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Article

Microscopic and macroscopic responses to inequalities in the governance of security: respective experiments in South Africa and Northern Ireland¹

Michael Kempa and Clifford Shearing (in collaboration with John Cartwright and Madeleine Jenneker)

For over a quarter of the 20th century global developments in law, economics, politics, and culture have been reconfiguring the institutions, mentalities and practices of governance (see, especially, Garland 2001; Held et al 1999). This has been happening in both established liberal democracies and in nations in transition to democracy. In established democratic contexts, centralised welfare-liberal governance has been giving way to forms that are more diffuse and open-ended (Rose 1996). Similarly, authoritarian and ‘settler rule’ governments have in many cases been giving way to parallel democratic reforms (Weitzer 1990).

Focusing on the similarities in trends in governance across these contexts has analytical value. Policy trends and their distributional outcomes in established democracies are often manifested in high relief in transitional democracies (Hermer et al 2002). We take advantage of this in our review of recent trends in governance below by focusing attention on particular developments in the governance of security (ie, policing) in South Africa and Northern Ireland – two nations in transition – that respond to and develop trends in global governance in ways intended to deepen democracy. In both cases the programmes we focus on are but single elements in larger programmes of policing reform. This is particularly true in South Africa where policing reform has been high on the political agenda for a decade and where the particular program we focus on is in its infancy. Our focus in both South Africa and Northern Ireland is particular and analytic –

looking at local responses to general trends – rather than being broad and encompassing. We do not survey developments in either country. While survey material on recent state and non-state developments in Northern Ireland is relatively limited (see, for example, McGarry and O’Leary 1999; Smyth and Ellison 2000; Weitzer 1995) there is a rich review literature in South Africa (see, for example, Scharf and Nina 2001; Cawthra 1997; Shaw 1996; Shaw and Camerer 1996; Dixon 2000; Brown and Van der Spuy 1999).

To reiterate, our focus is on particular developments in the governance of security that respond to general trends in governance. What makes these developments relevant for our purposes is that they self-consciously critique, and then respond to, critical trends in governance. The paper’s contribution to the focus of this Focus Issue of *Transformation* – transformations in the spheres of crime and policing, particularly in South Africa – is that it uses developments in Northern Ireland and South Africa to identify and explore responses to global trends – one top-down, the other bottom-up. The principles that underlie these responses (as well as the specific ways in which they are realised in the cases we will explore), we suggest, are worthy of consideration in South Africa’s ongoing transformation.

Transformations in governance

Most of our imaginings of how governance does and ought to work take place within the Hobbesian (Hobbes 1651/1968) conceptual framework of the ‘sovereign’ nation-state. Within this territorially defined space, citizens surrender a degree of personal liberty to a sovereign authority (ie, government), which is empowered to provide benefits of citizenship. The provision of access to some reasonable level of personal safety and security within its national boundaries has, since Hobbes, been conceived as one of the principal functions of state government (Hobbes 1968; Garland 2001, 1996; Rose 1996).

This state-building project (along both democratic and authoritarian lines) that the Peace of Westphalia initiated sought to wrest control of governance from non-state entities.² In the Western democratic context, the project culminated in the welfare-liberal state that dominated the middle decades of the twentieth century. Within this framework, the state – heavily influenced by Keynesian economic theory – sought to moderate the impacts of oscillations of the free market through centralised planning

and public expenditure (Blaug 1997; Snowden, Vane and Wynarczyk 1994). The essential welfare project was to construct a 'social safety net' intended to provide all citizens with a reasonable base-line level of services. In the authoritarian context, the state-building project reached its apotheosis in states that took on responsibility for more directly controlling the supply and demand sides of the economy.

In neither of these lines of political development has the Westphalian ideal of state monopoly over governance been fully realised. Non-state nodes have always been active in the process of governance, both before and over the duration of the Westphalian states-system. Such non-state nodes have acted both as auspices directing the process of governance and as sites of capacity or providers who carry out the process of governance (Bayley and Shearing 2001).

This is the case in both liberal democracies and authoritarian regimes. Within liberal democracies, the corporate realm and 'private' property have long been defined as 'separate' from the 'public' domain, to be governed in large part by non-state entities (Braithwaite and Drahos 2000; Shearing and Stenning 1983, 1981; Hermer et al 2002). In recent times, this 'separate' realm of privately-owned property and forms of association has been expanding so that more and more collective or social life is being governed by non-state entities (Hermer et al 2002, Shearing and Stenning 1983, 1981). In authoritarian and settler states, non-state entities have also directly and sometimes violently contested the governance regimes of public authorities (see especially Weitzer 1990; Mitchell 2000).

In recent decades, a range of legal, economic, and broader cultural processes associated with globalisation has created opportunities that non-state nodes have seized upon to reassert their role in contemporary governance in established and transitional democracies alike. These possibilities – particularly in the sphere of global trade – have exerted considerable pressures on the Westphalian project. The increased pace and scope of the global economy has made the project of centralised planning and service provision more difficult, with inadequate governmental responses to fluctuating exigencies contributing to many economic slow-downs and dead-ends. Within this context of unfamiliar challenges, governmental policy in both established and newer democratic contexts has oscillated³ between what David Garland (2001) characterises as 'adaptive strategies' and 'strategies of denial' depending on whether they take into account or ignore the changing global environment.

One set of ‘adaptive’ developments away from welfare liberalism in both established and transitional democracies has been shaped by a sensibility that distinguishes between the ‘steering’ and the ‘rowing’ of governance (Savas 1987, 1982). The argument advanced within this sensibility has been that while democratic governments are by their nature good places to locate the administration and planning of governance, experience has shown that they are not very good at carrying out the implementation of programs for governance. This way of thinking has given rise to a widespread movement in which governments have sought to maintain and strengthen control over the overall direction of governance while devolving the practices of carrying out governance.⁴ When governments retain control over steering, it is argued, this allows for democratic control and accountability over the entire system of governance while devolving its exercise to nodes that are better suited to implement the directives of governments according to local preferences and needs than are established state run bureaucracies.

