

# RECONFIGURING STATE AND NON-STATE ACTORS IN THE PROVISION OF SAFETY IN (SOUTH) AFRICA: IMPLICATIONS FOR BOTTOM-UP POLICING ARRANGEMENTS AND FOR DONOR FUNDING

Monique Marks, Jennifer Wood,  
Julian Azzopardi and Thokozani Xaba

## Introduction

There is a curious paradox surrounding formal efforts to strengthen policing in South Africa. On the one hand, it has long been recognized that security is routinely delivered through pluralised, 'bottom-up' arrangements that co-exist with the more formalized system of state policing (Schärf and Nina 2001; Kyed and Buur 2006; Baker 2002; Steinberg 2008). On the other hand, numerous efforts on the part of the South African government, as well as external donor agencies, continue to rest on a state-centric approach to democratization and professionalization (World Bank 1998; Scheye 2009). Despite the empirical evidence of an historic and endemic pluralisation of policing, the state has positioned itself as the *key* provider and authoriser of security outcomes. It has done this through 'reinventing' itself as a 'developmental state', where primary emphasis is placed on government intervention and planning.

The international donor community has reinforced the state-centric view in that it has consistently framed police reform within western models of democratization, including the introduction of community policing principles and programmes

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(Brogden 2004; Dixon 2007). International discourses about the future of policing in South Africa emphasize the improvement of formal police accountability and oversight (Bruce and Neild 2005), and the reintroduction of a designated and reinforced public order policing unit (Marks and Tait 2011). Very little, if anything, is mentioned by donor agencies about the real and potential contributions of less formal policing agents to the project of enhancing security.

Conventional, state-led views of the governance of policing in South Africa, and arguably in Africa more generally, overlook part of the landscape in which a range of actors play important roles in securing local communities. In this post-colonial plural policing landscape, the formal (state) police agencies are one of many policing actors. Much governance is carried out by groupings other than *the* police. We demonstrate this by showcasing ‘everyday policing’ in three urban spaces in Durban. These cases help us to think outside of the state-centric box about how policing can be regulated and about how plural policing resources can be mobilised.

We challenge the state-centric view that generally underpins African adaptations of the developmental state. Our goal in this paper is to emphasise the role that non-state actors perform in the advancement of African development, and this includes the provision of a safety. We argue that it is best to understand the state in Africa as ‘hybrid’, a term that we believe is gaining currency within the literature on African governance. In our view, ‘hybrid’ or ‘plural’ understandings of the state in Africa take us further in understanding the contemporary policing reality, and such an understanding helps us to frame a feasible normative solution to policing dilemmas in Africa.

Drawing on examples of three Durban-based groups actively involved in the delivery of community security, we seek to demonstrate that non-state actors routinely perform most policing functions across communities in South Africa. In the face of this reality, we suggest that the state’s involvement in acknowledging the contributions of non-state providers, combined with efforts to coordinate and regulate their practices, can assist formal efforts to alleviate security deficits while strengthening the democratic character of security provision, and of state legitimacy more generally.

In this paper we articulate a vision of the state that emphasizes enhanced regulation of plural policing combined with a substantially scaled-down role for the state police. This circumscribed role involves a shift away from western imports of community policing models to a role that more squarely targets formal police

resources on their core functions. We make the case, then, for a more minimalist view of the police. While potentially controversial, we suggest that this 'minimalist' view of the police role would allow for the more effective use of finite public police resources while engendering more positive perceptions of the police among the people they serve.

In proposing a more minimal approach to the state police we do not advocate a simple shifting of responsibility from the state to the 'private' realm. We are not advocating a neo-liberal agenda. Rather, we wish to advance a 'left-realism' approach which recognises that poor and working class people are the ones most badly affected by crime, and that security disparities are often amplified by state policing interventions that are overly punitive and out of alignment with local needs and conceptions of justice. In the left-realist view, practical solutions should be underpinned by democratised local control of the police, combined with active involvement of disempowered and marginalised citizens in resolving problems of insecurity (see Carlen 1992).

This vision requires the establishment of local safety organs to co-ordinate policing in the wider sense we describe here. Enhancement and formalisation of engagements between non-state actors and official bodies will require concurrent financial and material provision for local structures. We argue for a co-ordinated and mutually re-enforcing role on the part of international donor agencies to help promote such engagements. With this model in mind, there is scope for donor funding to have a significant impact both on policing specifically and on broader development goals of reducing governance disparities, provided that such funding is targeted to support local bodies tasked with co-ordinating plural policing and regulating non-state policing activities.

### Plural Governance in Africa

The nature of the state on the African continent notoriously eludes definition (see van der Spuy 2000; Baker 2010); there are many state forms and state agendas in Africa. However, what is evident is that post-colonial centrist-state African countries are commonly measured, to their disadvantage, against 'stronger' western counterparts (Olayode 2005). All too often, they are deemed to be 'weak' in delivering basic services and goods, and as having 'failed' in sustaining citizen emancipation and equality, and being 'fragile' economically, socially and culturally. Western accounts of its structures and roles tend to close off from view significant elements of non-state governance and in particular the roles played by

non-state actors in forging locally relevant solutions to the dilemmas of governance and development (Ellis 2009; Olowu and Wunsch 2004).

A range of common problems beset African states, including patrimonial, highly centralised, rent-seeking forms of politics (Chabal and Daloz 1999) and alienated ‘subjects’ (Hart and Padayachee 2010: 423). These troubles are the legacy of a combination of colonially imposed borders and bureaucratically invented identities (Appiah 1992); post-colonial leaders who were fixated on cementing allegiances with the former colonial regimes they had once sought liberation from (Olayode 2005); and externally-funded (and prescribed) initiatives (Wuyts 1996, cited in Mkandawire 2001b). Yet, it is quite wrong to regard the African state as having reached a catastrophic level of crisis. It is more useful to understand the state in Africa as actively reinventing itself to contend with the changing socio-political and economic changes of the global system (Olayode 2005).

