

# Local capacity policing

---

CLIFFORD SHEARING

*Community Peace Program, University of the Western Cape*

## 1 INTRODUCTION

We live in a world governed by two sets of institutions. Each set operates under the influence of different mentalities and deploys different technologies. Nowhere is this more apparent than in the governance of security. Our institutions of criminal justice exist alongside other institutions, primarily corporate ones, which also govern security. An obvious instance of this is to be found in policing. Here one finds an increasingly complex archipelago of governance with distinctly feudal resonances. Today private security operates in most of the terrains that state police have traditionally monopolised. There is now a sizeable body of research and writing that explores the contours of this network of governance. We now know a lot about the contrasting mentalities, institutional forms, technologies and practices that make up this “neo-medieval” terrain (Bull 1977:255).

This literature has drawn attention to a variety of problematic consequences associated with the development of this emerging archipelago of governance. One of the most significant of these consequences is that, by and large, private governmental institutions service special, rather than more general, interests. Again this is particularly evident with respect to the governance of security. In the policing arena, South Africa provides an emblematic example of global developments. Perhaps the most visible sign of this are the “armed response” signs to be found throughout more affluent residential, commercial and industrial settings. These signs do not indicate that South Africa has become more dangerous – although this may be true – but rather that the state police are no longer the sole or even the major providers of “emergency response”. This is quite a shift as, not very long ago, the police were regarded as the only legitimate provider of this governmental service both here and elsewhere in the world.

What has happened with respect to “armed response” applies to most, if not all, of the other domains of policing as well. While previously people did not have a choice of governmental provider, today some people do. One interesting consequence of this has been that the state police in many parts of the world have sought to become more attractive as service providers so that they can stay in business. The slogan of one Canadian

---

1 For a review see Kempa *et al* 1999.

police department at the moment is that they would like to become “the service provider of choice”. This makes them sound very much like an airline – “we know that you have a choice of carriers and we are pleased that you chose American Airlines”.

Having a choice of governmental service providers is important. Those with such choices gain greater control over their lives. They become more self-directed. For instance, police services that have to compete with private security firms for “market share” tend to become much more willing to shape their services to meet local requirements. The Ontario Provincial Police, for example, now enter very detailed contracts with local municipalities about what services they will provide. This enables the people affected to have greater, and more direct, control over the sort of governance they get. This deepens democracy. If one values democracy, then this is a good thing. The problem is that this “good” is not equally available to all. It is something that is unequally distributed. The result has been that what might be thought of as a “democratic deficit” has emerged.<sup>2</sup>

Two strategies have been proposed for responding to this. On the one hand, it is argued that the solution is to return to a “single provider model” of governance. This response argues that the best way to deal with the “democratic deficit” is to re-establish a state monopoly over governance. In the case of policing, the argument is made that we should seek to re-establish a state monopoly of policing. This has tended to be the dominant response – especially by people who think of themselves as belonging to what we used to think of as “the left”. They are suspicious of market-based forms of service delivery because they see them as inevitably deepening inequality. After all, they point out, a major motive for developing the welfare state was a critique of the inequality that had resulted from privately-based forms of service provision.<sup>3</sup>

A second response, that has less support, is that one should respond to the inequality that the new governmental forms has created while at the same time endorsing the value of more diverse sources of governance. This response argues that the deepening of democracy that more direct control of the process of governance provides, is real and valuable, and that it should not be abandoned. Rather what we need to do is to explore ways of extending these benefits so that they are more broadly accessible. This response goes against the established sensibilities of many “progressive” thinkers. It is this unpopular response that I would like to argue for.

In developing my position, I want to argue that the problem of inequality does not necessarily follow from a fracturing of governance. Rather it arises when this fracturing is not accompanied by fundamental changes in the way public resources are made available. What is required is more equal access to resources. This is what a state-based mode of governance can, and sometimes does, achieve. But it is not the only way of achieving

<sup>2</sup> See Bayley & Shearing 1996.

<sup>3</sup> See, for example, Loader 1997.

this. What we require, in my view, is a strategy that achieves greater equality of access to governmental services while at the same time promoting greater choice as to how those resources should be spent. This would enhance the choices of those who presently have no or few governmental options. In short, what is required is a strategy that directly addresses the “democratic deficit” by seeking to provide greater choice and access to resources by those who the market forms that are creating diversity of governance presently exclude – namely, poor people, particularly poor women.

