



**IMSIS**  
International Master  
Security, Intelligence  
& Strategic Studies



**Erasmus  
Mundus**

**Hybrid Governance in Post-Apartheid South Africa**

**July 2020**

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**Presented in partial fulfilment of the requirements for the Degree of  
International Master in Security, Intelligence and Strategic Studies**

**Word Count: 20 154**

**Supervisor: Dr Julie Berg**

**Date of Submission: 06/08/2020**

## ACKNOWLEDGEMENTS

I am in great debt to many people without whom this research would not be possible. First of all, I wish to express my deep gratitude to my academic advisor Dr Julie Berg. The door of Dr Berg's office was always open when I had a question or ran into a trouble spot. She has assisted me with her expertise and valuable advice throughout this paper. Dr Berg has allowed this study to be my own but steered me in the right the direction whenever I needed it.

This research would not be possible without the support of the Safety and Violence Initiative. It was a great honour to work with the Initiative, even for such a short time. I am grateful to the member of the Initiative, in particular to Guy Lamb and Lameez Mota, who has made it possible for me to visit Cape Town, and who supported me throughout my visit. I would also like to thank Alexander Collins, who assisted me on administrative questions during the visit to Cape Town.

I am indebted to Kostiantyn Kotov, Andriy Potapov, Violetta Krovitska, Katerina Omelyan, and Nadiia Hrynovetska for continuous encouragement during this research, but more importantly for their friendship.

Finally, I wish to express my profound gratitude to my mother for providing me with unfailing support and care. She was always there for me during the harders minutes of my study. This accomplishment would not have been possible without her.

## **ABSTRACT**

The hybrid governance theory has facilitated the shift beyond the state-centric perspective on security governance. Yet the theory has never been tested under the conditions absent from an active or recent military conflict. It tends to neglect the relations between the state and non-state security actors and superfluously praises non-state and hybrid security orders.

The paper elaborates on these academic gaps. Based on secondary data, it investigates hybrid security governance in South Africa. The paper demonstrates that hybrid security governance can exist in a non-conflict setting. It discusses the patterns of the emergence of non-state security actors, their relations with the population and the state. The findings are found to be consistent with the hybrid governance theory, though there are a number of peculiar features. Additional studies on hybrid governance in a non-conflict setting will help to distinguish the features of South African hybrid security from the general logic of hybrid security governance in a non-conflict setting.

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## INTRODUCTION

Even the most centralised states have never been the only actors in domestic affairs; modern states operate alongside numerous non-state actors. Charity foundations, for one example, fill the gaps in social security and support vulnerable populations. Likewise, neoliberal states provide welfare alongside private companies and outsource social security to non-governmental organisations. It is not the case, however, in terms of physical security. Classical sociology considers physical security provided through the monopoly on the legitimate use of violence to be the essential feature of modern states up to the point where the state is defined as 'a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory' (Weber, 1921: 1).

The theory of a failed state heavily draws on these conclusions (Di John, 2010: 13). It, of course, recognises that the monopoly on violence has never been ideal, and numerous non-state actors possess at least limited capacities for organised violence. Yet the theory considers such actors to be detrimental for security and statehood. As a result, the states that do not reach the high standards of the Westphalian monopoly on violence are labelled as a 'failure' (Mazzar, 2014: 114-115; Wulf, 2007: 3-4). The only exception is private military companies, which fit into the neoliberal paradigm of outsourcing public services to a private sector, but even in this case, scholars discuss the role and implications of the private security companies with visible suspicion (Abrahamsen and Williams, 2009: 3; Krahnmann, 2009: 4). Any other armed non-state actors – local militias, self-defence forces, popular rebellion movements, warlords or organised criminal groups – are put under the same category and labelled as a threat and the reason of state failure (Di John, 2010:13).

It is not to say that international relations (IR) completely neglect the governance capacities of armed non-state actors. The concept of a stationary bandit, for one example, recognises that warlords provide basic public services and de-fact state-like functions (Krause and Milliken, 2009: 204; Mair, 2005: 59-61). Moreover, social disciplines outside of IR have never shared the perception of the exclusively negative role of armed non-state actors. For instance, anthropologists demonstrate the unique role of non-state actors in the provision of security and basic public services for the population in non-western countries; they document the unique relations between armed non-state groups, states, and colonial authorities (Macginty and Richmond, 2016: 221-223). Likewise, criminologists investigate non-state policing, community self-defence, and vigilante organisations. They demonstrate that such organisations can support states and fill the gaps in public services that states are incapable or unwilling to fill (Sieder, 2011: 162-163).

These theories, however, have their limitations. Anthropologists concentrate on the in-depth understanding of specific cases; they have little interests in building the general theories of hybrid security governance. Criminologists take a narrow focus on armed non-state actors. They do not investigate the broad phenomenon of non-state or hybrid governance but concentrate on the non-state actors that provide policing services. On the other hand, such focus makes criminologists omit the groups that are not engaged in policing. Likewise, the practices of crime management or crime prevention cannot be limited only to policing. On the other hand, such focus makes to omits the groups that are not engaged in policing. As a result, criminologists generally neglect the governance capabilities of gangs, organised criminal groups, and warlords. Similarly to the failed state theory, criminologists tend to assign an exclusively negative role to these actors.

Diphorn, (2016a, 2016b), for example, concentrates on the interaction between the South African state and private security companies. She disregards both the policing and governance capacities beyond these groups. Baker (2002) incorporates vigilante groups and community patrols but still overlooks indigenous authorities, community and street courts. Buur and Jensen (2004) take indigenous authorities, community and street courts into account but neglect gangs and organised criminal groups. They also fail to reconcile their conclusions with the previous theories. In a word, criminology and anthropology provide useful insights on specific cases or the specific types of armed non-state actors, but they cannot substitute the theory of hybrid governance.

The encompassing theory of hybrid governance emerged in the second part of the previous decade. Surprisingly, it has been IR, the main bastion of the Westphalian notion of the state, that has offered the theory of hybrid governance. One of the first attempts to construct such theory has been Lund's (2006a, 2006b) theory of twilight institutions. It has been followed by Menkhaus's (2007) mediated state. These approaches, in their turn, have transformed into a broader hybrid governance theory. The hybrid governance refers the governance that comes from multiple distinct authorities: customary practices and liberal western-like administration, local self-regulations and international interventions, private and public actors; to the 'constant process of negotiation as multiple sources of power in a society compete, coalesce, seep into each other and engage in mimicry, domination or accommodation' (Bagayoko, 2012: 2-3; Macginty and Richmond, 2016: 220).

The hybrid governance theory introduces a severe critique of the failed state narrative. It demonstrates that the absence of the monopoly on violence does not lead to the Hobbesian war of everyone against everyone. On the contrary, the non-state structures in hybrid systems tend to provide security for populations neglected by the state; they

have the higher level of legitimacy and better address everyday needs of local communities, even though they often recreate or support unequal power structures (Belloni, 2012: 31-32; Boege et al., 2008: 9-10; Meagher 2012: 1077).

Refreshing as it is, the theory remains significantly understudied. Firstly, it concentrates exclusively on a post-conflict setting. Considering such selection of cases, we cannot apply its findings to non-conflict areas. We need additional studies on hybrid governance in a non-conflict setting to check the validity of the theory beyond the cases of armed conflicts. Secondly, the theory lacks attention to specific patterns of the emergence, persistence, and evolution of hybrid governance. Focusing on post-conflict and fragile environment, the theory assumes that hybrid governance is an automatic result of either the collapse of state institutions or the international interference that brings western-like structures to non-western context, creating double public allegiances and legitimacies (Belloni, 2012; Belloni et al., 2012). Clearly, both are not the cases for the stable non-conflict environment without international interventions. It is thus crucial to understand what leads to the persistence and emergence of the new layers of non-state security governance in non-conflict setting. Thirdly, the hybrid governance theory provides an oversimplified perspective on the implications of hybrid governance. ‘The condemnation of non-state order as institutionally destructive has been replaced by its celebration as a vehicle of embedded forms of order and authority’; a more nuanced comparative perspective that would be ‘capable of distinguishing between constructive and corrosive forms of non-state order’ is needed (Meagher, 2012: 1074).

The proposed study seeks to elaborate on these academic gaps through the investigation of hybrid security provision in South Africa. Such investigation is not unique for the South African context. However, existing studies are made predominantly from



anthropological and criminological perspectives. They share the same problem that I have discussed earlier: they focus on the narrow selection of specific cases or groups of armed non-state actors. Due to this problem, the existing findings have weak validity for the hybrid governance theory. Yet investigated from a broader, hybrid governance perspective, the case of South African can provide two theoretical insights.

Firstly, even despite the absence of the monopoly on violence, South Africa represents one of the most stable states on the African continent. It thus represents an ideal case for an investigation of the hybrid governance in a non-conflict environment. One can interpret the anti-apartheid struggle as an example of armed conflict in South Africa. Yet, even during the anti-apartheid struggle, the South African state was far from collapse in any way similar to Sierra Leone, Somalia or South Sudan. Furthermore, the hybrid governance in South Africa was present even before apartheid. It persists long after the fall of apartheid and end of the internal struggle (Baker, 2002: 32–33). Consequently, we should look for the reasons for the emergence and persistence of hybrid governance in South Africa outside of the armed clashes during apartheid.

Secondly, anthropologists and criminologists have generated myriads of the academic papers that provide an in-depth analysis of non-state security actors. The case of South Africa, therefore, offers an opportunity for an investigation of hybrid governance horizontally, encompassing various types of non-state security arrangements, and vertically, investigating the evolution of governance from a historical perspective. It gives an opportunity to provide much needed comparative perspective to distinguish the corrosive and constructive forms of hybrid order.

The understanding of the nature of hybrid governance in South Africa is also useful for applied purposes. Considering the widespread existence of non-state security institutions in South Africa, it is essential to understand the role of these actors and their

relations with the South African state. Such understanding would support efforts to construct a more inclusive, accountable, and responsible security provision under the condition of hybridity and informality.

In order to use the case of South Africa to unpack the theoretical puzzles and provide the foundation for the applied use of the hybrid governance theory in South Africa, I concentrate on the following questions:

1. What are the patterns and reasons for the emergence and persistence of the non-state security actors in the South African state?
2. What role do they play in security provision? Whether they compete, accommodate, substitute or complement official security structures?
3. What impact do they have on the security of the citizens of South Africa, particularly excluded and vulnerable groups?

I address these questions in the five consecutive chapters. The first chapter elaborates on the outlined theoretical issues. It analyses strengths, weaknesses, and gaps in these approaches and crystallises the theoretical puzzles of this paper. The second chapter describes the methods that I use to address the gaps in these perspectives. It also clarifies definitions and conceptual frames. The three following chapters address the outlined questions of the emergence and persistence of hybrid security governance; relations between non-state security actors and the South African state; the implication of the hybridity for the population of South Africa. The conclusions, where I summarise the findings and outline further research questions, end the paper.

## THEORETICAL OVERVIEW

I have touched upon the theoretical puzzles in the introduction of this paper. Still, for the sake of more in-depth investigation, it is necessary to elaborate on this issue. This chapter discusses the main findings of the existing literature with regards to the emergence and implications of hybrid governance. For these purposes, it draws on the conclusions of various theoretical approaches: the hybrid governance theory, the failed state theory, the twilight institutions and twilight policing, negotiated and mediated state theories. These are the theories that, in one way or another, address the problem of hybrid governance.

Let me begin with the clarification of the notion of 'emergence' itself. 'Emergence' presumes that hybridity is not a natural condition for the investigated context; that there has been the time of the Westphalian-like monopoly on violence or the anarchy without any state-like institution (Albrecht, 2018: 230). Historically, the former is not the case for most of the African states. Most of the African states have never had the monopoly on violence in any way reminiscent of the Westphalian states (Boege et al., 2008: 5). The anarchy without any state-like institution thus is a more accurate description of the conditions of the emergence of hybrid governance. Hybridity, in this sense, paralleled the creation of state-like institutions.

But hybridity is not a static process. As Lund (2006b: 686) argues: it is an endless process of a state-formation. We thus do not require to limit the discussion of hybridity to the introduction of the supreme authority. It is possible to discuss the reasons and conditions of the emergence of hybrid governance in specific regions or areas where a state claim the monopoly on violence.