A number of governments in Africa, including South Africa, have adopted notions of the ‘developmental state’ in their attempts at reinventing themselves and in shedding their colonial legacies. The key defining feature of the developmental state, as we understand it, is a state that commits substantial national resources to socio-economic development. Developmental states aim to balance economic growth and social development. While developmental state programmes value social partnerships in achieving their goals, at their core they are committed to state-led planning (see Mkandawire 2001b).

The ideal of a developmental state is laudable. However, for a developmental state to truly achieve its goals, government requires sufficient organization and the capacity to plan and regulate society and its institutions (Chang 1999; Wade 2003). Furthermore, a ‘true’ developmental state must have the capacity to mobilise and coordinate the resources and skills of its social partners (civic, labour, business) toward the realisation of common goals. At present, this does not seem to be the case in South Africa, arguably the country in Africa with the greatest economic and political capital. While social partners are recognised as important by advocates of the developmental state, the state (in Africa) remains the axis for all development and governance enterprises. This, we argue, has blinded developmental state projects to forms of social and cultural capital that could make governance (including of security) more effective, efficient and legitimate.

We are not critical of the notion of the developmental state as such. However, we are concerned about the way in which this has been interpreted and implemented.

We are equally concerned that developmental states in Africa will be unable to achieve their laudable goals because governments “lack the institutional attributes which enable it to act authoritatively in formulating and implementing programmes in order to achieve [them]” (Edigheji 2006: 4). This is as much the case for policing as it is for other areas of governance.

Attempts to mobilise non-state groupings, embedded in notional programmes such as the ‘People’s Contract’ in South Africa, have failed because elites struggle to let go of bureaucratic and technocratic practices (Mangcu 2006; Cronin 2005, cited in Edigheji 2006). In South Africa, much like the rest of Africa, the mobilisation of community groupings is viewed concurrently as necessary and as burdensome. Government-led processes and institutions aimed at participation have become technocratic and are used to broaden the net of government, rather than to promote more pluralised forms of governance (Cronin 2005; Olowu 1994).

In order to release themselves from gridlock, any state self-reinvention in Africa needs to recognise that the state is “a facilitator, rather than a director, mobilizing and enabling social allegiances that are largely autonomous” (Appiah 1992: 169). African governments need to both take stock of established traditions of non-state, localised governance arrangements, and also find ways of actively mobilising and coordinating resources and capacities that lie outside of the state.

Mkandawire (2001b: 21) calls for a ‘creative re-thinking’ of socio-political progress in African development that considers governance arrangements that actually exist on the ground, taking care not to neglect existing capacities in the quest for ‘new’ ones. Based on these considerations, programmes for strengthening governance must be centred on utilizing, retooling and reinvigorating existing capacities, both state and non-state, that will deliver long-term developmental outcomes (Mkandawire 2001b).

To do this, it is useful to consider the state in Africa as ‘hybrid’ in nature (Boege et al. 2008; Baker 2009). Such a view recognises that while the state may provide some service and regulatory functions, African governments are often regarded by its citizens as an “alien external force, far away not only physically, but also psychologically” (Boege et al. 2008: 10). Thinking in terms of hybridity creates a space for governments to take serious account of non-state forms of governance that deploy varying logics and technologies. Hybrid thinking promotes the idea that different forms of governance “do not exist in isolation from one another, but [rather] permeate each other, and consequently give rise to a different and genuine political order” (ibid.). In this perspective, states do not automatically have

ascribed to them a privileged position as *the* institution that provides public goods such as security, welfare, or health (see Olayode 2005).

Boege et al. (2008), who promote the idea of the hybrid state in Africa, point out that political entities in Africa consist of a range of customary and non-state institutions of governance that existed prior to the era of colonisation and still survive today, such as traditional court systems and co-operative community finance groupings like the ‘stokvels’ (community credit unions aimed at localised saving) and burial societies in South Africa (Lukhele 1990; Padayachee and Hart 2010). Accompanying these are new, localised, non-state groupings that take on certain governance responsibilities, such as home based care initiatives, particularly in regard to alleviating the localised affects of HIV and AIDS (Devereux and Lund 2010). In truth, many African societies have, and continue to be, governed “without reference to political entities that we would today recognize as states” (Ellis 2009:11).

Moving beyond a state-centric framework to one centred on hybrid political orders opens up new ways of conceiving how developmental goals might be achieved and how states might be strengthened (Boege et al. 2008: 3). A hybrid conception of the state suggests that alternative governance programmes are possible that deliver effective and legitimate outcomes while not downplaying the importance of the state and state-building exercises. A hybrid framework also suggests that local experience and responsibility that are built into such programmes open up more sustainable solutions to political and governance problems. State ‘weakness’ actually becomes a ‘strength’, because state legitimacy is enhanced when state authorities work with local orders of governance rather than wanting to dislodge them.

Hybrid accounts of governance promote a more minimalist conception of the state role, rather than viewing the state as *the* central authoriser and provider of public goods. A distinction is made between ‘first-order functions’ (e.g. enforcement of laws) that should be the responsibility of the state and ‘second-order functions’ (delivery of services) that may be undertaken by non-state actors, reflecting the hybrid reality frequently encountered in African societies (Menkhaus 2007). Menkhaus (2007), Boege et al. (2008), Stephens (2009) and others have suggested that assigning to the state a reduced and more narrowly specified role has a number of advantages. Such an approach acknowledges and empowers local communities and non-state actors who are already actively engaged in governance and service delivery projects. In addition, a more minimalist conception of the state allows us to think of the best possible way to make use of its real, finite

resources and capacities.