While much of the activity that this sensibility has promoted has taken place through the privatisation of governance (that is, through contracts with businesses to provide governmental services) there has been more to it than this. Within state institutions themselves, there has also been devolution of rowing from central to more local levels of government. This has often been coupled with a strengthening of overall control and direction (ie, regulation) over the thrust of governmental programs within central governments (see Braithwaite 2002 for a discussion of how state regulation is associated with privatisation). In many contexts, we are seeing federal governments setting the broad principles, procedural forms and outcomes/objectives to which middle and local levels of government are expected to conform.⁵

The movement within governments to centralise steering while devolving the rowing of governance has served to promote what some observers (Braithwaite 2000; Loughlin and Scott 1997; Wallby 1999) have termed the ‘new regulatory state’ – a state that regulates governance but leaves much of the day to day business of implementing the directions of democratically elected governments to others.

In tandem with, but largely overshadowed by, these developments in centralised programs of regulated governance at a distance, there has been a third set of changes that have seen *both* the steering and rowing of governance shifting from state to non-state auspices (Johnston 2000). In

many spheres – ranging from cyberspace to assorted leisure, commercial and residential spaces – governance is being directed and conducted by non-state entities. This has not for the most part emerged as the result of the orchestrated programming of state actors. Rather, non-state actors have in many instances taken advantage of legal and social spaces (established in an era of state consolidation) that provide opportunities for pockets of non-state governance to take hold. A good example of this is the development of ‘bubbles of corporate governance’ associated with private security (Bottoms and Wiles 1995; Shearing 1995, 1997; Rigakos and Greener 2000). Enclaves of privately controlled space have emerged within, and been shaped by, state and international law. Particularly crucial have been contract and property law which have enabled non-state auspices to establish new forms of publicly accessible space that they govern, and to constitute new forms of citizenship/membership; what Shearing and Wood (forthcoming) call ‘denizenship’ (see also Hermer et al 2002).

A set of illegitimate non-state governmental auspices of governance has also emerged, principally in transitional democracies such as South Africa, Northern Ireland, Argentina and Brazil. In such contexts, people have responded to the experience of inequality within, and exclusion from, the new domain of governance through implementing autonomous systems of alternate/counter governance. In many cases – but by no means always – these autonomous non-state auspices and agencies have deployed capricious and violent practices that are not acceptable by conventional liberal-democratic standards.

Together the developments we have just canvassed have created a complex network of governing auspices and sites of capacity that play different and varied roles, in different governmental spaces (both virtual and real) to contribute to both the steering and rowing of governance. These assemblages of sensibilities, institutions, technologies, and governmental activities constitute an emergent nodal governance – a mode of governance that has already outstripped the Westphalian model both as an ideal and as a reality. Within nodal governance, as people move through different spaces (both real and virtual) they are governed by different sets of state and non-state agencies according to rules and standards that are set by both state and non-state auspices.

Unlike the Westphalian system, however, scholars developing an emergent understanding of the reality of nodal governance have yet to identify a widely accepted normative ‘ideal’ to which these assemblages

should aspire. Put differently, the new reality is not yet being guided in its development by a widely acknowledged normative framework which sets out a vision for nodal governance that accords with values, such as self-direction and accountability to the governed. Scholars have thereby been left to apply Westphalian understandings to evaluate the propriety of developments in nodal governance. Thus, the nodes and the rules and practices they have established tend to be judged to be legitimate or illegitimate in terms of the very Westphalian ideal that they are moving beyond.

An emerging theoretical genre that has begun to explore the issue of the propriety of developments in governance involves scholars concerned with democratic accountability in an age of globalised governance – for example, Hirst's (1994) exploration of the notion of 'associative democracy' and Held and his collaborators' (Held 2001, 1995; Held et al 1999) expositions of 'cosmopolitan democracy'. A key normative theme being explored in this literature is the way in which decisions taken in one part of the world have distant effects that uncouple benefits from burdens.

Another genre of thinking being articulated in particular by international developmental agencies like the World Bank is exploring a normative vision under the sign of good governance. This framework seeks to specify the appropriate relationships between nodes in a global governmental network and advocates a conception of positive outcomes – such as, a just distribution of market opportunities, social services and personal security as well as fostering an inclusive set of collective practices and identities (see, for example, World Bank 2002; Fonseca 2000, 1999; MacIsaac 1997).

Thirdly, there is the genre we have already touched on promoted by neo-liberal governmental programmers and practitioners who have explored how governments can, and should, step back from the rowing of government. The work of Peter F Drucker (see especially Drucker 2001) and Osborne and Gaebler (1993) has been particularly influential in shaping this genre of thought and practice.

Critics of developments in governance have drawn attention to how the proliferation of non-state nodes has reinforced and exacerbated existing inequalities across the planet. A term being used to identify the inequalities associated with nodal governance has been a governance or 'democratic deficit' (McGrew 2000) that is building on and extending existing inequalities of wealth, status and power. Castells (1998:164-5) talks of

‘new geography of social exclusion’ that can be thought of as forming a ‘Fourth World ... made up of multiple black holes of social exclusion throughout the planet’.

Along these lines, work on the governance of security (ie, how societies are policed) has identified two principal forms of security deficits (which often overlap). The first has occurred where middle class persons and businesses have added additional layers of protection to the security provided by state agencies through purchasing private security (Hermer et al 2002; Bayley and Shearing 2001, 1996; Caldeira 2000, 1996). This contrasts with the less well to do who are reliant on the resources of state police agencies that are increasingly unable to meet growing demands for their services. Increasingly, public law enforcement in spaces inhabited by the poor takes on a disorder-intolerant orientation in the interests of efficiency and assuaging growing public insecurity. This is exacerbated by the fact that poor people frequently live in unprotected residual spaces on the margins of collective life, for example, derelict housing districts, alley ways, and informal housing camps that characterise much of the landscape of transitional democracies (Huggins 2000; Caldeira 2000, 1996; Sutcliffe 1996; Beavon 2000; Bollens 2000) and similar marginal spaces within more established democracies (Mopas 2002). The irony is that it is precisely these marginalised groups who, in theory, have the most to benefit from the promise of localised governance, as they have the local knowledge regarding the nature and underlying causes of local problems to develop effective and usable services to overcome them.

