

Article

Examining the Insurgency of Construction Mafia in the Republic of South Africa: Where Things went Wrong?

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Abstract: This article seeks to examine the insurgency of the construction mafia in the Republic of South African and the impact of this criminal network on the economy and service delivery over the past decade since its insurgency. Considering the damage caused in relation to the delay of Key Critical Infrastructure to the economy, violence and other crimes associated with this gangsterism, the state (South African government) has failed dismally to prosecute as well as rooting out these mafias within the construction environment. The descriptive and qualitative research approach were employed to gather data and detailed the insurgence of the construction mafia in South Africa. Data with purpose was generated from both primary through observation and secondary sources. The study found that construction mafias have disrupted several mega construction projects in Kwa-Zulu Natal, Gauteng, Western Cape, Mpumalanga, Limpopo and North West provinces. Recently, many efforts have been made by organisations such as Business Against Crime South Africa (BACSA) and recently joined by the Department of Public Works and Infrastructure (DPWI) in collaboration with the South African Police Service (SAPS) to crack down on the construction mafia. The study recommends that the State must clarify the 30% subcontracting of the work to local Small, Micro and Medium Enterprises (SMMEs) by the appointed construction companies, as it is used by disreputable organisations such as Delangokubona to run a mock.

Keywords: Construction mafia, Infrastructure, Intimidation, Economy, Extortion, Projects, Violence

1. Introduction

The year 2023 was a tough year for South Africa as it was greylisted by the Financial Action Task Force (FATF). Amongst other things that were cited by the FATF was that South Africa was found wanting in relation to compliance with the International Standards of preventing financing of terrorist, money laundering and proliferation financing. Moreover, South Africa was flagged as the worst performing country in dealing with the proliferation of construction mafia according to the 2023 Global Organised Crime Index and Global Initiative Against Transnational Organised Crime (GI-TOC) report (Global Organised Crime Index Report, 2023). This crime is associated with the elements of intimidation, violence and extortion towards business people in the construction industry. The smuggling and proliferation of guns into South Africa that are easily accessible by criminals as well as the infiltrations of gangs and mafias into the state apparatus, collusion between the politicians and mafias are amongst the factors cited as the primary cause to the flourish of organised crime like construction mafia in the country. These construction mafias used highly caliber guns such Avtomat Kalashnikova-47 (commonly known as AK-47) automotive assault rifles, R5 rifles, submachines, etc. to intimidate, threaten violence, assault and extort money from construction companies that resist to their demands. Some of the construction companies are reported to have reached a ceiling of seeking intervention from the state and adapt to work within these unbearable conditions of extortion, violence and intimidation carried out by construction mafias. This is because the state and authorities have failed to come-up with a tangible strategy to suppress the insurgency of this organised crime. The researcher's objective is to examine the insurgence and operation of "construction mafias" in South Africa including its impact on the economy and service delivery. Moreover, the study highlights the failure by the South African government to deal with this mafia gang. Currently, the government has failed to successfully root out and prosecute perpetrators of construction mafia despite a staggering recorded number of arrests made by the SAPS. Making these arrests without successful prosecution will not deter or prevent these mafias from terrorising the construction industry including delaying the completion of critical infrastructure projects set to drive the economy.

2. Research Background

Post 1994, various pieces of legislation concerning the inclusion of black people in economic activities were passed by the South African democratic government. Amongst pieces of legislation passed by South African government were Preferential Procurement Policy Framework Act, 5 of 2000 (PPPFA) and Broad-Based Black Economic Empowerment Act, 53 of 2003 (B-BBEE) which led to the development of Black Economic Empowerment (BEE) policy. These pieces of legislation were enacted by the democratic government to transform and strengthen the participation of designated groups into the South African economy.

In this study, the research focused more on PPPFA, as this piece of legislation was and still flagged and cited as the cause of the insurgency of the construction mafia in South Africa. The mafia grouping which some refer to themselves as Black Business Forum (BBF) have caused a massive disruption to the economy resulting in delays of key construction projects as well as loss of lives and billions of rands by the state. These mafia extort money from construction companies with reference to PPPFA.

A vacuum created and misinterpretation of economic empowerment legal imperative (PPPFA) and Preferential Procurement Regulations, 2017 (PPR 2017) which advocates that government contracts that are above R30 million, thus, 30% of such contract should be subcontracted to local black-owned businesses with the view that it will empower them and benefits locals (people residing in township, rural and/ or underdeveloped areas) through employment. Ardé (2023a) states that the misinterpretation of this piece of legal framework led to the insurgency of the construction mafia in South Africa whereby these criminal gangs started to demand 30% share of public contracts and later extended to private contracts. As a result, “regulating a 30% ‘set aside’ for state projects gave those beating the RET drum de facto leverage in the private sector.”

The proliferation of construction mafias in South Africa reflects the incompetence of the state in dealing with gangsterism and lawlessness where in some instances politicians and state officials collude with construction mafias and disseminate confidential information to this gang regarding the details of awarded construction contracts. The construction mafia story in South Africa presents the shocking level of incompetence by the Police and NPA in arresting and prosecuting these mafias, continuous rising number of arrests without successful prosecution, lack of visionary leaders within the security cluster and political will to root out the construction mafia completely. Failure by the state to address stagnant economy and structural economic impediments, including prolonged review of procurement laws, render the fight against construction mafia (extortionist) not to be achieved.