In regards to security provision, African states are generally severely constrained in their resources, and are unable to distribute security in an equitable and efficient manner to all citizens. As a result, the citizenry seriously questions the legitimacy of state agencies such as the public police. This legitimacy deficit has been addressed through the (historic and current) activation of non-state providers of security that have complex and contradictory engagements with the state police (Baker 2002). This has occurred in Africa and also in 'more developed' countries.

The coming of different 'nodes' in the governance of policing is not unique to Africa, although it may be more pronounced in places where government deficits are very evident. The notion of the hybrid states fits well with ideas about plural or nodal governance, now well accepted in international criminological scholarship (Loader 2000; Jones and Newburn 2006; Shearing 2001; Johnston and Shearing 2003; Button 2008). We adopt the term 'plural' in this article, not only for the sake of conceptual consistency and its affinity with writings on legal pluralism, but also because it does not suggest that state and non-state entities necessarily 'permeate' each other, as suggested in the above conception of 'hybridity' (Boege et al. 2008). In considering pluralism in policing governance we look at how local forms of security delivery constitute a distinct apparatus, not necessarily present in the national public agenda, but rather in a form that 'bubbles up' (Braithwaite 2006) from citizens' perceptions of needs, rights, resource availability and effectiveness.

We now turn to three South African case studies, which demonstrate three of the important premises of this article. First, community groups are often the key providers of policing functions. Second, these groups interface in complex and contradictory ways with the state police; and finally, in promoting development goals, state and non-state policing providers need to acknowledge one another's contributions and limitations.

### Plural Policing in Durban: Three Cases

The cases presented here illustrate ways in which people create security in their own communities when the state is either unable or unwilling to provide for such security. As elsewhere in South Africa (see, e.g., Singh 2008; Shearing 1994; Schärf 2000; Roche 2002), everyday policing groups emerging in neighbourhood or community contexts perform a wide-range of security functions. These cases

illustrate the various ways in which state and non-state actors can co-exist in the delivery of security goods. While states may enlist local groups to help bolster state policing activities, community groups and organizations may ‘steer’ local arrangements, bringing together different actors in a horizontal system of resources and capacities. In some cases, forms of everyday policing may operate (mostly) independently of the state police, but nonetheless seek state recognition of their activities, in order to garner legitimacy and to help establish agreements for enlisting the support of state police when their unique capacities (e.g. use of legal authority and mandated use of force) may be required.

Our first example comes from Warwick Triangle, which is a transport node and trading district. The main occupants of Warwick Triangle are informal traders as well as working-class and underclass residents. Our second example is Newlands East, which is a lower-income residential area. While historically known for its ‘coloured’ (i.e. mixed-race) inhabitants, its inhabitants now come from a variety of racial backgrounds. We then turn to PalmRidge, which is a middle-class area straddling the suburbs of Berea and Overport.<sup>1</sup>

*Warwick Triangle: traders taking charge*

For many years, business people in Warwick Triangle have partnered to promote security and create a business-friendly environment. The initial group was called Traders Against Crime (TAC) and an offspring of TAC now refers to itself as the Warwick Triangle Community Policing Forum (CPF), although it has no formal connection to statutory community policing forums.<sup>2</sup> Traders formed these associations because frequent theft and armed robbery in the area were interfering with trade. As well, the local authority had not been responding to traders’

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<sup>1</sup> PalmRidge is not the name of a suburb or area; it is abbreviated from the name of the organization formed in this section of the suburban Berea. Organized residents have called themselves the PalmRidge Neighbourhood Association. The name is drawn from two of the roads that form part of the boundary of the association.

<sup>2</sup> Ch. 7 of the South African Police Service Act (1995) requires that community police forums (CPFs) be established at every police station. Their functions are to promote accountability to the local community, monitor the effectiveness of the police locally, advise the service in regard to local priority policing, and evaluate the provision of visible policing services.

requests to repair traffic signals or install proper lighting. Due to feelings of insecurity, traders had resorted to closing their shops early and staying home at night.

TAC organizers claim that police were unresponsive when informed about criminal incidents. The police, it seemed, had a different agenda, which was to disrupt informal trade (which the municipality treated as nuisance behaviour). In responding to this security gap, informal traders and formal local business people collaborated in forming a street patrol system to keep watch of the area. Because TAC members know the area well and can respond quickly to incidents, they became de facto 'first responders' for victims.

Even violent incidents were the focus of TAC's efforts. Because they often served as first responders, TAC members felt the need to arm themselves. Even though members do call the police when a violent crime occurs, they feel they must respond (often with force) if the police are not responsive. Their usual course of action is to conduct a citizen's arrest and take the alleged perpetrator to the nearest police station. In this capacity, TAC members undertake a quasi-investigative role; they try to ensure that when they hand over an arrested person they provide enough evidence to help advance the case through the justice system.

TAC members acknowledge that they do not always respect human rights, and at times they do operate above the law. Some members revealed that they do use force to 'teach offenders a lesson'. The severity of the 'punishment' depends on what TAC members see as just in accordance with the gravity of the offence.

TAC is volunteer-driven, but they would like to be able to register formally as an organization. They would like this formal authority as a platform for raising funds. So far, however, they have not received this formal recognition, which means that their long term sustainability is constantly in doubt. Nonetheless, our research respondents claim that TAC has been successful in fostering pride in the Warwick area. Local officials agree, and TAC won a mayoral award for its contribution to crime reduction (Robbins and Skinner 2009). This formal recognition is symbolically important, especially given that TAC work can be dangerous, and sometimes life-threatening. Some have been shot and stabbed, and a leading TAC member was fatally shot while he was tackling a violent offender in 2009. While TAC had been working independently from the statutory community police forums, they are now seeking a formal relationship with the police, one that would help establish legitimacy in the eyes of local authorities and persuade police to be more responsive to calls for intervention.

