



# PSIRA

Private Security Industry Regulatory Authority



## PROMOTING PARTNERSHIPS FOR CRIME PREVENTION BETWEEN **STATE** AND **PRIVATE** SECURITY PROVIDERS IN SOUTHERN AFRICA

-Edited by Sabelo Gumedze



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# **Promoting Partnerships for Crime Prevention between State and Private Security Providers in Southern Africa**

**Edited by  
Sabelo Gumedze**

***Private Security Industry Regulatory Authority***





Foreword.....	2
List of Contributors .....	4
Acknowledgements .....	8
Acronyms .....	9
Executive Summary .....	12
Introduction.....	14
<i>Sabelo Gumedze</i>	
Literature Review .....	28
<i>Margaret Gichanga</i>	
Botswana .....	45
<i>Mpho Molomo and Zibani Maundeni</i>	
Namibia .....	95
<i>John Nakutta, Nicole Duminy and Brian Simamuna</i>	
South Africa.....	147
<i>Margaret Gichanga</i>	
Swaziland.....	211
<i>Hamilton Simelane and Wonderboy Maziya</i>	
Summary .....	262
<i>Sabelo Gumedze</i>	

The International Development Research Centre (IDRC) is proud to have provided a grant to the Private Security Industry Regulatory Authority (PSIRA) for the purposes of undertaking a research project titled: *Promoting Crime Prevention Partnerships Between State and Private Security Providers in Southern Africa*. The overall objective of the research was to explore crime prevention partnerships between the state and the private security sector in selected Southern African countries. This has successfully been achieved. Being the first research undertaken by PSIRA and funded by the IDRC, the work that has gone into this type of research is commendable. The IDRC grant was provided to PSIRA under the auspices of the Governance Security and Justice (GSJ) Programme, which supports the creation of policy-relevant knowledge that is aimed at addressing, *inter alia*, the challenge of insecurity, which hinders economic, social and political development.

It is not disputed that the research findings will influence policy-processes aimed at improving crime prevention initiatives in these countries, namely: Botswana, Namibia, Swaziland and South Africa. This monograph will be helpful in the establishment and strengthening of crime prevention partnerships between the state and the private security sector. This will in turn contribute to the reduction of crime levels in these countries. A comparative study such as this has no doubt led to fresh, exciting insights and a deeper understanding of the approaches adopted by these countries in addressing crime. The study has also led to the identification of gaps in knowledge and pointed to possible directions that could be followed by states in the establishment and strengthening of crime prevention partnerships. Having undertaken the field research, it is plausible that the contributors have succeeded in identifying and illuminating similarities and differences. This is important in informing possible policy options to be undertaken by a state, based on its needs and context.

Each contribution to the monograph was peer reviewed by an independent content specialist, Prof. Laurence Juma and language editor, Mr Khomotso Bopape prior to publication. Ms Mindy Standford facilitated a writers workshop to enable the contributors to this monograph to minimise the language editorial work. The monograph was ably edited by Dr Sabelo Gumedze, who has become an African expert in the field of private security. Dr Julie Berg reviewed the literature and provided an extensive critique which informed its betterment. With regard to all the country reports, Mr John Kole, Dr Petros Magagula, Dr Edgar Bwalya, and Dr Lesley Blaauw provided extensive comments on the research questions addressed, the theoretical foundations, the methodologies, the analyses and results presented, and the implications thereof. I am very honoured that from the conception phase

to the final phase of this project, I have been fully involved and met all the role players who have made this project a success. Despite insurmountable odds, the Director of PSIRA, Mr Sam Chauke, made this project possible. His role was not only for the betterment of PSIRA, but also for the Southern African states, which have been subjects of the research.

In paying heed to the recommendations in this monograph, there is no doubt that states, particularly in the Southern African region, will come closer to solving the ever-escalating crime pandemic. This monograph, which connects theory to practice, is a must read for all: politicians, policymakers, security practitioners, scholars and students. As the first research publication by PSIRA, there is just so much to be gained by reading this well-researched monograph. It is hoped that this publication will prove useful and stimulating to its readers.

***Ms Njeri Karuru***

*Senior Programme Specialist, International Development Research Centre*

30 March 2015



**Dr Sabelo Gumedze** is the Head/Senior Researcher of the Research and Development Unit at the Private Security Industry Regulatory Authority based in Pretoria, South Africa. Dr Gumedze holds a Doctor of Social Science (International Law) from Åbo Akademi University, Finland. He is a former Senior Researcher of the Conflict Prevention and Peacebuilding Division at the Institute for Security Studies in Pretoria, South Africa. Dr Gumedze has over 10 years experience in research with a background in legal scholarship and practice, policy development, international law, human rights, and human security research, analysis, training, teaching, supervising, project management and implementation. He has worked as a consultant/partner/advisor with the United Nations, African Union, think tanks, NGOs, and universities in Africa, Europe and North America. For the past seven years, he was involved in researching on the role of private security in Africa. He was responsible for managing an IDRC-funded project on *Promoting Crime Prevention Partnerships Between State and Private Security Sector in Southern Africa*. He is the author of over 25 publications.

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**Mr Wonderboy Sikelela Maziya** works at the Central Bank of Swaziland as a Security Manager. Before joining the Bank he had worked in the police service for 10 years. During his tenure as Security Manager he made a proposal to Swaziland Standards Authority (SWASA), a standard setting board to consider establishing some standards for the security industry in the country. He was then appointed to head the technical committee, which made valuable input towards the promulgation of the first of its kind SZNS 024:2012 Swaziland National Standard Private Security Services Requirements. Mr Maziya holds a Master of Business Leadership (MBL) degree from the University of South Africa Graduate School for Business Leadership (UNISASBL), Bachelor of Laws and Bachelor of Arts in Law degrees from the University of Swaziland, and has attended many security related short courses and workshops. He completed a Management Development Programme with the Stellenbosch University and is currently pursuing a certified security management programme with the International Security Management Institute based in the United Kingdom. In order to fulfill the requirements of the MBL, he submitted a thesis and research article titled *The design and evaluation of a measure of entrepreneurial climate for use by state owned enterprises in the Southern Africa*.

