

BUSINESS ROBBERY, THE FOREIGN TRADER AND THE SMALL SHOP

How business robberies affect Somali traders in the Western Cape

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Recent years have seen a rapid increase in business robberies in the Western Cape.¹ Most of these robberies affect informal traders in low-income township neighbourhoods. Foreign nationals in these areas appear to be especially vulnerable to such crime.² This article focuses on the robbery experiences of Somali traders in Western Cape townships. It highlights the difficulties they face in accessing formal and informal justice in the aftermath of crime, and how criminals' relative impunity leaves Somali shops more vulnerable to attack. It concludes that cross-sectoral efforts are required to tackle the broad social and institutional challenges in addressing business robberies in the province.

In September 2012, the South African Police Service (SAPS) announced its latest crime statistics. Murder, sexual crimes and house robbery rates had decreased across the country since the previous financial year. Newspaper headlines were mildly positive, stating 'Crime statistics show marginal improvement'³ and 'General nod for crime stats'.⁴ Yet a small cluster of crimes showed increases. Amongst these were business robberies, which increased nationally by 7,5% between the 2010/2011 and 2011/2012

financial years.⁵ This increase comprises yet another climb in a trend that has lasted several years, ultimately seeing business robberies rise by 380% since 2004/2005.⁶ The Western Cape appears to be even more seriously affected, with business robberies increasing by 19,7% between 2010/2011 and 2011/2012, and by 1865,5% since 2004/2005.⁷

Business robberies particularly affect small informal grocery shops (also known as 'spaza' shops) located in low-income townships and neighbourhoods, and commonly target foreign national traders.⁸ Little verifiable statistical data regarding the extent of robberies committed against foreign national traders in the Western Cape Province exists in the public domain. The SAPS does not publish any records of crimes

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specifically affecting foreign nationals in the country. Furthermore, many foreign national traders relocate to other areas in the aftermath of crime, making it difficult for parties outside of the SAPS to survey the extent of such crime.⁹

Despite the absence of published statistics on robberies affecting foreign nationals in South Africa, the SAPS appears to have collated some data. For example, the SAPS 2011/2012 Crime Statistics Overview states that foreign nationals are vulnerable to business robberies – a finding based on a crime intelligence docket analysis of 3 405 business robbery cases.¹⁰ The Western Cape Provincial Commissioner of Police stated before Parliament’s police portfolio committee on 8 February 2012 that only 33% of reported business robbery victims in the Western Cape were South African citizens. The remaining victims were foreign nationals.¹¹

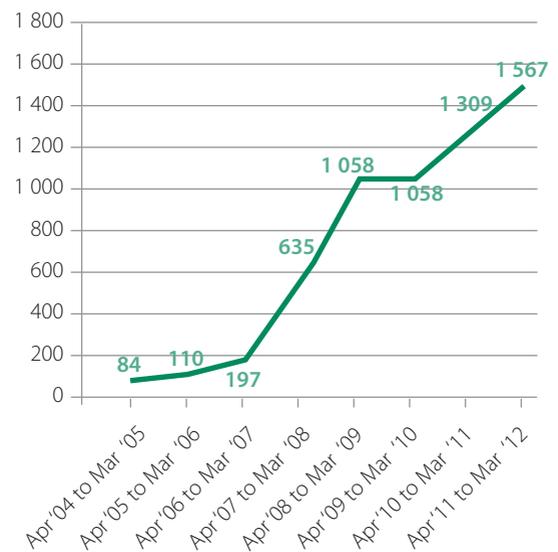
In township areas the proportion of business robberies affecting foreign nationals is most likely even higher. For example, police crime intelligence officials based at Khayelitsha police station cited a monitoring document compiled by the station, according to which foreign nationals comprised 96,5% of reported business robbery victims in the station’s jurisdiction between April 2011 and March 2012. This was despite the fact that foreign nationals operated approximately 50% of the spaza shops in the area.¹² The remaining 50%, all run by South African traders, only fell victim to 3,5% of reported business robberies in the area.¹³ According to police in Kraaifontein, business robbery victims in the nearby townships of Bloekombos and Wallacedene were primarily foreign nationals, with one policeman stating he could not recall a South African trader having been robbed in the past year.¹⁴ While the author was unable to verify these township police station figures and accounts empirically,¹⁵ they are consistent with each other and with national and provincial findings,¹⁶ and heuristically give an indication of the scale of the problem.