*Newlands East Street Committee: filling governance gaps*

The 2008 African National Congress (ANC) Polokwane Conference resolved that street committees should be formed in all communities to support the state in the ‘war against crime’. The first such committee was established in August 2008 and was launched in the presence of President Jacob Zuma (Mthembu 2008). The formation of street committees in South Africa can be traced back to the efforts of African National Congress supporters seeking to establish alternative governance structures during the Apartheid era. Although street committees aren’t as active as they were in the mid to late 1980s, some original groups continue to function to this day (see Steinberg 2008).

Newlands East was a predictable location for a public launch because street committees were already active in the area. As well, some tragic events had occurred in the area including the fatal shooting of a pastor and numerous rapes and armed robberies. Even in these situations the police were unresponsive. The street committee now patrols the community between 6 and 9 pm, keeping an eye out for problematic behaviour.

In principle, street committees are meant to operate within the law and be non-punitive. In practice however, force is sometimes used. One Newlands East street committee respondent informed us in an interview, without reservation, that they will give a ‘good hiding’ to suspected criminals before they hand such persons over to the police. Similar to the TAC, the street committee does make efforts to produce evidence that can assist with a formal criminal investigation. It is not unheard of that a serious offender would be ‘eliminated’ (killed). As is the case with TAC members, street committee members see it as a necessity to arm themselves, especially when they are patrolling the informal settlements bordering Newlands East where most violent crime occurs. According to street committee leaders, the police are aware that street committee members carry guns. This was confirmed in an interview with the Newlands East Station Commissioner.

The street committee has broader concerns beyond violent crime in the area. They also address issues of community governance, such as problems of disorder and nuisance associated with the operation of illegal *shebeens* (informal drinking establishments). *Shebeens* operate until the early hours of the morning and drunken patrons can be ‘troublesome’. The street committee chooses not to turn to the police as a first resort in such situations; rather, they look for what we might term ‘softer’ strategies because they recognize that *shebeens* are an important part of the social and economic life of the community. In one case, the street committee

set up a meeting between the *shebeen* owners and community members to decide how to move forward with a solution. They reached an agreement where the *shebeen* owners would close at 9 pm and they would make sure that they did not sell alcohol to minors. This agreement was reached with the understanding that if *shebeen* personnel did not comply, the street committee would mobilize the police and liquor regulation agencies.

From the perspective of the police, this arrangement works well because the problem of disorderly behaviour associated with *shebeens* is not a high priority on the spectrum of criminal behaviour that requires police attention. The police also realize that even though they have authority to close down *shebeens*, this is not a long-term solution because other more covert *shebeens* will pop up in the community due to the demands for this enterprise.

Street committee members also respond to other problems that the state police have very little time for, including infrastructure issues such as broken streetlights and potholes. They even play a social service role in assisting vulnerable members of their community. For instance, they identify families that are unable to afford school fees and attempt to negotiate reduced fees with schools. They also check on the needs of elderly residents and other isolated members of the community. In short, the street committee seeks to fill governance gaps at the local level.

#### *PalmRidge: partnering with the police*

Although the PalmRidge Neighbourhood Association (PRNA) fulfils similar functions to the other two groups, it differs in the sense that it developed in 2006 at the suggestion of the local state police commissioner. It also differs because it does not have a street patrol component and members do not carry arms, at least officially.<sup>3</sup> Another unique aspect of this group is that they work closely with a private security company called ADT. This (multi-national) company is a major service provider in the area, providing security services privately to residents who can afford this extra protection. The Palm Ridge policing arrangement therefore differs from the police-community partnership model that is typical in state-led initiatives. It is a three-way horizontal partnership between the community, the commercial security sector and the police.

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<sup>3</sup> It is possible that some members may choose to carry firearms at their own behest, but we don't have the evidence to confirm or deny this.

The PRNA meets monthly and ADT representatives report to members on what they have been doing in the community. These meetings serve as an opportunity for members to provide input into ADT services and priorities. PRNA members see ADT as more responsive and reliable than the police, and ADT recognizes the PRNA as a legitimate organization representing community interests.

The local police commissioner encouraged the formation of the PRNA at a time when there were serious concerns with violent crime in the area, including house robberies by an area gang, and a stabbing of a community member. Since its first meeting, approximately half of the houses in the area became members of the PRNA scheme, which works to manage and prevent crime, to improve local infrastructure/physical conditions, and to strengthen social cohesion in the area. Since its inception, the PRNA has strongly rejected the use of violence and extra-legal measures to fulfil its mandate. As is the case with the Newland East Street Committee, crime is not the only concern of the PRNA, even though it was the initial catalyst for its formation. ‘Policing’ functions derive from a broader mission to fill governance gaps.

The case studies discussed above represent, we suggest, at least a partial view of the plurality of policing in South Africa. These forms of everyday policing operate to promote localized conceptions of order, drawing on capacities available in their communities. Part of the variability in such arrangements stems from differences in the nature of the areas (residential, trade areas) as well as particularised concerns about security and governance issues. Related to differences in how such groups operate is the distribution of resources available to meet local needs. In areas with high concentrations of traders, concerns tend to be centred on problems of security that threaten the viability of business, as seen more broadly in Berg’s work on Business Improvement Areas in Cape Town (Berg 2004).

If the above cases are indeed indicative of a wider field of plural policing, one might begin to develop a general typology depicting ways in which non-state actors co-exist with the state. In some cases, the state has formally promoted bottom-up solutions, while in other cases state policing co-exists independently from these organic arrangements, although state police may be enlisted when their coercive capacity is required. The pluralism we find therefore is both state-initiated and non-state initiated. There may be dynamics of mutual enrolment in fulfilling one another’s agendas, but not always. The face of plural policing is therefore more complex than is suggested by a state-centred view of police-led partnerships, or a neo-liberal image of state delegation (Wood and Shearing 2007). In the next section we turn to the implications of this reality for re-imagining the

transformation of policing.