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**Mr Brian Simamuna** worked as a tutor in the Department of Public Law and Jurisprudence, University of Namibia. Furthermore, he was involved in a number of academic activities mostly run by the Human Rights and Documentation Centre in Namibia. He is currently a Learner Legal Practitioner at the Zambia Institute of Advanced Legal Education (ZIALE) pursuing a Law Practicing Certificate. He is in possession of a Baccalaureus Juris (B Juris) Law Degree, and a Bachelor of Laws (Honours) from the University of Namibia, Diploma in Law, Certificate in Law and a Certificate in Human Rights Law from the National Institute of Public Administration (NIPA) in Lusaka, Zambia. He further holds a Certificate in Psycho-Social Counselling awarded by Chainama College for Health Sciences in Lusaka, Zambia. Mr Simamuna has developed an interest in research and excellent public speaking skills. He is determined, willing to learn, and an easy fit to new situations.

**Ms Nicole Duminy** started studying law in 2010 at the University of Namibia and obtained her Baccalaureus Juris in 2013. She is currently a final year student completing an LLB at the University of Namibia. She has also been engaged in various research projects such as assisting Mr John Nakutta in investigating the water and sanitation situation in Namibia (2012) as well as assisting on the baseline study done for the Office of the Ombudsman of Namibia on assessing the rights of elderly people and the right to health in Namibia (2012). She was recruited as a resource person by the European Union (in collaboration with various other Namibian institutions) in an on-going project informing Namibians about their rights particularly focussing on women's rights.

**Prof. Mpho G Molomo** is the Director of the Centre for Strategic Studies, housed in the Department of Political and Administrative Studies of the University of Botswana. He holds a BA from the University of Botswana, an MA and MAIA from Ohio University in the United States, and a PhD from Boston University in the United States. He previously served as Head of the Department of Political and Administrative Studies, Director of the Democracy Research Project, and Acting Dean of the Faculty of Social Sciences at the University of Botswana. He has also been a visiting scholar at various universities outside Botswana. His research interests include state and land development and tenure; southern African politics; democratisation in southern Africa; security sector governance and democracy; political parties and electoral systems; and ethnicity and politics. He has published extensively in all of these areas. He has served on observer missions for various elections in the region. He is an external examiner for various SADC institutions, and conducts training courses for defence and security sector practitioners, civil society groups, government officials, and members of parliament in Botswana.

**Prof. Zibani Maundeni** teaches Political Science at the University of Botswana, with specialisation in developmental state theories, civil society, politics of poverty, regional integration, state capacity and human rights. He is an institutional and cultural expert. Professor Maundeni read Political Science at the University of Botswana where he was selected as a Staff Development Fellow and subsequently pursued a Masters degree in the Political Philosophy of Human Rights at the University of Edinburgh and a PhD in Institutional Capacity of the State at York University in the UK. He taught at the University of Botswana from 1993 and was the Coordinator of the Democracy Research Project (DRP) from 2000 until 2007. He has coordinated a number of consultancies including: *The National Integrity System in Botswana* (analysing institutional structures and processes) for Transparency International which was launched in Harare on the 9<sup>th</sup> November 2007; *Consolidating Democracy in Southern Africa* (analysing political parties and civil society organisations as institutions) for the Electoral Institute for Southern Africa which was published in March 2007, *Electoral integration in SADC* (analysing regional elections institutions) for BIDPA which was published in a book in 2008; *Voter Apathy in Botswana* for the IEC which published the report in 2002. Professor Maundeni has published four books, three of which he edited. He has published over two dozen articles in international journals. Professor Maundeni just finished a project on political violence in Kenya. He has participated in election observation in several countries as part of the African Union teams.

**Ms Margaret Gichanga** is a researcher with the Private Security Industry Regulatory Authority. She holds a Master of Arts degree in International Relations from the University of the Witwatersrand, known for its research and academic excellence. Ms Gichanga previously worked as an intern at the Institute for Security Studies where she conducted research on private military and security companies, and their involvement in peacekeeping and humanitarian assistance operations in Africa. She published an article titled *Fusing the Privatisation of Security with Peace and Security initiatives in Africa*. She was responsible for the South African chapter, featured in the four country case study on *Promoting Partnerships for Crime Prevention between the State and Private Security Providers in Southern Africa*. Other research projects she has worked on include; the Guarding Security Sector, the Electronic Security Sector, and the Role of Dogs and Dog Handlers in the Private Security Sector in South Africa. Ms Gichanga is a part-time lecturer for the Private Security Services Law post-graduate course at the University of the Witwatersrand. Her research interests include; peace-building and post-conflict reconstruction, conflict mediation, the private security industry in peace-building and crime prevention, the international political economy of development and political sociology.



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## ACRONYMS

ADT	American District Telegraph
AIT	Assets-In-Transit
ANC	African National Congress
AON	All Or None
ASIS	American Society for Industrial Security
ATMs	Automated Teller Machines
AWOL	Absent Without Leave
BAC	Business Against Crime
BDC	Botswana Development Corporation
BDF	Botswana Defence Force
BEE	Black Economic Empowerment
BID	Business Improvement District
BOCCIM	Botswana Confederation of Commerce Industry and Manpower
BOFEPUSU	Botswana Federation of Public Services Union
BOTA	Botswana Training Accreditation Authority
BPS	Botswana Police Service
BRICS	Brazil, Russia, India, China, South Africa
CADSP	Common African Defence and Security Policy
CCID	Central City Improvement District
CCTV	Closed Circuit Television
CEO	Chief Executive Officer
CFR	Central Firearms Registry
CID	Criminal Investigation Department
CIT	Cash-In-Transit
CLF	Caprivi Liberation Front
CPF	Community Policing Forum
CPO	Close Protection Officers
CPP	Crime Prevention Partnership
CRM	Customer Relationship Management
DA	Democratic Alliance
DCEC	Director on Corruption and Economic Crime
DIS	Directorate of Intelligence Services
DTC	Diamond Trading Centre
DTP	Diamond Technology Park
EFC	Electric Fence Certification
ESS	Engineered System Solutions
FPTP	First Past the Pole
GABS	Government Accounting and Budgeting system
GBH	Grievous Bodily Harm
GDP	Gross Domestic Product
GDS	Growth and Development Strategy