## 2 THE REASONS FOR EXCLUSION

Before I get on to how this might be done, and how it is being done here in South Africa, I want to spend a moment expanding on why it is that poor people are excluded from the advantages that greater choice in governance provides. In doing so let me begin with what is *not* the reason. It is not that governance has become a commodity that is bought and sold through markets. This in itself does not exclude anybody. What excludes is the way in which these markets have been regulated. There is no such thing as a natural market. All markets are constituted, and this regulation determines the forms of access. So, what *is* the reason? Well, it is no surprise – its money. This is obvious but it is worth stating. In order to participate in governance markets, potential buyers need resources, specifically money, that they can exchange for the commodity they want.

At present, the money available for purchasing governance on markets is money that people earn, either alone or in groups. In the case of the “armed response” signs, the people purchasing the governance are typically individuals or businesses. In addition there are collective clients, that is people who put their money in a pot that they use to buy governmental services. A good example of this would be Cape Town’s Waterfront where the merchants contribute to their collective security through their rents. For the most part, none of this is public money, none of it comes from tax.

Because the money available for participating in markets for governance is all “private money”, this immediately creates inequality. Only people with access to money that they have earned – either as individuals or as a collective – can participate, can play the market. The more one has, the more one can buy. The result is obvious. Poor people are excluded.

So why is only private money available? One of the main reasons is that all the public money is allocated to state agencies so there is none left to be given to people to play the governance market. For example, all the public money for learning is already “owned” by the state school system. The same goes for health. And the same applies to security. The police, the courts, correctional services and the army own all the money for the governance of security. And there is a lot of money that is owned in this way – some R35 billion a year. All this, if it was not all already owned, could be used to provide poor people with quite a lot of money that they could use to participate in markets for governance.

But it is more than money that is involved. There is also the nature of these markets. The markets for governance are almost all markets that are designed for – constituted for – commercial suppliers. So they privilege those people who can organise themselves as businesses. Again this tends to exclude poor people, particularly poor women. And again this is not a problem of principle but rather one of practice. It does not have to be that way, although it is this way at present.

These are, of course, not the only issues but, for my presentation, I would like to limit myself to them.

### 3 WHAT TO DO?

So what can be done about the way in which markets are regulated and the problems of access to them? The answer is that a lot can be done if we put our minds to finding ways of doing so. Indeed, all over the world a lot is being done. In fact when one looks, one finds that quite amazing solutions are being developed. This is particularly the case where poor people find spaces in which they can become engaged in addressing these problems. That is, where poor people find and occupy spaces in which they can become strategists who tackle these problems. One example would be what is happening with respect to the provision of shelter and micro-enterprise in and through organisations which poor people have created, run and control. One can find these organisations in South Africa and in many other parts of the world, but especially in Asia.

A poor people's network is being developed around the issue of security in South Africa. It is a network that has had, and continues to have, considerable government and donor backing. It has its roots in the Western Cape but is now spreading to other parts of South Africa. At present the model that this network has developed has the endorsement of the South African Law Commission, which is in the process of developing national legislation that will recognise its key elements.

So, what is this model, how was it developed, how does it work, how are the people who use it organised and how does it address the issues I have canvassed?

### 4 THE ZWELETHEMBA MODEL

The model was developed by, and within, an informal settlement in Zwelethemba, a community in Worcester. In recognition of its origins, we call it the Zwelethemba model. The model is intended to directly address the democratic deficit within the governance of security by creating institutions, *with access to resources*, for the governance of security that poor people direct and operate within what might be thought of as a constitutional framework. The model was developed with the full support of the Minister of Justice at the time, Dullah Omar, and with the knowledge and support of the National Commissioner of Police at the time, George Fivas. Local magistrates also actively supported its development. Work on its development was initially supported by the Swedish government, a role which has now been assumed by the government of Finland.

#### 4.1 Nature and operation

At the heart of the model are institutions called peace committees. These are groups of people who agree to facilitate dispute resolution as well as to respond to the more generic problems that fuel insecurity in communities. Dispute resolution within the model is called “peacemaking”, and responding to generic problems is called “peace building” or “community building”. These committees work to facilitate the resolution of disputes by gathering together the people in the community who are most likely to have an interest in, and the knowledge and capacity required to, resolve disputes. At these gatherings, the members of the peace committee in attendance work to shift the focus of the discussion from the past to the future. They do so by defining peace as a state of affairs where the disruptions of the past are less likely to happen – peace is about making the future better than the past. The aim of the gathering is to settle on a course of action that will promote peace that everyone commits themselves to. A key rule that committee members have developed and abide by is that no force can be used, or threatened, in developing a course of action or in committing people to it. On the basis of the research that these committees have been doing, it is now clear that the success rate for gatherings – where “success” means that a resolution was agreed upon and put into effect – is over 90 per cent.