3. Materials and Methods

Creswell and Poth (2016) defined research design as the entire process of the study carried out by the researcher to share and explore ideas extracted through data collection, analysis, interpretation and presentation using formulated research objectives and research questions to compile a research report. Both descriptive and qualitative research design were deemed necessary by the researcher to examine the insurgency of the construction mafia in the Republic of South African and the impact of this criminal network on the economy and service delivery.

Whereas, qualitative research design is described as a process of philosophically constructing a phenomenon through interaction with expertise within the particular area of study. In this study, data will be gathered from reported, published and observed incidents of construction mafias using qualitative and descriptive research design.

The descriptive and qualitative research approach were employed to gather data and detailed the insurgence of the construction mafia in South Africa. The descriptive research approach was used to examine the insurgency of construction mafia, describe the trends or modus operandi of construction mafias and the relationship between construction mafias and delay of key infrastructure projects in South Africa. More importantly, the descriptive research approach helps to make sense of the impact of the construction mafia on the economy and service delivery in South Africa (Author Services, 2024). For this study, the researcher employed observation and collection of data on events and trends of the construction mafia in South Africa without the manipulations of published data.

Through the descriptive researcher, the researcher utilised qualitative research to gather data in response to the research objectives and questions as well as producing credible and reliable study results. The qualitative and descriptive research approach were utilised to gather a detailed understanding of these construction mafias, how they operate, which strategies they use or deploy to gain access to the construction business in South Africa as well as the impact of these mafias operations on the economy and service delivery in South Africa (Armstrong & Meyer, 2023:46). The study adopted purposive sampling to selected articles, journals and media reports published to examine the insurgency of the construction mafia in the Republic of South African and the impact of this criminal network on the economy and service delivery and to address the research objectives as well as responding to the research question (Doyle et al., 2020:446).

Purposely selected and published online and documentary sources of information such as journals, articles, media reports and other publications were utilised to strengthen the credibility of the study. In securing the reliability and validity of the data, data was

presented from the selected online and documentary sources including observations of construction mafia activities by the researcher were transcribed, cited and referenced in this study.

4. Presentation of Themes, Review of Literature and Discussion

This section presents themes, literature reviewed and discussion of study results.

4.1. *The Stalled, Delayed and Disrupted Key Infrastructure Projects by Construction Mafia in South Africa*

One of the mega projects that was flagged and reported to have been stalled and delayed its completion for almost a decade is the R94.7 million construction of the Mamelodi Magistrate Court. Rekord (2023) stated that the delay was due to the disruption of site operations of the project by construction mafias who demanded 30% share of the construction profits from the appointed constructors. Despite that the construction of the Magistrate Court commenced in May 2014 with the set completion date of November 2016. At the time of writing this article, the researcher can confirm that the construction of Mamelodi Magistrate Court remains incomplete, “with no sign of progress” according to Mekuto (2024). This signifies the reasons why the project has been delayed from its planned date of completion by eight (8) years.

On similar incident, Irish-Qhobosheane (2022:10) mentioned that a construction of German oil storage amounting to R2.4 billion by Wilson Bayly Holmess-Oycon came to an abrupt stop at Saldanha Bay, Western Cape province whereas the operational site looked like ‘war zone’. This was due to the invasion of the construction site by armed gangs which referred to themselves as Local Business Forums (LBFs) while in this article, the author refers to these groupings as construction mafia. More importantly, one should note that the construction mafias used different names to divert society and authorities from their criminal activities.

Moreover, the South African National Road Agency (SANRAL) which is a South African State Owned Company (SOC) also reported that more than 60 of their projects were also affected by activities associated with the construction mafia by April 2019. One of the SANRAL cited and abandoned projects is Mtentu Bridge in the Eastern Cape province, which was terminated by appointed contractor together with its partner “after gun-wielding business forum members threatened staff and made the site inaccessible for 84 days.” The project cost SANRAL R1.5 billion (Irish-Qhobosheane, 2022:9-10).

Five (5) years later after the project was abandoned, the construction of Mtentu bridge resumed in November 2024 and now cost SANRAL R4.05 billion (R2.55 billion higher than when the project was left) according to Venter (2024). From the assertion above, it is clear how the state has to get and channel more resources to complete some of the delayed, halted and abandoned projects due to the disruptions and violence displayed by construction mafias on state mega construction projects. More importantly, the scenarios above perfectly present the impact of construction mafia on service delivery and economy when these mega projects are abandoned, halted and delayed.

In another incident, the repair of the Durban High Court was delayed for months according to the Minister of DPWI at the time, Mr Sihle Zikalala. The delay was due to the illegal occupation of the construction site by the same criminal network. IOL (2023) emphasised that this criminal network was extorting money from the appointed contractor which led the DPWI to further source the services of the security company as intervention measures, and also to allow the service provider (contractor) to begin with work without delays.

Around 2018, a R276 million construction of Hammarsdale interchange found in the busy South National Route (known as N3 highway) located between Durban and Pietermaritzburg was halted. According to Ardé (2023a), the construction of the interchange was halted by one of the founder and co-founder of organisations known as Delangokubona and Federation for Radical Economic Transformation (FFRET) which later changed name to Black Business Federation (BBF). Ardé (2023b) further emphasises that these organisations are known to be the champions of Radical Economic Transformation (RET) and front runners in relation to disruptions and violent activities linked to construction mafias mostly in KwaZulu-Natal province.