In the second permutation of security deficits, authoritarian or ‘settler’ state policing systems directly maintain and contribute to the marginalisation of the minority community through sheer physical repression and intimidation (for an overview of this literature see Mitchell 2000, also: Weitzer 1990, 1995; Weiss 2000; Brogden and Shearing 1993). Public police repression of this form has been intertwined with a withdrawal of marginalised communities from state-directed efforts to promote security. In their place, autonomous non-state policing agencies have assumed a prominent role in meting out what is often brutal vigilante justice (see, for example, Aitkenhead 2000; Brogden and Shearing 1993). Again, ironically, it is often in periods in which repressive state-sponsored policing practices are being lifted in the context of emergent democratic reforms that crime and disorder escalate (Shaw forthcoming). This in turn is associated with an escalation of vigilante justice – which often serves as a deterrent to the

development of further democratising reforms and to spur on increased deployment of paid non-state policing bodies by wealthier segments of the population to further protect their fortified enclaves of privilege. The processes and outcomes of nodal governance are thereby deeply intertwined: desirable change, such as democratic reform, within parts of the network can bring about unforeseen and often undesirable consequences at other points (Hermer et al 2002).

The question that arises is – how to respond to these developments? The answer depends on the analysis of the problem. If one concludes that the source of the governance deficit is both *the ideals* of nodal governance – for example, non-state participation in the development of locally-specific programs for rule – and the use of *mechanisms*, such as the market, to mobilise local capacity, then the appropriate course of action is to abandon these ideals and mechanisms and to either return to the Westphalian ideal and adapt it to the emergent global environment⁶ or to invent from scratch an alternative vision and conceptual framework to shape, guide and direct developments in governance.

If, however, one concludes (as we do) that the problem does not lie with the ideals or mechanisms of nodal governance per se, but with the particular way in which they have been given concrete expression, a different set of conclusions emerges. In this case the challenge is not to locate a new set of ideals and mechanisms to guide and effect policy or to buttress existing state-centred modes of governance but to explore how these ideals and mechanisms may be uncoupled and reassembled in ways that promote different outcomes.

This is a tack that we, and others, have advocated and seek to realise in concrete ways (Braithwaite 2000; Shearing 1995; Shearing and Kempa 2000; Turner 2001; Held 2001, 1995; Falk 1999). We wish now to turn to an exploration of two concrete programs, one at the micro level and the other at the macro end of the spectrum that seek to reconfigure the way in which nodal governance operates. The first of these is a program of local capacity governance (principally non-state) that focuses in particular on effective dispute resolution. The second is the program for restructuring policing (ie, the governance of security) in Northern Ireland developed by the Independent Commission on Policing for Northern Ireland (Report of the Independent Commission on Policing in Northern Ireland [ICPNI] 1999) that one of us was involved in as a Commissioner. The British and Irish governments have endorsed the Report of the ICPNI, and its

recommendations are for the most part now being implemented by the British government in conjunction with the nascent agencies of the devolved Stormont administration in Northern Ireland. What relates these two initiatives is that the micro-governance model being explored in South Africa serves as an example of a local program for the governance of security and conflict that fits within the macroscopic framework being developed in Northern Ireland.

Policing post-apartheid South Africa

South Africa provides an illustration of a 'democratic deficit' that results from the commodification of security. As we and others have argued elsewhere (Shearing and Kempa 2000; Hermer et al 2002; Alexander 1996; Richmond 1994; Beavon 2000; Rostron 2002) this has enabled the emergence of a new set of apartheid-like arrangements where 'separateness' is reproduced through markets. While this new apartheid is particularly well advanced in South Africa, it is being reproduced in many nations around the world. A central feature of this assemblage is the juxtaposition of relatively safe and protected fortified enclosures, inhabited by the wealthy, adjacent to new communal spaces left to the less well to do that are increasingly left unprotected by both state and market-oriented agencies. External to the enclaves of privilege and the conduits that connect them, crime and victimisation have skyrocketed, with the result that vigilantism of an often very violent form has proliferated in an effort by the least wealthy to render some semblance of order in their spaces (Shearing and Kempa 2000, Aitkenhead 2000).

How should one respond to this? As we suggested earlier we propose that the solution is not to seek to abandon market-based forms of governance and to return to the hegemony of state bureaucracies but to explore ways in which market mechanisms can be reconfigured and supported by tax resources in ways that benefit poor people. This challenge is one that the Community Peace Programme (CPP) at the School of Government at the University of the Western Cape has been actively exploring with the denizens of informal housing settlements in the Western and Eastern Cape for a little over two years. What has emerged from the ongoing 'experimentation' the CPP has facilitated has been a program that seeks to resurrect demand-promotion strategies based on government spending to support the genesis of micro-markets, micro-entrepreneurs and micro-governance.

The Zwelethemba Model⁷

The model for local capacity governance described in this section bears the name of the community in which the initial pilot work took place: Zwelethemba, a community within the Worcester municipality, a country town near Cape Town, South Africa. The name ‘Zwelethemba’, a Xhosa word, fortuitously means ‘place of hope’.

The model provides a micro-institutional, technological and resource basis for providing governmental services at the local level through the mobilisation of local knowledge and capacity. The model approaches governance through the window of dispute resolution. It uses this window to foster the development of institutions of community self-regulation and to support a culture of community efficacy in places where state government has had difficulty in delivering services. Thus, the process can be understood as an intervention to increase collective capital and cohesion in communities. Although designed to enhance community security, local capacity governance also develops an institutional framework that can facilitate effective community intervention in other domains of governance, such as health promotion, education and housing.