What local, provincial and national police figures and accounts also suggest is that while arguments are often made that foreign nationals fall victim to

crime much as South Africans do,¹⁷ it appears that in the case of business robberies (and possibly other crimes such as looting), foreign traders may well be disproportionately targeted, compared to South African traders.

This article seeks to understand how the inability to access informal and formal justice systems contributes to foreign traders in the Western Cape being victimised. It argues that, among other factors, business robberies of foreign nationals are an outcome of social conditions that leave foreign traders on the margins of society and thus more prone to becoming victims of crime. It examines the barriers that traders experience in accessing informal community justice mechanisms and formal state justice institutions in the aftermath of crime, and how this enables criminals to rob foreign shops with relative impunity. The article then briefly considers alternative means by which Somali traders seek to protect their shops. In light of the severity of crime and the unique features that give rise to crime, the article concludes that specific cross-sector strategies are required to effectively address business robberies against foreign national traders.

Figure 1: Robbery at non-residential premises in the Western Cape¹⁸



METHODOLOGY

This article is based on qualitative case study research conducted by the author for the African Centre for Migration and Society (ACMS) at the University of the Witwatersrand over two periods totalling twelve months: from September 2010 to February 2011, and from October 2011 to March 2012. The focus of the research was on the ability of Somali shopkeepers in the Western Cape to access justice when they became victims of crime. Cape Town's townships served as the main field sites, but additional research also took place in two outlying Cape Town suburbs, and in seven more rural small towns in the Western Cape.¹⁹ The primary field sites were located in three townships:

1. Kraaifontein: Bloekombos and Wallacedene
2. Philippi: Philippi East and Browns Farm
3. Khayelitsha: Site B, Site C and Harare

Because there are no public police statistics on reported crime affecting foreign nationals, field sites were chosen based on information provided by the Somali Association of South Africa (SASA), a Somali community organisation operating in Cape Town, Johannesburg and Port Elizabeth. SASA advised that Somali traders in Kraaifontein and Philippi East experienced high rates of crime, while Somali traders in Khayelitsha experienced lower rates of crime. As a result, Khayelitsha was chosen as a comparison to Kraaifontein and Philippi East. Field research later indicated that while SASA's advice was true in regard to crimes orchestrated by South African traders against their Somali counterparts, all three townships experienced high rates of business robbery. The ACMS nevertheless retained Khayelitsha as a field site, as it considered the absence of crime orchestrated by South African traders an important feature for comparison. Furthermore, the ACMS could not find any township in the city where Somali traders considered business robbery rates to be low.

The case study was made up of mainly qualitative interviews with Somali traders, South African residents and community leaders, members of

civil society, as well as police and prosecutors. The full findings are published in a report titled 'Elusive Justice: Somali traders' access to formal and informal means of justice in the Western Cape'.²⁰ The report and this article focus particularly on Somali traders, as the author observed in Cape Town and smaller towns in the province that Somali traders appeared to make up the majority of foreign spaza traders in the Western Cape. Likewise, police and residents in field sites described that most foreign national spaza shopkeepers were Somali, with a police audit of 172 spaza shops in Philippi East indicating that Somali traders operated 69,5% of foreign national spaza shops in the police station's jurisdiction.²¹

Table 1: Interviews

Area	Somali traders	SA residents	SA traders	Police	Landlords	Legal aid	Prosecutors	Other stakeholders
Khayelitsha	15	14	0	11	1	1	0	3
Kraaifontein	10	10	3	5	2	2	0	2
Philippi	15	35	5	4	4	1	4	3
Small towns	17	0	0	0	0	0	0	0
Other areas	9	6	1	0	0	0	0	5
Total	66	65	9	20	7	4	4	13

BACKGROUND

Somali traders have been arriving in South Africa since the mid-1990s, fleeing the civil war that has ravaged Somalia for over 21 years. Many also originate from the Somali Region of Ethiopia (also known as the Ogaden), where the Ethiopian government has carried out large-scale persecution of ethnic Somalis.²²

The vast majority of Somali migrants in South Africa are made up of asylum seekers and refugees, and are therefore legally entitled to work in the country.²³ Somalis who arrived in Cape

Town initially established themselves as hawkers in central business districts in and around the city. They soon moved into the city's townships and began opening small grocery stores or spaza shops. These spaza shops have proved largely successful, and today are a central source of income for many Somalis in cities and towns across South Africa.²⁴

But township spaza shops have also been a source of insecurity for Somali traders. Apart from business robberies, Somali traders also fall victim to other crimes, including:

- Crimes orchestrated by South African traders against Somali competitors
- Crimes orchestrated by Somali traders against other Somali competitors
- Intimidation and attempted illegal evictions of Somali shopkeepers by South African competitors
- Theft and robbery by police during shop search operations in Khayelitsha
- Looting of Somali shops by residents during strikes, service delivery protests and xenophobic attacks
- Hijackings of Somali traders en route to wholesalers and
- Harassment, abuse and extortion by state institutions and community leaders²⁵

The Somalis interviewed were most traumatised by crimes orchestrated against them by South African traders, including assassination style killings and arson attacks that resulted in some Somali traders being burnt to death. The most common form of crime affecting them was business robbery. Business robberies often result in traders being killed or injured. For example, in Khayelitsha (Sites B and C), crime intelligence officials described that 40% of business robberies that were reported to police were linked to murder or attempted murder. Although police and some traders did not rule out the possibility that competing spaza shopkeepers may have been behind some of these robberies, traders and police generally perceived business robberies of Somali shops to be committed by opportunistic youth seeking to rob.

Somali traders are particularly prone to business robberies, for a number of reasons. Their shops hold cash, cigarettes and mobile phone prepaid airtime vouchers, all of which are easy to seize and resell. Their shops are also located in neighbourhoods that experience high levels of crime generally. Yet this does not represent the whole picture. Somalis are also socially isolated in the communities in which they work. This enables robbers to rob shops with little community outcry. Formal justice institutions also face particular challenges investigating and prosecuting cases involving Somali complainants. Therefore, apart from Somali shops being profitable targets, robbers are also enticed by the prospect of being able to rob with impunity.

ACCESSING INFORMAL COMMUNITY JUSTICE

Police and South African residents in all three field sites described local community members as being very involved in addressing crime. Most streets in the field sites have small residents' forums called street committees, which engage in resolving disputes, investigating crime and locating alleged criminals. While some street committees identify and locate alleged criminals and hand them over to the police, others hold their own informal hearings, where alleged offenders are sentenced and punished. These hearings can be problematic, especially when they involve beatings, torture and/or murder of the alleged offender. Residents also sometimes bypass street committee structures altogether, and unleash spontaneous violence against suspected criminals.²⁷ Vigilante murders in Cape Town's townships are not uncommon. For example, Khayelitsha's three police stations²⁸ recorded 78 'mob justice' murders between April 2011 and June 2012, totalling a fifth of all recorded murders in the township.²⁹

Yet when criminals targeted Somali traders, community responses were muted. Interviews with South African residents indicated that street committees and community members in general did not actively respond to crime affecting Somali traders. Of the 71 Somali traders who were

interviewed only three regularly attended street committee meetings. Most do not attend, either because they believe they would not be welcome or out of fear for their safety. A few also stated that their working hours conflicted with street committee meeting times. Many Somali traders did contact street committee leaders in the aftermath of crime, but were offered no substantial help beyond the extension of condolences.

In Lower Crossroads in Philippi East residents resisted the efforts of a local woman who tried to mobilise the community around crimes against Somalis:

When South Africans are robbed, the whole community stands up and makes sure they catch the gangster that robbed them. With the Somalians, few people are helping to assist them, and it is rare.³⁰

According to residents in Lower Crossroads, street committees in their area could not be held solely responsible for muted community responses to attacks, as these committees responded to general community outrage and mobilisation – which did not occur when Somali traders were robbed or murdered in the area. This ostensibly limited the ability of street committees to act.³¹

Most residents interviewed across all three townships reasoned that the lack of community response to attacks on Somali shops was due to Somali traders not being viewed as part of the 'community'. Interaction between Somali traders and local residents is made difficult by linguistic, cultural and religious differences. For example, Somalis largely adhere to Islamic religious beliefs, and therefore do not attend the mainly Christian places of worship frequented by South Africans, nor do they socialise at South African venues that do not comply with Islamic dietary laws. Because most residents' primary relationship with Somali traders was simply as customers, as opposed to friends or neighbours, they did not perceive the difficulties experienced by Somali shopkeepers as a direct concern of theirs when interviewed. The majority of residents were therefore not actively

xenophobic towards Somali traders – on the contrary, they were often positive about the service and prices obtained at Somali shops. But the absence of social interaction and involvement had resulted in Somali traders' crime concerns being relatively invisible to them.