GPI	Global Peace Index
GRN	Government of Namibia
HLCC	High Level Consultative Council
ICC	International Conference Centre
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all forms of Racial Discrimination
IEC	Independent Election Commission
ILEA	International Law Enforcement Agency
ILO	International Labour Organization
IPPR	Institute for Public Policy Research
IRIN	International Regional Information networks
ISS	Institute for Security Studies
IT	Information Technology
JDA	Johannesburg Development Agency
JMPD	Johannesburg Metropolitan Policing Department
LaRRi	Labour Resource and Research Institute
MDJS	Ministry of Defence Justice and Security
MEC	Member of the Executive Council
MoL	Ministry of Labour
MoU	Memorandum of Understanding
Nampol	Namibian Police
NAMRIGHTS	Namibia Society for Human Rights
NASA	Namibia Statistics Agency
NASGWU	Namibia Security Guard and Watchmen Union
NATAU	Namibia Allied Workers and Transport Union
NCIS	Namibia Central Intelligence Service
NCPS	National Crime Prevention Strategy
NDF	Namibian Defence Force
NEF	Namibia Employers Federations
NFSE	Namibia Federation of Security Employers
NGO	Non-Governmental Organisation
NHE	Namibia Housing Enterprise
NISU	Namibia Independent Security Union
NKP	National Key Points
NPA	National Prosecuting Authority
NSGPU	National Security Guards Protection Union
NW	Neighbourhood Watch
PCO	Professional Conference Organisation
PLAN	People's Liberation Army of Namibia
PMCs	Private Military Companies

POLSEC	Political Secretary
PPADB	Public Procurement and Asset Disposal Board
PSCs	Private Security Companies
PSF	Police Security Forum
PSI	Private Security Industry
PSIRA	Private Security Industry Regulatory Authority
SAB	Security Association Botswana
SACU	Southern African Customs Union
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SAN	Security Association of Namibia
SANDF	South African National Defence Force
SAP	South African Police
SAPS	South African Police Service
SAQA	South African Qualifications Authority
SARPCCO	South African Regional Police Chief Cooperation Organisation
SASA	Security Association of South Africa
SASSA	South African Social Security Agency
SASSETA	Safety and Security Sector Education and Training Authority
SATU	Secretary General of Swaziland Amalgamated Trade Union
SESORB	Security Enterprises and Security Officer Regulation Board
SFF	Special Field Force
SIA	Security Industry Alliance
SOC-SMG	Special Operations Consulting-Security Management Group
SSG	Special Support Group
SWAPO	South West Africa People's Organization
SWATF	South West African Territorial Forces
UDP	United Democratic Party
UK	United Kingdom
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UNTAG	United Nations Transition Assistance Group
USA	United States of America
USDF	Umbutfo Swaziland Defence Force
VIP	Very Important Persons
VOCS	Victims of Crime Survey
VVIP	Very Very Important Persons



Private security is now considered to be part and parcel of the broader security sector. Not only are private security companies (PSCs) providing security services to those who can afford to pay for such services, but they also play a part in crime prevention within various societies. They arguably complement the role of the police whose role it is to detect and combat crime. In view of their roles in preventing crime, there is a need for the inclusion of the private security industry in crime prevention partnerships between the state and non-state actors. This should be the case despite the fact that the private security industry is largely profit-driven and that – in the pursuit of business – it largely serves the interests of those who hire its companies.

In light of the various roles that state security agencies and non-state actors play in crime prevention, the need for the establishment and strengthening of strong collaborations or partnerships among these security providers cannot be overemphasised. Crime prevention partnerships are very important due to the fact that crime negatively affects any country's development. After all, crime prevention cannot only be left to the police. This is not to say crime prevention should no longer be a concern of the police, but a societal challenge requiring a multi-pronged approach. In order to address the challenges of crime, many states, including those in southern Africa, have adopted the concept of community policing, which emphasises partnerships between the community and the national police as a crime prevention intervention. While this intervention is effective in many states, it however overlooks the importance of the role played by the private security industry, which has now become a force to be reckoned within the field of security.

This monograph explores crime prevention partnerships between the state and the private security sector in four selected southern African countries, namely, Botswana, Namibia, South Africa and Swaziland, with a view to influencing policy processes aimed at improving crime prevention initiatives. While the policy interventions targeted through this research mainly focus on the national level, utilising the research findings in influencing policies at the sub-regional, regional and international levels could be an important consideration. It is hoped that through this research, the establishment and strengthening of partnerships between the state and the private security sector, in particular, will result in the drastic reduction of crime levels in these countries and also prove that such partnerships could be viable and strategically sound tools for crime prevention in the southern African region.



This publication is the first of its kind to have been undertaken under the auspices of the Private Security Industry Regulatory Authority (PSIRA), an entity established by South Africa's Private Security Industry Regulation Act, No. 56 of 2001. The Authority's mission is to protect the constitutional rights of all people to life, safety and dignity through the effective promotion and regulation of the private security industry. According to the PSIRA Strategic Document, Strategic Priority 1 on the Industry Stewardship (Knowledge and Advocacy), PSIRA is to seek to ensure full understanding of the private security industry and to begin to respond to industry needs and challenges in order to be recognised as "the industry experts".