The failed state theory is an excellent starting point for the discussion of the emergence of the alternative layers of security governance. It might appear that the failed state

theory is not related to hybrid security governance. Indeed, the word ‘failure’ suggests that a state has completely collapsed and has been replaced by the war of ‘all against all’ (Hobbes, 1651: 58). Yet such a situation is not common, and there are few examples where the state has completely disappeared from the landscape of security provision. In most of the cases of presumable state failure, the state not only remains an important actor but represents the most powerful one (Lund, 2006b: 685). For this reason, Osaghae (2007: 692-693) and Zoellick (2008: 2-3) prefer the notion of a fragile or weak state. In a word, the failed state theory describes the very same phenomenon that hybrid governance investigates. It is only distinct in the evaluation of implications and theoretical logic.

As have already been mentioned, the failed state is the notion that scholars apply to the states that are incapable or unwilling to provide basic public services (Aliyev, 2017: 1975). What the proponents of the failed state theory consider to be basic public services have never been harmonised across various interpretations. Aliyev (2017: 1975) defines the basic public services in terms of security, welfare, and representation. Di John (2010: 15) stresses security and peace as the key and sole indicators of state failure. For Geiss (2004: 462) the key service is the control over the territory, while Vinci (2008: 298) emphasises the monopoly on the legitimate use of violence. For the sake of the theoretical puzzles of this paper, I focus on the failed state theories that concentrate on state’s incapability to support the monopoly on violence and provide security regulations. Hereinafter, I refer specifically to this cluster of the theories when I mention the failed state theory.

According to failed state theory, the basic mechanism of the emergence of alternative security institutions is a security dilemma. It is the dilemma similar to the one that states experience in international relations.

Just as states, when operating in the international arena, tend to interpret any military buildup by their neighbours as preparation for offensive rather than defensive action (given the difficulty in distinguishing between the two, and the tendency of security organizations to engage in “worst-case” analysis), so do ethnic and sectarian groups view the formation of armed militias by other such groups as a direct threat to their survival (Klare, 2004: 119).

The logic, however, does not explain why neighbours start military build-up in the first place. In order to explain the phenomenon, Kasfir (2004: 63-70) introduces the factor of predatory groups. As a result, the logic of the emerging of non-state security governance takes the following forms. As the state becomes weaker and cannot punish the violation of a law, individuals become tempted to use the opportunity for personal enrichment. With the growing number of such individuals, communities start to experience a higher level of insecurity. Since the state institutions are too weak to address the problem, the local communities organise their own security institutions. This act leads to a security dilemma following a similar logic as has been described in the previous paragraph (Klare, 2004: 119).

There is no consensus on the specific circumstances of internal security dilemma. Kasfir (2004: 55) argues that internal security dilemma requires a complete collapse of state institutions. Though predatory groups emerge even before the collapse of the state, the existence of the state prevents domestic security dilemma. Posen (1993), Vinci (2008) and Aliyev (2017) do not specify the circumstances, but the logic suggests a gradual process, in which security dilemma does not require a complete collapse of the state. The probability of complete failure and internal security dilemma depends on state’s responses and its capability to suppress armed non-state actors (Vinci, 2008: 300).

Even though the hybrid governance theory is largely based on the critique of the failed

state theory, it has never challenged the logic of domestic security dilemma. The hybrid governance theory does not explain why there is no security dilemma in the case of absence of the monopoly on violence. Instead, the theory offers an alternative logic and points out the examples where such logic had a place (e.g. Baker, 2013; Boege et al., 2008: 11-13; Goodfellow and Lindemann, 2013). In this regards, Luckham and Kirk (2013b: 10) identify three models of emergence and persistence of hybridity.

Firstly, hybridity emerges in unsecured borderlands – ‘the spaces where authority is suspended or violently changed by an alternative claimant to power and providers of security...’. Such areas, for example, are represented by the border between Pakistan and Afghanistan, between India and Pakistan in Kashmir. These areas might also be represented by internal borders. Urban slums in Rio de Janeiro favelas are examples of such borderlands (Luckham and Kirk 2013b: 10).

Secondly, hybrid governance emerges in ‘contested Leviathans’ – a state whose capacities to deliver security were undermined or compromised by special interests. Among such states are Afghanistan, Somalia or South Sudan. More durable states can also be examples of this model. In such cases, the special interests of different groups in society - Islamists groups, drug cartels, influential political movement - compromise the power of the state and undermine its monopoly on violence (Luckham and Kirk, 2013b: 12-14).

Lastly, hybridity emerges in securitised international areas. In this case, hybridity is a result of the paralleled governance of international and local actors. Such a situation is typical in the areas of the operation of peacekeeping troops or intervention of foreign countries. The examples of such hybrid orders are Kosovo, Haiti, and Afghanistan in the areas of international intervention (Luckham and Kirk, 2013b: 15-30).

Belloni (2012: 28) elaborates on the emerging of hybrid governance as a result of

international intervention. He outlines four idealised models: game theory, path-dependence, incentives and coercion, and critical theory. Game theory explains the emergence of hybridity in terms of the interaction between local and international actors. In these terms, hybridity is a result of a compromise between international and local groups. As a result of this process, international actors might 'merely transfer the formal procedures of the liberal democratic state but leave largely unreformed the deeper, often informal institutional and normative framework' (Belloni, 2012: 28).

The path-dependence theory explains hybridity in terms of the previously made decisions that limit available alternatives. It does not refer to historical or cultural dependence but focuses on the actions of international interventionists and resulted self-reinforcing narrative. For example, early elections might lead to the creation of government according to religious or ethnical groups. Such system creates the self-reinforcing mechanism that reproduces hybridity each cycle of the elections (Belloni, 2012: 28).

The third model portrays hybridity as a result of international incentives and coercive capacities. On the one hand, by deploying reward for collaboration or punishments for non-compliance with international norms, international actors incentivise construction of a liberal government. On the other hand, one should not underestimate the power of local actors. 'Local actors have considerable agency in shaping the domestic environment and in responding to international initiatives' (Belloni 2012: 30). Their ability to resist international pressure facilitates the emergence of hybrid governance (Mac Ginty, 2011: 62–63).

The critical theory offers the last model of the emergence of hybridity as a result of international interventions. From this perspective, the Westphalian institutions introduced by international forces are often not relevant to the populations of the Global

South. In such societies, the idea of a public authority in the form of a state is not present. Moreover, the state often does not address the needs of the population. Since there is no acceptance of the idea of the state and the Westphalian state fails to address the needs of the population, the population creates its own security institutions that compliment or compete with the state (Belloni 2012: 30).

As apparent from these models, Luckham, Kirk (2013b) and Belloni (2012) believe that state fragility or international interventions are preconditions for the emergence or persistence of hybrid governance. In the first case, they portray the emergence of alternative layers of governance as a result of 'special interests' or attempt of populations to adapt to the conditions of insecurity (Luckham and Kirk 2013b: 10-14). This logic resonates with the conclusion of the mediated state theory, which similarly portrays hybridity as a result of a community adaptation (Menkhaus, 2007: 75).

These are the primary models for an understanding of the emergence of hybrid security governance. Boege, Brown, Clements, and Nolan (2008: 13-15) use the models for the study of hybrid governance in Somaliland and Bougainville. Roberts (2008) applies them for the analysis of hybrid governance in Cambodia, while Brown and Gusmao (2009) alongside Yoo (2017) employ a similar logic in the case of Eastern Timor. As apparent from the list, these are the cases of state failure or international interventions. Indeed, there were no attempts to test the outlined models in the situation absent from an active or recent military conflict and international intervention. As such, we know little about emergence and persistence of hybrid governance in a non-conflict environment.

The studies on South Africa suggest that the logic of a community adaptation applies to this case. For example, Bidaguren and Nina (2002: 122) argue that the weakness of the South African state and lack of police presence leads to an adaptation of the local



communities to insecure environments. This adaptation manifests itself in various forms but, first and foremost, in the creation of their security institutions to replace the insufficient state. Nevertheless, this is a criminological study focused on policing. As have been already mentioned, non-state security institutions cannot be limited to self-policing. Such focus leaves out crucial aspects of hybrid governance. For example, it is unclear to what extent the logic of community adaptation applies to security actors that do not provide policing functions, as tribal authorities or gangs. Likewise, it does not explain why the creation of alternative security institutions does not lead to security dilemma, as the failed state theory predicts. These are the questions that the present paper attempts to answer in the third chapter.

Another important aspect of hybrid governance is relations between alternative security institutions and states. The failed state theory portrays these relations as predominantly antagonistic. On the one hand, the state is supposed to act against armed non-state actors on its territory to avoid compromising its legitimacy and power. As Vinci (2008: 330) argues: ‘...the state will deny the autonomy of any armed group within its boundaries, in particular, it will strongly object to any admission of the juridical sovereignty of the armed group, and will in general act to defeat the armed group in any way that it can.’

On the other hand, armed groups usually ‘seek to eliminate all vestiges of central governmental authority within their area of operations and to assume for themselves the “rights” of government: taxation, conscription, resource allocation, and so forth’ (Klare, 2004: 161). Assuming that both the state and armed non-state actors strive for absolute power and sovereignty in a spirit of political realism, the failed state theory draws a pessimistic picture of relations between a state and non-state actors. The failed state theory recognises the existing of pro-governmental non-state actors but claims that even they harm the state since they increase the probability of full-scale civil war (Carey

et al., 2013). They similarly provoke security dilemma, which leads to the emergence of new armed non-state actors and struggle between them (Klare, 2004: 119). The state thus tolerates such actors only as a result of strategic miscalculation (Vinci, 2008: 330). This logic faces a severe critique from scholars outside of the political realism tradition. These scholars deny that authority is a zero-sum game and argue that it is equally possible for non-state security actors to strengthen the state's authority bringing its regulations into the areas outside of the government control (Abrahamsen and Williams, 2007: 238). Non-state security actors can also strengthen the legitimacy of a state. Lund (2006a, 2006b) demonstrates various positive examples of state-non-state cooperation. For example, non-state actors often seek official recognition of the state to improve their legitimacy. In a quest for state recognition, non-state actors acknowledge the power and authority of the state, strengthening its legitimacy (Lund 2006b: 691). Likewise, non-state actors engage in institution bricolage and leakage of meaning. They imitate states' institutions or symbols to solidify their legitimacy. Similarly to the previous case, a bricolage of institutions, symbols, and meanings is equal to a recognition of their power and authority. This process is not one-sided. It is not least common for the state to bricolage institutions or symbols of non-state actors in order to naturalise itself in local environments (Lund, 2006b: 691).

The hybrid governance theory itself does not pay much attention to the implication of non-state actors for states. Yet their empirical findings prove much more constructive relations than the failed state theory allows. Across cases of Eastern Timor, Somalia, South Sudan, and Sierra Leone, they demonstrate a diverse set of possible state-non-state interactions: accommodation, competition, substitution, and complimenting (Albrecht, 2017, 2018; Brown and Gusmao, 2009; Meagher, 2012). Drawing on the hybrid governance theory, the World Bank and the Organisation for Economic

Cooperation and Development (OECD) argue that local armed non-state actors can support the naturalisation of state institutions during international state-building projects. As such, local armed non-state actors are believed to improve the legitimacy of new state structures (OECD, 2010: 17; World Bank, 2011: 156).

As far as state-non-state relationships cannot be reduced to antagonism, the main question is why certain non-state actors have constructive or neutral relations with a state, while others engage in competition and undermine state structures. Investigating the clash of the Ugandan state and the non-state institutions in Buganda, Goodfellow and Lindemann (2013: 22) suggest that the relations between the state and the non-state actors 'depend on whether there is a fundamental discordance between the institutions of the state and those of the non-state authority, which in turn depends on deeper historical factors and the prevailing political calculus in a given context'. Discordance, in these terms, emerges when non-state actors claim authority over the same issues as the state. A mutually recognised separation and redistribution of authority, on the contrary, are the characteristic of constructive relations between the state and the non-state actors (Goodfellow and Lindemann 2013: 8).

The case of South Africa deviates from the outlined logic. Numerous non-state actors claim the authority over security regulations that the South Africa state considers the part of its mandate. While in certain cases it leads to a conflict, in other cases, the government choose to accommodate or even support such actors. Hence, the argument of Goodfellow and Lindemann (2013) cannot explain the relations between the state and the non-state actors in South Africa. Additional investigation is required to distinguish the constructive and corrosive forms of state-non-state relations.