While residents were mostly not overtly negative towards Somali traders, the absence of engagement between Somali traders and local residents did in some cases encourage local hostility by allowing prejudices and misconceptions to circulate unchecked. For example, some residents suspected Somali traders of practising witchcraft to lure customers to their shops.³² Two of the South African residents interviewed reasoned that the absence of social engagement between South Africans and Somali traders was because Somali traders felt superior to South Africans, and one resident felt threatened after witnessing a group of Somalis meeting together one evening, as he did not know what they were discussing.³³ This kind of suspicion and hostility further weakens Somali traders' standing and security in these communities.

The absence of strong community responses to crimes targeting Somalis, coupled with the intense response to crimes against South Africans, undoubtedly increases the vulnerability of Somali traders. This was confirmed by a group of youth in Philippi, who stated that they would think twice before robbing a South African because a South African victim was more likely to know local community leaders who could take action against suspected robbers. In contrast, the absence of community outcry made Somali traders easy targets, with the result that they could rob Somali traders multiple times, even when the traders recognised them.³⁴

The general social isolation of Somali traders from the communities in which they work has the effect that crimes against their shops do not attract widespread community attention or outrage. This general inability to mobilise local community support in the aftermath of crime makes Somali traders easier targets for criminals, and leaves their shops more prone to attack.

INSTITUTIONAL RESPONSES TO ATTACKS

Not only are many Somali traders largely unable to access informal community ‘justice’ mechanisms, but they also face a number of challenges accessing justice via formal state institutions. There has been very little police and prosecutor success in achieving convictions in respect of the Somali business robbery victims who were interviewed. No cases reported by Somali respondents had resulted in convictions, and only one prosecutor reported achieving a conviction in respect of a robbery or crime against a foreign national – a case involving the robbery of a Somali trader in the ‘coloured’ township of Manenburg.³⁵

Various factors inhibit police investigations of business robbery cases against Somali traders. These include:

- Language barriers that prevent police from immediately questioning Somalis at crime scenes
- Somali community interference with evidence: community members often arrive at crime scenes before the police and tamper with evidence or remove bodies for burial
- The inability of Somali traders to identify suspects, either due to being new to an area or unfamiliar with the local community
- A lack of cooperation by South African witnesses
- Non-reporting of crimes by Somali traders due to a lack of faith in the formal justice system
- The withdrawal of cases because of intimidation by the accused or their associates, and/or settlements reached with the accused
- Difficulties experienced by Somalis in contacting or communicating with the police
- Difficulties experienced by the police in contacting Somali complainants due to the frequent relocation of Somali traders
- Intimidation or abuse by police officers, leading to traders’ disillusionment with the formal justice system
- The perception among Somali traders that the police are related to criminals and thus will not properly investigate their cases

- Somali misunderstandings about how the formal justice system works, resulting in disillusionment about their cases (e.g. when accused persons were released on bail)³⁶

Prosecutors also experienced particular difficulties handling cases involving Somali complainants. Frequent Somali shop relocation meant that prosecutors, like the police, often had difficulties contacting Somali witnesses. Prosecutors also reported that Somali complainants often withdrew cases – either due to intimidation or a lack of patience with the slow pace of the court system.³⁷ Prosecutors also mentioned that statements of Somalis taken down by police were frequently poorly drafted, and were sometimes so vague that they did not disclose a cause of action.³⁸ The prosecutors believed this to be the result of language barriers between the police and Somali complainants.³⁹ These poorly drafted statements led to suspects being released on bail, or attorneys for the accused using discrepancies between police statements and later witness accounts to successfully cross-examine Somali traders at trial.⁴⁰

There are, however, a number of factors that facilitate access to formal justice. These include:

- Police patrol efforts, resulting in quick response times and detailed knowledge of shop whereabouts
- Long-standing Somali trader presence in an area, resulting in greater familiarity with local community members
- Police station prioritisation of crimes against foreign traders and improved intelligence gathering efforts, particularly in Kraaifontein in 2010
- Somali community involvement in high profile investigations and court cases, giving rise to better communication between police and complainants, as well as improved morale among complainants and witnesses
- Monitoring of court cases by non-governmental organisations⁴¹

While many of the barriers to justice experienced by Somali traders are common to all South Africans, certain challenges are unique, or more

severe, in matters involving Somali nationals. The language barriers that limit the ability of police to immediately pursue attackers, and the lack of familiarity with their neighbourhoods that limit Somali traders' ability to identify suspects, are examples of particular challenges arising in cases involving Somali complainants. Somalis furthermore come from a war-torn country, where there has been no effective government for more than 20 years. This can make following and understanding complex legal proceedings especially challenging.