As PSIRA understands it, the quest for industry expertise goes beyond just understanding the South African private security industry. It includes appreciating what is going on in other countries, both within the African continent and beyond. The idea behind the comparative study, which this monograph covers, is informed by the idea that in any field of study, comparable analysis allows for more informed decision-making. Needless to say, there is always an advantage in comparable analysis in the case of security studies. This is the overarching objective of this research study.



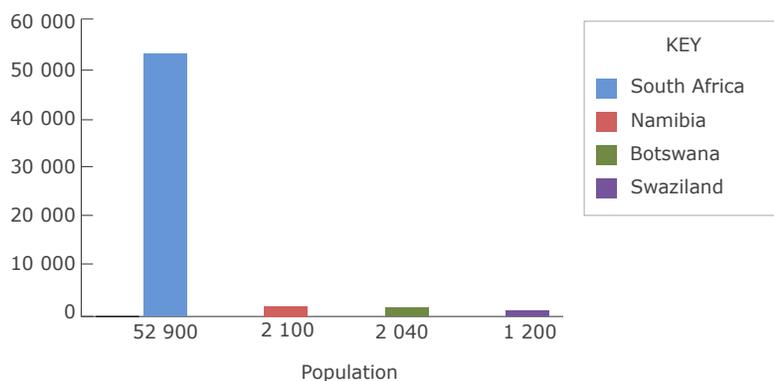
*Sabelo Gumedze*

## 1. The purpose of the study

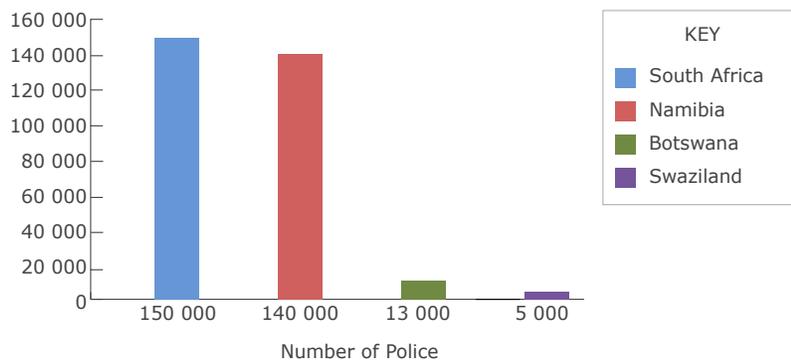
This monograph explores crime prevention partnerships between the state and the private security sector in four selected southern African countries, namely, Botswana, Namibia, South Africa and Swaziland. Crime prevention in southern Africa is largely based on the principle of community policing, that is, partnerships between the community and the national or public police. The partnerships between the police and communities, which strengthen existing community policing forums (CPFs) are seen as viable tools for effective crime prevention in the region. Within these partnerships, however, the role played in crime prevention, by the private security sector, that is, private security companies (PSCs) and private security officers (PSOs) is often overlooked, ignored and/or downplayed, yet the sector has grown exponentially, taking centre stage in the security arena. In fact, the private security sector has become a force to be reckoned with not only within the southern African region but also globally.

While CPFs are focused on securing communities with the assistance of the national police service (or force, as the case may be), private security companies mainly provide security to those who can afford to pay for their services. This is one of the many reasons why PSCs are usually not considered, yet they are critical role players in crime prevention in many instances. In fact, they form the key players in the field of security, not only in preventing crime but also in complementing the work of the police. It is not a secret that police are in most cases constrained in terms of their financial and human capital in almost every society. Figures 1 and 2 show the population numbers and police force numbers in Botswana, Namibia, South Africa and Swaziland, respectively.

**Figure 1: Population per country, 2014**



**Figure 2: Police Force per country: 2014**



The main objective of this research study is to generate policy-relevant knowledge in the sphere of crime prevention partnerships. What is most glaring is the fact that the real function and potential of the private security sector, particularly in crime prevention, has not been studied. Writing from the perspective of the Republic of Macedonia, Gerasimoski (2013:296) argues that many of the laypeople view private security as a repressive security component and as something that has deviated from the very notion of security, i.e. security being seen as an integral social phenomena – a public good. As will be seen in the country case studies featured in this monograph, this view also prevails in the southern African region. The argument made is that private security cannot be envisaged or practised in any other way than preventive as its primary orientation (Gerasimoski, 2013:296). This is true in the sense that private security should only be seen as preventing the commission of crime. If such prevention is not effective and crime eventually occurs, the public police take over as the first port of call in the official justice system.

## 2. Unpacking the research question

In undertaking this study, the following research question was considered and comprehensively addressed:

*Based on the role played by the private security sector, that is, PSCs in the southern African region, to what extent can crime prevention partnerships between the state and the private security sector effectively prevent crime in Botswana, Namibia, South Africa and Swaziland?*

The main premise of this research study is the fact that it is quite clear that the private security sector is now playing a major role in crime prevention through the provision of security services that are aimed at reducing crime in our society, particularly to those who can afford to pay for these services. The research

hypothesis, therefore, is two-fold: firstly, that since the private security sector has in the past decade grown at a tremendous rate in these countries, the levels of crime have also been drastically reduced; and secondly, that the establishment and/or formation partnerships between the state and the private security sector could be a viable and strategically sound tool for crime prevention in the southern African region. The study therefore seeks to test this two-tier hypothesis through systematic qualitative and quantitative research methods.

Through this study, the following key issues have been addressed: one, the role, trends and extent of the public police and private security sector in the prevention of crime in Botswana, Namibia, South Africa and Swaziland; two, the legitimacy and accountability of the various security actors involved in crime prevention, such as the state security agents, the private security sector, the community police and civil society; three, the extent to which Botswana, Namibia, South Africa and Swaziland have realised and appreciated the role played by the private security sector (as non-state actors) and thus established and/or nurtured partnerships between the state institutions with the non-state actors, particularly the private security companies in their crime prevention strategies, taking into account the gender perspective; and finally, the extent to which these countries have effectively implemented the crime prevention strategies/policies (including their reform) in order to ensure the security of their citizens (both poor and rich).