Similarly, a Ward Councillor from eThekweni Metropolitan Municipality was gunned down on 11 September 2022 while hiding at the South Coast of KZN province. The killings of the Councillor was linked by the family and friends at the time “to rival business mafias vying to control part of the spend on the R6 billion Umgeni Water Lower uMkhomazi Bulk Water project in the area” according to (Ardé, 2023a). The Ward Councillor was targeted for being anti LBFs in Ward 99 that were competing for a R1.3 billion piece of Umgeni Bulk Water project. This suggests that even public servants who perform their duties with due care and in the interest of the state are seen by these criminal gangs masquerading as LBFs as obstacles, thus, get to be eliminated. In simple terms, it has now become a matter of life and death to be appointed as a contractor on a mega construction project of Key Infrastructure Project in South Africa.

In Cape Town Metropolitan Municipality, a construction of 3,300 units low-income housing project (known as a Symphony Way housing project) in Delft was halted after one of the Environmental Officers from the City was gunned down by heavily armed construction mafia criminal gangs while visiting the construction site. The project had a budget of R500 million (Mwareya, 2023).

The project was still stalled as of April 2024. In another incident, Schrieber (2023) reported that a R58.6 million transport project in Cape Town was put into a halt because of the extortion, intimidations and threats posed by the construction mafia against the contractor and its workers. At least seven (7) of the major related projects aimed to create new public transport infrastructure, upgrading of the road as well as maintenance of stormwater mostly around the disadvantaged communities in Cape Town were delayed citing safety concerns on construction sites.

On the other hand, Staff Writer (2022) states that the roll-out of fibre in certain parts of Tshwane was delayed again by the construction mafia. Indeed, the researcher can attest that the operations of construction mafias have intensified across multiple cities and provinces in South Africa; creating chaos and havoc in the expenses of the economy, the poor and service delivery. According to Staff Writer (2022) these criminal syndicates operate as gatekeepers of new developmental projects aimed to improve the living conditions and lives of communities. Although some contractors and companies attempted to resist the demands of construction mafias, their efforts resulted in some of their workers held hostage and/ or against their will when performing their duties. In some instances, this criminal network demands to be subcontracted by appointed contractors or charge these contractors what is referred to as the protection fee against other gangs.

In Centurion, the construction mafia threatened to delay the construction of Student accommodation/ residence at Sol-Tech college by three (3) to four (4) months. However, these threats never materialised or succeeded after the institutions sourced the services of private security to specifically deal with the threats, intimidations and bullying by the construction mafia (Staff Writer, 2022).

In a nutshell, the data presented above just pointed out how horrendous the activities by construction mafias masquerading as LBFs have to the economy and service delivery. The reality is that it is the poor who suffer the most as jobs and the local economy to be created by these mega projects are drastically affected. Resources that could have produced similar projects in other communities that are in need including that they have been waiting with bated breath for years are now diverted by the state and SCOs to abandoned, halted and delayed projects.

4.2. The Impact and Consequence of Construction Mafia to The South African Economy

For economic development, the government zoned the construction site as one of the key strategic sectors of the economy including driving inclusive growth. This assertion was shared by Van Zyl (2023) who emphasised that “construction sites are the very foundations on which our economy is built, and stagnation of construction activity in whatever form it takes is the bellwether that indicates how far the economy is fairing. If South Africa is serious about recovery, then we need to flood the construction market with opportunities and, while these seem to exist in abundance in theory, probably no more than one in ten potential projects ever sees the light of day. The impact and further delays caused by the construction mafia has a direct impact on both service delivery and delayed job creation.”

Government key infrastructure projects aimed to unlock and drive the economy, get delays which lead to more capital injection by the government citing prices inflation to procure construction material by the contractors. The economy is disrupted and remains stagnant. It is well known that the construction sector contributes significantly to the economy growth through creation of jobs which in return lead to the state to generate more revenue for the development of other infrastructure.

According to the Cowling (2024), the construction industry contributed R109,516 billion to the South African Gross Domestic Product (GDP) in 2023, an increase of R610 million as compared to the previous year. This is a slight increase to the industry as it had been declining for the past seven (7) years. This decline could be linked amongst other things to the disruption and infiltration of the construction mafia within the construction industry. The figure below presents the declining GDP within the construction industry from 2016 to 2023.