### Re-Positioning the State in Plural Policing

The above three cases raise the question of how the public police should formally position itself in this plural landscape of service delivery. This is a question for state government more generally, given that groups such as the ones highlighted here participate in larger governance processes. Responses to this question have implications for how internal police reform agendas are conceptualized as well as for how external donor agencies imagine their critical roles.

From a donor perspective, recognizing this reality of plural policing can lead to two general positions. Donors could continue to focus their efforts on improving state capacity, partly through emulating police-centred models of professionalization and democratization that have generally worked in western contexts. Alternatively, donors could expand their efforts to incorporate non-state policing institutions in their efforts, thereby de-centring the state in reform agendas. Both the state-centric and pluralist agendas come with costs and benefits, and with certainties and uncertainties. For Bayley (2011), a big uncertainty associated with a pluralist agenda is the failure to know which non-state arrangements to formally acknowledge and support, given that some reveal a history of extra-legal and even brutal policing practices. This normative concern alone may warrant an overall hesitation by donor agencies to fund and oversee entities, which may be difficult to regulate at a distance. At least with police-centred reform, donors can back up their efforts with evidence that state-centred approaches have suited other democratic contexts and carry fewer political risks.

In contrast to this thinking, Scheye (2009) argues for a ‘pragmatic realist’ approach to donor funding of justice and security in ways that suit the conditions of a ‘multi-layered post-colonial state’ (see also Bruce Baker’s contribution to this issue). Scheye’s approach centres on three pillars, which incorporate both state and non-state elements. First, donors should support efforts to strengthen the accountability of state policing. The second pillar involves a short- to medium-term emphasis on strengthening the capacity of non-state entities and networks to deliver security at the local level. The third pillar aims at bolstering links between the state and these localized entities. Scheye adds that the strength of the post-colonial state is not measured by pure state capacity alone but rather by the quality of “interlocking relationships between its different layers of authority – state and

non-state” (Scheye 2009: ii).

As Scheye (2009) recognizes, and as our cases demonstrate, there are indeed important concerns about the capacity of non-state entities to violate human rights in their quests to promote security and justice. In the South African context, the same concerns have long held true for state police organizations. Given the decades-long track record of state police brutality that has been consistently documented, it’s not necessarily the case, as Scheye points out, that non-state entities are more brutal. Rather, the most important factor to consider is the willingness on the part of non-state entities to become more effective and human rights-respecting. This is an empirical question, but so far, Scheye contends, there is no evidence to suggest that non-state entities prefer being brutal, especially at the expense of garnering wider political legitimacy for their efforts. That being said, Scheye (2009) proposes that donors think carefully about the policing arrangements they would acknowledge and support. Undoubtedly, some groupings may be too brutal and unchangeable for either states or external donors to support them, especially if such groups are involved in illegal activities.

Scheye (2009) acknowledges that the task of identifying policing assemblages and understanding their political dynamics and daily operations is enormous. Because of this, the role of local government or local NGOs in implementing his pragmatic realist agenda is critical. Such agencies possess the local knowledge required to understand how and why such groupings have formed within the post-colonial state context. Notwithstanding, the capacity and resources of such agencies to undertake the ‘linking’ function with non-state groupings is obviously limited, which is why donor support of such auspices is critical. Scheye (2009) argues that multiple agencies at the local level should be involved in implementing this agenda.

Scheye’s position resonates with strands of thought connecting recent literatures on policing and pluralism with what is termed ‘left realism’ in British criminology. In the policing literature, David Thacher (2009: 59) has proposed the idea of police being conceived as society’s ‘or else’ institution, which means that police would only intervene when their specialist capacities are required to exercise force, investigate crimes and restore order in situations of unrest, significant social conflict or turmoil. This conception echoes Brogden and Shearing’s (1993) work on the South African context, which calls for a core state police role that both approves and augments non-state policing arrangements. British criminologists Kinsey, Lea and Young (1986) have described this emphasis on core policing as ‘minimal’ policing, based on the premise that the police should be called upon when their special skills, authority and expertise are needed. Active involvement

of non-state actors in the delivery of security is encouraged by these core and minimal perspectives, while advocates of minimalism stress that policing providers should be co-ordinated and regulated by local authorities, such as municipal agencies, and that a punitive and coercion-based approach to policing should be avoided.

Our case studies indicate that both the police and community safety groups agree with this minimalist view which stresses, as Reiner (1992: 145) puts it, that “police intervention should be confined to cases where there is clear evidence of law-breaking, and should take the form of the invocation of legal powers and criminal process”. This approach would translate into several key components in practice. The first component is the promotion of accountability within the state police, which is Scheye’s (2009) first reform pillar discussed above. This component would have two key dimensions: (1) improving the democratic character of police core functions - the exercise of force and the use of legal authority; (2) strengthening the accountability of police to the communities they serve by acting on citizens’ requests for their services when these core capacities are needed. Overall, this accountability pillar is aimed at improving state police effectiveness within a plural system. This means that once the police are clear about their own role, and feel less pressured to respond to situations not requiring their core capacities, a space will be created for them to actively encourage and support non-state policing arrangements.

By relating to non-state policing actors in this way (being an ‘enabler’ of non-coercive policing from the bottom-up), the police would contribute to a larger project of building a consensus-based policing system in South Africa. A consensus-based system is one where there is a continuous and reciprocal flow of information between the public and the police (Kinsey et al. 1986: 192).

The second component involves the ‘anchoring’ of non-state policing systems in local state systems of oversight and regulation. Without a doubt, the legitimacy of groupings such as the ones we discussed is open to question because they mostly have no formal mandate or systems of accountability and they rely on the spirit of voluntarism. In poor communities, they have few material resources, with little chance of direct government assistance even though they carry out important public safety functions. Accordingly, we need to consider the recognition, resourcing, and accountability mechanisms or ‘anchorage’ (Loader and Walker, 2007) of such groups. As we discuss below, one possibility for such an anchor is a local state coordinating body for safety and security within local government.

