

NATIONAL

Police and crime intelligence to finalise plan to combat extortion

● Deputy president Paul Mashatile tells MPs 'a lot of resources' will be allocated

Thando Maeko
Political Reporter

The SA Police Service (SAPS) and crime intelligence agencies will within the next week convene a meeting to finalise a government-wide plan to deal with crime, including increasing incidents of extortion that threaten the viability of the construction sector.

Deputy president Paul Mashatile, who chairs the justice, crime prevention & security cluster in the cabinet, said the plan would possibly involve the state injecting more financial resources into crime intelligence.

The lack of adequate crime intelligence has been identified by police minister Senzo Mchunu as an issue behind the crisis of extortion rackets.

"We don't want to put more boots on the ground [but] they go in the dark. We have already discussed [this], saying we are going to put a lot of resources behind crime intelligence," Mashatile told MPs on Thursday. "The comprehensive plan that we are finalising next Thursday will look at this matter."

Incidents of extortion have increased, and the police have identified the Western Cape, KwaZulu-Natal and the Eastern Cape as hotspots.



Mafia toll: Paul Mashatile says criminal organisations 'pose serious threats to public safety and the integrity of construction projects'. /Gallo Images/Brenton Geach

Recent incidents include the murder of a school principal in KwaBhaca in the Eastern Cape last week by a gunman allegedly demanding payment.

In a separate incident, thugs stormed the home of a nurse from the Efata School for the Blind in Mthatha and demanded

payment of R50,000. The nurse refused and was robbed of his phone, laptop and television.

In the Western Cape, an informal trader from Kraaifontein was shot dead a week ago in a suspected extortion-related murder.

"Top-class detective and

be underreported, as witnesses and victims are often reluctant to come forward ... The impact of these construction mafias on our nation's development cannot be underestimated.

"The existence and activities of construction mafias significantly undermine the concept of a developmental state as envisioned in the National Development Plan 2030.

"These criminal organisations pose serious threats to public safety and the integrity of construction projects, which are essential for driving economic growth and development."

Police data released this week shows that in the first quarter of 2024 there were 3,494 kidnapping incidents, of which 135 were ransom demands (with Gauteng and KwaZulu-Natal accounting for 81 and 15 cases), 30 were extortion-related incidents and eight were human trafficking.

In the first quarter there were 6,198 murders, 11,566 sexual offences and 9,309 rapes. A total of 6,867 attempted murders, 42,858 common assaults, 11,312 common robberies, 5,438 car-jackings and truck hijackings, and 429 cash-in-transit heists occurred during the period under review. /With Luyolo Mketane

"The challenge remains that the actual number of crimes committed by these mafias may

be intensified to produce airtight prosecutions and see these crime bosses [convicted], locked up and their proceeds of crime seized," Mashatile said.

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INVESTMENT

China's aid will not push SA into debt trap, says Ramaphosa

Michelle Gumede

President Cyril Ramaphosa says the multibillion-rand financial commitments made by China will not lead SA into a debt trap, assuring the business community of stability in the country's future trajectory.

China is SA's largest trading partner, importing mainly primary goods such as agricultural products and minerals. Both are members of Brics and their diplomatic relations focus on building stronger economic, cultural and political bonds.

However, critics of Chinese investment in Africa have raised concerns about debt-trapping, economic dependence and prioritisation of Chinese interests over local needs.

On Thursday China committed Y360bn (\$50bn) in financial support over the next three years to the continent.

Addressing the media on Thursday, Ramaphosa said the investments by China into Africa – through its state-owned enterprises – would cause returns for all stakeholders.

He said China was a partner that "seeks to foster development" in Africa.

"They have wanted to gauge ... whether the relationship between SA and China is going to be enhanced particularly in the seventh administration and in the era of the government of national unity, and we assured them," he said.

"Their sighting of ministers ... in my delegation from other political parties was actually a real confidence booster. They want confidence. They want to see that we have stability, and they can have confidence in the future trajectory of the country."

Ramaphosa said climate change and geopolitical rivalry fuelled by the worldwide competition for vital minerals was affecting Africa more severely than other regions.

He said given the implementation of the African Continental Free Trade Area, in which countries are pursuing cross-border trade, the Forum on China-Africa Co-operation could play an important role as Africa works to build an integrated network of linkages between countries, within regions and across the continent.

"If we are to realise a sustainable future for Africa and China – and indeed the entire world – we must acknowledge the reality of the interdependence among our community of nations. If we are to build a future that is people-centred,

development-orientated and inclusive, we need to work in a spirit of co-operation and collaboration."