The model is built around the right and ability of communities to solve their own problems. It has two components – dispute resolution and community development through state-provided financial grants – that are organised and conducted through Peace Committees made up of five to 20 people. When a dispute arises, members of the Committee sponsor a gathering of people thought to be in a position to contribute to dispute resolution. The gathering’s focus is finding solutions that let people move forward amicably in the future. Participation is voluntary and no coercion, punishment or violence is allowed. A Code of Good Practice and Steps that ensure consistency and compliance with the Code regulate the process. Audit procedures are used to ensure that embedded regulations operate effectively. While any dispute can give rise to a gathering, the focus is on the small things that, if left unresolved, lead to larger problems.

The model is designed to be inexpensive, but not free. The members of the Committee are paid for their work as individuals. Payments also enable the Committee, as an institution, to bring development resources into the community – invoking a support mechanism that seeks to provide some of the base-line resources to allow local markets to emerge and become ultimately self-sustaining. Each time a gathering is held, a payment is made to the Committee by local governments and/or other funders: 30 per cent

of this goes to the members conducting the gathering to compensate them for their time; 60 per cent is paid into a peace building fund used by the Committee as a whole for community development projects, and; a final ten per cent goes to an administrative fund for the costs of operating the Committee. Since these funds are earned locally, a great deal of care is taken to ensure that they are spent on the bottom line of community development. Thus, the program provides for greater security, responds to generic issues, enhances self-direction and promotes human rights.

For the past year and a half, the model has been refined through ongoing experimentation and shown to be robust, sustainable, and easily reproduced. Over 20 communities in four provinces in South Africa are now using it. In November 2000, the project was initiated in Rosario, Argentina through a partnership with the Universities of Rosario and Toronto with national and local governments of Argentina and Canada. Already, work in Argentina indicates that the model is transferable to at least one other very different socio-political context (Font and Wood 2002).

Outcomes and impacts of the Zwelethemba Model

To date over 6000 people have participated in over 1000 gatherings in South Africa. In the pilot area of Zwelethemba, CPP members have randomly surveyed the area on several follow-up occasions to determine the perceived efficacy of, and community satisfaction with, the dispute resolution process.⁸ The CPP has also undertaken an assessment of the contribution being made by the process as a whole toward fostering collective capital and cohesion within the community.

In 1997, at the inception of the project, 19.7 per cent of persons surveyed responded that 'the way in which disputes are handled' in their communities had 'improved' in the last six months, while 80.3 per cent indicated that things had 'stayed the same or become worse'. By 1999 the proportion reporting an improvement increased to 49 per cent, while the proportion reporting no difference or deterioration was reduced to 35 per cent, with 15 per cent responding that they were 'not sure'. In 1998, respondents were asked whether they thought that the public police were being called for similar dispute problems more or less often than in the past six months. The results are indicative of a trend towards the perception that the public police are being called less rather than more often: 46 per cent versus 37.9 per cent respectively. Similarly, 1999 saw the belief that people in the community were capable of handling most local disputes increase to 59 per cent relative to 48.2 per cent in 1998. Finally, community awareness and use of

local Peace Committees had clearly increased from 1998 to 1999 – with 3.4 per cent versus 32 per cent mentioning these bodies when asked who had helped them solve a dispute problem in the past six months on the two respective occasions.

Taken together, these data indicate that perceptions of both the level of safety in the community and the capacity of the community actively to bring about these positive outcomes are on the rise. The increasing use of Peace Committees over this same time period indicates that the project is making a meaningful contribution towards facilitating both of these sets of outcomes.

With regard to the objective of fostering community development, a range of projects have been supported through community-block grants earned through gatherings held, including: the building and maintenance of a children's playground in a shack area far from any other facility; the refurbishment of an old-age home; assistance in furnishing a new day care centre and a feeding scheme for children designed to promote health, and so on. The emphasis in these projects has been on using the services that local people are able to provide – thereby creating and increasing the number of baseline local market opportunities that are available to local micro-entrepreneurs. Resources earned in this way can subsequently be used by micro-entrepreneurs to develop further market opportunities into which an expanding number of community members can be drawn.

This approach to contributing the resources required to establish and maintain local markets is very different from contemporarily popular neo-liberal approaches to supporting local enterprise through micro-loan programs. Whereas the latter lend money to persons to start particular businesses on condition of adherence to a range of auditing procedures, the Zwelethemba model dispenses resources to persons who have earned them through performing a separate dispute resolution/peace-building function within the community. These persons subsequently exercise rights of ownership over such resources within the context of the contractual arrangements that govern payments. The criticism levied against neo-liberal lending schemes that their conditions for borrowing and continual auditing processes externally shape human subjectivity in the model of 'responsible' (ie, 'Western') economic citizens (see Rankin 2001) does not apply where people earn the resources to participate in such markets as entrepreneurs who are required to gauge and respond to the impulses that the market communicates regarding the demand available for a particular

good or service which they might be able to provide. The Zwelethemba model, while deploying market mechanisms, is thereby consistent with the 'social democratic' value of ensuring an equitable distribution of resources.

In sum, the Zwelethemba model seeks directly to respond at the local level to the first permutation of the democratic deficit produced through market relations we outlined above through an approach that is more than a simple dismissal or rejection (see especially Rose 1996:353) of contemporary developments. It does this by uncoupling the various values, mechanisms and practices that contemporary developments have assembled and then reconfigures them, drawing upon a range of historical alternatives (such as Keynesian-inspired market interventions) and recent technical innovations (auditing procedures and communications technologies that enable remotely-located local community members to communicate with a coordinating office), in new ways that are intended to maximise the collective benefits of recent trends in governance (such as the valorisation of active citizenship and use of the market as an effective information-relay system) while minimising their problems (inequalities that result from a reliance on formal markets as an exclusive mechanisms of distributing goods and services). As we shall develop in the following section, this program for reinventing governance from the bottom-up resonates with the ethos of the macro-level plan to re-engineer the entire system for the governance of security in Northern Ireland.