While police responses to business robberies (such as patrols and gathering of intelligence that lead to important breakthroughs in investigations) have occasionally been effective, police have also sought to address the high rates of robbery affecting Somali shops by attempting to limit the number of spaza shops in townships. This is evident in the SAPS 2011/2012 Crime Statistics Overview, which states that policing and prevention of business robberies are constrained by 'compliance issues', including registration with the Department of Trade and Industry (DTI) and the South African Revenue Service (SARS), as well as a lack of municipal bylaw enforcement.⁴² It is unclear how compliance with SARS, DTI and/or municipal by-laws reduces a shop's chances of being robbed. It is in fact more likely that compliance with the above regulatory requirements (in the event that they exist⁴³) will be used as a means to diminish informal spaza trade in townships, and in that way reduce business robbery. This form of preventing crime essentially punishes and persecutes victims rather than protecting their property and apprehending offenders. It also has potentially negative repercussions for local economic development.

ALTERNATIVE JUSTICE AND DEFENCE

In the vacuum left by inadequate informal and formal justice mechanisms, Somali traders have established alternative methods of protecting their shops. This sometimes involves befriending and obtaining support from local youth. A group of youth in Gugulethu reported that they regularly

visit a local Somali shop to converse with traders: 'Somalis are very friendly towards us. We don't go there to buy – we just go there for small talk.'⁴⁴ They described one instance where the Somali traders had requested them to investigate a robbery at their shop, and how they made enquiries, but were unsuccessful. However, a Somali trader in Khayelitsha successfully enlisted the assistance of local youth to help him locate his stolen car.⁴⁵

Gang leaders have also intervened to protect Somali shops. Somali traders in Hopland in Saldanha Bay recounted how a local gang leader – not the police – protected their shops from looting during the 2008 xenophobic violence. Some Somali traders go even further and allegedly pay youth or gangs for protection.⁴⁶ Protection rackets pose negative risks, as demonstrated by the recent looting of Somali shops in Valhalla Park, which traders blamed on gangs seeking protection money from them.⁴⁷

Politically connected landlords also play a role in protecting Somali shops. Research conducted by the African Centre for Citizenship and Democracy found that certain landlords charged a premium in rent for added security offered.⁴⁸ Similarly, two landlords informed the author that their tenants were safe from crime, given the landlords' prominent status in the community.⁴⁹ A Somali tenant in Khayelitsha who had never experienced a robbery also stated that his shop was more or less out of harm's way because of the influence his landlord yielded in the community.⁵⁰ However, many other landlords are relatively vulnerable individuals (such as pensioners or regular residents) who cannot ensure any added security for their Somali tenants.

Somali traders have furthermore begun arming themselves to protect their shops. Two interviewees described using firearms to successfully defend their shops from robbers. One Somali trader has enlisted his South African neighbours to shoot at robbers in the event of any commotion at his shop. This results in regular crossfire taking place outside his shop.⁵¹ In smaller towns, many Somalis use pangas to defend their

shops.⁵² Police reported that traders are often unable to access legal firearms because their shops lack the adequate infrastructure to house safes. Some shops also don't have street addresses, which are also required for firearm licenses. Somali traders' possession of illegal firearms has resulted in police stepping up search operations of Somali shops, in many cases seizing illegal weapons and charging traders. While some residents respect the fact that Somali traders are taking action to defend their shops (and are shrugging off their image of being 'soft'), others are angered by this development, and perceive Somali traders as potentially bringing violence to their communities. The police have mixed feelings about the situation. While they believe that traders have cause to arm themselves, they are nonetheless concerned about increased numbers of illegal weapons circulating in the community.

These alternative means of attaining justice or protection have emerged in the absence of both formal and informal justice mechanisms that address crime affecting Somali shops. Some alternative methods of addressing crime seem relatively harmless, such as forming friendships with local youth or seeking out influential landlords. But purchasing illegal weapons or paying protection fees may well give rise to further violence and undermine the social stability of communities more generally.

CROSS-SECTORAL EFFORTS

A cross-sectoral approach is required to deal with the broad social and institutional challenges of addressing business robberies affecting Somali and other foreign national traders. Social factors that contribute to business robberies, such as foreign traders' lack of involvement in and engagement with local communities, fall largely beyond state policing and justice departments' spheres of action. Addressing these dynamics requires the participation of a range of actors, including the police, prosecutors, foreign national community structures, civil society and local government. It could take the form of incorporating foreign nationals into community

policing forums, or into township community and youth development projects more generally.