To a large extent, the above-mentioned questions address the guiding questions reflected in the International Development Research Centre's *Governance, Security and Justice Programme Prospectus for 2011–2016*. These include, firstly, what influences the relationship between state and non-state actors in situations where a high level of violence and criminality coexists with democratic governance? Secondly, how can incentives be framed to develop appropriate policies and reforms that promote citizen security and protect livelihoods in southern Africa? Thirdly, what effect does the proliferation of non-state security actors have on citizens' efforts to hold them accountable and how does this impact on efforts to build more effective and accountable state security forces in the region?

### **3. Making a case for crime prevention partnerships**

Both the state police and PSCs are in the business of providing security services aimed at preventing and combating crime. The working definition for PSCs in this context is that they are private business entities legally registered and certified to provide security services for remuneration, reward, fee or benefit. The types of security services to be rendered by PSCs are determined by the country within which they are permitted to render such security services. According to the United Nations Draft of a possible Convention on Private Military and Security Companies (PMSCs), security service refers to 'armed guarding or protection of buildings, installations, property and people, any kind of knowledge transfer with security and



policing applications, development and implementation of informational security measures and other related activities'. This definition may be extended to include other services depending on the country where such services are permitted. The aforementioned Draft was elaborated by the United Nations Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and submitted for consideration and action by the Human Rights Council.

Since the 1990s, PSCs have undergone a rapid expansion, providing security guards (and police-type security services), which more often than not outnumber national police officers. This sometimes creates an equilibrium challenge in the security domain. The private security boom within the southern African region revives many of the long-standing debates about the use and legitimacy of private force, as this challenges the very nature of the notion of state monopoly on the use of force. Three objections are usually raised in relation to the privatisation of security: firstly, they provide their services for money rather than a particular cause; secondly, they challenge the democratic relationship between the state and its citizens, as the state's monopoly on the use of force is compromised, particularly in security guards making use of force in providing their security-related services; and thirdly, they do not operate under effective state regulation and control.

In view of these objections, the consideration of the private security industry in crime prevention partnerships becomes even more complex. The reality of the matter, however, is that the trend towards the privatisation of security is very unlikely to be reversed in the near future. Hence, it has been contended, "[t]he mixture of state and private actors within the field of security is here to stay and consequently the international community has to find a way, if not to embrace it, at least to cope with it". (Creutz, 2006:9) This challenge is not only confined to the international community but also to nation states. Involving the private security sector by nation states in crime prevention partnerships could debatably be viewed as embracing this sector, which continues to define the privatisation of security at a domestic level, particularly in affluent neighbourhoods and businesses.

With the private security sector increasingly performing duties and activities that were previously assumed to be the province of public actors, several challenges emerge. First, there is the obvious erosion of the state monopoly on the use of force (Weber, 1919). (Weber sees the use of force as the main defining element of a state, i.e. 'a state is a human community that (successfully) claims the monopoly of legitimate use of physical force within a given territory'.) This shift of power from the public to private actors, often directed and overseen by private superiors who are not directly accountable to public oversight, raises questions of how governments can effectively protect and defend state interests, including the

rights of its citizens. While private security actors may bring a degree of stability and effectively fight crime, in the long run, some governments may see reliance on the private security actors as the main way of resolving internal problems. It must be noted that sometimes these private security actors include those who have engaged in violations of human rights, such as rebel factions and other militia.

Second, the use of private security actors results in democratic and accountability deficits, otherwise known as the twin deficits. In this case, there is always a lack of quality information and transparency regarding the nature and scope of private security sector personnel, practices and applicable laws and regulations. This leads to the lack of democratic accountability in the provision of private security. As private security companies are only accountable to a mix of management, company boards and shareholders (Richards & Smith, 2007), they are not necessarily directly accountable to public oversight. Therefore, both corporate and individual accountability is generally lacking in so far as the private security actors are concerned.

Third, due to the fact that private security companies are not accountable to the public, there is always a higher risk in their violation of human rights. Without doubt, criminal liability issues are a major cause for concern for the utilisation of PSCs, which are constantly becoming major players in the security arena. There is also the issue of states contracting private security (and military) companies at the international levels, whose desirability is not yet settled. It has been argued, for instance, that states should not be allowed to contract, out of international legal obligations' the use of non-state actors (Dutly, 2007).

Fourth, proliferation of the private security industry results in the weakening of national security (Heinecken & Motzouris, 2011). Private security companies sometimes pay more than national security forces, and this has led to a considerable number of police and soldiers leaving public life in favour of better-paying jobs in the private security sector and providing much of the private security sector's workforce. This was highlighted in an interview with Barack Obama on 2 July 2008. There is no doubt that this has left the remaining police and military forces strained, as they are required to work more shifts. Over and above this, national military and police colleges are seemingly providing training for the private security sector, and this results in a considerable 'brain drain' within the national forces and services.

Fifth, there is a lack of consistent or coherent private security industry standards. This is due to the fact that companies in the private security industry are dynamic (both locally and internationally) in their activities, and they still do not have a universally accepted definition. The terms 'private security companies' and 'private military companies' are often used interchangeably in the press and academic literature, and there is much debate as to what collection of duties each label



refers. It is for this reason that the term PMSCs is always used to cover both. This, however, does not help, particularly in the development of legal instruments that may best regulate this sector.

Given the above-mentioned challenges, the consideration of establishing crime partnerships to include the private security industry requires the exercise of some level of circumspection. For example, the question could be posed on why a non-state actor, which arguably seeks to challenge the notion of state monopoly on the use of force, should be considered important in crime prevention initiatives. The other issue that must be addressed is whether the private security sector should be included in crime prevention partnerships, despite the fact that its clientele is largely affluent; still, community policing is mainly focused on communities that cannot afford to pay for security services. The need for this study is therefore to provide policymakers with the necessary information and required analysis in establishing and/or reforming crime prevention strategies in their respective countries.