Last but not least, there is a question of the implications of hybrid security governance for populations. The failed state theory neglects this aspect, assuming that security of

the population is a direct implication of the security of the state (Luckham and Kirk, 2012: 37-38). With the growing number of the examples of state terrorism, predatory states, and state abuses, it is much harder to support such perspective. Indeed, since the end of the Cold War, the state itself has been the main threat to the security of people (Newman, 2010: 78–79).

For this reason, the hybrid governance theory denies state-centric perspective and analyses security from the position of end-user. Indeed, for most of the population of the Global South, an official government is a distant and alien institution. Traditional tribal, kin, religious, personal-affiliated and sponsor relations govern the everyday life of these people (Boege et al., 2008: 9-10). Because of close relations with the end-users, local structures better reflect the needs and expectations of the population, for whom benefits provided by a state might often seem irrelevant (Belloni, 2012: 31-32). Furthermore, non-state actors better understand the local context and can provide security for those groups that are excluded and neglected by a state (Boege et al., 2008: 9). As Menkhaus (2007:104) argues: the existence of armed non-state actors is the ‘best hope for something remotely approaching effective governance in communities desperate for a more predictable and secure environment and the core functions of a central state’.

Yet some scholars assert that the benefits of hybrid governance are overstated. For example, Meagher (2012: 1077) argues that it should not be assumed that local structures hold legitimacy simply because they are local. Such groups can equally be predatory and base their power on violence rather than the cooperation of the local population (Meagher, 2012: 1088). Even when such groups base their legitimacy on the cooperation with the population, it often does not mean the entire population. Such groups tend to reproduce existing power structures, excluding individuals on ethnic or

gender basis (Wardak and Hamidzada, 2012: 79). Last but not least, non-state structures often have weak accountability mechanisms that prevent them from effectively delivering security and make various abuses of power possible (Meagher 2012: 1077; Luckham and Kirk, 2013: 13).

All in all, the hybrid governance and related theories made an important task of debunking the state-centred and Westphalian perspectives on governance. They convincingly demonstrated that non-state actors inside a state system do not always have negative implications for a state and populations. Quite contrary, they often complement the state and provide security for neglected parts of the populations. Yet these theories concentrate on war-torn or post-conflict environment. We still know little about the logic of the emergence and implication of hybrid governance in a stable context. Moreover, trying to challenge exclusively negative perspective on non-state security governance, the hybrid governance theory moves to another extreme, uncritically praising everything indigenous, local or non-state. Even when the theory recognises potential problems of hybrid governance, it reveals little about the distinctions between the corrosive and constructive forms of hybridity. As Meagher (2012: 1077) argues, we need a comparative perspective that would allow us to distinguish these forms. These are the issues that the present paper attempts to address. The following chapter clarifies the tools and methods that I use for this purpose.

## CONCEPTUAL FRAMES AND METHODS

In order to elaborate on the outlined theoretical puzzles, I define hybrid governance as a provision of security by various distinct authorities: the state and non-state groups, local and national institutions, western-like liberal administration and customary regulations. Governance, in this case, does not refer to effective, accountable or inclusive regulations. It equally refers to the organised criminal groups that provide security for their clients in an expanse of the rest of the population and democratic liberal governments that recognise and protect the rights of their population. I draw on Lund's (2006b: 685) definition who frames governance as an ability 'to define and enforce collectively binding decisions on members of society'. Under such definition, governance encompasses a broad variate of public spheres: political, economic, social, cultural. Yet most of the hybrid governance theory focuses on security governance (e.g. Bagayoko, 2012; Boege et al., 2008; Luckham and Kirk, 2013). I adhere to this focus in the present paper.

The hybrid governance theory refers not only to separate informal security institutions but also to more fluid forms of hybridity. For example, formal western-like democratic structures might be affected by the kin or tribal allegiances, which changes the patterns and logic of their operation. In this sense, hybrid governance can manifest as the form of a 'deep state' (Luckham and Kirk, 2012: 54). Not denying the importance of these fluid forms, I call for analytical separation of hybrid governance provided by distinct authorities and institution multiplicity as the blending of the institutions with the different logic of legitimacy and operation. The present paper focuses on hybrid governance and does not analyse institution multiplicity.

Similarly to the hybrid governance theory, I define security in a narrow sense related to physical violence. I admit that security manifests in a variety of other forms, including

economic, cultural or social relations, but I use the narrow definition of security to exclude non-violent forms of governance as ostracism, public or economic pressure, boycott. These non-violent forms of governance are common for any public authority; they are not related to the academic puzzle outlined in this paper. It is specifically the matters of collective violence, which is considered exclusively a prerogative of a state, that are the focus of this paper.

The paper focuses on the internal (national) security provision. It is uncommon for the South African context to organise informal security groups to address external threats, and the state does possess a more or less ideal monopoly in these terms. As such, the matters of external security remain irrelevant in the context of hybrid security governance. Discussing the security alternative to the state, the paper focuses on police, judicial and penal systems. Military forces, even though they are occasionally used to support the police, are outside of this study.

Lastly, I limit this study to the post-apartheid period of South African history, only briefly describing the pre-apartheid and apartheid historical periods to provide a sufficient context for the argument. Firstly, this limitation is a result of time and resources constraints of the present studies. Secondly, the post-apartheid period of South African history is characterised by a broader availability of relevant data. It thus provides an opportunity to investigate phenomena that could not otherwise be an object of study. Thirdly, the investigation of the post-apartheid period of South African history is more relevant for the sake of applied use. It provides insights about hybrid governance, which can facilitate the development of more constructive relations between the non-state security providers, the South African state, and the population of South Africa.

My research of hybrid governance in South Africa is primarily based on qualitative data, though quantitative data is occasionally used to support arguments. I decided to base the study on qualitative data in order to grasp the unique local interpretation of hybrid governance. Qualitative research design allows to better reflex the meaning that the people on the ground attribute to the problems of security and violence and the context of these issues (Bryman, 2013: 399-404). Since the context and local perceptions are so important for the understanding of hybrid governance, quantitative research design would provide limited opportunities for such investigation. It would limit the study to the list of general artificial indicators that are hardly relevant for the local population, as is often the case in terms of the studies of international development institutions (Richmond, 2009: 325).

I have obtained the data from secondary sources. These sources mostly consist of the anthropological and criminological literature on South Africa. It provides detailed accounts of various armed non-state groups across South Africa: gangs and organised criminal groups, as Numbers gangs in Cape Town; non-state community police, self-defence, and vigilante organisations, as Mapogo a Mathama or People Against Gangsterism and Drugs (PAGAD); various private security companies that have capacities for organised violence.

The use of secondary data has advantages over other methods. These advantages are closely linked to the nature of South African society. Firstly, South Africa is a diverse country; patterns that are found in one part of the country might not apply to another part. Hence, it is necessary to assure a broad sample of non-state security groups to make generalisations on a national level possible. It would be impossible to ensure such a broad sample in terms of any other method, like participant observation, questionnaires or interviews, but secondary data sets do give such an opportunity



(Johnston, 2014: 624). As have been already mentioned, the high criminal level and variety of non-state security actors encouraged an interest of anthropologists and criminologists on these issues. As a result, secondary data provides broad samples from different part of the country and on different ethnic groups.

Secondly, unlike any other qualitative method, the use of secondary data allows analysis from a historical perspective. Such an analysis helps to understand the evolution of non-state security groups and the changing patterns of their interaction with the South African state and population. Of course, it would be possible to interview the communities or members of non-state security groups about their previous experience and conduct similar historical analysis based on obtained data. However, such data would have a low validity since interviewees would not report their previous experience directly. They would rather report an interpretation of past events through the prism of present experience (Bryman, 2013: 313).

The use of secondary data is not without flaws. Since the data was not collected for the purpose of this study, it often overlooks or underreports the important aspects of hybrid security governance (Irwin, 2013: 298; Johnston, 2014: 624). The limited use of interviews would help to fill these gaps. Yet, due to the outbreak of COVID-19, it was impossible to conduct such interviews. Considering the circumstances, I have attempted to fill the gaps using document and media analysis.

Media reports proved to be a poor source of data. On the one hand, it does not provide a detailed perspective that is required for the outlined academic puzzle. On the other hand, their reports found to be exaggerated and one-sided. I thus decided to concentrate on the protocols of official investigations, such as reports of Khayelitsha Commission of Inquiry (2014) and international humanitarian reports, like Human Rights Committee of South Africa Quarterly Report (1999).

Despite attempts to address the problem, it is impossible to fill all the gaps in secondary data. Certain aspects of hybrid governance in South Africa remains understudied. While it does not interfere with the general validity of the proposed conclusions, additional investigations would help to improve our understanding of hybrid governance in South Africa. All identified academic gaps are emphasised through the text of the study and summarised in the conclusions.

Another problem with the use of secondary data is an inability to control data quality (Johnston, 2014: 625). The quality of data can be ensured through the review of methodology, but a common problem, particularly for qualitative studies, is a lack of transparency with regards to their methodology (Bryman, 2013: 178). To mitigate the problem, I triangulate data crosschecking it through multiple sources written on the same non-state security group in approximately the same time frame. In case of contradictions, I favour the interpretation of the source that has a more transparent methodology.

I have selected the relevant cases for investigation according to several criteria. Firstly, the relevant actor should demonstrate the capacity for the use of organised violence. It does not necessarily need to use this capacity. Well established non-state actors can enforce their will through a threat of collective violence; they can deter another actor through merely the capacity of using collective violence, a similar way as states do it in case of police forces. As such, the townships' committees that rarely use violence directly are still part of this study because of their capacity to mobilise the population for the acts of collective violence when it is necessary. According to this logic, the security companies that provide security equipment, such as alarms or CCTV cameras, are not a part of this study.

Secondly, as far as governance is the main focus of the paper, it is crucial to eliminate short-term examples of collective violence used by non-state actors. Clearly, a spark of mob-violence or occasional raids of gangs do not constitute governance. I have thus used the continuity of organised violence or the threat of it on a specific territory as one of the key characteristics of the relevant non-state security groups.

Thirdly, I have chosen the cases to evade selection bias. On the one hand, I have selected cases that represent different types of non-state security actors to avoid the generalisation of the features of a specific group on the level of hybrid governance and to ensure a broad comparative perspective. On the other hand, anthropological and criminological literature focuses on the most violent, the most organised or the most prominent non-state security organisation. It concentrates the organisations that received the most media and public attention. Investigation of these cases might lead to a representation of the features of a few famous cases as a general trend. To avoid such problem, I have taken efforts to incorporate less renowned and smaller groups into my analysis. Finally, considering the diversity of the South African population, I have selected cases to represent different parts of the country. Such selection help to avoid generalisation of the features of a specific region, which might not apply to other parts of the country.

I have utilised three types of analysis for the selected cases. Firstly, I have used historical analysis to reconstruct the process of emerging of non-state security groups and their changing relations with the community and the state in South Africa. For this sake, I have used either existing historical analysis to reconstruct the history of a certain group based on several different studies written in different periods.

Secondly, I have utilised a thematic analysis. On the one hand, I have derived themes from the existing theories on hybrid governance and the main research questions of this

paper. These themes include emerging of non-state security actors, relations of non-state security groups with the population and the South African state. While such approach allows connecting the reality on the ground with the theory, Braun and Clarke (2012: 69) argues that it might lead to oversimplification of the issue and missing of more nuanced and complex themes. To avoid this problem, I, on the other hand, have derived themes and subthemes from repetitive patterns of the data. These themes, for example, include 'opposition to human rights', 'the conflict of generations', 'private motivations', 'racism in security provision'.

Thirdly, I have used the comparative analysis to investigate differences between groups and elaborate on the interplay between the nature of the groups, their relations with the population and the state, their impact on security. For the sake of comparison, I have used the themes that I have derived during thematic analysis. This approach has helped me to link the comparative analysis to both the theory and reality on the ground.

As far as non-state security structures and their practices of violence is a culturally saturated topic, there have been concerns about the adequacy of the interpretation of the data by the author of this paper, who is an outsider for the researched context (White, 1997: 742). To address this problem, I have taken efforts to familiarise myself with the cultural context and meaning that communities assign to phenomena related to governance, violence, and security. For this sake, I have spent six months in Cape Town, exploring local context and perceptions. I have also used the academic literature to investigate the deep meaning of the phenomena in South Africa. Anthropological accounts that provide thick description and interpretation of the local norms have been particularly useful in these terms. To further limit potential biases, I have used technics of reflexivity to identify my cultural assumption and prevent them from interfering with the study. While it is never possible to completely eliminate the impact of cultural

background, the taken actions are expected to ensure an adequate interpretation and high level of validity (White, 1997: 749).