Policing Northern Ireland's developing peace

Northern Ireland provides a second example where non-state nodes have emerged alongside state nodes to take an active role in governing collective life. Like South Africa, much of the history of Northern Ireland entails nodal contests. Unlike in South Africa, however, the 'democratic deficit' that characterises the governance of security in Northern Ireland is not currently maintained principally through market relations, but has emerged and is maintained for the most part through an historical legacy of often brutal activity of public and civil agencies.

Ireland's historical context is tumultuous, marked by colonisation, revolution and civil war as well as sectarian violence (for an overview, see Lydon 1998; Jackson 1999). The island is characterised by entrenched social division: both in terms of a formal and tightly monitored border that has separated a British Northern Ireland from an 'independent' South since Partition in 1921,⁹ and, within Northern Ireland, between the majority unionist (principally Protestant) and minority nationalist and republican

(principally Catholic) communities.¹⁰

As a contest over national identity and state sovereignty, Northern Irish history strikes many observers as an anachronistic conflict, which has been diluted somewhat – but by no means completely – by the new challenges and pressures associated with globalisation and the emergence of the European Union (Ruane and Todd 2001). However it is understood, the conflict in Northern Ireland has proven to be one of Europe's most violent and intractable. Hayes and McAllister (2001) point out that its death and injury toll merit that the violence in Northern Ireland should be considered a full-scale 'war' rather than thought of as 'insurgency' as is usually done.

In light of this conflict over the legitimacy of British sovereignty there has been a long lineage of privileging and reinforcing state institutions; more so than in the rest of the UK (and in most western democracies). There has been very little in the way of a neo-liberal governmental revolution in Northern Ireland – whether involving the privatisation of services, engaging governance-at-a-distance through regulation strategies, or even much in the way of the streamlining of state bureaucracies (see especially Crighton 2000). State-centred strategies have been maintained by a massive annual fund from the rest of the United Kingdom known as 'the Subvention' – particularly in the sphere of security. Northern Ireland maintains a huge state security sector comprising the new Police Service of Northern Ireland (incorporating the former Royal Ulster Constabulary), the British Army, and the Royal Irish Regiment. Prior to the publication of the report of the ICPNI, the RUC itself comprised 13,000 officers: a regular force of 8500, a full time reserve of 2900, a part time reserve of 1300, and some 3000 full-time civilian employees (ICPNI 1999:75,13.1). This amounted to approximately one public police officers per 140 head of population (ICPNI 1999:76,13.8) – a figure that far outstrips what a territory and economy as small as those of Northern Ireland would normally be able to support without massive subsidisation (Weitzer 1995; Ellison and Smyth 2000; McGarry and O'Leary 1999).

The RUC served for much of its existence as the practical and symbolic lynchpin in the maintenance of political union with Great Britain: a force intended to counter minority dissident efforts to bring about a unified Irish Republic.¹¹ The result has been much alienation and withdrawal from the public police on the part of the Catholic community, culminating at the outset of the current spate of violence (that began in the last few months of the 1960s) with the emergence of police 'no-go' areas. Within these areas,

the Provisional Irish Republican Army established non-state vigilante ‘justice’ which deploys to this day ‘kangaroo courts’ that hand out judgements and dispense brutal punishments (Hillyard 1997, 1993).¹²

This set of arrangements for the governance of security – a public police service that is widely rejected coupled with non-state vigilante justice – is clearly unacceptable in a democracy. Accordingly, the need for policing reform has featured centrally in past and present peace processes. One consequence of this concern was the establishment of the Independent Commission on Policing Reform in Northern Ireland under the terms of the Belfast/Good Friday Agreement (1998) that sought to end the violent conflict between Northern Ireland’s communities and between the Republican movement and the British Government.¹³

The report of the Independent Commission on policing in Northern Ireland

Like the Belfast Agreement itself, policing reform in Northern Ireland has been bifurcated. It began with an historic compromise between the Protestant and Catholic communities, in the form of massive reform of the police service of Northern Ireland. Its second prong has been the promotion of regulated civil involvement in the process of policing. Ultimately, it is hoped that these two prongs will culminate in both a reduction in vigilante activity through making available a structured civil alternative and improved inter-community relations through fostering at first interaction and later cooperation in the process of carrying out the governance of security.

Reforming the public police

The portion of the Report of the ICPNI which received the bulk of government and popular attention – at least for the first year and a half following its publication – were those recommendations pertaining to remaking the public police service. The ICPNI accepted the Nationalist/Republican argument and the old name, iconography, composition and ethos of the public police denoted an unacceptable association in the minds of the Catholic population to a (past) era of Protestant/British hegemony in the Province, which served to de-legitimise the political identity of a very substantial minority population and limit the quality of their ontological experience of public life – in effect, reinforcing and maintaining feelings of secondary membership in Northern Irish society (ICPNI 1999:15,3.16-3.17). What was more, the ICPNI uncovered substantial Protestant alienation from the public police in lower income neighbourhoods (ICNI

1999:16,3.20). Accordingly, the ICPNI recommended that massive changes to policing in Northern Ireland.

Consistent with continuing the process towards achieving neutrality that has been ongoing since the final months of the 1960s¹⁴ the ICPNI recommended that the new name, symbols and broader ethos of the new police service ought to be free from association from the Irish and British states (IPCNI 1999:99,17.6). Additionally, it called for a quota-based recruitment arrangement that would see Catholics hired on a 50/50 ratio basis with Protestants for ten years – at which point the need for this measure would be reviewed by the Secretary of State/Stormont Assembly in consultation with the Chief Constable of the new police service (ICPNI 1999:88,15.10).