#### **4. The gender perspective**

It has also been observed that most national crime prevention strategies/policies make no distinction between the needs or impact of crime on men and women. This is despite the request made to governments during the UN Beijing Conference in 1995 to respond to gender issues. According to the United Nations Platform of Action of 1995 (para. 123), “[I]n addressing violence against women, governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that before decisions are taken an analysis may be made of their effects on women and men, respectively.”

In this context, “gender refers to the particular roles and relationships, personality traits, attitudes, behaviours and values that society ascribes to men and women” and gender mainstreaming refers to “the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels” (Schulz & Yeung, 2008:3). It has been asserted that as the trends towards privatisation of security increases and regulation of private security actors develops, incorporating gender could greatly improve operational effectiveness throughout the sector and positively shape its development (Schulz & Yeung, 2008). It could be argued further that incorporating gender in crime prevention partnerships between the state and non-state actors could improve the partnership strategies and positively shape and improve the security situation in any given country.

In conceptualising, establishing and implementing crime prevention partnership strategies/policies between the state and the private security sector, there is therefore a need to consider their impact on men, women, girls and boys in the various countries, namely, Botswana, Namibia, South Africa and Swaziland.

Local ownership of these crime prevention partnership strategies/policies may be enhanced significantly in the event that the key players have undergone gender training tailored to suit the local context. Ensuring that women are involved during the conceptual, establishment and implementation stages of crime prevention partnerships is the most important strategy for improving their effectiveness.

The involvement of women, particularly in the private security sector as well as in crime prevention partnership programmes, is important for the following reasons (Schulz & Yeung, 2008:4): one, female staff are seen as more approachable and less threatening, even in traditional societies; two, female operators are needed in a variety of places in order to perform body searches on women; three, female security operators can serve as positive role models for local women who are considering joining secure forces/services, such as the police, the army as well as the private security industry; and four, female operators may be able to take a different approach in the detection of security risks, thereby potentially enhancing identification of the specific types of danger that women are exposed to in various countries.

Despite the fact that the ratio of women to men in security work is not balanced, the view that is taken is that crime prevention partnerships between the state and non-state actors may be used as tools for addressing this equilibrium challenge by ensuring their involvement. This would, in turn, contribute in fighting all kinds of crime in society. In particular, the involvement of women could also address gender-based violence. According to the Platform for Action, violence against women is an obstacle to the achievement of the objectives of equality, development and peace (United Nations Platform of Action, 1995, para. 112–113). The term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life (United Nations Platform of Action, 1995, para. 113). The Platform of Action further provides that violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms (United Nations Platform of Action, 1995, para. 112). The crime prevention partnership between state and non-state actors should therefore be seen as a viable tool in addressing the violation of women’s rights as part of preventing crime in various societies.

## **5. The monograph in a nutshell**

In contextualising this research study, the monograph begins with an exhaustive literature review by Margaret Gichanga, in an attempt to understand the broader discourse of crime prevention strategies between state and non-state actors. Among other things, the literature review considers the pros and cons of such partnerships and the implementation of the Handbook on Crime Prevention Guidelines developed



by the United Nations, as well as other relevant international, regional, and/or sub-regional tools/frameworks. The Handbook on Crime Prevention Guidelines offers a concise overview of the main considerations to be taken into account in planning and implementing crime prevention strategies and interventions. Further, the literature review critically discussed relevant scholarly writings in this field of study. It highlights the dearth of scholarly writings in so far as the southern African region is concerned. The argument, which Gichanga brings out strongly, is the need to undertake further research on how best crime prevention partnerships between the state and private security could be established and promoted within the region.

In an attempt to fill in the gap identified by Gichanga, Mpho Molomo and Zibani Maundeni discuss the case of Botswana. In their work, the eminent scholars investigate how the public security sector interacts with the private security sector in preventing crime in Botswana. They state that while there is no formal public-private security partnership in existence, however, the police consider the private security sector as “brothers” in the security sector. Despite this so-called “brotherhood”, there is however no formal partnerships sanctioned by law or policy, except between the police, army and wildlife rangers. This is the so-called “public-public partnerships”. One of the reasons for this lack of formal relationships between the state and the private security sector is the (mis)perception that from the general perspective of the police, the private security industry is a rival force and a threat to the police’s credibility. This leads to the inadequate flow of information between the private security sector and the police.

Despite the lack of trust between the police and the private security sector, Molomo and Maundeni observe that there are a number of areas in which the police informally collaborate with private security companies, such as cases where the latter are contracted to replenish Automated Teller Machines (ATMs) with cash. In these instances, an undercover unit of the Special Support Branch of the Police usually supports the private security companies in replenishing the ATMs. In conclusion, Molomo and Maundeni posit that the lack of a formal legal or policy framework for crime prevention partnerships between the state and the private security sector stems from the absence of a private security regulatory authority, which has the potential of helping the private security industry to grow, to impose some discipline, and to introduce standards.

For the Namibian case study, John Nakutta, Nicole Duminy and Brian Simamuna highlight the *lacunae* on the legal definition of “private security” within the Namibian legal framework. They make reference to the definition of “security service”, which is found in the Security Enterprises and Security Officers Act, No.19 of 1998 (as amended), which provides that a security service may be defined as service rendered by one person to another for reward in exchange for the protection or safeguarding of people and property, or the provision of advisory services in this regard. Nakutta, Duminy and Simamuna question the sufficiency of this definition, particularly in

relation to the broader view of the role of private security in contemporary times. The case study also highlights the fact that while the private security in Namibia is constantly growing, due to a plethora of factors, it remains under-researched.