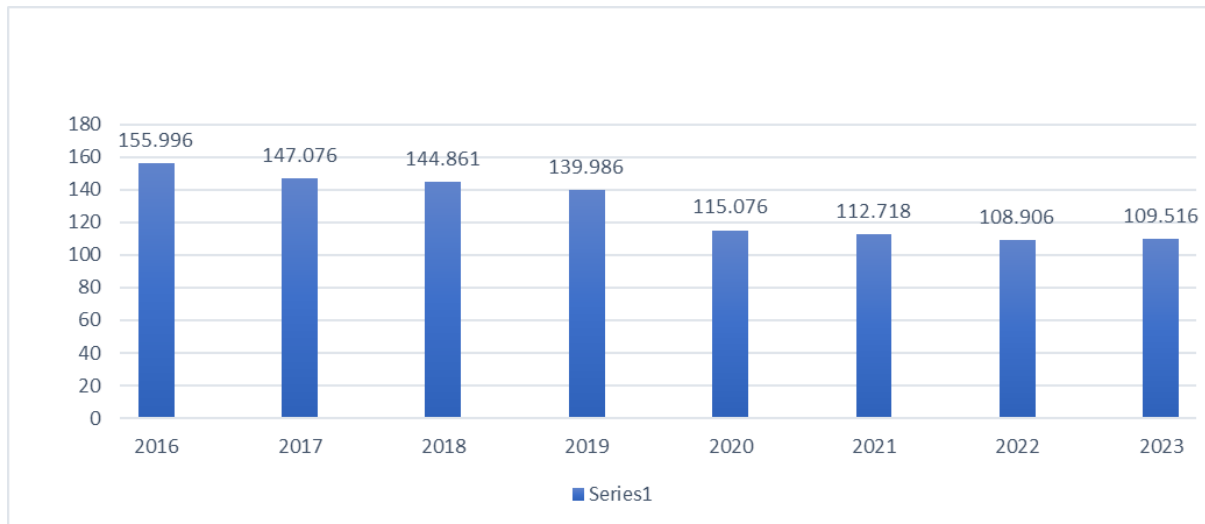


Fig. 1. Value added to the GDP by the Construction Industry in South Africa from 2016-2023.

The chart above presents the trajectory loss of value added to GDP from 2016 to 2022 and slight increase in 2023. From 2016 to 2017 the construction sector lost R8,920 billion, 2017 to 2018 the industry recorded a loss of R2,215 billion, 2018 to 2019 an amount of R4,875 billion was lost, 2019 to 2020 a R24,910 billion was lost, from 2020 to 2021 an amount of R2,358 billion loss was recorded and from 2021 to 2022 a R3,812 billion was lost. The overall recorder loss from 2016 to 2022 was R47,090 billion and a slight increase of R610 million in 2023.

In November 2024, the Business Day published an article indicating that for the past five years; the construction mafia cost the South African economy R63 billion. This was despite the fact that the construction industry employs more than 1.3 million people and contributes around 3% to the GDP. As a result, the South African construction industry "is under threat from the construction mafia", as more than 180 key government infrastructure projects worth R63 billion were disrupted, halted and delayed by this criminal network across South Africa as of 2019. From 2019, South Africa started to experience the rise of construction site invasions by the construction mafias (Irish-Qhobosheane, 2022:1; Pather, 2024). This criminal network thrives through intimidation, violence, extortion and sometimes sabotage of construction projects.

The same sentiment was shared by the Deputy Minister of Police, Castle Mathale as cited by Cokayne (2024) who indicated that "this kind of business sabotage impacts negatively on economic and infrastructure development including investor confidence." Consequently, contractors that resist construction mafia's demands result(s) in either their properties being damaged, work on the site halted, lives of workers and contractors being threatened, and/ or even being killed. The Deputy Minister further confirmed that extortion crime by the construction mafias is on its peak level in South Africa.

More importantly, the Deputy Minister of Finance, Ashor Sarupen stressed that the impacts of this construction mafia is not only limited to operational challenges, but also "represented a critical stress test for SA's economic governance..." according to Pather (2024). The Business Day article displays the sketch of the construction mafia to the South African economy, more specifically on developments aimed to strengthen economic growth, creating much-needed jobs and improve service delivery. It means that the government felt short in dealing with this criminal syndicate when it emerged in early 2014/15 in KZN. In fact if this criminal network continues causing these disruptions, delays and deaths whereas the state and authorities remain mum in tackling this problem for so long, the 1.3 million jobs in the construction industry will be under threat.

As a result, the failure by the government not to decisively (not to step its authority) deals with criminal activities associated with construction mafia that compromise the government effort of rebuilding the economy through unleashing of mega projects which are key in driving economic growth. As indicated earlier on, the construction sector plays a significant role to the South African economy as it improves the GDP through the creation of jobs, upgrading and refurbishing dilapidated infrastructure, and revitalising or resuscitating the country's economy through direct and foreign investments.

This assertion was also shared by Mosenogi (2016) who indicated that "construction sector plays a key role in the economy as it results in infrastructure stock/capital accumulation which leads to increased economic social and economic activities." It means that the refurbishment, upgrading and rolling out of new key infrastructure projects such as roads, bridges, government buildings, railway, etc. by the government is important to the already distressed or stagnant economy.

Thus, lack of decisive and sense of urgency action by the state and authorities against the construction mafias also led some construction companies to succumb to the mafia's demand and sacrifice their quoted price (share it with the mafias) in order to

deliver on their contractual obligations. To ensure how deepening the construction mafia is in South Africa? Khoza (2023) and Tabane (2023) reveals the extent in which the former Minister of DPWI, Sihle Zikalala reached a dead end whereby he threatened to rope in the services of the army to intervene, including willing to engage with the genuine local black-business forums that are interested in construction sector.

The researcher believes that the threats to call in the army and willingness to negotiate with criminals clearly shows that the state has no authority over this organised crime called construction mafia. In fact, the South African government presides over criminality and lawlessness. For the past years, the President of the Republic of South Africa, Cyril Ramaphosa has been condemning the criminality perpetuated by the construction mafias on different platforms such as National Council of Provinces (NCOP) without them backing down whatsoever for the president's condemnation. Instead things went from better to worse in that criminality perpetuated by the construction mafias continues to thrive without being deterred by either enacted laws nor the number of arrests effected by the state.

