

Local Capacity Governance in South Africa

A model for peaceful coexistence

John Cartwright

Madeleine Jenneker

and

Clifford Shearing

Community Peace Programme

School of Government

University of the Western Cape

South Africa

**Paper originally presented at the *In Search of Security* Conference in
Montreal hosted by the Law Commission of Canada, February 2003.**

Updated March 2004

Introduction

On the outskirts of every South African city, town or sizeable village there is a spread – large or small - of new housing. Some of the dwellings are the brick or cement-block ‘matchbox’ houses that have been put up in a group - often by large companies - using as a basis the government subsidy for first-time ‘formal’ housing. Others are ‘shacks’, made of wood and corrugated iron (much of it recycled) or – where the soil is suitable – wood and clay; these will have been built either by the occupants or by friends and neighbours.

Many of the people living in these marginal communities are unemployed and have low levels of formal education. Social services in their areas are poor – road-building and maintenance, sanitation and health, the provision of education, security, etc.

Why, then, are they here? What are they looking for? What is it that they want?

The answer from virtually all of them, whether in the Dickensian slums of early nineteenth-century London, the shacks of Alexandra in Johannesburg or the dreary tower blocks in the suburbs of many contemporary European and North American cities, will be, ‘A better life’ – for themselves if possible, but certainly for their children. To put it in a different discourse, they are looking for ‘human security’: freedom from fear and oppression, freedom from poverty, freedom to get a decent education, to work, to play, to live like citizens.

But what do they do in the mean time, to help create the kind of community in which these values and these possibilities may flourish? For an example, let us return to the shacks. Let us not romanticize them, for many shacks are little more than emergency shelters, flimsily built and a danger to health, but let us see what a well-built shack can tell us about the members of a poor community and their potential for building community.

With a little practice, you can build a shack on your own. If you get stuck, you will get help from people like you. You use recycled materials wherever you can find them. As you get settled, you can extend it room by room on the same principle. If

you wish to move, you can either sell the shack, sell the materials or take it apart and set it up elsewhere.

There is therefore in such a community – just taking housing as an example - a body of knowledge, accumulated and passed on in a continuing process of practice and reflection, that will enable you to build an adequate dwelling at little financial cost, in a couple of days, and in ways that reinforce mutually supportive relations with your neighbours. As an estate agent might put it, this is a house for people who are ‘just starting out’, and it is all theirs, without any need for recourse to the conventionally defined experts (surveyors, architects, builders, bankers).

How far does this kind of local knowledge go? Beyond its benefits to, for example, individual shack-builders, to what extent can it form the foundation for appropriate and effective action in a basic and essential area of community life such as safety and security?

History of the Model

In late 1997 the Community Peace Programme (School of Government, University of the Western Cape) began work in a poor area of a country town in the Western Cape province, to test exactly these questions, and to build a model of values, procedures, structures and relationships that would embody and express this knowledge in a sustainable and socially responsible way.

This model-building project did not, of course, begin with a blank slate. We note here some of the elements that helped to prepare the conceptual ground and point the experiment in some directions rather than others.

To begin with, Clifford Shearing had been directly involved in two earlier policy experiments, one in Toronto, Canada, in the 80s, the other in South Africa in the early 90s, soon after the unbanning of the liberation movements.

In the Canadian experiment, the then Chairman of the Metropolitan Toronto Housing Authority (MYHA) agreed to turn over part of the security budget to the tenants and staff of one public housing area, in order to develop mechanisms for governing

security that arose from their own knowledge and experience rather than depending on the imported and generalised expertise of private security companies. While a relatively small portion of the budget was retained for 'conventional' security measures, the rest was spent on items such as programmes for children, youth and the elderly, improving the immediate physical environment, barbecues and picnics for residents, etc. The results were dramatic, in terms of both community morale and physical safety, two of the essential elements of 'human security'- for example, children played freely again in the open spaces, elderly residents played cards and socialised in the foyers of the buildings. The MTHA subsequently incorporated the lessons of this experiment in developing a programme of 'social policing'.

The next chapter is a long one spread over many years. Over the next two decades a group of scholars at the Centre of Criminology, University of Toronto, conducted studies of trends in the governance of security. This period saw the development of notions of 'nodal' governance rather than state-centred governance, incorporating ideas such as neo-feudalism and networked policing. One of their conclusions was that in both the public and private sectors a critical feature of developments in policing was the emergence of a variety of mechanisms that worked to facilitate the mobilization of local capacity and knowledge in the service of governance.