Since the study does not involve direct interaction with people, it does not present major ethical challenges. Yet the lack of transparency on methodology and ethics of secondary data gives rise to concerns about the confidentiality of the participants of those studies (Irwin, 2013: 297). To avoid a reproduction of the data with low ethical standards and further compromising of the participants' confidentiality, I have avoided the use of the potential indicators of identity where it is possible.

Based on this methodology, I present my argument in the three following parts. The next chapter discusses the emerging and general patterns of evolution of the non-state security governance in South Africa. While the chapter mostly concentrates on the post-apartheid period, it begins with a short discussion of colonial and apartheid history to provide sufficient background for the argument.

## **EMERGENCE AND PERSISTENCE OF HYBRID SECURITY**

### **GOVERNANCE**

This chapter examines the reasons for the emergence, persistence, and evolution of non-state security governance in post-apartheid South Africa. It discusses what motivations and factors drive the communities and individuals in South Africa to create such institutions and what reasons make the state incapable or unwilling to suppress them. I, firstly, briefly elaborate on the pre-apartheid and apartheid history of security governance in South Africa to provide the context for the main argument of this chapter. Then I proceed to the discussion of the logic of the persistence of the pre-apartheid and apartheid non-state security structures and reasons for the emergence of the new layers of non-state security arrangements. Lastly, I will reflect on the fluid and changing nature of these reasons.

I present my argument in two stages. I, firstly, describe idealised and simplified versions of reasons for the emergence, persistence, and evolution of non-state security institutions. Then I present a more complex version of the reasons, elaborating on the manifestation of these idealised forms, their blending, and interaction in reality.

For the most part of South African history, security on its territory was 'local, voluntary and discretionary'. It has been provided 'by African villages and clans or by a white collective response in the frontier spirit' (Baker, 2002: 31). The idea of a supreme public authority emerged not earlier than the second half of the nineteenth century, but it took time to accomplish the idea in reality (Baker, 2002: 32). As such, the security institutions of South Africa were not centralised until 1913. In 1913, centralisation of the police led to a formation of the first public institution with an ambition to represent a supreme security authority. Yet insufficient resources did not allow the ambition to fulfil. The police forces remained concentrated in big cities, leaving rural areas to their

own security institutions (Baker, 2002: 32-33).

In the first half of the twentieth century, the number of non-state security actors decreased. The state began to expand its security forces to smaller cities and rural areas. By 1950, the state security institutions reached their limit. Expansion of the centralised state institutions in the context of insufficient resources created too much pressure on the state. To reduce the pressure, the South African government issued 'Black Authorities Act' (1951), which made traditional chiefs responsible for local governance and maintaining of order in areas of their authority. Simultaneously, the government promoted private security companies. 'The National Key Points Act' (1980) required 'key strategic installations and factories to seek commercial protection, at the same time granting greater power to such security guards' (Baker, 2002: 32).

With an insufficient number of the state security forces and available alternatives, upper and middle-class districts increasingly became to outsource their security to a private sector. It is, however, was not the case for poor neighbourhoods. In this context, coloured<sup>1</sup> townships experienced the biggest problem since they did not receive even limited security provision that poor white neighbourhoods enjoyed. When the dwellers of the coloured districts witnessed the security forces in the areas of their living, the state deployed these forces not for the sake of crime management but for the sake of the pacification of the community (Baker, 2002: 35).

Under such circumstances, the coloured neighbourhoods relied on their own security institutions: vigilante organisations, traditional chiefs, and peoples' courts. The number of such institutions increased in the 1980s when the African National Congress (ANC),

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<sup>1</sup> The term 'coloured' was used as a part of an official race classification of the South African population during apartheid. It is still widely used in South Africa and often perceived as a part of identity.

fighting against apartheid, encouraged the residents of the coloured neighbourhoods to establish street committees as a part of their strategy to make the country ungovernable. ‘The idea was that street committees would take the place of the hated apartheid municipal structures and oversee important tasks – such as street cleaning, the allocation of housing, and administration of justice’ (Super, 2020: 53).

When the ANC came to power, it ceased to encourage establishing of non-state layers of governance. It even made attempts to integrate the non-state security structures into the official governmental bodies through Community Policing Forums (CPF) and the South African National Civil Organisation (SANCO) (Collings, 2005: 94). Alongside with the integration process, the ANC promoted the official state security institutions. It made an effort to strengthen capacities and broader a presence of the South African Police Service (SAPS) (Alberdi and Nina, 2002: 124; Baker, 2002: 33-34).

The lack of resources did not allow ANC to create a sufficient SAPS presence, while CPF and SANCO brought mixed results. These structures managed to integrate some of the non-state security institutions into the formal security arrangements, but a significant number of the organisations remained outside of these structures due to disagreement with police practices and general distrust toward police forces (Cooper-Knock, 2016: 112).

Indeed, the population of South Africa, particularly those in historically coloured neighbourhoods, demonstrated significant distrust toward official police services as a result of the history of oppression and brutalities performed by the police forces during apartheid (Super, 2020: 51). The decision of the ANC to allow the police officers employed during apartheid to remain on their positions in the new police structures strengthened a suspicion even further (Oomen, 2004: 156). As a result, the interviews conducted around the country in 1998 demonstrated an extremely low level of trust.



Only 35% of the population believed that the official governmental bodies could provide security in their area of living (Baker, 2002: 45).

Apart from the persisted distrust and the perception of inefficiency, the population experienced growing concerns about insecurity. These concerns were a product of perceived growth of a crime rate during the transition period in the 1990s. It is unclear if the crime growth was real or not because the official statistics prior 1994 had not provided a complete picture of the crime rate in coloured residential areas due to a limited police presence in these areas (Bangstad, 2005: 195). What is clear, however, is that the country became much more insecure in a subjective perception of the population. As one of the respondents of the above-mentioned interview explained:

I have no faith in this government. That time [under apartheid] we could take the last train from Cape Town, we could walk alone at night, we were safe. [Now] I go into my house, and that is where I stay. It looks as if your life is worth nothing (Bangstad, 2005: 196).

Indeed, most of the scholars agree that the increased perception of insecurity alongside with the distrust and the perceived ineffectiveness of the police forces are among the main reasons for a growing number of non-state security institutions (e.g. Bangstad, 2005; Buur, 2003, 2005, 2008; Buur and Jensen, 2004; Von Schnitzler et al., 2001). Facing insecurity and being unable to use the services of the formal security institutions, the communities around South Africa turned to alternative security providers: private security companies, vigilante organisation, self-defence forces, and street committees. The above-mentioned interviews support this conclusion. According to the interviews, 70% of the population made their security arrangements while 80% of them believed that it was a more effective way of security provision for their areas (Baker, 2002: 49). Another survey conducted in KwaMashu showed similar results: 60% of the population

believed that ‘people solved crimes better than the SAPS’ (Baker, 2002: 49).

All in all, South Africa has entered the post-apartheid period of its history without the monopoly on violence. Even if contemporary South Africa is far from the case of domestic anarchy, the state cannot protect the people from criminals and predatory groups in a perception of the population of South Africa. As a result, from the perspective of the people, the situation is similar to the conditions of domestic anarchy. In such circumstances, following the logic of the failed state theory, the population should consider the emerging of non-state security groups in the neighbourhood as a threat to their security and respond with their own militarisation (Kasfir, 2004: 56). The present investigation has not found any signs of such developments.

Indeed, the precondition for the domestic security dilemma is distrust between communities. The failed state theory assumes that distrust is somehow natural and rational response under the conditions of domestic anarchy (Klare, 2004: 119). But domestic anarchy – rephrasing the famous quote of Wendt (1992: 391) – is what communities make of it. In South Africa, the communities have been live alongside without or with little state interference for centuries (Baker, 2002: 31). The prolonged interaction helped the communities to build basic trust, which prevents the emerging of the domestic security dilemma.

As such, security dilemma plays little role in the emergence of non-state security actors in South Africa. The main reason for the emergence of these groups remains not the fear of possible attack from neighbours but the concerns about the ineffectiveness of the state police. While this reason is undoubtedly the key drivers of emerging of the non-state security arrangements, the process should not be oversimplified. Upon further investigation, the ineffectiveness is found to be not merely insufficient policing but a distinct perception of the notion of crime among various communities in South Africa.

In other words, the state security institutions do not consider as crime certain acts that the communities in South Africa consider as such (Buur, 2008: 577; Jensen and Buur, 2004: 146). This situation creates the security gap that is not addressed by the state security institutions.

The brightest example of such gap is witchcraft. Witchcraft refers to the evil magic that is utilised for an explanation of sudden and seemingly obscure events: fatal incidents, unexpected death or illness, rapid enrichment. In most of the cases, the practice of witchcraft is considered clearly unlawful by the South African communities. The formal state institutions though do not recognise witchcraft as a violation of the law. As such, the police cannot accept reports and act based on the accusation of witchcraft (Jensen and Buur, 2004: 198) When witchcraft ‘concerns grave crimes like murder and madness, complaints often become the litmus test of the policing formations’ willingness to “help the community”...’ (Jensen and Buur, 2004: 194). Thus, as far as the police do not provide tools for the management of the concerns about witchcraft, the communities address the concerns through occasional mob justice or through alternative security institutions: traditional chiefs or vigilante organisations (Pelgrim, 2003: 132–133).

Witchcraft is not the only example of the differences in the perception of crime between the official state institutions and the population. Socially unlawful practices outside of the official legal system, such as drinking, disrespect for authorities, disregard for social obligations, engaging in sex or drugs, are also considered as a crime (Buur, 2008: 577). As far as official state institutions do not take actions to address and punish these violations, they create a governance vacuum, which is filled by the non-state institutions (Buur, 2008: 577; Jensen and Buur, 2004: 146).

Even in the cases where the official notion of crime matches the local perception, there

are concerns about the specific practices of crime management. Human rights are particularly important in this regard. During the transition from the apartheid rule, South Africa adopted the notion and idea of human rights. Human rights were utilised to promote racial equality and a way of undoing the apartheid legacy (Buur, 2008: 571-572). Furthermore, the ANC used human rights to reconcile the diverse moral sentiments of the population of South Africa. While promoting desired racial equality, human rights challenged the presumably traditional practices of governance, a corporal punishment in particular, which is considered essential for crime management (Oomen, 2004: 160).

Corporal punishment was indeed practised by pre-colonial communities on the territory of modern South Africa, as generally common for tribal patriarchic societies. Nevertheless, it was the colonial administration that promoted corporal punishment as an essential strategy of crime management (Oomen, 2004: 162; Von Schnitzler et al., 2001: 19).

Corporal punishment was not only an integral part of the colonial order but a vital one. In the Portuguese colonies, the palmatoria, a punishment delivered by means of a beating on the hands, became the symbol of the colonial legal system. The French, the British and the Boers preferred to administer the strokes of a hippopotamus hide - called the mnigolo in Malinke, the kiboko in Kiswahili, and the sjambok in South Africa - on parts of the body less exposed but more sensitive (Mamdani, 1996: 126).

In South Africa, the practice seems to naturalise up to the point where it is considered 'our African way of doing things' and essential practice of disciplining (Oomen, 2004: 162) Thus, as far as the post-apartheid police, at least officially, gave up the practice of corporal punishment, it is considered to engage into an alien, European way of crime

management, which is unsuitable for South Africa. When perceived unlawful behaviour was no longer punished physically, 'it was felt, it would spin out of control' (Buur, 2008: 578).

Imprisonment is not seen as an effective strategy that can substitute corporal punishment and prevent the 'spin out of control' (Buur, 2008: 578). On the one hand, in a situation of socio-economic deprivation when millions of South African struggle to obtain basic food and shelter, populists frame a prison, which provides both, as a luxury 'five-star hotel' (Super, 2020: 56). On the other hand, incarceration is considered socially detrimental. As Magolego, the leader of the vigilante organisation Mapogo a Mathamaga, explained it:

'This man has three children and is working. He does crime in his life and according to the [Western] law, he should be thrown in jail for a hundred years. Who is going to feed his children and wife?... The children of this man will grow and become criminals because no one is feeding them (Von Schnitzler et al., 2001: 18).

In this regards, corporal punishment is considered more appropriate not only because it is righteous in the perception of communities, but because it is likely less likely to cause detrimental social consequences. 'An African man will take that man and tell him to sjambok him so that he will get rid of this criminal behaviour and go work for his children...the African way to stop crime is best' (Von Schnitzler et al., 2001: 18).