4.3 Arrests, Charges and Conviction Rate Associated with Construction Mafia Crimes

Cokayne (2024) and Ardé (2023b) indicate that since 2019, police (SAPS) have effected more than 700 arrests of the construction mafias across South Africa. According to data published by the South African government, there were 712 cases referred and investigated. The state further confirmed that 722 arrests were made against the construction mafias by the SAPS. Subsequently, of the 722 arrests made, the state managed to secure 52 convictions (South African Government, 2023). The data shows that the conviction rate is less, contrary to the number of arrests made from the 722 total number of arrests made by the SAPS since 2019 to December 2023. As a result, the 52 convictions by NPA constitutes only a 7.2% conviction rate.

In South Africa, construction mafias can be charged with extortion, intimidation, public violence, kidnaping, damage to property or malicious damage to property, pointing weapons such as firearms, murder, trespassing or invasion at construction site and fraud (Ardé, 2023a). The construction mafia crimes are disruptive, a threat to life(s) and violence in nature. The violence is used as a tool to extort and intimidate the contractors so that they succumb to their demands. On a regular basis, the NPA used extortion as the preferred charge against the construction mafias. To the extent in which some refer to the construction mafia as an extortionist or extortion criminal network (Ardé, 2023a; Corrigan, 2024a & Inclusive Society Institute, 2023) including the NPA on its 2023/24 Annual Report makes reference to extortion taking place at construction sites.

However, extortion is considered a very serious offence as it falls under schedule 5 offences in terms of the Criminal Procedure Act, 51 of 1977. According to Van Zyl (2023), using the words such as disruptive at the construction sites while Corrigan (2024b) makes reference to aggressiveness “rent-seeking roles” to scare the contractors as enough or better describe the ruthless nature of construction mafias.

According to the 2023/24 Annual Report of the NPA, reflects that crimes associated with construction mafia are clustered under organised crime. It is difficult to extract the exact number of convictions made by the NPA versus the number of arrests made by the SAPS. However, what is quite interesting is that the NPA did acknowledge in their report that the number of extortion at construction sites is on the rise. Below is the presentation of the conviction statistics for organised crime for the past five (5) year period.

Table1. Conviction rates in organised crime as reported by the National Prosecuting Authority (NPA) Annual Reports, 2019/20–2023/24.

Strategic objectives	2019/20	2020/21	2021/22	2022/23	2023/24
	Actual performance	Actual performance	Actual performance	Actual performance	Actual performance
Conviction rate in organised crime	95.3% = 242/254	92.5% = 173/187	95.9% = 185/193	94.4% = 221/234	93.4% = 267/286

From the conviction statistics presented above by NPA, it is difficult to extract the actual number of convicted extortionists at construction sites as all types of organised crime are clustered in one strategic objective. Be that as it may be that arrests are effected, the conviction rate of 52 remains low as crimes linked to construction are on the rise, meaning these arrests and convictions bear no results. Something drastically needs to be done.

4.4 The Legal Framework

Section 217(1) of the 1996 Constitution of the Republic of South Africa states that at what time an organ of state at national, provincial and local sphere of government or any other institutions refer to in the national legislation awarding contracts for goods and services, that sphere of government must do so through the system or process that is open, fair, transparent, equitable,

competitive and cost-effective. Meaning that all contracts must be advertised, publicise and qualifying bidders be shortlisted and appointed to render such goods and services.

Furthermore, section 217(2)(1) of the South African Constitution “does not prevent the organs of state or institutions referred to in that subsection from implementing a procurement policy providing for—

(a) categories of preference in the allocation of contracts; and

(b) the protection or advancement of persons, or categories of persons, disadvantaged by unfair discrimination.” In most instances, organisations craft policies such as Supply Chain Management and Procurement policy to guide their officials regarding how goods and services must be procured.

Section 217(3) of the Constitution makes a provision for a national legislation to outline a framework, policy or guidelines that speaks about preferential procurement of goods and services in an organ of state to address the social and economic imbalances of the past (redress). As part of addressing these injustices of the past (the exclusion of the African majority from access of the economic activities), the government of South Africa developed the Preferential Procurement Policy Framework Act, 5 of 2000 (PPPFA) and Broad-Based Black Economic Empowerment Act, 53 of 2003 (BBBEE) to empower those who were marginalised during the apartheid (African people) including local SMMEs.

However, the Inclusive Society Institute (2023) expresses that the National Treasury did acknowledge that misinterpretation of the PPPFA which aimed to address the imbalances of the past through economic transformation played a significant role towards criminal activities carried out by the construction mafias. Moreover, Jonker (2025) expresses that the PPPFA makes provision that 30% of the public procurement contracts should be allocated to the historically disadvantaged and marginalised people and local SMMEs in order to upskill and empower them economically.

The revised PPR 2022 which replaced the PPR 2017 requires an organ of state (state department and/ or State-Owned Enterprises (SOEs)) to determine from their own Preferential Procurement policy how to empower black-owned business through subcontracting as a condition (prerequisite or pre-qualification criterion) when they advertised a tender. The assertion above is in line with section 217(3) of the Constitution including repealing PPR 2017 which was mostly misinterpreted by construction mafias/ LBFs including giving rise to this criminal network.