South Africa: Needs and Opportunities -- the Background

As in any colony, the control and management of the resources of South Africa has from the beginning been carried out primarily for the benefit of minority elites, both in the Dutch and British homelands and increasingly within the colonised territory itself. This tendency was sharply reinforced and made exceptionally explicit under the rule of the National Party (1948-1991/94), when the interests of 'whites' (at first referred to in the apartheid discourse as 'Europeans/blanks') were promoted with an unprecedented degree of increasingly manic comprehensiveness and consistency.

After the unbanning of the liberation movements in 1991, the extent of this gap could not be glossed over any longer. This was true in all areas of public service, including, of course, policing. "White" areas had enjoyed a moderate level of conventional policing, while in the rest of the country the police had for the most part been used (or

abused) as instruments of oppressive control. In the course of the 1980s the ANC instituted a policy of making the 'townships' ungovernable, and developed in many areas an alternative system of management through civic associations and street committees. Some of these declined into vigilantism and corruption, but even the most effective and peaceful of them have tended to fade away over the last decade.

With respect to policing and the promotion of security, therefore, poor communities appear in effect to have been abandoned. On the one hand, the reformed South African Police Service simply does not have the resources to provide an equitable spread of service throughout the country and is in any case still skewed towards the more privileged areas. On the other hand, the privatisation of security, which has seen exceptionally rapid recent growth in South Africa and has in effect taken over the policing of many urban and suburban areas, is not an option in communities who cannot afford to pay for this service.

There is, in another words, a serious 'governance deficit' in poor communities, not only in relation to security but also in matters such as health and the provision of services such as garbage removal, water and electricity. To be fair, this deficit is being addressed at various levels of government. Nevertheless, this project took two assumptions as its starting points: first, that it is neither practicable, efficient nor desirable for state agencies in a democracy to plan, finance and manage a fully comprehensive programme of social services in which the role of citizens is to be little more than consumers; secondly, that people in poor communities (where the deficit is greatest) have the local knowledge and the capacity to play an active and effective role in articulating strategies for dealing with these matters. This model, therefore, begins by mobilising the resources of these communities around the peaceful resolution of specific disputes and problems, and in the process builds a form of social capital that may be deployed in a variety of community-building contexts.

This governance deficit is particularly striking in South Africa as we engage, with limited resources, in the process of building a democracy after centuries of discrimination and outright oppression. It may well be, however, that more prosperous and apparently stable countries may find something to learn from the experience of

this project concerning the refreshment and re-invention of democratic practices and the building of conscious, self-respecting and self-directed communities..

Post-apartheid Developments

As part of the run-up to South Africa's first democratic general election in April 1994, two panels to examine policing in South Africa were convened by the Goldstone Commission. The first panel was tasked with developing recommendations for the policing of demonstrations during South Africa's first democratic elections. The second was charged with developing principles for policing the elections more generally. These panels drew on ideas developed at MTHA and research in the governance of security that had been taking place at the University of Toronto, in order to develop an approach to policing the elections that focused on the mobilization of local capacity and knowledge.

The Demonstrations Panel developed a mechanism for policing elections that required demonstrators to develop plans and capacities for policing demonstrations themselves if they were to be given a licence to demonstrate – they were the people with the appropriate experience and the necessary legitimacy in the eyes of the demonstrators themselves. Training materials were designed for marshals to be drawn from the ranks of political parties. This training, and the marshals it produced, played a major role in ensuring the successful implementation of the recommendations of the Goldstone Commission panel on demonstrations, and contributed significantly to the peaceful nature of the elections.

Both of these successful interventions came about through what is essentially a simple change of perspective: people came to recognise that they did not need to 'give their problem away' to an outside authority or expert, but had the capacity and the essential knowledge and experience to devise appropriate solutions themselves. In reflecting on this process, we have been using two phrases to identify the key elements in this model of action. One is "*local capacity governance*" – that is, a way of managing community affairs that relies primarily on what local people know and can do themselves. The other term is "*micro-governance*", because this work of managing takes place at a grassroots level and in a bottom-up way.

Developing the Model

The project began with the explicit support of the Minister of Justice and senior members of the magistracy and police, and continues to have that support. In the pilot stage it was funded by Sweden through the Raoul Wallenberg Foundation, while the core funding of the current expansion and consolidation stage is provided by the Embassy of Finland. The model has been endorsed as appropriate and relevant by the South African Law Commission, as part of their study of alternative dispute-resolution structures in South Africa.

