOOKS


CHAPTERS IN BOOKS


CONFERENCE ABSTRACTS


EDITORIAL

DIRK VAN ZYL SMIT

• Co-editor of Punishment & Society.
• Southern African correspondent of the Auslandsrundschau der Zeitschrift für die gesamte Strafrechtswissenschaft.
• Consulting Editor South African Journal of Criminal Justice.
• Member of the Editorial Board of South African Journal on Human Rights.
• Member of the Editorial Board of Acta Juridica - An annual law review published under the auspices of the Faculty of Law, University of Cape Town.
• Consulting editor of the Potchefstroomse Elektroniese Regstydskrif.
• Member of the Editorial Board of Crime and Conflict.

UNIVERSITY PUBLICATIONS AND PUBLICATIONS OF A POPULAR NATURE


UNPUBLISHED RESEARCH, TECHNICAL AND POLICY DOCUMENTS

• Artz, L. & Jacobs, T. 1999. Submission to the Truth and Reconciliation Commission on the Bellingan Case: A content analysis of the diaries of the Late Mrs J Bellingan.
• Hauck, M. 1999. An investigation of local governance in addressing the illegal exploitation of marine resources.

Consultancy and other activities
based on expertise developed in Research

• Artz, L. 1999. Presentation on 'Violence against Women in South Africa' at the UWC Millennium Workshop Series on Violent Societies. Hosted by the Department of Theology and
Religious Studies, UWC.

- Artz, L. 1999. Ongoing research and advocacy support for Black Sash (Southern Cape), Women on Farms Project and Rape Crisis.
- Hauck, M. 1999. Member of the task group on Coastal Fisheries Compliance, Marine and Coastal Management, Department of Environmental Affairs and Tourism.
- Hauck, M. 1999. Member and research consultant for the Subsistence Fisheries Task Group, Marine & Coastal Management, Department of Environmental Affairs and Tourism.
- Sylvester, F. 1999. Facilitator, Bridge the Fence, a safer school initiative, Western Cape Education Department.
- Sylvester, F. 1999. Facilitator, Back to Basic, a safer school initiative, Western Cape Education Department.
- Van der Spuy, E. 1999. Crime and Nation-building: Future challenges for the NCPS address to International Faculty Development Seminar organised by the council for International Educational Exchange and UWC.
- Van der Spuy, E. 1999. Member of the Community Safety Forum Steering Committee funded by DFID and Executed by the Urban Monitoring Action Group.
- Van Zyl Smit, D. 1999. Course on prison law for the legal advisors of the Department of
Correctional Services.

- Van Zyl Smit, D. 1999. Member of the Board of the International Centre for Prison Studies, King’s College, London.
- Van Zyl Smit, D. 1999. Member of the Project Committee on Sentencing of the South African Law Commission and project leader with overall responsibility for developing a national sentencing policy and legislation on sentencing.
- Wood, C. 1999. Member of SAYStOP (South African Young Sex Offenders) Steering Committee.

List of Funders

- City Council of Cape Town
- Flemish Ministry of Education
- The Ford Foundation
- Kinderen in de Knel
- The Mauerberger Foundation
- Open Society Foundation
- The Green Trust, Coastal Fisheries Co-Management in South Africa
- Marine and Coastal Management
- United Nations Foundation
- GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit GmbH)