Extortion is referred to as Schedule 5 offence in terms of the Criminal Procedure Act, 51 of 1977. This means that the onus resides with the complainant who opens the case of extortion while the alleged person(s) who is charged with extortion offence must prove, for instance, to the magistrate or judge as to why he/she must be granted the bail (Van Zyl, 2023). In addition, it is not enough to use words such as vandalism or disruption to justify the crime of extortion committed by the construction mafias. Van Zyl (2023) argues that in South Africa jurisprudence, using keywords in the criminal justice system is important in order to trigger judges to respond to the charges of extortion.

The 2019 gazetted Critical Infrastructure Protection Act, 8 of 2019 (CIPA) aimed to deal with amongst other things the protection of key infrastructure projects against any threats posed to South African economic stability and workers by criminals. Masimula (2023) elaborated that CIPA, the Critical Infrastructure Programme and the National Infrastructure Plan (NIP) were developed as preventative law and guidelines to preserve the disruptions and violence’s carried out by amongst others, the construction mafia towards construction industry.

Masimula (2023) went further to indicate that the purpose of these laws was to protect construction sites, developments and projects which are key to economic growth. These construction sites “will be assessed to protect economic stability, public safety and the preservation of essential public services.” According to Smit (2022) the phase 2 draft of the NIP 2050 intend to identify risks and threats posed by infrastructure-related crimes and tactically respond to “crime affecting the provision of infrastructure, especially corruption in the procurement process and in the extortion of service providers.”

4.5 South African Government Stance on Construction Mafia

In his response to the National Council of Provinces (NCOP) and in most instances, the President Cyril Ramaphosa stated that the established law enforcement task team is looking into the operations of construction mafia and other economic crimes. According to NemaKonde (2023) and Maqhina (2024), 20 task teams were assembled to deal with crimes committed by construction mafia across South Africa. The same pronouncement on setting-up a special unit to deal with construction mafia was made in 2020 during the State of National Address by the President.

Moreover, Ramaphosa expressed that the 20 tasks teams which comprises of 946 experienced and knowledgeable personnel situated at Provincial, District and Station level. From the 20 Economic Infrastructure Task Teams set-up, 18 task teams confirmed to be in existence at the District level while the remaining two (2) in the Provincial level. “The Task Teams integrate processes, resources and intelligence across all of the operational environments of the SAPS under a single command. This enables them to

successfully combat essential infrastructure crimes, illicit mining and extortion within the construction sector” according to the President as cited by NemaKonde (2023) and Maqhina (2024).

Since the formation of the 20 task teams, more than 700 construction mafia suspects have been arrested to date for extortion at various construction sites. Whereas there were more than 28 410 suspects arrested for related damage and sabotage to essential and critical state infrastructure such as rail tracks, copper cable theft, theft of fuel at Transnet pipeline, etc. and other metals (NemaKonde, 2023; Cokayne, 2024; & Maqhina, 2024).

Moreover, as part of government and private sector fight back against construction mafia’s initiative, the collaboration of Business Against Crime South Africa (BACSA) and SAPS resulted in more than 700 suspects arrested and 143 charged in Kwa-Zulu Natal, Gauteng, Western Cape, Mpumalanga, Limpopo and North West province respectively. Of the 143 charged suspects, Ardé (2023b) announced that the state managed to secure 52 convictions. The majority of incidents which resulted in the arrest of these suspects occurred in Gauteng, followed by Kwa-Zulu Natal, Limpopo, Mpumalanga, North West and Western Cape.

Despite the government talking tough on the construction mafia, the researcher observes that little has been done by the government of South Africa to curb the scourge of the insurgency of this criminal network. This is also linked to the challenges and difficulties faced by the state and law enforcement agencies in policing the activities of construction mafia. More importantly, the high level of corruption, politically conflicted individuals, the infiltration of construction mafias into state apparatus, and lack of concerted effort both by the state and private sector cannot be ruled out to the insurgency of this criminal network.

4.6 International Perspective on Construction Mafias

However, Finckenauer (2012) emphasises that the emergence of any mafia's within the society or country is influenced by when an elected and constituted government becomes either alien, distant, inefficient and/ or lacks authority over criminality. A reasonable and effective state would exercise its power or authority over criminality using state apparatus such as police and defence (military), which by law are mandated to enforce the enacted laws including using force when deemed necessary. In instances where state apparatus becomes inefficient, ineffective or weakened due to corruption, a vacuum would be created for mafias to emerge. The construction mafias like any mafias emerge when the state cannot exercise its authority over lawlessness.

In countries like India, there are some roads, state buildings, and/or properties funded by the state as bulk infrastructure projects which are controlled by the construction mafias. The construction mafia criminal syndicate that is presiding over state funded infrastructure projects namely roads, state buildings and/or properties in India consist of a group of corrupt officials from public works retailers, politicians, service providers that supply construction materials and contractors within the construction sector. To affirm this assertion further, sub-standards materials such as cement are used by construction mafias to construct roads and other state buildings and/or properties, which results in some bridges and road infrastructure crumbling while others collapse or are swept away during severe thunderstorms and heavy rains. Notwithstanding that the suppliers will bill the state for high-standard or quality materials (rather than the sub-standards utilised), meaning there will be no value for money.

Peru is reported to be amongst the countries that experienced extortion from a group of not less than 60 local organised criminal syndicates. According to Yagoub (2014), these criminal syndicates carry out their extortion activities under the pretence of being trade unions. This was corroborated by Mario Huaman, the Secretary General of the Federation of Civil Construction Workers of Peru (FTCCP) who indicated that “up to 80 percent of Peru’s 72 informal construction worker trade unions are cover-ups for extortion groups.”