The discourse is not universal, and another narrative that demands the increase of the number and length of incarcerations is noticeable across various communities. In this case, incarceration is seen as a mean to get rid of undesired members of society: perceived gang members, drug-dealers, murders, rapists, witchers. It is regarded as an instrument similar to a banishment (Super, 2020: 56-57). Nevertheless, even when

incarceration is perceived as desirable, the police is incapable to meet the demand of the community. It is a result of the differences between the official legal definition of crime and the perception of crime among the local communities, the lack of the evidence of violations, corruption and overcrowded prisons. (Super, 2015: 5–6). When the police fail to meet the expectations of the communities, they are tempted to take justice in their hand. As one of the dwellers of an informal settlement in Cape Town explained it: ‘if you take the person to the police station he stays for a few days, and then he’s back...[thus] it is better to “chase” people’; ‘we broke the house, beat the person and called the police to tell them to take the person. They never came back’ (Super, 2020: 57).

Consistent with previous findings, the presented analysis demonstrates that the key public drivers of the emerging of non-state layers of security governance are the feeling of insecurity and the perception of the ineffectiveness of the formal security institutions. The ineffectiveness, however, cannot be reduced to insufficient policing. On a deeper level, the source of the perceived ineffectiveness is a rejection of the moral foundation of the state and the resulted distinct perception of the idea of crime and appropriate strategies of its management.

It might appear that outlined narrative refers only to vigilante organisations, gangs or community self-defence units - in other words, to organisations that are not part of the formal legislature system. Still, even the organisations that accept the official legal system, such as private security companies, demonstrate similar patterns. For example, Diphoorn (2016: 210a) reports an impressive ‘frequency with which armed response officers responded to domestic disputes between siblings, neighbours, tenants, and housemates’.

Alongside with the perception of police inefficiency, there is a problem of the power

struggle between the youngster and elders. A youngster, in this case, refers to the social category 'not unlike "puer" in Latin'. It means the person who should not be in power. In most of the cases, the notion of youngster intersects with its literal meaning and refers to the youth. Still, in some traditional communities, a fifty-year-olds can be considered as youngsters if they were not initiated by tribal elders (Oomen, 2004: 165).

The conflict has its roots in the anti-apartheid struggle. In the 1980s, this struggle resulted in a wave of violence against the traditional chiefs and elders who supported apartheid. The most infamous in this regard is Sekhukhune youth revolt that occurred in 1986. The youngsters attacked the elders and chiefs, murdered the people suspected in witchcraft, and burned royal palaces. "Comrades wake up, remake the world. Our parents' hour has passed away. This hour belongs to the youth," were slogans of the revolt (Oomen, 2004: 164).

In the context of this generation gap, the new post-apartheid Constitution has legally empowered the youngsters who used acquired rights to legitimate the behaviour that is considered unlawful by the elderly members of the community. As has been already mentioned, examples of such behaviour are drinking, disrespect for authorities, disregard for social obligations, engaging in sex or drugs. From a perspective of the elders, it appears that the Constitution has legitimated the of youngster 'right to do as I please' (Buur, 2008: 574).

During apartheid, fathers or indigenous authorities managed the violations of community norms through corporal punishment. The post-apartheid Constitution, however, complicated the practice through a legal entitlement of the youth. Far from making the practice disappear, the Constitution has complicated it because of the fear of accusation for domestic violence (Buur, 2008: 574). As has been already mentioned, corporal punishment is considered vital for the upbringing of children. When corporal

punishment can no longer be administrated on a previous scale, it felt that the youngsters got out of control. In the words of one of the elderly members of the community in Sekhukhune: 'In the old days we could beat them [youngsters] at the chiefs' palace, but when that stopped our children just started to control us.' (Oomen, 2004: 165).

The fear is not entire ungrounded. The majority of the South African population is under 30. Marked by the lack of education and opportunities, many youngsters have turned to criminal activity ranging from drug-dealing, hijacking cars, to stealing parents' pension and social support payments. The real concerns are reinforced by the memories of the youth revolts in the 1980s, as Sekhukhune youth revolt. In this context, many non-state security institutions are established to 'keep the youth in place' and prevent them from 'taking over' (Oomen, 2004: 165).

The conflict between the elders and the youngsters exists as a power struggle between two identity groups. Yet, as in any other case of a power struggle between identity groups, being a bearer of a certain identity does not automatically mean the support of the empowerment of this group. Some of the youngsters support existing power relations and join various informal groups to protect them. In the case of Mapogo, for example, up to 30% of the youngsters support the organisation (Oomen, 2004: 165). As such, the groups that are aimed to keep the youth in place are often comprised of the youngsters themselves.

The generation conflict is inseparable from the perception of police ineffectiveness. From the perspective of the elderly population, lack of corporal punishment and entitlement of youngsters through human rights have led to the spin out of control. It has resulted in the increased level of crime understood as a broad notion of socially unlawful behaviour that only partly intersects with the official legal notion. As far as



the police are unable to address these crimes and take actions to address its perceived source, the communities in South Africa have to take crime management in their hands (Buur, 2005: 572).

When the elderly population organise the non-state security institutions to keep the youth in place, the youngsters have the motivation to establish their own security arrangements for personal protection. As such, many gangs emerge not for the sake of private economic interests but for the sake of protection against another non-state armed group. For instance, the emerging of Mapogo a Mathamaga led to the subsequent emerging of several youth armed groups, which explicitly described their motivation as protection against Mapogo (Oomen, 2004: 166-167).

Still, some non-state security groups are motivated by private interests. Private political interests play a considerable role in the persistence and evolution of such organisations. For example, John Magolego, the leader of the Mapogo a Mathamaga, is known to use the organisation to promote his personal political interests (Oomen, 2004: 154-155; Von Schnitzler et al., 2001: 17-18). Likewise, traditional chiefs use the organisation to strengthen their power (Oomen, 2004: 156-157). Jensen and Buur (2004: 194-195) report similar relations between Amadlozi, the vigilante organisation in port Elizabeth, and local traditional chiefs. While these examples suggest that private political interests have an important role in the emergence and persistence of non-state security actors, the topic has received little academic attention. Unfortunately, the chosen methodology does not allow me to elaborate on this issue in terms of this paper. The further investigation of the private political ambitions will improve an understanding of the reasons for emerging of informal security institutions.

The private political interests are not the only understudied topic. Studies on South Africa generally tend to neglect the role of private interests, considering them secondary

for the emergence of informal security institutions. In reality, however, private interests have a substantial role. As a result, the analysis of the emergence of non-state security institutions without an analysis of the role of private interests would be incomplete. For one example, it is impossible to understand private security companies without analysis of private economic interests. Clearly, in most of the cases, private economic interests play the most important role in emerging of private security companies. Private economic interests have not the least important role in the cases of gangs and organised crime. Even though some gangs are established for security purposes, many of them are organised for the enrichment of their members (Pinnock, 2016: 85–86).

Private economic interests have an important role in case of street committees, peoples' courts, and vigilante organisations. For a lot of their unemployed members, participation in such organisations is an opportunity to 'receiving a few rands for opening a case and earning 20 per cent of money-lending cases' (Buur, 2008: 576). One should not, however, assume that such organisations use the slogans of the protection of the community for the legitimisation of their economic activity. The protection of the community does not contradict private economic interests. Many members consider their activity in non-state armed groups as a job and expect to receive a payment for it the very same way as police officers receive payment for their security services. The extracted money, donations or fees are thus considered as natural compensation for risks, time, and energy involved (Buur and Jensen, 2004: 146).

Another common private motivation is to strive for recognition and empowerment. It is particularly significant for male participants in such groups. Their traditional patriarchic positions as heads of family are closely interlinked with the role of 'breadwinners'. The socio-economic deprivation and lack of employment opportunities have undermined this position. 'In a situation where few men can take their place at the

table as the ‘breadwinner’, the usual position of authority, the father’s legitimacy has been eroded’ (Buur, 2008: 576). As such, they have ‘renamed the position at the end of the table, the place of the woman, which they had to assume as the recipients of food, with nothing to show after another day of waiting for a job to come their way’ (Buur, 2008: 576). Participation in the institutions of non-state security thus is considered as a mean to restore the social position. This social position is linked to potential income that non-state security institutions can provide but also to the masculine role of the protector of the community and an agent of physical violence (Buur, 2008: 576).

It might appear that the state security institutions can be the source of social recognition. Yet the state security institutions do not have the same level of legitimacy among the communities due to the reasons discussed before. As a result, they do not provide the same level of social recognition as participation in local informal institutions. More importantly, state security institutions offer a limited number of positions that are subject to severe competition. For example, during the recent Basic Police Learning Development Programme, SAPS received 500 000 applications for less than two months – almost four times more than the entire police and civil personnel of SAPS (*Business Tech*, 2020). Under such circumstances, the dwellers of poor neighbourhoods have limited opportunities to obtain a position in the official state security institutions. For some groups, striving for personal recognition is a secondary motive, but even in this case, it provides a better picture of the reasons for the persistence of such organisations. There are still some organisations in which striving for personal recognition has a particularly prominent role. Pinnock (2016: 158-159) demonstrates that personal recognition is one of the key motivations for the members of the gangs on Cape Flats. Members of the gangs have financial resources and means of violence to obtain objects of status: expensive phones, cars, fancy clothes, drugs. Violence also helps the gang

members to gain if not respect then at least fear of the community. Under such circumstances, the member of the gangs become the role model for adolescents growing up in the conditions of socio-economic deprivation. The adolescents thus seek participation in the gangs not only for economic opportunities and protection but also in 'search of cool'; it is a mean to obtain social recognition in a situation where most of the other sources of social recognition are not available (Pinnock, 2016: 158).

While in most of the cases, the search for social recognition coexists with other reasons as above-mentioned economic interests or security concerns, there are instances where it plays the primary role. In this regard, Pinnock (2016: 147-148) describes Vuros and Vatos gangs that are motivated primarily by honour and battle glory. For this sake, the gangs even avoid using guns and prefer the use of pangas, sticks, and knives, which are considered more manly and thus more honourable. 'We want to feel an achievement when we beat our enemy...guns have power but give no satisfaction (Pinnock 2016: 148).

The search for recognition does not always have a role in the emerging of non-state security groups. Sometimes, people are motivated to join or establish such groups not because of the prospects of social recognition but despite the low social position. While most of the participants of vigilante organisations seem to have high moral ground and consider their activity to be honourable, some individuals report the contrary perspective. Diphoorn (2016: 88a) argues that people who occupy a low-rank position in private security company often feel that it is 'a shameful job – not one to be proud of – but one with economic prospects'. Similarly, the members of Mapogo a Mathamaga expressed the concerns about their social position. As one the members of the organisation have explained it: the thing that shocks me is that I'm degraded to the level where I actually have to go out and lynch these people. I don't want to have to

degrade myself like that. It's the government's job' (Oomen, 2004: 163).

Apart from economic prospects and security concerns, there is another significant reason for emerging and persistence of non-state security institutions – the quest for a thrill and risk. This motivation is commonly disdained and neglected by academia, which looks for more rational and utilitarian reasons. But in many instances, the members of non-state security groups report that the quest for thrill and the feeling of risk were their primary motivation to join these groups. Discussing it in terms of wars, van Creveld (1991: 244) argues that:

War alone presents man with the opportunity of employing all his faculties, putting everything at risk, and testing his ultimate worth against an opponent as strong as himself. It is the stakes that can make a game serious, even noble. While war's usefulness as a servant of power, interest, and profit may be questioned, the inherent fascination it has held for men at all times and places is a matter of historical fact.

One, however, does not require wars to feel a thrill. Battles between gangs, participation in the activity of vigilante organisations or even private security policing provide the same opportunity. Indeed, in the case of private security companies, individuals report giving up positions with better economic prospects to experience 'that thrill' (Diphoorn, 2016a: 91). In the case of Vuro/Vatos gangs, the quest for thrill play the primary role alongside with strive for social recognition. It is part of the reason why these gangs prefer melee weapon to guns: melee weapon not only makes a victory more honourable, it enhances the feeling of thrill due to close contact with an enemy (Pinnock, 2016: 148).