*Implications for external donor support*

Recognising African states as hybrid or plural political orders opens up a range of possibilities for donor assistance. This is important “as alternative sources of finance are hard to come by” (Oya and Pons-Vignon 2010: 190), especially in economies reliant on extractive production subject to rapid and sometimes crushing fluctuations in price and demand. Forward-thinking donors in the field of development have already begun to embrace the plural governance perspective, and resources are increasingly (though still slowly) being channelled towards non-state bodies that are often the real providers of public goods and services. This donor funding perspective is based on the view that closeness to the ground, and flexibility in adapting their response mechanisms to basic needs, gives civil society organisations and ‘non-traditional’ actors’ legitimacy to challenge the state where it fails. Donor organisations now speak of ‘light touch’ and ‘long-arm’ approaches to donor funding, which translates into channelling funds to both established civil-society groups such as NGOs as well more organic civil society groupings such as the community safety groupings in Durban (Tembo and Wells 2007).

One objective in this kind of funding is to prevent government and established NGOs from overshadowing small-scale operations that have limited human and technical resources. Redirecting funding away from central government, with appropriate regulatory safeguards, encourages long-term, strategic programmes of “state building through civic engagement” (Tembo and Wells 2007: 23).

This approach to donor funding gives credit to community resilience and also to the role that more traditional institutions and newer kinds of organic civil society groups can play in service delivery. With this approach, a range of civil society entities (like community safety groups) become “assets and sources of solutions that can be drawn upon [...] to forge constructive relationships between communities and governments, and between customary and introduced political and social institutions” (Boege et al. 2008: 16). For this donor approach to work, it needs to be accompanied by state policy that focuses on actively forging partnerships “between the formal and informal that seeks gradual and incremental change based on local realities” (Stephens 2009: 153). For this what is required is a developmental state perspective that embraces hybridity in principle and in practice.

For the model to work, particularly with groups that are not as established as recognised NGOs, intermediary ‘anchors’ need to be identified (see Tembo and Wells 2007) which ensure that civil society entities operate accountably and in line

with broader developmental programmes, and that government policy and practice supports plurality. In the case of plural policing initiatives, we suggest that the most appropriate intermediary and anchor is local government.

The need in developing countries is not for a centralized policing apparatus driven from the top down, but rather for a horizontal assemblage of policing actors that is anchored locally and shaped by local research, planning and oversight. Building on Scheye's (2009) argument for the importance of linking state and non-state actors in the delivery of security and justice, we suggest the establishment of local co-ordinating bodies that can identify existing policing actors as well as establish and implement a process of identifying security deficits in order to give all sectors equal assurance of security. Where deficits are found, resources to deal with them can be augmented by using donor funding to support the development of bottom-up schemes that link with and complement local state police services.

This arrangement for local anchorage resonates with Loader's (2000) idea for 'policing commissions' (see also Loader and Walker 2007). Implementation, backed by the authority of local government, could fall under the auspices of an existing local government department or be undertaken on its own. Donor contributions could then be channelled through relevant local government departments for the benefit of locally-based initiatives. The value of this approach lies in the capacity for local government to "(i) mediate where relations between civil society and the [central] state may be especially conflictive; (ii) make the link between civic engagement and efforts to strengthen the capabilities and responsiveness of state institutions; and (iii) absorb the inherent risks where they do not have the diplomatic weight that donors enjoy" (Tembo and Wells 2007: 6). This could have the dual effect of building capacity in local government while at the same time empowering non-state actors within a regulated, accountable and legitimate framework.

A local government safety body could then play an oversight and co-ordinating function, and help to develop models for 'safe-environment' neighbourhood associations that could outline how patrols are done, how security-related problems are identified, who they are reported to, at what point the police must be called in, and what to expect of the police. But perhaps most importantly, the local government safety body should help in evolving principles that will guide the activity of all policing actors. It is to local government departments that problems with community safety groups or the police should be reported. These bodies would become, in a sense, hubs of accountability and knowledge-sharing.

Volunteer efforts also need some kind of formal recognition, which is best conceived through creative input from all actors. This could be factored into donor funding programmes and budgets. But recognition need not be monetary; it could include giving volunteers an honorary police medal or certificates of good community service. We think these might be warmly received by many, but they could also help a productive citizen who needs a leg-up to enter training or the formal economy. Incentive planning such as this could also include the creation of block grants designed to link neighbourhood associations with the police (see Bayley and Shearing 1996).

What we are proposing in this article may all seem to be fantastical. However, governments across the African continent recognise the centrality of localised non-state policing groupings to achieving broader safety objectives. In some African countries the state directly sponsors such groupings (see for example Baker 2010). In South Africa, government has called upon communities to form street committees so as to facilitate direct involvement in the governance of security at the most local level. Yet programmes for organising and implementing this remain *ad-hoc* and tenuous.

Donors may still have to be convinced of the worth of such funding ‘experiments’, and this is only likely to occur if grounded research is undertaken that demonstrates the value and significance of plural policing arrangements, and if (academic) researchers work collaboratively with government actors. National governments need to be supportive of these funding arrangements, which they should be if they are committed to bolstering existing and new hybrid governance arrangements.

## Conclusion

There is general acceptance now that policing governance in Africa can best be described as hybrid, or nodal, or pluralized. Indeed, in the criminological literature policing governance is now seldom presented as something that states *can* or *should* do on their own (Zedner 2009). As our Durban studies illustrate, the state police in Africa do not monopolise policing nor, in many cases, even particularly claim to. Fresh thinking about the state in Africa and the active role of non-state actors in everyday governance encourages new approaches to policing dilemmas: finding practical solutions that simultaneously promote an active citizenry and a minimal state police body able and ready to respond when called upon.