The term we use to identify the process we have been building is the “Zwelethemba model”, named after a community some 90 kilometres from Cape Town. This is where this work began and where the key features of what we are doing were developed. The team engaged in the construction of this model was guided by a central idea: it had to be simple, attractive to both communities and state agencies, and replicable in other similar communities. The Zwelethemba model is now being used in 15 communities in three provinces of South Africa. We have also been working since late 2000 with very similar communities in Rosario, Argentina, to test the model there, and this project has recently been extended to Buenos Aires. We will shortly be beginning a partnership with the state police of Victoria, Australia, which will include a pilot project testing the Zwelethemba model locally.

This work, then, has been concerned with developing structures and ways of doing things that can be sustained over time that enable poor people to:

- Control and direct what happens in their communities,
- Rely on their own knowledge and capacity in their planning and in putting their plans into action, and
- Access money to support their planning and actions.

Governance and Security

The Zwelethemba model is, as we have said, designed to enable people to manage their own lives. Although its aims are general (that is, the whole of people’s lives) it approaches general things in very specific and concrete ways by giving priority to

disputes. The model sees most disputes as problems that are usually small in themselves, but which, if they are not dealt with, can often escalate until they become disastrous.

There are two main processes in this model, which we refer to as “PeaceMaking” and “PeaceBuilding”.

PeaceMaking

Peace Committees operate according to a Code of Good Practice (see below). When a complaint is brought to a Peace Committee, an agreed set of procedures are followed. A ‘PeaceMaking Gathering’ is arranged, usually within days; the purpose of this gathering is to bring together the disputants and any other people who may be in a position to help understand and resolve the dispute. In this process, the role of the Peace Committee members is entirely to facilitate, not to engage in blaming or judging, and not to propose any particular solution. The Gathering is guided through several stages, with all those present being encouraged to take part: first, statements and discussion on what happened and its consequences; then an attempt to identify the root cause(s) of the problem, and finally discussion to produce an appropriate action plan agreed by all, to try and ensure that the problem does not recur. The focus of the gathering therefore starts with the past problem and moves towards making a better and more secure future.

Here is a more detailed account of the process:

- People in communities establish groups of 5-20 people, who call themselves a Peace Committee. The purpose here is to create an ongoing structure that people in the community, governments and others can relate to.
- This Peace Committee announces itself within the community as a group who will facilitate the resolution of disputes. When this happens the Peace Committee tells the community about their values. They do this by stating and making available a Code of Good Practice that says ‘Here are our values, here is what we are committed to’. In South Africa a key feature of this Code is that “we don’t use force to solve problems”. The purpose of the Code is to

ensure that people know the key values of the Peace Committee so that people know what to expect.

- Why would people choose to bring a dispute to the committee? People usually do this because they do not want the blaming and punishment that the criminal justice system promotes, but also do not wish to take the vigilante route (which is relatively common in poor communities in the larger South African cities).
- Once a dispute has been brought to the Peace Committee, it assigns three or more people to facilitate a dispute resolution.
- Once the Peace Committee understand what has been going on, they organize a Gathering that includes the disputants and other people who they think will be able to contribute to solving the problem. We call these PeaceMaking Gatherings.. Who is asked to attend is very important, as the people that come bring with them knowledge and resources that they can use to help solve problems. Having the right people from the community there ensures that solutions will be community solutions and that the decisions taken will respect peoples' values and the way they live.
- Gatherings usually take place in the house of a Peace Committee member or in a room at a community centre. Either way, the environment is informal and non-threatening.
- At a Gathering, after reading the Code of Good Practice, the first thing the facilitators do is to hear from the disputants (separately) what the dispute is all about. The purpose here is not to decide who is right and who is wrong but to try and identify the causes of the problem and to find out who is likely to be able to help in solving it. No one is labelled as a victim or an offender. Rather they are seen as people who have a dispute.
- At a Gathering (whether for PeaceMaking or for PeaceBuilding) the focus is always on the future. The question asked is what can be done to reduce the likelihood of this and similar problems happening again. This does not mean, of course, that they don't talk about the past; but they do so in order to find out what can be done to make tomorrow better.
- When a plan of action to improve matters is reached, it is written down and everyone signs to show his or her commitment to it. If specific things have to

be done the plan will list them and it will say who is responsible for doing these things. The purpose is to make sure that everyone knows what has been decided so that they can make sure that what is decided does actually happen.