The outlined private motivations are not unique for the South African context. Obviously, people do have private economic interests, strive for recognition or a thrill

in the Westphalian states. But in South Africa and other non-Westphalian states, the state is incapable and, in some cases, unwilling to disarm such actors. The state fragility thus is not, strictly speaking, the reason for emerging of non-state security institutions, but it is a necessary prerequisite for it.

All in all, the reasons of the emerging of the non-state security institutions in South Africa lies in the interplay between generation conflict; distinct notion of crime, appropriate strategies of crime management and crime prevention; various private motivations, as economic interests, recognition, political ambitions or quest for the thrill. These reasons outline repetitive patterns that were found in various communities in different parts of South Africa. Still, it is important to avoid considering these reasons as a universal perception of the population of South Africa or any particular community. Communities are never homogenous, and there are always distinct values and perception that compete with each other (Jensen, 2004: 180).

The outlined reasons are not a representation of the values of the population of South Africa, nor a representation of values of any particular community. Instead, some of the outlined reasons are powerful enough in each specific case to motivate the creation of non-state security institutions. Indeed, one or all of the outlined reason rarely cause the creation of non-state security actors. It is much more common that some of them in different proportions play a role for both organisations as a collection unit and a specific individual who participate in such structures. Some members of the organisation might be motivated by concerns about public security and private economic interests. For others, the main interest might be public security concerns and their own political interest and quest for recognition. The organisation, as such, emerges as a result of competition, cooperation, and compromise of distinct individual motivations around

more or less defined agenda, and non-state security institutions, in its turn, are loose constellations of various private and public interest.

These constellations are by no means static. They are in constant change and renegotiations between members of non-state security groups, the groups and communities, the groups and the South African state. Relations with a community, in these terms, requires special attention. Academic literature often portrays such non-state security actors as they *are* a community (e.g. Baker, 2010; Buur, 2008; Jensen and Buur, 2004; Super, 2014, 2020). It is correct only to a certain degree. Indeed, most of these organisations are created by a community and constituted by its members. But similar to a state, such non-state security actors have a significant distinction. This distinction manifests itself in the form of the specific organisational interests of such groups. These interests create a distinction between the interests of the community and those who are directly engaged in the operation of the organisations. For example, while the community was interested in fighting gangs, PAGAD was also motivated to establish the state guided by Muslim law (Bangstad, 2005: 204-205). This fact complicates the picture even further as far as non-state security actors have to reconcile not only their private and public interests among each other but also their organisational interests with the public interests of a broader community. Thus, the terms of negotiated or mediated states used by Haggmann and Péclard (2011), Menkhaus (2007) are a particularly accurate description of the phenomenon.

These conclusions have important theoretical implications. While the hybrid governance theory focuses on conflict and post-conflict environment, the conclusions demonstrate that hybrid governance can exist in relatively stable countries. Consistent with the hybrid governance theory, state fragility plays an important role in the emerging and persistence of alternative security institutions. Yet the emergence of

informal security institution should not be understood as merely an attempt to replace the state institutions because of their weakness. On the one hand, weakness of the state opens up the way for promoting various private motivations, as private economic interest, a quest for recognition or thrill. On the other hand, it is not merely a weakness of the state institutions that lead to the emerging of informal security institutions. Due to the distinction of the notion of crime and appropriate strategies of private prevention and management, the state institutions ignore a number of the security concerns that are considered important by the communities in South Africa. The population thus creates alternative security institutions to address these concerns. In this sense, the conclusions are consistent with the theoretical model of Belloni (2012).

This logic is only partly consistent with the failed state theory. On the one hand, as Kasfir (2004: 56) predicts, the weakness of the state results in the emergence of numerous predatory groups. Nevertheless, security dilemma is not the case for South Africa. The prolonged interaction between the communities without or with little state interference helped to build basic trust, which prevents the emerging of the domestic security dilemma.

As such, non-state security actors are flux constellations of private and public interests, local values, and power dynamics. These variables are in constant negotiations between members of non-state groups, between such groups and the state, between groups and the broader community. The following chapters elaborate on the nature of the relations between non-state security groups and the state, non-state security groups and the population of South Africa.



## **HYBRID SECURITY GOVERNANCE AND THE STATE**

The failed state theory predicts antagonistic relations between states and non-state actors due to a security dilemma and the power struggle (Vinci, 2008: 330). Yet empirical evidence presented by the hybrid governance, twilight or mediated state theories suggests a more complex pattern of interactions (e.g. Albrecht, 2017, 2018; Brown and Gusmao, 2009; Meagher, 2012). The case of South Africa provides further proofs in favour of this perspective. Indeed, interactions between the South African state and armed non-state actors are characterised by a diverse set of possible interactions. The possible models include competition, accommodation, complementing, and substitution.

Complementing occurs when there is a perceived security gap in the area or sphere under the authority of the state. For example, the community may be convinced that the state does not adequately address the problems of gangsterism. In such cases, the communities organise their security forces to support the activity of the police (Baker, 2002: 36; Super, 2014: 7-8). Such support manifests in a variety of forms: community patrolling alongside the police or the sharing of information and local knowledge. The private sector likewise is engaged in support of the official state structures. They similarly participate in joint patrolling, exchange the information with regards to the crime situation or provide technical assistance (Baker, 2002: 43; Berg, 2010: 291-292).

Members of non-state security arrangements seek cooperation with the police at least in certain aspects of its activity to increase their legitimacy (Baker, 2002: 43). Non-state security forces join CPFs, deliver suspected criminals to police offices, and encourage citizens to reports crimes to the police even despite distrust and perceived ineffectiveness in a quest for the state recognition (Buur, 2003: 29-30; Oomen, 2004: 157; Super, 2015: 7-8). Despite numerous violations of the state monopoly on violence,

it appears that the state still perceived as the institution that has special authority with regards to the legitimate use of organised violence. Indeed, private security companies paint their vehicle to look more like police cars, use similar uniforms, and mimic state functions (Diphorn, 2016b: 323-324). Street committees develop their conception of rights and Constitutions while vigilante organisations imitate police patrols (Super, 2020: 59). All these efforts to mimic the state in an attempt to strengthen legitimacy is, in essence, a recognition of the state's special right to regulate the matters of organised violence (Lund, 2006: 687).

Still, complete or partial substitution of the official state security regulations is common. The dwellers of rich neighbourhoods frustrated by the police inability to deal with crimes, hire private security companies and set up gated communities, replacing the police by private security companies. Poor neighbourhoods without an opportunity to hire private security firms similarly substitute the official police forces by vigilante organisations (Baker, 2002: 32-33). In certain cases, such organisations replacement the state only with regards to crime management and prevention. In such cases, suspected criminals are arrested and delivered to the police office state (Buur, 2003: 29-30; Oomen, 2004: 157; Super, 2015: 7-8). As one of the private security guards explained it: 'he had no real need for the public police other than if he had made a citizen's arrest and the police were needed to take the suspect into custody' (Marks and Wood, 2007: 140).

Yet it is not uncommon to substitute the state in justice provision. As have been already mentioned, there is general prevalent dissatisfaction with the official penal system. Non-state institutions thus often create their penal code. Mostly, it manifests in terms of corporal punishment, but the practice of banishment from the neighbourhood is also common (Buur, 2005: 254; Oomen, 2004: 160; Super, 2020: 54-58). In such cases, non-

state regulations completely substitute the state in internal security regulations.

It is important to understand the context of this substitution. The failed state theory portray it as a general contextless pattern of the struggle of non-state actors against states in an attempt to claim power and resources (Vinci, 2008: 330). It is indeed the case in certain instances, but the pattern of possible interaction cannot be reduced to this model. The South African case demonstrates the opposite model. In such cases, non-state actors do not want to undermine the state. On the contrary, they want to increase the state presence in their areas; they encourage the state to take more authority. For example, they expect the state to discipline youngsters, punish socially inappropriate behaviour, and address the concerns about witchcraft (Buur, 2005: 254; Jensen and Buur, 2004: 194).

Consequently, it is more appropriate to understand non-state security actors not as a challenger of the state legitimacy and authority but rather as a process of negotiation of the state's authority and redefining its role. When the citizens vocalise their concerns and demand the state to address them, they create a new set of expectations with regards to the role of the state. Likewise, when the state fails to meet these expectations, the citizens redefine the boundaries of the state's authority, imposing distinct expectations on it. As such, non-state security actors are 'shaped by power, or by different techniques and practices of government', but they also shape the power of the government, its practices and techniques (Abrahamsen, 2003: 199).

From the state perspective, the situation is more complex than the failed state theory allows. The failed state theory claims that states would, in most of the cases, oppose the attempts to substitute them. (Vinci, 2008: 330). It is not the case in terms of South Africa. The use of violence when it compliments the police activity is usually tolerated. For instance, the police are aware of the clearly illegal and frequently violent practice

of banishments in townships of Port Elizabeth, but the practice is accommodated because it is considered necessary for the support of social order (Super, 2020: 55). Likewise, the state accommodates the non-state security regulations that address concerns outside of the official legal system, as in the case of witchcraft or the behaviour that is considered socially inappropriate. 'There are widespread allegations of police complicity and police have themselves admitted that they tacitly permit violent community based ordering processes' (Super, 2014: 11).

The South Africa government not only accommodate but occasionally officially and unofficially encourage non-state security regulations. Unofficially, the police encourage citizens to use non-state security services instead of the police in case of minor violations. 'When people go to the police station to report something, they are sent back and told to talk to the community leaders' (Drivdal, 2016: 285). In New Brighton township, not far from Port Elizabeth, 'members of the police refer some cases to the Amadlozi, who can act and investigate in ways that the police cannot' (Jensen and Buur, 2004: 201). Officially, such support is most evident in the case of private security companies. As in case of unofficial support, senior SAPS officials encourage the substitution of the police in terms of policing lesser offences 'so that they concentrate on their top priorities of murder, rape and armed robbery' (Baker, 2002: 43).

The quote gives a hint for the understanding of the reasons for such a policy. Indeed, the official state institutions do not have enough resources to provide effective security regulations in every aspect of the criminal system and for the entire population (Marks et al., 2009: 148). The South African state thus does not face the choice that the failed state theory assumes. It is not a choice between a monopoly on violence and anarchy but rather a choice between partial security control and complete lack of security

regulations in certain areas. It is an opposite dilemma: a dilemma between domestic anarchy and the absence of the monopoly on violence.

Still, even despite the need for the non-state security regulations, the relations between non-state actors and the South African state are far from being harmonic. The state occasionally clashes and compete with non-state security providers. The brightest example is the conflict between the South African state and PAGAD. PAGAD was an organisation established in the predominantly Muslim neighbourhood in Mekaar in 1996 (Nina, 2000: 18). Its emergence was triggered by a spread of gangsterism and drug-dealing in the neighbourhood (Monaghan, 2004: 2). At first, the organisation conducted marches and rallies to attract the attention of the state to the problem and deter gangsters (Bangstad, 2005: 198). The state praised and support such activity, though mostly rhetorically (Desai, 2004: 10-12). When the rallies did not lead to the expected reaction of the state, the organisation began to radicalise, attacking and murdering suspected gangsters and drug-dealers. The first murder gangster was Rashaad Staggie (Dixon and Johns, 2001: 26).

‘The murder of Rashaad Staggie marked a watershed in the post-apartheid state apparatuses’ perceptions of PAGAD. Though initially defined as a popular movement, after the killing of Staggie, the government, the police and the intelligence agencies defined PAGAD as an illegal ‘vigilante movement’ (Bangstad, 2005: 199). The relations between the state and PAGAD started to deteriorate, and the state opened an investigation against several prominent members of PAGAD. The four years between 1996 and 2000 was marked by the antagonism between PAGAD and the state, which end up in dozens of trials against PAGAD members (Gottschalk, 2005: 8–9).

The case of the conflict between the state and PAGAD is unique in its scale, but the situation is not exceptional. The conflicts between non-state security organisations and

the state, which result in the prosecution of the members of such organisations, were similarly the instances in the cases of Mapogo a Mathamaga or Amadlozi. (Von Schnitzler et al., 2001: 15–17; Jensen and Buur, 2004: 201). The most violent reaction is faced by predatory groups. Responding to these groups, the state utilises not only judicial and police mechanisms but also military forces and counterinsurgency strategies (Lamb, 2015: 88, 2018: 937).