The ICPNI also proposed significant structural changes to the police. These comprise a program to demilitarise the public police at a pace that the security situation in Northern Ireland would permit. In this connection, the IPCNI would: devolve decision-making authority to those who are responsible for delivering services to the community; integrate the Special Branch within a single command unit (thus ending its status as a ‘force within a force’) (ICPNI 1999:73,12.12); reduce the overall number of public police officers – including full and part-time reservists – to a level commensurate with the relatively small population of Northern Ireland (ICPNI 1999:77,13.9); create a training program that would instil the practice of policing with the community and cement an emphasis on human rights training (ICPNI 1999:93-95); enhance accountability to the public through a variety of mechanisms (see below), and; develop less lethal instruments and strategies for crowd control (ICPNI 1999:54,9.15).

Reshaping policing as everyone’s business

As the structural reforms to the public police listed above demonstrate, the ICPNI endorsed the notion that policing ought to involve the active participation of community members in the process of governing security. The ICPNI recommended ‘real’ police-community partnerships.

[accountable and effective policing] involves creating a real partnership between the police and the community – government agencies, non-governmental organisations, families, citizens; a partnership based on openness and understanding; a partnership in which policing reflects and responds to the community’s needs... (ICPNI 1999: 8,1.16)

Within the context of progressive policing practices, there is nothing particularly innovative about the valuation of police-community

partnerships. Community policing of this form has become the predominant name-brand for policing in Western democratic societies over the past two decades (Johnston 2000). What is innovative about the reforms put forth by the ICPNI is the form of police-community partnerships that the Commission advocated. Most incarnations of community policing see the public police retaining all the steering – and indeed, the preponderance of the rowing – of policing activities, and relegate community structures to a marginal position. Typically, despite rhetoric to the contrary, community involvement is limited to providing the police with the information and other support that enables them to carry out the business of policing (Shearing 1997; Fischer 2001; Crawford 1998).

Rejecting such a minimalist conception of ‘community policing’, the ICPNI argued that:

...one can and should go further: it is not so much that the police need support and consent, but rather than policing is a matter for the whole community, not something that the community leaves to the police to do. Policing should be a collective community responsibility: a partnership for community safety.

Accordingly, in place of community policing of the garden variety, the ICPNI invoked the nomenclature of ‘policing in partnership with the community’. This entails ‘the police participating in the community and responding to the needs of that community, and the community participating in its own policing and supporting the police’ (ICPNI 1999:40,7.2). This promotes an open-ended conception of policing where a significant degree of the steering and rowing of community safety is devolved to the communities of Northern Ireland: it envisions a network of state and non-state agencies that work together to produce order and proffer assurances of security through a wide variety of strategies and technologies that include but are not limited to enforcing the criminal law. In particular the Commission stressed the need to mobilise resources to address the underlying causes of threats to security in the long-range (on this broader conception of policing more generally, see Bayley and Shearing 1996; Shearing 1995; Johnston 2000; Loader 2000). Flowing from this mentality/rationality for policing, the ICPNI outlined a plan for the effective regulation of a diverse range of agencies.

This set of objectives was expressed through an interrelated set of recommendations for a programme comprising the nodal governance of security (Shearing 2000; Shearing and Kempa 2000). The ICPNI recommended the establishment of a *Policing* (not *Police*) Board that was

to be given extensive powers to first develop and then oversee the implementation of the policing agenda. In addition the Policing Board would hold all bodies active in the process of policing accountable to adequacy standards. The Board would be made up of ten elected members of the Stormont Assembly, to be appointed in proportion to the number of seats each party held in the Stormont assembly, along with nine citizens. Given that the Policing Board would have considerable authority to engage in the ‘steering’ of policing these proposals advocated a considerable devolution of authority over policing.

A number of the Report’s provisions were designed to enable the Policing Board to perform these functions. The Commission recommended that the Policing Board have the authority and capacity to set both three to five year and annual policing objectives and priorities and to specify and develop the measurement tools that would determine if its targets were reached (ICPNI 1999:31,6.16). Its objectives and priorities were to be developed in consultation with communities.

The ICPNI proposed that the Board administer a *Policing* (not *Police*) Budget (to be negotiated between the Board and the Northern Ireland Office). Any agency that wished to be involved in the process of policing (including of course the police) would be able submit a proposal for financial support to the Policing Board (ICPNI 1999:31,6.17). Once funding was allocated recipients would be accountable to the Board for the use of these resources (ICPNI 1999:31:6.17). These proposals extend the normal political and legal mechanisms for accountability by creating a market for policing resources.

Recognising that, in the politically and socially divided context of Northern Ireland, the efficient operation of the network would require that the public police retain a role of central importance in the governance of security, the Board was also accorded special powers to hold the public police to account. Specifically, the ICPNI proposed that the Board be authorised to require the Chief Constable to provide it with reports. If they were not satisfied with a report the Board was to be authorised to initiate an inquiry into ‘any aspect of the performance of [the Chief Constable’s] functions or those of the police service’ (ICPNI 1999:33,6.22,6.23). Notable here is the recommendation that the Board be empowered to dismiss the Chief Constable ‘in the interests of efficiency and fairness subject to the approval of the Secretary of State’ (ICPNI 1999:29,6.9). These extensive powers of post-hoc scrutiny and discipline¹⁵ were only to

be limited where this would serve the public – not police – interest. The Report sets out three grounds for this: (1) where such information entails a threat to national security; (2) involves sensitive personnel matters, or; (3) pertains to criminal cases currently before the courts (ICPNI 1999:33,6.22).

The ICPNI also made provision for the creation of District Community Policing Partnership Boards – civilian bodies that were to be charged with assisting in local policing. Like similar forums elsewhere they would relay public concerns to the public police and make proposals to the Policing Board. In addition, and more controversially, the partnership boards would be empowered to raise ‘3p in the pound’ of local tax revenues that they could use to support policing in their districts (ICPNI 1999:35,6.33).