Nakutta *et al.* submit that the relationship between the Namibian Police and the private security industry can at best be described as cordial. They maintain that there is currently no official forum for sharing vital information, experiences, resources and expertise. The relationship between the police and the private security industry only happens on an *ad hoc* basis. They make a distinction between City Police and the Namibian Police in so far as the collaboration with the private security companies is concerned. They argue that the City Police networks more frequently with the private security companies through the so-called zonal policing. While the Namibian Police have embarked upon a community policing programme, the role to be played by the private security industry is conspicuously silent in the Crime Management Strategy of the Namibian Police Force (2011–2014). This is despite the fact that the private security sector has become an indispensable component of peace and stability in the country. After all, it is viewed as being better resourced than the organs of state. One of the challenges highlighted is the dysfunctional status of the Security Enterprises and Security Officers Regulation Board (SESORB), which is empowered to grant applications and to register private security companies and security officers upon application, respectively.

In so far as South Africa is concerned, Gichanga postulates that the proliferation of the private security industry in South Africa is a direct result of safety and security gaps. It is an industry that is considered to be one of the largest in the world. She maintains that the reality today is that the South African Police Service (SAPS) cannot ensure the safety and security of the South African population and property, hence the exponential growth of the private security sector in South Africa. Not only is the private security industry offering security services to private citizens but also to state organs. Gichanga states that the majority of the South African private security industry favours a government-endorsed partnership in the fight against crime. She argues that the need for promoting crime prevention partnerships between the state and non-state actors may prove to be effective and efficient in reducing crime in South Africa. Gichanga makes reference to a number of instances where crime prevention partnerships in South Africa, though on an *ad hoc* basis, have worked.

Making a case for the development of a policy framework for promoting crime prevention between the state and the private security sector, Gichanga asserts that both public and private policing agents form an essential component of the security architecture aimed at safeguarding local communities in South Africa. She cautions that the way people think about crime prevention should be shifted towards their thorough understanding of the realities on the ground, such as the crime levels coupled with the existence of the private security industry, which has become a force to be reckoned with in so far as crime prevention is concerned in



South Africa. The ultimate recommendation made by Gichanga is that the state must take ownership in establishing and ensuring the effectiveness of crime prevention partnerships between the state and the private security sector.

For the Swaziland country study, Hamilton Simelane and Wonderboy Maziya expound on the development of the private security industry in Swaziland. They argue that the growth of the industry derives its character from the economic disparities that accompany the growth of the Swazi economy. They posit that the presence of the private security industry fulfils the neo-liberal dream of rolling back the state in the sense that the state is now gradually withdrawing from its responsibility of providing security to its citizens. In so far as crime levels are concerned, Simelane and Maziya observe that Swaziland has experienced an increasing complexity of crime control and make a strong case for plural policing, which they view as productive and synergistic. This is provided there is some form of cooperation and/or partnerships between the role players, which includes the private security industry.

Simelane and Maziya make an important observation that while state police in Swaziland are there to 'protect and serve', the private security providers are there to 'protect and make profit'. This reality informs the relationships that exist between the police and the private security sector. They contend that the partnerships between the state and the private security sector exist in different forms and are mixtures of both formal and informal structures. One of the most glaring features of the Swaziland private security industry is the absence of an effective regulatory and oversight mechanism. This gap is viewed as an inhibition to any development of a policy or mechanism for crime prevention partnerships between the state and the private security sector. Simelane and Maziya also state that the community policing initiatives are always not inclusive of the private security industry despite their active role in crime prevention.

From the country reports, it is clear that the private security industry is growing. The studies consider the population of each country in order to understand the ratio of the police to the public and thereafter the size of the industry.

Figure 3 shows the population size versus security officers of each country studied.

**Figure 3: Security Officers vs. Population numbers per country**

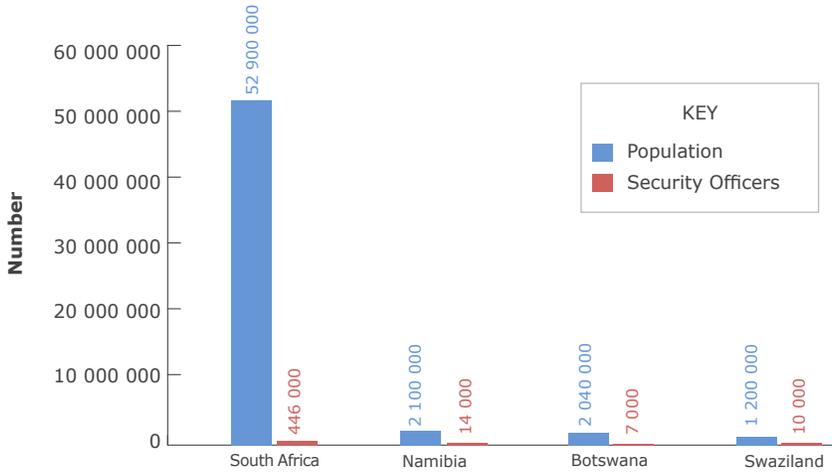


Figure 4 shows the security officers vs police force per country. It is clear that South Africa represents a high number of the private security officers. Based on the figures reflected in figure 4, the ratio of the police officers to the security officers is almost 1:3. This illustrates the point that in the private security sector has become a force to be reckoned with. It also buttresses the point that the private security industry is an industry that is heavily relied upon by the South African population.