Different models of state-non state relations commonly mixed and exist in parallel. Non-state security providers might compliment the state in the one aspect, substitute it in another aspect, and conflict in a third one. In the informal settlements near port Elizabeth, the police oppose violence used by street committees. The members of the committees are often charged with criminal offences, through usually released on a bail (Super, 2020: 58). Simultaneously, the police accommodate and occasionally assist the very same street community to banish perceived violators of public order (Super, 2020: 55). The similar situation is observed in the case of Amadlozi. ‘On the one hand, the police have opened several criminal cases against the Amadlozi for assault and vigilantism. On the other hand, members of the police refer some cases to the Amadlozi, who can act and investigate in ways that the police cannot’ (Jensen and Buur, 2004: 201).

The fluid nature of state-non-state relations is complicated by the contradictory responses of the government. The South African government is not a solid entity. There is dissonance in attitude toward non-state groups among lower and higher layers of the state. Considering such dissonance, the state might have completely different relations with the non-state security institutions on different layers of the state. For instance, during the first months of PAGAD operations, local police condemned actions of PAGAD, claiming that its ‘members can no longer be considered victims of crime, but

as criminals themselves...’ At the same time, Minister of Justice praised PAGAD and ‘effused that Pagad had ‘wakened the soul of the community’ (Desai, 2004: 11).

The lower layers of the state – local police forces and magistrates – are those that face the non-state security institutions the most. Such local state institutions thus more frequently tolerate or accommodate non-state security arrangements. Being mostly the members of the very same community, they share similar perceptions of crime and crime management strategies as the community members. As such, the individual police officers or magistrates are ready to tolerate corporal punishments or practice of banishments even though they the contradict official law. As Super (2020: 59) observed, even magistrate’s court prosecutors often consider Constitution to be similar to a church doctrine: it ‘penetrates community life while simultaneously remaining elusive because its fundamental precepts are not really adhered to’. Provincial MEC [Member of the Executive Council] for Safety and Security provides further proves for this position. In his words: ‘corporal punishment is indeed the African way. And people have difficulties stopping it, like in the Eastern Cape where magistrates continue applying it in defiance of a ministerial circular’ (Oomen, 2004: 163).

The key questions, however, remain the reasons for the specific patterns of interaction between non-state security organisations and different layers of the government. In other words, what does make the state to cooperate with non-state actors in one case and compete with them in other cases? It appears that the specific pattern of interaction depends on the degree of deviance from the perception of lawful practices of a specific state institution. If the police or court considers practices utilised by the non-state actors as legitimate, such practices are likely to be supported or at least tolerated.

For instance, corporal punishments utilised by Mapogo a Mathama was largely tolerated. However, when the activity of Mapogo resulted in several deaths between

1996 and 2000, the state opened charges against Mapogo members. Though the practices of corporal punishment did not face severe opposition even at that time (Oomen, 2004: 164). Likewise, the state tolerated and even encouraged intimidation of perceived gang members practised by PAGAD, but when the organisation engaged in assaults, killings, and terrorist acts, the state responded with charges of criminal offences against the PAGAD members (Monaghan, 2004: 8–9).

What practices are considered legitimate, and where the line between legitimate and illegitimate actions are is never strictly defined. It is a result of consensus, compromise, and imposing – in a word informal negotiations and agreements – inside each specific institutions and between them. These negotiations do not necessarily rely on the official legislature. The social norms rather than official state legislature define the degree of tolerable deviance (Super, 2020: 59).

The legitimate practice, as a result, might refer to the completely different practices in police or courts in different parts of the country. To what extent corporal punishments are tolerated? Is banishment acceptable? What is the appropriate punishment for witchcraft? All these nuanced questions are a result of negotiations inside each specific organisation. Additional studies on state security institutions' perception with regards to legitimate and illegitimate practices are necessary to elaborate on the relations between the South African government and non-state security institutions.

All in all, the reality is far more complex and dynamic than the failed state and the Westphalian conceptions allow. The relations between state and non-state actors cannot be reduced to antagonism. They are characterised by a diverse set of possible interactions, including complimenting, accommodation, competition, and substitution. Nor these interactions cannot be reduced to the struggle for power and resources. They are an endless process of negotiations of the authorities and boundaries of sovereignty



of the state and non-state actors.

This analysis allows elaborating on the logic of relations between state and non-state relations proposed by Goodfellow and Lindemann (2013). The findings in South Africa supports the conclusion that the specific patterns of interactions ‘depend on whether there is a fundamental discordance between the institutions of the state and those of the non-state authority (Goodfellow and Lindemann 2013: 22). This discordance, however, cannot be reduced to the overlapping authority. As have been demonstrated, the police in South Africa is ready to tolerate and occasionally even encourage non-state actors to claim the authority of the state. In the context of South Africa, the discordance that defines the relations between the state and non-state security providers depends on the perception of the legitimacy of the practices of specific state institutions. These perceptions are never strictly defined and vary across regions and institutions of South Africa. Additional studies to uncover the process of defining these perceptions is necessary.

## **HYBRID SECURITY GOVERNANCE AND THE POPULATION**

The previous analysis has demonstrated several problems of the official South African security provision. Firstly, the state does not have the resources to provide effective security regulations for the entire population (Marks et al., 2009: 148). It is particularly problematic in the case of rural police offices. Underfinanced, understaffed, and lacking basic tools necessary for the fulfilling their obligations they cannot provide effective security regulation (Baker, 2002: 49) Moreover, Constitutional authority of the police only partly overlap with the real concern on the ground. As such, police do not address the need and perceived threats to the population (Buur, 2005: 253-255).

Non-state security providers fill the gaps at least in two ways. Firstly, they provide regulations in those aspects that are overlooked by the state; they address the population's concerns that are not part of the official legal system. Secondly, non-state security provider the support or substitute the state in terms of their official mandate. They address the issues of homicides, gangsterism, drug-sellings, and various other problems that are considered as crimes by both community and the official state legislature. The evidence on the ground suggests that non-state security actors are particularly good in improving the security of the communities.

For example, the communities in Eastern Cape praise Mapogo a Mathamaga. As the members of the community have reported: 'all women used to be afraid to go out in the evenings, with naughty boys rampaging and raving and raping, but, since the Mapogos came, they are fine'. Thanks to Mapogo, they 'finally can sleep again at night', and 'since Mapogo came... there is peace and stability' (Oomen, 2004: 161). The research cared out by Human Right Committee (1999) acknowledged that area became safer since the Mapogo emerging. Likewise, when the unnamed private security company

assumed the responsibility for the security in Amanzimtoti, 'locals said they were free to walk the streets without fear for the first time in years' (Marks and Wood, 2007: 139).

But such organisations not only provide security; they provide it in a manner expected by the local population. First of all, it conducts crimes management in terms of strategies – most commonly corporal punishment – that is considered both just and effective by the communities. Secondly, they focus on compensation for the damage inflicted on a victim. In case of robbery, non-state security organisations use their influence to return stolen goods or to force violator to compensate the costs (Harris, 2001: 21). In case of false accusation or any other actions that sally person's reputation or honour, non-state security organisations force the offender to make a public apology, restoring the victim's reputation (Jensen and Buur, 2004: 202-204). While this contradicts the Western ideas of the rehabilitation, it provides highly-contextual and localised compensations that the state is incapable to provide.

As such, for many societies in South Africa, non-state security groups are a blessing, their last defence that protects society from the 'solitary, poor, *nasty, brutish*, and *short*' life in a state of nature (Hobbes, 1651: 78). But, of course, not all non-state security actors act in the name of public interests. Some of them use violence for the sake of their private goals. As such, while blessing for one, the non-state security actors are a curse for others. For many communities – as, for instance, the case for Cape Flats – such actors are the very reason that makes their life poor, nasty and short (Pinnock, 2016: 60-62).

Even in the cases when non-state security providers use violence for the sake of public interests, there are three problems. Firstly, they provoke the broader use of violence. For instance, the violent actions of PAGAD against the gangs on Cape Town flats have made the gangs militarise for the sake of protection and retaliation. The militarisation

of the gangs, in its turn, has led to the further militarisation of PAGAD. The situations have resulted in the arms race and full-scale armed conflict between PAGAD and the gangs (Desai, 2004: 11–12). Similarly, in case of Mapogo a Mathamaga, the emergence of the organisation has provoked the youngsters to create Maputla a Mapogo (Youth against Mapogo). In 1997, when Mapogo killed young Fanie Maloka, the youth burned and stoned shops and houses of Mapogo members. Mapogo retaliated by assaulting the youth. As a result, fifty youngsters were forced to flee to mountings nearby, where they waited for the state task forces to mediate the conflict (Oomen, 2004: 166).

Secondly, the non-state security organisation do not address the roots of crimes but deter crimes and violations of communities' ethics on a specific territory. As such, displace criminal offences to the area with worse security regulations. Private security companies are well aware of this effect and often use it for the sake of their expansion.

‘You see an area where they’ve got guards or a vehicle, and crime goes down. . . . But then it shoots up in another area, so then those residents want a guard or a vehicle. If you follow the crime stats, you literally see it moving down the hill’... so each road keeps setting up their own community thing, and we keep getting in on it (Diphooorn, 2016a: 173).

Finally, even in the cases when the non-state security providers use violence for the sake of public interests, it is essential to clarify the notion of the ‘public’. Security and justice are distributed unequally according to the lines of power relations and exclusion in society. As Baker (2002: 49) argues ‘the nature of non-state policing means that it can offer no equality of accessibility and adjudication, and at times even denies people their legal and constitutional rights. Access to non-state policing services is uneven, depending on location and/or wealth.’

The perception of belonging is one of the most common lines of exclusion. Perceived aliens are likely to be excluded from the security provision and framed as a threat themselves. What constitutes an alien is contextually dependent. An important role is played by race (Baker 2002: 49). In predominantly white communities, black or coloured members of society are much more likely to become suspected and prosecuted for perceived or real crimes. Diphoorn (2016a: 213), in this regards, describes how private security companies a priori assume that the suspected violators are black males. The black population is not only more likely to become the main threat in the perception of non-state groups, they are less likely to be provided security. On several occasions, Diphoorn (2016a: 2017) reported numerous situations when individuals had been rejected help based on their race. 'If he would have been Indian or White, I would have helped. But this Blackie? Hell no!... He's probably a criminal himself anyways'. As such, the black population is considered to be natural or genetical criminals. 'Crime is entirely...racialized: black bodies are criminal and naturally unrestrained' (Hansen, 2006: 290).

Foreigners and immigrants similarly suffer from exclusion. On the one hand, they are more likely to violate unwritten community norms as a result of ignorance or attempts to build their lives on the social foundation of their original community (Super, 2015: 469). On the other hand, xenophobia makes foreigners and immigrants much more likely to be suspected. In the case of prosecution of foreigners and immigrants, the burden of the proof of guilt tends to be much lower (Martin, 2010: 65). It is even more problematic in the case of illegal immigrants. Because of their illegal status, they are less likely to report the police about incidents of community justice. Hence, their prosecution is less likely to provoke the state. As such, the vulnerability of illegal

migrants is particularly high since non-state security institutions do not afraid the state retribution in case of their prosecution (Martin, 2010: 65).

Class is another indicator of belonging to a community (Baker 2002: 49). 'For example, if an apparently poor person were seen walking in an affluent area, it would be regarded as suspicious, yet if the same person were spotted in a township, there would be no reason to be wary of that individual' (Diphoom, 2016a: 214). Private security agents are instructed to get rid of 'undesired elements': beggars, street children, and individuals who demonstrate signs of extreme poverty (Marks and Wood, 2007: 140).

But even if a person belongs to a community, there are still internal power relations that define the distribution of security. Older males tend to have a higher place in this hierarchy, while youth and women are marginalised. The youth, for example, is regarded as natural, generic criminals. They are the first to be suspected for the crime and are subjects for indiscriminate use of corporal punishment. Even if it later found out that the punished young person had not responsible for the crime, the punishment is considered justified based on its presumable prevention of crime in the future (Buur, 2003: 34).

The exclusion takes different forms in terms of women. They are generally provided security and rarely targeted as a threat and source of insecurity. Yet they are disempowered and marginalised in family matters. Most of the investigated organisations do not object and do not consider domestic violence as a matter of security regulations. On the contrary, the organisations encouraged violence and help to administrate it. Women themselves adhere to such practices and is known for the support of regular violence against females who violate social norms (Martin, 2010: 36).