- At the end of the Gathering it may be that the disputants apologize to each other, If they do, they may shake hands or hug each other. But this is not seen as essential. It is useful if it contributes to people being able to move forward to a better tomorrow. But sometimes people decide that this is not going to be either necessary or helpful. When this happens there may be no apology.
- What always does happen at the close of a Gathering is that the people present do something that symbolizes their commitment to what has been decided. This might be a dance, or a song, or a prayer or a holding of hands or a combination of things like that.

During the PeaceMaking Gathering, the Peace Committee members who are there complete a report on what happened. This goes to a central office where statistics are prepared, and feedback is then given to each Peace Committee on a monthly basis.

Code of Good Practice

Members of this peace committee use these guidelines in the course of their work as peacemakers:

- * **We help to create a safe and secure environment in our community**
- * **We respect the South African Constitution**
- * **We work within the law**
- * **We do not use force or violence**
- * **We do not take sides in disputes**
- * **We work in the community as a co-operative team, not as individuals**
- * **We follow procedures which are open for the community to see**

- * **We do not gossip about our work or about other people**
- * **We are committed in what we do**
- * **Our aim is to heal, not to hurt**

Problems and disputes brought to PeaceMaking Gatherings for facilitation have included unpaid loans and child maintenance, insults and fighting, theft and domestic violence. In all these matters, the gathering together of appropriate local people in a facilitative environment is the key to the resolution of the dispute and the agreement on workable and effective plans of future-oriented action.

Payments

Before going on to the PeaceBuilding part of the model, we need to consider the matter of payments. For every gathering that is held *according to the rules agreed upon*, a payment is made to the Peace Committee. This recognizes the value of the work that they do and responds to the criticism that professionals are always paid, while poor people are usually asked to volunteer.

This payment (at present R200 per approved gathering) goes into the pockets of the Peace Committee members who facilitated the PeaceMaking Gathering. At the same time, the sum of R100 goes into a PeaceBuilding Fund that is used to fund projects or individuals who respond in a responsible entrepreneurial manner to long-term problems in the community. This ensures that communities have money of their own – this is not a grant or a handout, it is money that they have earned – to spend on doing things that they think will contribute in the long term to building a better future.

PeaceBuilding

PeaceBuilding works in the same way as PeaceMaking, except that here the Peace Committee is dealing with broader generic problems rather than with individual disputes. If the Peace Committee comes to the conclusion – either as a result of a pattern they notice in disputes or through the regular base-line surveys – that there is a long-term problem that should be addressed, they arrange for a Solutions Gathering (there may be more than one) to work out what should be tried by way of a solution

and whom to commission to carry out the work. The idea is to pay for this service out of the money they have built up in their PeaceBuilding Fund and, as far as they can, to make sure that as much of this money stays in the community as possible.

This PeaceBuilding process broadens the model from being a conflict management model to a governance model, as PeaceBuilding is not limited to what we call the 'window' of security. In other words, individual disputes are seen as starting-points, issues that bring people together and mobilise the knowledge and experience that they bring with them.

Outcomes

There are now (March 2004) 21 Peace Committees in South Africa, and they have facilitated the resolution of over 6000 peace-gatherings – 2700 of these were held in 2003. These gatherings have generated about R2 500 000 in revenues for Peace Committees. All of these revenues have been, or will be, spent in these communities.

At the time of writing we have analysed the reports of 942 gatherings, which took place over 2.5 years. By now about 40 000 people have been involved in participating directly in solving problems in their communities through the 'window' of gatherings. That is, 40 000 people have had the experience of shifting their stance from one of dependency to one of responsibility and of moving from an orientation of blame to one that was focused on creating a new future. On average, 5.6 Peace Committee members were involved in each gathering.

In gatherings, 59% of the participants were women, and 17% were youth. 62% of the Peace Committee members who facilitated gatherings were women.

The distribution of issues that gave rise to gatherings was as follows. The most frequent issues (36%) were to do with money (money-lending disputes, non-payment of loans or for goods and misappropriation of funds). Insults, threats and gossiping made up 17% of the total number, while property offences made up 20%. Gatherings were held for two rapes and two attempted rapes.

In 96% of the gatherings held, the participants developed a course of action and people committed themselves to it. In a little under three quarters of the gatherings some gesture marking the end of the conflict took place. At times this involved everyone present making a commitment to peace. At other times only the disputants were involved.

Examples of projects developed and financially supported through the PeaceBuilding process are:

- The building and maintenance of a children's playground in a shack area far from any other facility
- The refurbishment of an old-age home
- Working with the local municipality to provide safe recreational spaces by cleaning up the banks of the Berg River
- Rubbish-clearing, in cooperation with youth football teams.
- Assistance in furnishing day care centres.
- Supporting and extending feeding schemes and a health education programme for children and TB and HIV/AIDS sufferers.
- Youth projects (sports, arts and culture).