Above and beyond, the operations of construction mafias in Peru are no different from those carried out by the extortionists in South Africa. Despite that the construction mafia’s operations in Peru are more dynamic, Dargent, Feldmann and Luna, (2017:10) highlights that their main activities focused in urban areas where most of government services are rendered. They extort resources from institutions and individuals that benefited from the economic growth and development of Peru. In some instances, they extend their mafias activities to the most profitable sectors of the economy that are less regulated by the state such as retail distributors, professional services and medicines retailers.

4.7 Brief Overview of Theoretical Framework

Economic theory

Polyzos and Tsiotas (2020:6) express that there is a broader theoretical agreement that the construction of transportation infrastructure is vital to the economic growth and to development of the country. Linking this theory from a South African perspective, the two authors make reference to particularly roads and rails infrastructure that enables the transportation of people in various cities as well as goods and services in and out of the country for economic purposes. In South Africa, the impact of roads and rails infrastructure is massive to the economy. For instance, when the South Africa freight SOC, Transnet performed at optimal

level regarding the transportation of minerals such as Iron Ore, Coal, Platinum, Chrome, etc. to the developed countries; the country's Growth Domestic Product (GDP) also increased in return for economic growth.

However, Ben (2019, p.4) linked the transportation infrastructure for economic development purposes to the neoclassical growth theory which explains the economic growth based on the number of roads and rail networks that are properly constructed and accessible by public transports, industries, companies, ports, etc. to transports people, goods and services through buses, taxis, trains, locomotives, trucks, bakkies, etc. including their efficiency when these transportations are carried out to various destinations.

Criminological theory

From time to time, human behaviour tends to be difficult to understand as it evolves from a lot of things to interpret such as motive, individual values and morals, and surrounding circumstances which contributes to the behaviour patterns of a person. Thus, Burke (2018:8) emphasises that the complexity of criminological theories are influenced by the convolution of human behaviour. The interpretations of personal behaviours, motives, values and morals as well as their surrounding circumstances in most instances may lead to the development of criminological theories.

Considering the explanation above, the researcher believes that a criminological theory can be drawn from the construction mafia's behaviour that is influenced by in some instances the state failure to act decisively against the historical and current lawlessness and criminality preserved by this criminal syndicate in South Africa and affected countries. Over and above, observing the construction mafia's behaviour in South Africa reflects the systemic failure and lack of strategy by the state apparatus to thoroughly diagnose the mafia's tactics to extort, halt and delay key state infrastructure projects.

5. Summary and Discussion of the Findings

The study found that construction mafia have disrupted several mega construction projects in Kwa-Zulu Natal, Gauteng, Western Cape, Mpumalanga, Limpopo and North West provinces. Recently, many efforts have been made by organisations such as Business Against Crime South Africa (BACSA) which was later joined by the Department of Public Works and Infrastructure (DPWI) in collaboration with the SAPS to crack down on construction mafias. This was applauded by some economists and experts in the construction industry as a step in the right direction to push back against these ruthless organised crime gangs.

The researcher is in agreement with Executive Director of Master Builders South Africa (MBSA), Roy Mnisi as cited by Barron (2023) that the South African government is not decisive in dealing with construction mafia related crimes. Lack of action by the government then makes it believable that these criminal gangs are indeed connected or in alliance with heavy weight politicians for protection purposes. This indecisiveness can be confirmed through the slow pace in revising and strengthening the PPPFA and other laws that governs and regulates the construction industry as well as the criminality thereof. Despite the fact that a significant number of arrests have been made and reported to the public, what is missing is the linkage between the number of suspects arrested versus the number of accused prosecuted and convicted for construction mafia criminal activities.

Failure by the South African government to deal with criminal activities associated with construction mafia syndicate at an early stage resulted in the continuous insurgency number of construction site invasions across the country. The insurgency was caused by amongst other things the delay by the state in enhancing PPPFA as well as other laws that governs and regulates the construction sector including public procurements contracts of goods and services in order to provide a clear systematic approach and collaboration between the public and private sector towards the development of SMMEs, benchmarking and further developments of reporting systems in response to criminal activities that could lead to more arrests and successful prosecution.

To date, the South Africa government has lost more than R60 billion rands due to construction sites being invaded, halted and disrupted by construction mafias. Despite the Inter-Ministerial Committee led by Deputy President, Paul Mashatile which has been established to detect the progress of infrastructure projects as well as flagging the halted and disrupted construction projects by construction mafias; and reports the flag projects to 20 task teams assembled by the state to deal with construction sites crimes, it appears that a year later the South African government is losing the battle against construction mafia as these intervention are not yet yield any applaudable results. Thus far, minimal progress has been made by the state and authorities to topple down the construction mafia head-on.

Based on the researcher's observation, available data including data presented above, the construction mafias demand 30% profit from the contractors. Moreover, the study established that in most instances, the construction mafias will demand either 30% profit share of the contract or 30% equity share of the business. The most used tactics by the construction mafias during the extortion are threats, assault, violence and intimidation using high caliber weapons so that contractors surrender to their demands.