Touting the Forum on China-Africa Co-operation as a valuable forum to support the implementation of the AU's Agenda 2063, Ramaphosa said Xi's partnership actions on modernisation would bolster and deepen African development and co-operation. "We must work together to achieve the Africa we want. Amid these challenges, there is hope and opportunity."

Xi, who announced a 10-point modernisation partnership between China and the continent, urged China and Africa to upgrade their relationship.

"Thanks to nearly 70 years of tireless efforts from both sides, the China-Africa relationship is now at its best in history," he said.

"With its future growth in mind, I propose that bilateral relations between China and all African countries having diplomatic ties with China be elevated to the level of strategic relations and that the overall characterisation of China-Africa relations be elevated to an all-weather China-Africa community with a shared future for the new era."

Highlighting that China and Africa accounted for one-third of the world's population, he said that without the modernisation of the two entities, "there will be no global modernisation". gumede@businesslive.co.za

BEIJING COMMITS \$50BN IN FINANCIAL SUPPORT TO AFRICA OVER NEXT THREE YEARS

RELENTLESS PURSUIT

SAPS hunt state capture suspects – Hawks boss

Luyolo Mketane
Political Correspondent

The police are relentlessly pursuing those implicated in state capture, with more than 30 suspects now arrested, says Lt-Gen Godfrey Lebeya, head of the Directorate for Priority Crime Investigation (the Hawks).

More than 2,000 statements had been obtained, with three criminals convicted and sentenced for state capture crimes, said Lebeya.

With police minister Senzo Mchunu, he was briefing the media in Soweto on Thursday on the 15-year sentence imposed on former Passenger Rail Agency SA (Prasa) chief engineer Daniel Mtshkulu this week.

Lebeya said that because the state-capture commission recommendations were put before the National Prosecuting Authority (NPA), most state-capture investigations were done by the NPA's Investigative Directorate (ID). Regarding the investigations by the Hawks and ID, the number of those being pursued was "very high", he said.

"The matters are proceeding [before the courts]. There are other investigations that are continuing. [We are] tightening loose ends," said the Hawks boss.

Lebeya said that the sentence imposed on Mtshkulu would serve as a deterrent to would-be fraudsters.

Mtshkulu appeared in the Johannesburg specialised commercial crime court on Tuesday for sentencing after his conviction on three counts of fraud in 2022. He was sentenced to 15 years in prison for falsifying his qualifications and submitting a fake employment offer from a German company to bump up his salary.

Mtshkulu claimed he had a National Diploma in Mechanical Engineering and a B.Tech Degree in Engineering (Maintenance) from the Vaal University of Technology, a degree in Mechanical and Maintenance Engineering from the University of the Witwatersrand, a Master's in Engineering as well as a Doctorate in Engineering Management.

In March, BusinessLIVE reported the Asset Forfeiture Unit had obtained an order to seize more than R5.5m from



No dabbling: Police minister Senzo Mchunu says government won't let the police dabble in criminal activity. /Gallo Images/Brenton Geach

Mtshkulu's properties in Johannesburg, Langebaan and Cape Town to pay Prasa back for the fraudulently obtained salary hike.

Meanwhile, Mchunu said 1,000 detectives would be hired this financial year in an effort to plug the hole as the country had a shortage of nearly 9,000 detectives, while 50 left the public service for the private sector monthly for roles such as investigators.

In a response to parliamentary questions by Rise Mzansi MP Makashule Gana, Mchunu said the total number of detectives employed in the police stood at 22,413, which represented a shortage of 8,594 countrywide.

KwaZulu-Natal had the highest shortage of detectives at 1,629, with the Western Cape and the Eastern Cape accounting for 1,555 and 1,465 respectively.

The three provinces, with Gauteng – SA's economic and

WE DON'T DISCRIMINATE. THOSE [BAD] APPLES THAT NEEDED TO BE ATTENDED TO, WE WILL DEAL WITH THEM

financial heartland – are grappling with incidents of extortion that has become a political hot potato. There are allegations that some rogue cops are behind the spate of kidnappings of businesspeople, hijackings and extortions.

IN CUSTODY

Mchunu said there were corrupt police in the SAPS system, "even though we don't want them, even though they tarnish our image". He said the government would not allow the police to dabble in criminal activity.

Acting national commissioner Lt-Gen Tebello Mosikili said 2,118 police officials had been convicted of corruption.

Lebeya said that one major-general was in custody awaiting sentencing.