Implementing the Report of the ICPNI

Although the British Government publicly endorsed the Report of the ICPNI in its entirety when it was released, the Police (Northern Ireland) Act passed in November 2000 removed several of the key pillars on which the Commission’s report was built. Before we outline how this was done we will trace the key developments that have taken place beginning with the establishment of a new Police Service of Northern Ireland on November 5, 2001. Two days later, the Policing Board sat its inaugural meeting, and in just over a month had decided upon a new badge that incorporates symbols from both sides of the political divide. The efficiency of the Board in settling this contentious issue augurs well for its future.

Catholic response to the two most recent recruitment drives has been positive – Catholics have made up approximately a third of the new applicants (Cowan 2001; Breen 2002). The first group of new recruits – who reflect the call of the ICPNI for 50/50 composition – will have served their first day and inaugurated the new uniform and insignia on April 5, 2002. Reform of the command and operational structure – demilitarisation and devolution of decision-making authority – of the police service is ongoing: April 1, 2001 saw the development of new District Commanders and the amalgamation of Special Branch with Crime Department under one Assistant Chief Constable.

As to the fate of the program outlined in the ICPNI to devolve policing beyond the police, the jury is still out. While the Act diluted several crucial elements of the Report, a subsequent Implementation Plan and other programmatic documents have seen many of these aspects reintroduced, or singled out as the focus of further legislative review.

One of the most hotly debated features of the proposed and subsequently enacted legislation concerned the powers of the Policing Board. To the three very limited conditions the ICPNI specified under which the Chief Constable in conjunction with the Secretary of State would be able to quash an inquiry initiated by the Policing Board, the Act added a fourth. Under this proviso, the Board's powers of scrutiny could be limited where it 'appears' to the Chief Constable that an inquiry 'would, or would be likely to, prejudice the prevention or detection of crime or apprehension or prosecution of offenders' (Police [Northern Ireland] Act, s.59.4; s.59.3.d). In this case the Act permits the Chief Constable to refer the request to the Secretary of State for review who may quash the proposed inquiry on the same grounds (Police [Northern Ireland] Act, s.59.4; s.59.4). This provision would enable Chief Constable/Secretary of State to quash nearly any effort initiated by the Policing Board to get behind allegations of police misuse of authority or inappropriate policing activity.

Similarly, the Act did not give the District Policing Partnerships (the term selected for the Commission's 'District Policing Partnerships Boards') authority to raise taxes to spend on community-defined policing initiatives. The role of these district boards is limited to advising the Policing Board on local policing priorities.

The subsequent refusal of moderate Nationalist and more hard-line Republican bodies to participate in what was widely regarded as an eviscerated program for policing reform, led to an apparent restoration of many of the powers of the Policing Board in the recent Implementation Plan. In particular, this recent Implementation Plan indicates the British government's promise to review and intention to remove the contentious ground for quashing an inquiry initiated by the Policing Board. This has encouraged moderate Nationalists to take their positions on the Policing Board, though Republicans contend that the matter has not been adequately remedied and so continue to boycott the Board. At the moment it is not clear when the proposed legislative reviews will occur, nor what their outcome may be. As a result, no one is quite certain as to the powers of the Policing Board – least of all the members of the Board themselves.¹⁶ It also remains to be seen whether the Board will administrate in practice over a policing budget that supports a range of agencies engaged in community safety or over a police budget of the conventional form – there is much slippage of language in the legislative, programmatic, and media documents that frame the operation of the Board.

Further, the ‘executive power’ of DPPs has also been designated a matter for further legislative consideration in the Implementation Plan. The initial proposal for the power to raise small amounts of local public resources and to deploy them towards local community safety and security initiatives has recently been endorsed in a broader Criminal Justice Review, whose conclusions are currently being translated into legislation. With local finance being one of the elements of governance transferred from London to the new Stormont Assembly, it may now fall to the Assembly’s Executive Committee to determine whether rate-generation power ought to be granted to the DPPs. It is at this point also not clear whether ensuing legislation will give full administrative control over any putative local community security funds to DPPs (Hillyard et al 2000).

It is, however, very early days for the new policing arrangements in Northern Ireland. While things have got off to a rather slow – if somewhat encouraging – start, it remains to be seen to what degree the radical program for networked policing outlined by the ICPNI will be implemented in practice. Likewise, the question remains open as to what the long-term impacts of the community-building aspirations of the Report of the ICPNI will be. Where commentators have analysed the role of community policing of the conventional public-police dominated form in fostering ‘collective capital’, they have generally drawn negative conclusions. Typically, community policing initiatives of the standard variety have seen wealthier and more influential segments of the community mobilise state policing resources against more marginalised segments of the population (Crawford 1998, Fischer 2001). The radical program for devolved and diffuse policing outlined in the Commission Report – which is creeping into being in Northern Ireland – may bring yet bring about more positive outcomes.

Conclusion

This paper has provided a conceptual review of major developments in governance that are taking place within an emerging global context. We situated this conceptual discussion in empirical developments in two transitional contexts, South Africa and Northern Ireland, with a view to highlighting several of the most important challenges associated with networked governance and some of the more innovative strategies that have been deployed for overcoming these obstacles.

In South Africa we noted how market inequalities are presently leading to the perpetuation of apartheid outcomes. This includes a security deficit (and more generally a governance deficit) that is aggravated by the ability

of the well-to-do to buy additional policing. The responses developed in poor communities often include vigilantism that typically exacerbates rather than resolves the problem. As a response to this we reported on a bottom-up governance program being implemented through local security initiatives. We have not reviewed other developments taking place in South Africa to transform policing and the police. Nor have we reviewed the literature concerning the widespread impact of crime on South African communities. The programme we have outlined is but one small initiative among a whole host of initiatives underway in South Africa both inside and outside the police to shape policing and respond to disorder. The relevance of the Zwelethemba model for this paper is that it consciously explores ways of responding to general trends and challenges in governance within a local context.