Practical solutions must take account of the finite resources of both the state and the citizenry and capitalise on all existing capacities, mandates and skills. Donor agencies have an important role in ensuring the workability of plural policing. We share the emergent, yet still marginal, international donor view that external donor funding is needed where resources are limited, but should be directed primarily at local government and non-state bodies that are contributing to localised security outcomes. Neither improved security nor significant developmental agendas have been achieved through focusing on the central state exclusively as the rightful beneficiary.

We leave the modalities of the requisite co-ordinating donor and its relationship to other donors as an issue for future exploration. Suffice it to say that the co-ordinating organ would itself require oversight and that those dissatisfied with its decisions should have superior structures to which to appeal. Their character must equally be left to future discussion. What cannot be compromised, however, is the need to move beyond western ideals and state-centric solutions to the interwoven problems of development and insecurity in South Africa.

## References

- APPIAH, Kwame Anthony  
1992 *In My Father's House: Africa in the Philosophy of Culture*. Oxford: Oxford University Press.
- BAKER, Bruce  
2002 'Living with non-state policing in South Africa: the issues and dilemmas.' *Journal of Modern African Studies* 40(1): 29 -53.  
2009 'Hybrid policing in sub-Saharan Africa'. Paper presented at the USIP, GWU and WB conference on *Customary justice and legal pluralism in post-conflict and fragile states*, November 17-19. The George Washington University, Washington D.C.  
2010 'Linking state and non-state security and justice'. *Development Policy Review* 28(5): 597-616.
- BAYLEY, David H.  
2011 'The Morphing of Peacekeeping: Competing Approaches to Public Safety'. *International Peacekeeping* 18(1): 52-63.
- BAYLEY, David H. and Clifford D. SHEARING  
1996 'The Future of Policing'. *Law and Society Review* 30(3): 585-606.

BERG, Julie

2004 'Private Policing in South Africa: The Cape Town City Improvement District – Pluralisation in Practice'. *Society in Transition* 35(2): 224-250.

BOEGE, Volker, Anne BROWN, Kevin CLEMENTS and Anna NOLAN

2008 'On hybrid political orders and emerging states: State formation in the context of 'fragility'. Berghof Research Center for Constructive Conflict Management, Berghof Handbook Dialogue, Paper No. 8.

BRAITHWAITE, John

2006 'Peacemaking networks and restorative justice'. Pp. 195-217 in J Fleming and J Wood (eds.), *Fighting Crime Together: The Challenge of Policing and Security Networks*. Sydney: University of New South Wales Press.

BROGDEN, Mike

2004 'Commentary: Community policing: A panacea from the West'. *African Affairs* 103(413): 635-649.

BROGDEN, Mike and Clifford D. SHEARING

1993 *Policing for a New South Africa*. London: Routledge.

BRUCE, David AND Rachel NEILD

2005 *The police that we want: A handbook for oversight of police in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation in association with the Open Society Foundation for South Africa and the Open Society Justice Initiative. Available at <http://www.csvr.org.za/papers/papdbrn.pdf>

BUTTON, Mark

2008 *Doing Security: Critical Reflections and an Agenda for Change*. Houndmills: Palgrave Macmillan.

CARLEN, Pat

1992 'Criminal Women and Criminal Justice: The Limits to, and Potential of, Feminist and Left Realist Perspectives'. Pp. 51-69 in J. Young and B. Matthews (eds.), *Issues in Realist Criminology*. London: Sage.

CHABAL, Patrick and Jean-Pascal DALOZ

1999 *Africa Works: Disorder as Political Instrument*. London: James Currey, London.

CHANG, Ha-Joon

1999 'The economic theory of the developmental state.' Pp. 182-199 in Meredith Woo-Cumings (ed.), *The Developmental State*. Ithaca, NY: Cornell University Press.

CRONIN, Jeremy

2005 'The people shall govern: class struggles and the post-1994 state in South Africa' <http://amadlandawonye.wikispaces.com/2005-11-05,+Cronin,+The+People+Shall+Govern> [accessed 9 March, 2012).

THE PROVISION OF SAFETY IN (SOUTH) AFRICA  
Monique Marks, Jennifer Wood, Julian Azzopardi and Thokozani Xaba

---

- DEVEREUX, Stephen and Francie LUND  
2010 'Democratising social welfare in Africa'. Pp. 152-171 in V. Padayachee (ed.), *The Political Economy of Africa*. London: Routledge.
- DIXON, Bill  
2007 'Globalising the local: A genealogy of sector policing in South Africa.' *International Relations* 21(2): 163-182.
- EDIGHEJI, Omano  
2006 'The discourse of the developmental state and a "Peoples Contract" in South Africa'. Paper written for the Centre for Policy Studies Seminar Series. Johannesburg. August.
- ELLIS, Stephen  
2009 'South Africa and the decolonisation of the mind'. Inaugural lecture, Faculty of Social Sciences at Vrije Universiteit Amsterdam, 23 September.
- HART, Keith, and Vishnu PADAYACHEE  
2010 'South Africa in Africa: from national capitalism to regional integration'. Pp. 410-428 in V. Padayachee (ed.), *The Political Economy of Africa*. London: Routledge.
- JOHNSTON, Les, and Clifford D. SHEARING  
2003 *Governing Security: Explorations in Policing and Justice*. London: Routledge.
- JONES, Trevor and Tim NEWBURN (eds.)  
2006 *Plural Policing: A Comparative Perspective*. London: Routledge.
- KINSEY, Richard, John LEA and Jock YOUNG  
1986 *Losing the Fight Against Crime*. Oxford: Basil Blackwell.
- KYED, Helene Maria, and Lars BUUR  
2006 'New Sites of Citizenship: Recognition of Traditional Authority and Group-based Citizenship in Mozambique'. *Journal of Southern African Studies* 32(3): 563-581.
- LOADER, Ian  
2000 'Plural Policing and Democratic Governance'. *Social and Legal Studies* 9(3): 323-45.
- LOADER, Ian, and Neil WALKER  
2007 *Civilizing Security*. Cambridge: Cambridge University Press.
- LUKHELE, Andrew Khelha  
1990 *Stokvels in South Africa: Informal Saving Schemes by Blacks for the Black Community*. Johannesburg: Amegi Press.
- MANGCU, Xolela  
2006 'Why SA needs local democracy more than local government'. *Business Day*. Thursday, 17 February.