The formal justice system could also benefit from an engagement with other sectors, such as civil society and foreign national community structures like the Somali Retailers Association. For example, NGOs working on refugee issues or providing paralegal services could support formal justice sector efforts by educating victim communities about the functioning of the justice system. Foreign national community structures could assist police or prosecutors handling business robbery cases by helping to overcome language barriers or encouraging complainants not to abandon their cases.

As a starting point for these activities, improved public access to police and prosecutorial data on crime is vital. The SAPS' current public data on business robbery as a sub-category of aggravated robbery makes it almost impossible to assess the victim profiles of crimes, apart from the general jurisdictional locations where crimes occur. Without more detailed data many stakeholders and potential actors are simply unaware of the general nature of these crimes. This applies not only to business robberies, but also to other crimes such as vigilante killings, which are not specified in published police statistics. This lack of clear information limits the ability of actors outside the formal justice system to find means of intervening, and leaves police and prosecutors more isolated in the business of tackling crime.

Fortunately the author was able to obtain some statistics and confirmations from the SAPS to clarify the statistical relation between business robberies more generally, and robberies of foreign national traders specifically. The National Prosecuting Authority supplied the author with information regarding 'xenophobia' cases it had dealt with in the Western Cape – many of which comprised business robberies.⁵³ However, the records listed numerous cases more than once, making it virtually impossible to ascertain the number of cases handled, or the exact number of convictions achieved. While these offerings were helpful, the general absence of access to reliable

written records continues to inhibit a broader awareness and understanding of business robberies and their prosecution in the province.

CONCLUSION

The types of crime against Somali traders vary greatly, but business robberies are the most common. Where foreign shops (predominantly Somali), containing valuable items such as cash and airtime, make profitable targets, robbers seem to be encouraged by the likelihood that they will not be apprehended and punished. The social isolation of many Somali traders means that robbers are unlikely to be investigated and located by street committees or community members, and while the formal state institutions do respond to attacks, these interventions have had little success in bringing perpetrators to book.

Improving access to both informal and formal justice mechanisms requires greater efforts, not only by police and prosecutors, but also by Somali community organisations, civil society and local government departments dealing with social development. As outlined earlier, such cross-sectoral efforts can be further strengthened by comprehensive data regarding categories of crime and victim profiles in the Western Cape.

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NOTES

1. South African Police Service, Crime in the Western Cape for April to March 2003/2004 to 2011/2012, http://www.saps.gov.za/statistics/reports/crimestats/2012/provinces/w_cape/pdf/westerncape.pdf (accessed 21 January 2012).
2. South African Police Service, Crime Statistics Overview RSA 2011/2012, 61, http://www.saps.gov.za/statistics/reports/crimestats/2012/downloads/crime_statistics_presentation.pdf (accessed 21 January 2012) and SAPA, Foreigners streaming into Western Cape, *News24*, 8 February 2012, <http://www.news24.com/SouthAfrica/News/Foreigners-streaming-into-Western-Cape-20120208>, (accessed 21 September 2012). The SAPS Western Cape office confirmed this statistic telephonically on 16 August 2012.
3. Faranaaz Parker, Crime statistics show marginal improvement, *Mail & Guardian Online*, 20 September 2012, <http://mg.co.za/article/2012-09-20-marginal-improvement-in-crime-stats> (accessed 21 September 2012).
4. Jacques Keet, Chantall Presence and Richard Davies, General nod for crime stats, *News24*, 20 September 2012, <http://www.news24.com/SouthAfrica/News/General-nod-for-crime-stats-20120920> (accessed 21 September 2012).
5. SAPS, Crime in the Western Cape for April to March 2003/2004 to 2011/2012.
6. South African Police Service, Robbery at non-residential premises in RSA, April to March 2004/2005 to 2011/2012, http://www.saps.gov.za/statistics/reports/crimestats/2012/categories/robbery_nonresidential.pdf (accessed 21 September 2012).
7. SAPS, Crime in the Western Cape for April to March 2003/2004 to 2011/2012.
8. SAPS, Crime Statistics Overview RSA 2011/2012, 61.
9. Many traders interviewed by the author had relocated to new areas in the aftermath of crime. This included moving to different neighbourhoods within Cape Town, moving to other cities such as Pretoria, Bloemfontein or Port Elizabeth, as well as to relocating to smaller towns such as Ceres or Vredenburg where traders perceived they would be safer. One trader who had lost the use of his legs in the aftermath of a shooting returned to Somalia for his family to care for him.
10. SAPS, Crime Statistics Overview RSA 2011/2012, 61.
11. SAPA, Foreigners streaming into Western Cape. The Western Cape Commissioner of Police, Lieutenant General AH Lamoer, confirmed in a letter to the author dated 25 February 2012 that the figure he presented to parliament on 8 February 2012, that 67% of business robbery victims in the Province were foreign nationals, was correct.
12. Khayelitsha police station crime intelligence officials, telephone interview, 17 April 2012.
13. Ibid. Other police stations queried either did not keep records on crimes affecting foreign nationals (Kraaifontein police station) or did not wish to provide such data to the author (Harare and Philippi East police stations). The author requested police station records from the SAPS provincial office, which declined the request, Fundie Hoko, Strategic Management at SAPS Western Cape Provincial Office, personal communication, 16 August 2012.
14. Police officer, Kraaifontein police station, personal communication, 24 April 2012.
15. This was due to the absence of public records or information being withheld at both local and provincial police levels. See note 13.
16. See notes 10 and 11.