"We don't discriminate. Those [bad] apples that needed to be attended to, we will deal with them," he said.

Mchunu said crime in any form was a direct threat to stability and prosperity, and eroded public trust in state institutions. It endangered people's livelihoods, he said.

"With [the] little resources we have, no-one can say we are not doing anything; jails are full, courts [are busy], and there are arrests every time."

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ADVERTORIAL

Shared living in community schemes as regulated by CSOS is the bedrock of the fast-growing urbanisation and sign of the progressive harmonious living landscape in South Africa.

The Community Schemes Ombuds Service (CSOS) is an entity of the department of Human Settlements, with a particular legislated mandate to regulate the conduct of parties in community schemes.

The community schemes and sectional title schemes are commonly known and widely used. As a result, it makes sense that right at the outset we define them, as well as others related thereto.

A "body corporate" is the collective ownership of a sectional title scheme, with effect from the date on which any person other than the developer becomes an owner of a unit in a sectional title scheme, there shall be deemed to be established for that scheme a body corporate of which the developer and such person are members, and any person who thereafter becomes an owner of a unit in that scheme is a member of that body corporate responsible for managing and maintaining common property. A body corporate comprises all owners in the scheme, and is overseen by a board of trustees.

In the circumstances, a "board of trustees" refers to a group of owners elected to manage and make decisions regarding the sectional title scheme. It is responsible for implementing rules, managing finances, and maintaining common property. Such a board of trustees must act in the best interests of the body corporate subject to the provisions of the sectional titles management act, the rules and any restriction imposed or direction given at a general meeting of the owners.

A homeowners' association (HOA) is an organisation in a subdivision, planned community or condominium that makes and enforces rules for the properties and their assets. This association is registered as a non-profit organisation in terms of the Companies Act. A homeowners' association is administered by a board of directors that is elected by homeowners to oversee the common assets of a property/area, manage its finances, run business affairs, implement, and set the rules. The association will also manage the maintenance and upkeep of the area.

The concept of community schemes and sectional titles has evolved over time, influenced by various international and local factors.

As far back as Ancient Rome, there was shared ownership and management of communal properties, whereas in Medieval Europe, guilds and cooperatives managed shared resources. Apartment buildings and tenements emerged in urban centres during the 19th century. The early 20th Century witnessed the emergence and development of cooperative ownership and community land trusts. In the aftermath of Second World War, suburbanisation and homeowners' associations (HOAs) became popular.

In the South African context, the Cape Colony's "erf" system of the 1800s allowed for shared ownership and management. During the 1930s, the first sectional title legislation was introduced, in the form of the Sectional Titles Act, 1930. Between the 1950s and 1960s, suburbanization and sectional title developments expanded, while community schemes and HOAs became more widespread between the 1970s and 1980s. Reforms that came as a result of the ending of apartheid in the 1990s resulted in an increased focus on community land ownership and management.

Consequently, in 2011, the Community Schemes Ombud Service Act was enacted, to regulate and support community schemes. Of major significance, the CSOS Act introduced an ombud service for the resolution of disputes. In 2016, the Sectional Titles Schemes Management Act replaced the 1986 Act, introducing significant reforms.

Outside of urbanization and suburbanization, several other factors have played an influential role in the evolution of community and sectional title schemes. These include economic and social changes, legislative reforms and government policies, international trends and best practices, and technological advancements and innovations.

Before the CSOS Act came into effect in 2011, community schemes in South Africa were regulated by various laws and bodies, including the Sectional Titles Act (1986), self-regulation via constitutions of HOAs, provincial and local government laws and bylaws, common law, and by following guidelines of and receiving support from certain voluntary associations.

These regulatory mechanisms had limitations, leading to inconsistent governance, dispute resolution challenges, lack of transparency and accountability, and inadequate protection for owners and residents which resulted in the breakdown of administrative operations and the accumulation of administrative and municipal debt. As a result, this caused buildings to deteriorate, and the loss of property by owners.

The CSOS Act seeks to address these gaps by establishing the Community Schemes Ombud Service (CSOS), providing a dispute resolution mechanism, setting standards for governance and management, enhancing transparency and accountability, and offering training and support for scheme executives and members.

Article Written by:

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Notes: CSOS will be hosting an Indaba in Polokwane, Limpopo Province on 12th and 13th September 2024
Stakeholders who wish to attend can register on:

<https://csosindaba.com/>

Venue: Bolivia Lodge, Polokwane, Limpopo
Date: 12-13 September 2024
Time: 09:00-17:00