MARKS, Monique, and Sean TAIT

2011 'You strike a gathering, you strike a rock: Current debates in the policing of public order in South Africa'. *South African Crime Quarterly* 38: 15-22.

MENKHAUS, Ken

2007 'Governance without Government in Somalia: Spoilers, state building, and the politics of coping'. *International Security* 31(3): 74-106.

2001b 'Thinking about developmental states in Africa'. *The Cambridge Journal of Economics* 25: 289-313.

MTHEMBU, Bongani

2008 'Street Committees Target Crime'. *Daily News*, 11 August. [http://www.iol.co.za/index.php?click\\_id=13&set\\_id=1&art\\_id=vn20080811112912248C771834#more](http://www.iol.co.za/index.php?click_id=13&set_id=1&art_id=vn20080811112912248C771834#more) [accessed 9 March, 2012].

OLAYODE, Kehinde

2005 'Reinventing the African State: Issues and challenges for building a developmental state'. *African Journal of International Affairs* 8(1 & 2): 23-43.

OLOWU, Dele

1994 '*The nature and character of the African state*'. Paper presented at the AAPM 15th Roundtable in Banjul, Gambia, 24-29 January.

OLOWU, Dele, and James WUNSCH

2004 *Local Governance in Africa: The Challenges of Democratic Decentralization*. Boulder, CO: Lynne Rienner Press.

OYA, Carlos, and Nicolas PONS-VIGNON

2010 'Aids, development and the state in Africa'. Pp.172-198 in V, Padayachee (ed.), *The Political Economy of Africa*. London: Routledge.

PADAYACHEE, Vishnu and Keith HART

2010 Introducing the African economy. Pp 1-17, in Vishnu Padayachee (ed.), *The Political Economy of Africa*. London: Routledge.

REINER, Robert

1992 *The Politics of the Police (2nd Edition)*. New York: Harvester Wheatsheaf.

ROBBINS, G., and C. SKINNER

2009 'Public Debate Needed on Warwick Triangle'. *Mercury Newspaper* 9 June, letter to editors page.

ROCHE, Declan

2002 'Restorative justice and the regulatory state in South African Townships'. *British Journal of Criminology* 42(3): 567-577.

THE PROVISION OF SAFETY IN (SOUTH) AFRICA  
Monique Marks, Jennifer Wood, Julian Azzopardi and Thokozani Xaba

---

SCHÄRF, Wilfried

2000 'Community justice and community policing in post-apartheid South Africa: How appropriate are the justice systems of Africa?' *IDS Bulletin* 34: 74-82.

SCHÄRF, Wilfried, and Daniel NINA

2001 *The Other Law: Non-State Forms of Ordering in South Africa*. Johannesburg: Juta.

SCHEYE, Eric

2009 'Pragmatic Realism in Justice and Security Development: Supporting Improvement in the Performance of Non-State/Local Justice and Security Networks'. Netherlands Institute of International Relations. [http://www.clingendael.nl/publications/2009/20090707\\_cru\\_local\\_justice\\_scheye.pdf](http://www.clingendael.nl/publications/2009/20090707_cru_local_justice_scheye.pdf) [accessed 8.31.2011].

SHEARING, Clifford D.

1994 'Reinventing policing: Policing as governance'. *Imbizo: Rethinking Policing* 1: 12.

2001 'A Nodal Conception of Governance: Thoughts on a Policing Commission'. *Policing and Society* 11: 259-72.

SINGH, Anne-Marie

2008 *Policing and Crime Control in Post-Apartheid South Africa*. Ashgate: Aldeshot.

SOUTH AFRICAN POLICE SERVICE ACT

1995 (Act No. 68 of 1995), 4 October, Pretoria.

STEINBERG, Jonny

2008 *Thin Blue: The Unwritten Rules of Policing in South Africa*. Cape Town: Jonathan Ball Publishers.

STEPHENS, Matt

2009 'Typologies and benefits of interaction between state and non-state justice systems.' Paper presented at the USIP, GWU and WB conference on Customary justice and legal pluralism in post-conflict and fragile states, November 17-19. George Washington University, Washington D.C.

TEMBO, Fletcher, and Adrian WELLS

2007 'Multi-donor support to civil society and engaging with 'non-traditional' civil society: A light-touch review of DFID's portfolio', June. ODI, London. [www.odi.org.uk](http://www.odi.org.uk) (Accessed 31.08.2010)

THACHER, David

2009 'Community Policing and Accountability.' Pp 57-70 in P. Grabosky (ed.), *Community Policing and Peacekeeping*. Boca Raton: CRC Press.

VAN DER SPUY, Elerena

2000 'Foreign donor assistance and policing reform in South Africa'. *Policing and Society* 10: 342-366.

WADE, Robert Hunter

2003 'What strategies are viable for developing countries today? The World Trade Organization and the shrinking of 'development space'.' *Review of International Political Economy* 10(4): 621-644.

WOOD, Jennifer, and Clifford D. SHEARING

2007 *Imagining Security*. Collumpton: Willan.

WORLD BANK

1998 'Assessing Aid: What Works, What Doesn't, and Why'. Washington: Policy Research Report No 18295.

WUYTS, Marc

1996 'Foreign aid, structural adjustment, and public management: the Mozambique experience.' *Development and Change* 27: 717-749.

ZEDNER, LUCIA

2009 *Security*. London: Routledge.