17. For example, see the recent argument by Percy Zvomuya: 'It's easy to slip into sensationalism and talk about pogroms against Somalis, but what's happening to them is not just because they are Somali. It's like that statistic in Imraan Coovadia's new essay collection, *Transformations*, about how five white farmers have been killed every week since 1994. The sensationalists will cry out about genocide against white farmers until that figure is laid side by side with the fact that 50, mostly black people are killed every day.' See Percy Zvomuya, 'Those who escape the carcass of Somalia get to set the record straight,' *Mail and Guardian* Friday, 21 to 27 September 2012, 6 and 7.
18. SAPS, Crime in the Western Cape for April to March 2003/2004 to 2011/2012.
19. Specifically the towns comprised Vredenburg, Velddrif, Hopland, Caledon, Tulbagh, Ceres, and Prince Albert Hamlet.
20. Vanya Gastrow with Roni Amit, African Centre for Migration and Society research report, 2012.
21. Furthermore, together, foreign nationals made up 47,7% of spaza shopkeepers in the station's jurisdiction (82 shops) and South African traders made up 52,3% of spaza traders (90 shops). Police sector managers, Philippi East police station, Philippi East, interview, 8 November 2011.
22. Human Rights Watch, *Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia's Somali Regional State*, 2008, 20, www.hrw.org/sites/default/files/reports/ethiopia0608_1.pdf (accessed 12 August 2012).
23. Most Somali migrants fall within section 3(b) of South Africa's Refugees Act of 1998, which provides that a person qualifies for refugee status if that person 'owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either a part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere'. Refugees' socio-economic rights derive from section 27 of the Refugees Act which provides that: 'A refugee enjoys full legal protection, which includes the rights set out in Chapter 2 of the Constitution and the right to remain in the Republic in accordance with the provisions of this Act.' Chapter 2 of the Constitution contains the Bill of Rights, which includes the right to 'freedom of trade, occupation and profession'. Asylum seekers also have the right to work in South Africa. This is a result of a Supreme Court of Appeal judgment in *Minister of Home Affairs and Others v Watchenuka and Another* 2004 (4) SA 326 (SCA). Here the court found that the Department of Home Affairs' regulatory attempt to prohibit asylum seekers from working in South Africa amounted to a 'material invasion of human dignity' that could not be justified.
24. The author observed many Somali spaza traders in Western Cape field sites. A number of Somali traders interviewed in the Western Cape had also previously worked in spaza shops in other South African provinces including Gauteng, the Northern Cape and the Free State. Somali migrants often arrive in South Africa with few savings and gradually put together funds to start their own shops (see forthcoming ACMS report on the economic dimensions of Somali spaza trade).
25. Vanya Gastrow with Roni Amit, *Elusive Justice: Somali traders' access to formal and informal justice mechanisms in the Western Cape*, 33.
26. Khayelitsha police station crime intelligence officials, Khayelitsha, interview, 25 October 2011.
27. A street committee member in Pola Park, Philippi East described that community structures in her neighbourhood were weak and residents often resorted to violent punishment of suspected criminals without channeling street committees, interview in Philippi East, 27 May 2012.
28. Namely: Harare, Lingeletu West and Khayelitsha police stations.
29. A 2012 SAPS report annexed to court affidavit by the Provincial Commissioner of Police, mentioned in Natasha Joseph and Charl du Plessis, Khayelitsha cops exposed, *City Press*, 11 November 2012, 1.
30. South African resident, Lower Crossroads, Philippi East, interview 18 December 2010.
31. Group of South African residents, Lower Crossroads, Philippi East, interview, 25 January 2012.
32. South African resident, Lower Crossroads, Philippi East, interview, 21 January 2012; South African resident, Pola Park, Philippi East, interview, 19 December 2010.
33. South African resident, Thabo Mbeki, Philippi East, interview, 27 May 2012; South African resident, Better Life, Philippi East, interview, 27 May 2012; South African resident, Lower Crossroads, Philippi East, interview, 18 December 2010.
34. Group of South African youth, Philippi East, interview, 12 December 2011.
35. Prosecutor, Wynberg Regional Court, interview, 25 June 2012.
36. Vanya Gastrow with Roni Amit, *Elusive Justice: Somali traders' access to formal and informal justice mechanisms in the Western Cape*, 64 – 77.
37. Athlone District Court prosecutor, Athlone, interview, 13 June 2012; Wynberg Regional Court prosecutor, Wynberg, interview, 21 June 2012; Wynberg Regional Court prosecutor, telephone interview, 13 June 2012.
38. Athlone District Court prosecutor, Athlone, 13 June 2012; Wynberg Regional Court prosecutor, Wynberg, 13 June 2012; Wynberg Regional Court prosecutor, Wynberg, 21 June 2012.
39. Athlone District Court prosecutor, Athlone, 13 June 2012; Wynberg Regional Court prosecutor, Wynberg, 25 June 2012.
40. Ibid.
41. The University of Cape Town's Refugee Rights Unit monitored a number of high profile court appearances in Cape Town in 2010 and 2011.
42. SAPS, Crime Statistics Overview, *RSA 2011/2012*, 62.
43. The author is not aware of any requirement for spaza shops to register with the Department of Trade and Industry. In Cape Town, traders are permitted to operate spaza shops from residential properties in areas that have been zoned as 'informal residential' under the Land Use Planning Ordinance Act 15 of 1995 subject to certain conditions such as not be a disturbance to neighbours, or interfering with