Unlike South Africa's principally market-maintained security deficit, the inequalities in Northern Ireland continue to be reproduced through old forms of national conflict, linked to an historical legacy of the monopolisation of the state security apparatus by one segment of the community. Once again vigilantism emerges as a significant issue. Local capacity governance (of a violent form) has developed in spite of/because of the repressive policing practices of old Stormont (and subsequently gained momentum throughout the period of direct rule from Westminster). New Stormont is faced with the challenge of curtailing inappropriate (and non-representative) state and non-state forms of policing. In proposing a plan that would do this, the ICPNI argued that it was not local policing that was the problem, but vigilantism. Accordingly, the IPCNI sought to combat vigilantism through providing a structured alternative to civil involvement in policing. In the longer range, it is hoped that remaking policing as everyone's business through the requirement of inter-community co-operation in the new nodal network of policing will help to foster inter-community tolerance and peaceful co-existence in Northern Ireland.

Together the South African and the Northern Irish possibilities provide a complementary set of solutions to the deficits we have canvassed. The microscopic South African experiment would fit nicely within the macroscopic regulatory framework set out by the ICPNI: it provides an interesting example of the sorts of initiatives that such a regulatory framework might be used to enable and encourage and is suggestive of how we might simultaneously pursue top-down and bottom-up approaches to reforming the governance of security as a whole.

Notes

1. This paper was supported by grants from the Social Sciences and Humanities Research Council of Canada (SSHRC) and the Government of Finland.
2. Stephen Krasner points out that the 'Peace of Westphalia' which ended the Thirty Years War in 1648 is taken to mark the beginning of the modern international states system – understood as a universe composed of sovereign states, each with primary authority within its own geographic boundaries. The Westphalian model, based on the principles of autonomy and territory, offers an arresting and elegant image. It 'orders the minds of policy makers' (Krasner 2000:124). While the Westphalian model constitutes an ideal from which states regularly depart, it has, and continues to constitute, an aspirational benchmark.
3. For a graphic illustration of the extent to which governmental programmers, practical thinkers and academic economists disagree amongst themselves as to the appropriate ways to respond to current global challenges, see Fishman et al (1998).
4. Examples of governmental programs designed to do this are well developed in the contexts of Canada (Smith and Wolfish 2001), the United States of America (Osborne and Gaebler 1993), Great Britain (Loughlin and Scott 1997), Australia and New Zealand (Grabosky 1994), and South Africa (Roche forthcoming).
5. This, for example, is the explicitly delineated ethos of the new democratic dispensation in South Africa, as laid out in the 1998 White Paper on Local Government (South African Parliament 1998).
6. For example, through the development of sub- and supra- state public agencies with 'sovereign' authorities, such as more autonomous provincial/state/ municipal levels of government, on the one hand, and overarching transnational agencies to address issues of 'global' significance.
7. The work in Zwelethemba leading to the ongoing refinement and dissemination of this model is currently funded by the Embassy of Finland in South Africa. Pilot work that resulted in the initial development of the model was funded by the Raoul Wallenberg Institute, Lund University, Sweden.
8. On each of these occasions, the number surveyed was between 70 to 100 persons.
9. The 'Irish Free State' established in 1921 was designated the 'Republic of Ireland/Eire' in 1949 (Jackson 1999).
10. The nature of the conflict in Northern Ireland is principally one of competing national and cultural identities and political aspirations for the statelet, which overlap with religious identifiers (McGarry and O'Leary 1995, 1999). Members of the majority Unionist community generally perceive themselves as descendants of the British settlers of Ireland who wish to maintain political union with Great Britain. The minority Nationalist and Republican communities

generally identify as ‘Irish/Gaelic’ in origin and ultimately wish to see the development of what is viewed as an ‘historically complete’ Republic of Ireland/Eire. While the Nationalist community has always been committed to pursuing this end through constitutional means, along with being willing to entertain alternate political arrangements wherein the rights and interests of the Catholic community are represented in the governance of Northern Ireland, the Republican community has in the past been willing to engage in violence towards its rather more singular end of unification with the Republic of Eire.

11. This is the case apart from the period 1970-1976, wherein the British Army took over the front lines in this endeavour, as part of an effort to ‘normalise’ public policing in Northern Ireland. (On this period, see especially, Ryder 1989, Weitzer 1995, Ellison and Smyth 2000.)
12. Vigilante justice has also increasingly been carried out in some Protestant communities since the mid-1980s, which reflects a less-complete withdrawal of support for the public police by such groups as the RUC came to be increasingly even-handed in its policing of dissidence and public violence of both sides of the sectarian conflict (Brewer 1991).
13. The Belfast agreement has set in motion a range of reforms for governance that resonate with global trends towards both the devolution of the rowing of governance and diffusion of the steering of governance to local and non-state actors. A comprehensive review of the Belfast Agreement is beyond the purposes of the present paper. However, two key tenets of this document are: devolution of governmental responsibility to local communities; and the creation of inclusive institutional arrangements that require cooperation between the two principal communities of Northern Ireland to carry out the steering and rowing of governance (see Ruane and Todd 2001).
14. There have been many efforts to restructure public policing in Northern Ireland since the end of the 1960s. To their credit, many reformatory efforts have been undertaken through the initiative and/or with the acceptance of the RUC. Unfortunately, none of these initiatives have proven sufficient to engender substantial Catholic – and nearly zero Nationalist and/or Republican – support of state policing in Northern Ireland.
15. These powers are indeed quite extensive relative to the powers of similar bodies around the globe. The ICPNI has rejected the dominant conception of ‘operational independence’ on the part of the public police, in favour of the alternate conception of ‘operational responsibility’ (See ICPNI 1999:32, 6.20).
16. The Deputy Chairman of the Policing Board, Denis Bradley, has himself publicly stated that he is unsure of the powers of the Policing Board vis-à-vis the Chief Constable (Cadwallader 2002).

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