While an arbitrary and inconsistent use of violence is a general problem for non-state

security providers, these marginalised and excluded groups are the main victims of these problems. They are accused based on rumours, limited investigations and suspicions. Their punishment depends on the opinion of a community, personal relations with prosecutors, and individuals who deliver punishment (Von Schnitzler et al., 2001: 14). It is not uncommon when non-state actors punish not only the violators but also their families. In this regards, non-state security actors can even banish or physically punish children for violations of their parents (Super, 2020: 55).

These groups are more likely to become a subject of tortures. Tortures are used to obtain information or beat out a confession (Baker, 2002: 41). For the most part, tortures allow non-state security actors to effectively practice compensatory justice. It is, for example, the case for the taxi bosses on Cape Town Flats, who are known for the high success rate in finding stolen goods or obtaining compensations. As one of the members of the taxi associations explained:

We go straight to the house and to the accused.... It is very easy, we just go!  
We go to the suspect and we ask them when they can come to our office and we make a date for them to come...during the examination we find the proof...we put pressure on the accused (Gillespie, 2013: 9).

The above-mentioned 'pressure' usually takes forms of physical and psychological violence. On one example, the organisation forced the suspected robber to take off his clothes and threaten to cut off his genitals if he did not answer where the stolen goods were (Gillespie, 2013: 9). The taxi association claims to stop the use of violence, but most dwellers of Cape Town Flats reports the opposite (Gillespie, 2013: 9).

Despite brutalities, non-state security actors tend to have a high level of support among their communities, particularly in rural areas. Even though some members of these communities report their disagreement with the practices of non-state security actors,

they justify the practices based on their effectiveness (Baker, 2002: 45). For example, in Eastern Cape, the support of non-state security providers reach 75% in rural areas and 46% in urban areas (Baker, 2002: 41). The similar results are found in case of Mapogo a Mathamaga: 56% of the population in the areas of Mapogo operation support the organisation (Oomen 2004: 166). The support level of particularly high among the elderly population. In their case, the support of the organisation reaches 77% (Oomen 2004: 166). In 1996, 62% of the dominant Muslim group in Mekaar supported the activity of PAGAD, though this support decreased significantly during the following years (Bangstad, 2005: 199-204).

The high level of support allows non-state security actors to claim operation on behalf of the communities. It is supposed that non-state actors 'are chosen by the community, therefore...cannot be accountable to anybody else than the community...if they [the community] are not satisfied they will tell us what they do not like' (Buur, 2003: 29). Indeed, non-state security actors that motivated primarily by public concerns tend to have general meetings where the community can discuss the course of actions, determine guilt and punishment. Yet the opinions of marginalised and excluded individuals are rarely taken into account. Moreover, as Super (2020: 63) argues, attending the community meeting does not necessarily mean the support of preferred decisions. Participants of such meetings often report that 'the person who has the loudhailer and speaks persuasively is the one whose suggestion will be followed', and many people do not participate in discussion but rather attend meetings 'to be seen as being part of the community, rather than outside of it' (Super 2020: 63). As such, while non-state security actors claim to act on behalf of communities, due to numerous excluded groups, non-state security actors are hardly can be regarded as entirely accountable or legitimate. So, rather than a manifestation of broad social consensus,



non-state security groups is an opportunity for the most powerful members of a society to project their power and values (Martin, 2010: 54).

The state's regulations attempt to change the situation. For example, in the case of private security companies, there are legal regulations that ensure their accountability to the South African state, its legal and judicial system (Minnaar, 2007: 127). The fear of legal consequences diminishes the use of violence, in particular its most extreme examples. Private security companies, for one example, usually discourage the use of a weapon because of the fear of prosecution (Baker, 2002: 39). On the other hand, the private security industry is plagued by small, unregistered companies. The lack of oversight makes such companies more likely to cut corners by using over-violent practices, hiring unqualified security officers, saving money on human rights or firearms training (Baker, 2002: 33-34). As a result, the private security industry is constantly engaged in significant and massive human rights violations (Baker, 2002: 34).

There are no similar mechanisms of accountability in case of street committees, self-defence forces, and local vigilante organisations, but CPFs attempt to provide basic oversight. Still, the impact of the CPFs is at the best mix. As have been already mentioned, non-state security organisations join the CPFs to improve their own legitimacy through state recognition (Baker, 2002: 43). However, even those that have decided to join CPFs do not turn from illegal activity. Since the police and CPFs themselves frequently share the local values, they have learned to turn with a blind eye to the activity that does not significantly deviate from their perception of crime management. In some cases, the member of the CPFs even directly support and participate in the illegal activity of the non-state security actors (Super, 2016: 334).

The SANCO, another mechanism of state oversight over non-state security groups, has similar implications (Super, 2020: 53). For instance, the members of the SANCO in Khaelytsia report the hidden use of non-state security organisation to deal with anything that SANCO would not support. 'They never said anything at the SANCO meeting because SANCO wouldn't agree'. The SANCO members are well-aware of the practice – and many of them directly participate in it – but have learned to turn with a blind eye (Super, 2016: 333).

Considering the mixed implications of non-state security regulations, it is important to understand the distinction between corrosive and constructive forms of non-state security arrangements. Of course, the motivation of non-state actors, their accountability to the state, and population are important. Still, the analysed cases suggest the level of inclusion is the key distinction between corrosive and constructive forms of non-state security arrangements. The groups that exclude most of the population and operate primarily for the sake of narrow private interests of its members tend to be the most predatory organisations. Organised crime, gangs, or predatory vigilante organisation are among such examples. Most of the private security organisations, however, are normally not example of such groups. Due to the high competitiveness of the market, private security companies tend to assist non-clients in a hope to attract new customers and improve the reputation of their company (Diphorn, 2016b: 325). Still, their inclusiveness is not ideal, and in direct clash of interests between customers and non-customers, private security organisations tend to choose the side of the customers without regards to rights or justice (Diphorn, 2016a: 208).

On the contrary, the groups that include broader layers of the community tend to have a more constructive impact. The reports of the community members confirm this logic.

For example, most of the Muslim dwellers of Cape Flats have praised PAGAD and have claimed that it had improved the security of the neighbourhood. Simultaneously, 83% of Christians that have been excluded from the PAGAD agenda on letter stages of the organisation activity have expressed disapproval of the PAGAD (Bangstad, 2005: 199). Likewise, in the case of Mapogo, up 75% of the elderly population report improvement of security and their support of the organisation activity. But 68% of the youngsters who were generally the main target of Mapogo, expressed disapproval of the organisation and claimed that they 'are victims of Mapogo, they [Mapogo] discriminate against us' (Oomen, 2004: 166). These reports suggest that non-state security organisations provide effective security regulations for the population they include but tend to be the main threat for the excluded population. Consequently, organisations that have a low level of exclusion is more likely to be constructive security providers.

All in all, the implications of non-state actors in hybrid security systems are at best mixed. 'Amidst stories of sincerity and earnestness, are others of hasty verdicts, a presumption of guilt and even "courts" taken over by gangs or local powerful figures bent on extortion (Baker, 2002: 49). For some members of the community, non-state security providers are the main protectors. For others, such organisations are the main threats. The main distinction between constructive and corrosive forms of non-state security regulations lies in the inclusion and exclusion lines of this organisation. The more inclusion is an organisation, the more likely it will be a protector of a community.

In South Africa, there are several lines of exclusion. Among them are race, sex, age, and nationality. The mechanisms of accountability could improve the situation, but the accountability of non-state actors remains weak. Non-state security actors claim to be accountable to the community, but, due to the various excluded groups, they are

accountable to the most powerful members of the community than the entire community. In terms of accountability to the state, the results similar remains mixed. The South African state ensures effective regulations of private security companies, but small and unregistered companies remain the problem. In terms of the rest of non-state security organisation, as communities courts or vigilante organisations, the members of the state institutions largely tolerate or support the illegal activity of non-state security providers. The mixed results of the state programmes suggest that any similar programs will not succeed if the community and members of the organisation do not share the official notion of crime and crime management strategies.

## CONCLUSIONS

The present paper uses the theory of hybrid governance to analyse non-state security actors in the state system. The theory proves to be a useful model for an understanding of problems of security governance in the context of African countries. It has an extraordinary potential to address the issues that traditional Westphalian concepts consider to be an anomaly. In this regards, the paper contributes to the growing number of studies that challenge the Westphalian idea of a state. It demonstrates that the absence of the monopoly on violence does not necessarily lead to a collapse of the state and war of everyone against everyone. Reality allows much more diverse and constructive relations between population, states, and non-state security institutions.

Specifically, this paper concentrates on the emergence, persistence, and the implications of hybrid security arrangements in South Africa - the context absent of active military conflict. The case of South Africa offers several insights on hybrid governance.

Firstly, the case of South Africa suggests that hybrid governance is possible in conditions without active military conflict or international intervention. In the case of South Africa, domestic security dilemma, promoted as the main explanation by the failed state theory, play little role. Instead, the emergence of non-state security arrangements is a result of ineffective state security regulations. This ineffective cannot be reduced to the insufficient police presence or their failure to address crimes. It is a result of the differences in understanding of the notion of crime and appropriate crime management strategies between the state and communities in South Africa.

Alongside the police ineffectiveness, private interests are found to play a significant role. Even though they usually rejected as a secondary motivation, they are found to be the primary motivation in many instances and an important factor that explain the

persistence and evolution of non-state security organisations. Additional studies on the role of private interests, particularly less common, as strive for recognition and question for a thrill, will help to understand the emerging, persistence, and evolution of non-state security arrangements better.

Secondly, the relations between state and non-state actors are not always antagonistic. Hybrid governance is characterised by diverse types of possible relations. At times, non-state actors substitute the state. In other cases, it might cooperate or compete with the state. The relations between state and non-state actor usually cannot be clearly defined. Non-state actors might compete with the state on one aspect, cooperate on another one, and substitute on the third aspect of security policy. Furthermore, it is complicated to grasp the exact nature of the relations between state and non-state actors because of the fluidity of hybrid governance. Indeed, hybrid governance should not be seen as a static phenomenon but rather as an endless process of state formation. It is the process of negotiations, competition and accommodation with regards to the authorities and power of non-state actors and the state. This process might at a time move closer toward the Westphalian model where the claim more authority. But the opposite process is always possible, and the state might lose its authority to non-state security actors.

As such, and on the contrary to failed state theory, the state does not always oppose non-state security actors and does not always compete with them for power. The South African state often encourages non-state security actors to claim authority over certain issues to reduce the pressure on the official public institutions. The South African state thus does not face the choice that failed state theories assume. It is not a choice between a monopoly on violence and anarchy but rather a choice between partial security control and complete lack of security regulations in certain areas. It is exactly the opposite dilemma to the one assumed by the failed state theory: the dilemma between anarchy

and absence of the monopoly on violence.

The comparative analysis of the cases of hybrid governance in South Africa suggests that the degree of deviance from the legitimate practices is the main indicator of the relations between the state and non-state actors. The legitimacy of the practices is determined not according to the official legislature or Constitution; it is based on the personal moral sentiments of the state employees: police officers, magistrates, ministers, and politicians. If the representatives of the state share the moral commitments of non-state security organisations, the activity of these organisations is likely to be tolerated. Still, we have a poor understanding of the process of construction of these moral sentiments on the level of state institutions. How the perceptions are constructed inside the state institutions? How various individual moral sentiments compete and substitute each other? How consensus in such organisations is constructed? These are the questions that we have to address to improve our understanding of relations between the state and non-state actors in South Africa.

Finally, the implications of hybrid governance for the population of South Africa is mixed. Non-state security arrangements fill the void in regions where the state presence is not sufficient. It provides tailored security and addresses the problems that the state is unwilling or incapable to address. Yet alongside the constructive forms of non-state security arrangements, there are numerous actors that use violence for the sake of the interests of a narrow group. Due to the weak accountability to both the population and state, the activity of such groups often has dramatic consequences for the excluded population. While numerous factors, such as the principal motivation or accountability, can help to distinguish between corrosive and constructive forms of non-state security, the inclusion of the organisation remains the primary indicator.

The general logic of hybrid governance in South Africa is consistent with conclusions made by scholars in the context of Sierra-Leone, Somalia, Congo or Eastern Timor.

Yet the specific patterns of the emerging, persistence, evolution, and implications investigated in this paper is based exclusively on the case of South Africa.

Considering the unique characteristics of this state and its diverse cultural background, the conclusions should not be applied to the cases outside of the South African context. Additional studies on hybrid governance in areas that are not affected by international intervention or active military conflicts are necessary to test the applicability of these findings beyond the case of South Africa.



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APPENDIX



**IMSIS**  
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