pedestrian or vehicular movement (see section 6.4.1 of scheme regulations). However, the ability to trade from residential properties will be subject to more stringent conditions as of March 2013 when new City by-laws come into force. Furthermore, traders who earn income below the tax threshold are still required to register with SARS, and all shops selling perishable foods (such as milk and meat) must obtain a license in terms of the Business Act 71 of 1991.

44. Group of South African youth, Gugulethu, interview, 9 February 2012.
45. Khayelitsha Somali trader, Bellville, interview, 8 January 2012.
46. A police detective in Philippi East suspected Somali traders of paying youth to protect their shops, interview, Philippi East, 1 December 2012. Somali elders in Hopland reported that some Somali traders paid youths to protect their shops from attack, interview with Somali elders, Vredenburg, 20 February 2012.
47. Daneel Knoetze, We can't stay any longer – Somalis, *Cape Argus*, 11 July 2012, http://www.iol.co.za/news/crime-courts/we-can-t-stay-any-longer-somalis-1.1338729#.T_1kbGjQ9UQ (accessed 21 September 2012).
48. Andrew Charman and Laurence Piper, Conflict and cohesion in the informal economy: A reassessment of the mobilization of xenophobic violence in the case of spaza shops in Delft, *Cape Town Working Paper 7*, 2011, African Centre for Citizenship and Democracy, 23.
49. South African landlord, Lower Crossroads, Philippi East, interview, 22 November 2011; South African landlord, Acacia Park, Philippi East, interview, 11 February 2012; Khayelitsha Somali trader, Mitchells Plain, interview, 6 July 2012.
50. Khayelitsha Somali trader, Mitchells Plain, interview 6 July 2012.
51. Khayelitsha Somali trader, Mitchells Plain, interview, 6 July 2012.
52. Laingville Somali trader, Laingville, interview, 20 February 2012; Hopland Somali trader, Vredenburg, interview, 8 March 2012; Tulbagh Somali trader, Tulbagh, interview, 1 March 2012.
53. The National Prosecuting Authority (NPA) provided records of 'xenophobia' cases being handled by the Authority and their progress in court. Email from Nicolette Bell of the NPA to ACMS, 26 May 2012.