Relations with State Agencies: the iThemba Project

As one of the fundamental principles of the Peace Committee model is the full and effective application of local knowledge to the solving of local problems, and as experience shows that in state/community cooperative projects the power relations involved lead only too often to the re-marginalisation of the community component, Peace Committees have not until recently entered into formal operational agreements with the police or other state agencies.

However, with the achievement by the Peace Committee network of a distinctive culture, a set of routinised procedures and a substantial record of outcomes (e.g., over 6000 cases successfully facilitated), an innovative project in Peace Committee/police cooperation was officially launched in October 2002 in Nkqubela, a community in the Western Cape.

The police station in Nkqubela had been closed some time before as a cost-saving measure, to the distress of the community. After hearing their views, the Regional Commissioner of the Boland Region of the South African Police Service approached the Community Peace Programme with the idea of restoring and improving service to the community, and in October 2002 the building was re-opened as a 'Community Peace Centre'.

The Boland Region of the South African Police Service shared the cost of refurbishing and maintaining the building, trained sufficient police reservists to maintain a presence there 16 hours a day, and provided the newly created 'Community Peace Centre' with a vehicle and two officers dedicated to the project. The local Peace Committee is financially supported in its regular activities out of the current funding provided by the local municipality.

The Community Peace Programme trained and is supporting and reviewing the Peace Committee, and took part in the training of the reservists. While the reservists on duty in the new Community Peace Centre refer emergencies and matters requiring the use of coercion to the police, other matters are referred – provided the complainant agrees - in the first instance to the Peace Committee for attention. So far, twice as many cases have been facilitated by the Peace Committee as have become formal police cases through the opening of a docket.

The second Community Peace Centre was officially launched in Zwelethemba (Worcester) on 28 February 2004. This is a considerably larger and more complex community than Nkqubela, and the SAPS (Boland) are providing nineteen full-time officers (including eight new recruits) and four vehicles. The CPP are now providing focused training modules for all the participants in a Community Peace Centre and for the community.

Another seven Community Peace Centres will be established in 2004. The next one, due to begin full operation on 1 April, will be in Mbekweni (Paarl), a community of about 100 000 people.

Project iThemba is a model of partnership between a community group, local government and a state agency (in this case, the South African Police Service, Boland Region) which respects the particular expertise and resources that each partner can bring to the enterprise and is transparent, effective and easily replicable in other communities. The Community Peace Programme is the implementing agency for this model, through training, monitoring and general support.

Theoretical Implications and Agendas

The model can be viewed from within several theoretical frameworks, and responds to a variety of theoretical and normative agendas. What follows identifies some of these.

- The model seeks to explore novel ways of realizing democratic agendas central to local governance. In doing so it promotes community self-directedness and empowerment – it deepens democracy.
- It encourages people in communities to rethink the ways in which they behave and to re-image themselves in ways that promote peace and good governance.
- It provides for capacity-building by recognizing the capacities that communities already have and builds on them in ways that encourage communities to relate to others (for example, the police or medical professionals) from a position grounded in knowledge and capacity.
- The model employs pressing concerns that come to the surface through the window of disputes in order to mobilize community action across a variety of terrains of governance.
- It employs challenges to social cohesion in order to build social capital and to create communities that are able to set agendas and respond to problems through the mobilization of local resources.
- It provides institutional mechanisms that enable local governments to effectively invest tax resources directly into communities in ways that increase service while reducing the demand on formal state agencies.
- Far from ‘letting the state off the hook’, it provides a means whereby poor communities may engage with state agencies in forms of mutually beneficial partnership.

- It presents a paradigm that may be fruitfully extended to the sphere of international relations – how, for instance, may we identify and promote the ‘local knowledge and capacity’ of the regions of the ‘South’ in ways that enable them to negotiate and cooperate as genuine equals and partners with the ‘developed’ nations of the EU, the G8, etc?

Conclusion

One of the most profound effects of the marginalisation of poor communities is their loss of faith in their own capacity to make a constructive difference to their lives, leading to an unnecessary degree of dependency on outside agencies for the resolution of community problems. The Zwelethemba model of local governance, however, proposes and demonstrates that good governance and the building of peaceful communities requires the mobilisation of local knowledge and capacity through the medium of sustainable institutional arrangements. When these local capacity institutions have been built and are working effectively, they are in a position to establish genuine partnerships with state agencies and other professional service-providers, to the benefit of all concerned.