For each gathering, where the procedures the committees have agreed upon are followed, the committee involved receives R100. This sum at present is provided by donors and by willing local councils. It is envisaged that, in due course, this will be built into the budgets for the governance of security in all three spheres of state governance. It is also envisaged that this sum will in due course be increased.

The committees allocate these funds as follows: 30 per cent goes to the members of the committee who facilitated the gathering to recognise the value of their work. The model opposes the practice of asking poor people to do things for free while professionals, as a matter of course, get paid. Another 30 per cent goes into a loan fund that the committee loans to people in their community to support micro-enterprises. A further 30 per cent goes to support a community-building fund that supports what would conventionally be called crime prevention programmes. The final 10 per cent goes to pay the administrative costs of the committee.

The model embodies several principles that resonate with the principles that underlie the more conventional market forms that have been used to commodify the governance of security and governance more generally. For one thing, it seeks to make risk, and risk reduction, a central concern. For another, in reducing risk, it relies heavily on local knowledge and local capacity. It also creates a market for security.

The model also differs in six important respects.

1. It focuses on mobilising the knowledge and capacity of poor people.
2. In creating a market for security, it channels tax resources to pay for the work of people who supply security.

3. It gives the decision making about how tax resources are to be deployed to the people directly involved and directly affected by the governance of security.
4. It integrates individual interests with collective interests.
5. Tax resources remain within the community. They provide jobs both through creating work for peace committee members and through the loan fund. In addition, they are used to build infrastructure within the community through peace-building programmes.
6. Finally, because the money is earned by committee members through the peacemaking they do, tax resources are converted into resources that people "own".

At present, peace committees are being developed in several parts of the country. As this happens, provincial and national associations of peace committees committed to this model are being created. For example, the first regional meeting of peace committees for the Western Cape was held in Paarl in mid-2000. At this meeting, problems were identified and strategies for responding to them were developed. The model was fine-tuned.

## 5 CONCLUSION

Peace committees provide an opportunity for reshaping the contours of the archipelago of governance for security in ways that respond to the problems of inequality I outlined at the outset. Peace committees provide poor people with greater choice as to how problems are to be addressed – this is built into the process, as it is the people at the gatherings, not state experts, who make the decisions. This is also true for peace building. In relocating decision making, the Zwelethemba model not only enhances security – the success rate for peacemaking, community-building and work creation is high – but it does so in ways that deepen democracy. In doing so, it also reduces the problems of inequality that neo-liberal forms of governance have produced.

The South African government has identified crime prevention, job creation and nation building as top priorities. Peace committees respond to all three of these objectives. They do so by mobilising local knowledge and capacity. They give the job of building South Africa directly to the people of South Africa by providing them with the forums within which to make decisions and the resources to enable these decisions to be realised.

Peace committees provide an innovative and creative response to the problems of neo-liberal modes of governance without seeking to reintroduce the problems of centralised governance that have made neo-liberalism so attractive to so many people. Peace committees are an encouraging example of how one can move beyond the problems associated with neo-liberal ways of thinking and acting without engaging in what Nikólas Rose has called a "simple dismissal" of its mentality, institutions, technology and practices. Peace committees, and similar innovations, seek to respond to neo-liberal modes of governance while recognising that although there is much water that should be thrown out, there is a baby there that just might be worth preserving.

A final word about the issue of poor women and how peace committees respond to their exclusion. First, the composition of peace committees tends to be at least half women. This is partly because this is what happens, but it is also a matter of design. Secondly, within peace committees, everyone plays a leadership role. There is no "command" structure. Finally, peace committees spend much of their time responding to disputes involving women. Peace committees do not "empower" women, rather they provide forums and arrangements that permit women to express and use the power they already have.

### Sources

- Bayley D & Shearing The future of policing *Law and Society Review* 30(3): 585-606 1996
- Bull H *The anarchical society* London: Macmillan 1977
- Kempa M Carrier R Wood J & Shearing C Reflections on the evolution of the concept of private policing *European Journal on Criminal Policy and Research* 7: 197-223 1999
- Loader I Thinking normatively about private security *Journal of Law and Society* 24: 377-394 1997