In the brought context, the construction mafias misuses the PPPFA against construction companies by bullying them with the barrel of guns unless if they surrender their 30% profit share (or what Lucas Tseki as cited by Ardé (2023b) referred to as 30% "developmental premium" sacrifice by construction companies in order to deliver on their obligations) or subcontract 30% of their work to local communities, local businesses and/or SMMEs identified by these mafias with the pretence that they will empower

them to able to compete on their own in future. The construction mafia's demand comes in two ways; firstly in the form of money exchange equivalent to 30% profit share of the business and secondly in the form 30% equity share of the work/ services with their preferred local SMMEs.

Apart from pronouncements and reports by Ministers and Deputy Ministers of Police, Public Works and Infrastructure, Finance, Trade Industry and Competition, Portfolio Committees, South African Government and Law Enforcement Agencies in assuring the public, construction companies/ industry and investors that they are hard at work to tackle construction mafia syndicate, however, the results indicates that nothing much has been done to tackle on construction. In fact, it is the opposite site as this organised crime continues to rise in South Africa. To sum it up, violence continues to be the business of the day to coerce construction companies to heed the call/ demands of construction mafias.

6. Recommendations

Although the revised PPR 2022 repealed the PPR 2017 in an effort to address the 30% subcontracting of the work to local SMMEs, the construction mafia still utilised PPR 2017 which suggest that if possible, a 30% costs of public contracts above R30 million must be allocated to designated groups (local communities, businesses or SMMEs) to empower them. Therefore, the study recommends that the state must conscientise designated groups about the revised PPR 2022 including clarifying the 30% subcontracting of the work to them (designated group) by the appointed contractor. This can help to alleviate the misused of PPR 2017 derived from PPPFA by infamous organisations such as BBF Kwa-Mashu Youth in Action Movement, Delangokubona, etc. (RET forces) masquerading as LBFs (construction mafias) to run a mock within the construction industry through intimidations, extortion, murders, invasion on construction sites. More importantly, acts of criminality should be dealt with and treated as such by the state.

The study further recommends the enhancement of PPPFA to clarify the 30% subcontracting of work to the SMMEs and similar laws that derived and aligned to PPPFA as well as governs and regulates the construction sector including public procurements contracts of goods and services so that they provide a clear systematic approach and collaboration between the public and private sector towards the development of SMMEs, benchmarking and further developments of reporting systems in response to criminal activities that could lead to more arrests and successful prosecution. More importantly, extortion, intimidation, public violence, kidnaping, damage to property or malicious damage to property, pointing weapons such as firearms, murder, trespassing or invasion at the construction site and fraud charges must be catered in the enhancements of PPPFA and related construction industry legislations as offences link to or committed by construction mafias. The state must note that pronouncement on more recorded number of arrests without successful prosecution will not deter the scourge of criminal activities perpetuated by construction mafias in South Africa. As a result, the study recommends that the number of arrests must be aligned and/ or measured with the number of successful prosecutions as well as the number of convicted construction mafias. As its current form, the 7.2% conviction rate is minimal contrary to the number of arrests, thus it will not deter insurgence of this criminal network. The study further recommends the establishment of a Police Special Task Force to focus mainly on violent, ruthless and heavily armed construction mafias. The researcher believes this can minimise the rising of these criminal gangs as the special police force will be able to 'toe to toe' with construction mafia gangs when they incite violence, illegally disrupt construction projects, intimidate and extort protection fees from the construction companies and contractors.

7. Conclusions

The enactment of PPPFA had good intention of equipping and empowering the designated groups such as local SMMEs by transferring the skills. However, what went wrong is when the construction mafias who masquerading as the so called LBFs capitalising on the misinterpretation and abuse of 30% subcontracting of the work to designated groups (local SMMEs) as stated in the PPPFA and its regulations to justify their unlawful activities such as extortion, etc. Subsequent to the misinterpretation and abuse of the said prescripts by construction mafias, is the failure by the state to act decisively against the actions (illegal activities) of this criminal syndicate. The clamping down and elimination of this criminal syndicate can only be done when the state steps up its authority over lawlessness and criminality perpetuated by construction mafias which affect the economic growth and service delivery. Regardless of whether some of the contractors complied and honoured the requirements of PPPFA, still their projects got disrupted and halted by construction mafias which resulted in delays of the completion of some of the infrastructure projects such as the refurbishment of Durban High Court and reconstruction of Mamelodi Magistrate's Court project. The modus operandi of the construction mafias are more correlated as they mostly demand 30% profit share or 30% equity share of the business from the appointed contractors. To promote law and order in the country, criminal gangs such as construction mafias must be dealt with decisively. It is important for law enforcement agencies to move swiftly when crimes associated with construction mafia are reported by constructors, construction industry and affected parties. When arrests are instituted, the following charges namely extortion,

intimidation, public violence, kidnapping, damage to property, pointing firearms, murder, construction site trespassing or invasion and fraud must be considered depending on the actions of construction mafias. Currently, there is no linkage between the number of arrests made, number of successful prosecutions carried out as well as the number of convicted construction mafias. As its current form, the 7.2% conviction rate is minimal contrary to the number of arrests, thus it will not deter insurgence of this criminal network. To dismantle the operations of the construction mafia, a multidisciplinary approach led by the SAPS Special Task Force is required to be activated as these criminals are heavily armed and ruthless. The state and contractors can no longer waste the little resources they have by appointing security companies on mega construction projects as part of beefing-up the security against construction mafias as well as unlocking some stalled infrastructure projects by this criminal network.

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