**Figure 4: Security Officers vs. Police Force per country**

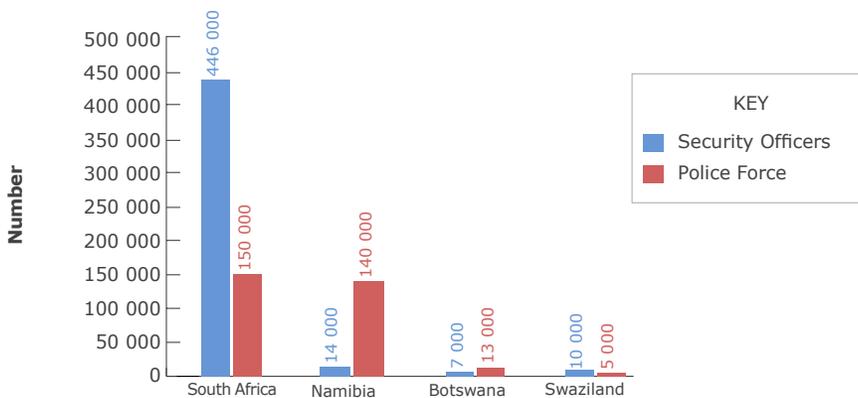
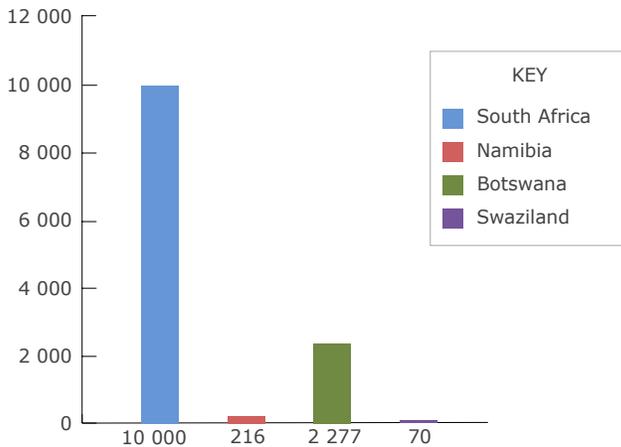


Figure 5 shows that South Africa has the highest number of security businesses as compared to the other countries subject to the study. The country with the least security businesses is Swaziland. The average number of security officers per company stands at 143 security officers, that is, assuming the security officers



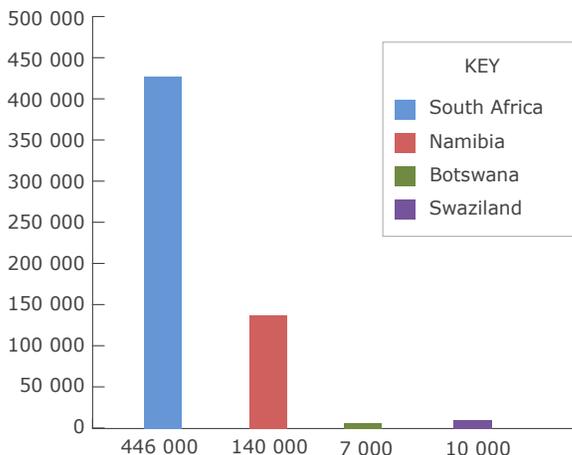
are distributed evenly to the 70 security businesses. In the case of Namibia, the average number of security officers per company is 648 security officers, assuming the security officers are distributed evenly. As a result of the lack of effective regulatory frameworks for the private security industry, it would not come as a surprise that there are more companies in operation in these countries, than is reflected in these figures.

**Figure 5: Security Business numbers per country**



For any partnerships between the state and the private security sector to work, to be established or even strengthened, it is important for the countries subject to the study to have an appreciation of the extent of the industry as illustrated in Figure 6. Furthermore, it is equally important for these countries to keep track of these numbers as the industry is growing at an exponential rate in almost every country. This results from the demand for security in both residential homes, business centers, as well as in government. This also reflects the formidable partner, which the private security sector has become in crime prevention.

**Figure 6: Security Officer numbers per country**



## 6. Conclusion

In this study, a strong case is made for the promotion of partnerships between the state and the private security industry for crime prevention. While the industry generally remains unrecognised and unappreciated in some countries, it nevertheless remains key to crime prevention. The study makes the point that there is a need for the recognition of the private security industry as a professional industry capable of partnering with the state in the fight against crime. Such recognition can be in the form of ensuring an effective regulatory framework for the industry. It also recommends that in the formulation of policies on crime prevention, the industry should be considered as one of the main players in the field of security. This has become even more important with the technological advancement within the industry, which makes use of electronic security systems in the provision of security services.

The study is also aimed at influencing the formulation and reformulation of legal frameworks for the regulation of the private security sector. Of course each country has its own fair share of challenges in addressing the privatisation of security phenomenon. These challenges range from the point of view of not recognising the industry as a professional player in the field of security to the sometimes misguided perceptions that the industry is part of the problem in so far as the increase in crime is concerned. The need for the cooperation between the private security industry and state security agents cannot be overemphasised. After all, the private security industry cannot be easily wished away as it is heavily relied upon as a result of its reputation in preventing crime. It is also a contributing force to the countries' economies. It also contributes towards unemployment, particularly to the people coming from the lower echelons of societies. Through this study, it is hoped that a contribution will be made towards a much safer southern African region.



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Enhancing crime prevention strategies relies on a partnership between the state authorities responsible for safety and security and non-state actors, including the private security sector. The private security sector is largely made up of private security companies and private security officers who play a defining role in the provision of security. In the southern African region, the evolution of policing services has been an inevitable necessity, one that has been dependent on the flux and flow of crime. The evolution of this phenomenon must be carefully considered, owing to the interdependence between state and non-state security service providers, inherent in crime prevention strategies. Pooling the resources and expertise from agents of public and private policing would serve to enable a framework of cooperation and division of labour. This would help to cultivate an approach to policing that will mitigate the prevalence of crime in the long term.

The purpose of a literature review is to review literature relevant to the subject under study. This literature review seeks to investigate what crime prevention strategies entail; it does this through an assessment of international and local perspectives of public-private partnerships engaged in the provision of security. A limitation experienced during the development of this literature review is related to insufficient scholarly attention that has been dedicated to this field of research, particularly in the southern African region. This is not surprising considering that such an evolution of policing, which necessitates a partnership between the state police and the private security industry, is a relatively new initiative.

Such a partnership would be novel in the sense that it envisions the broadening of 'policing' as a concept. From one that conceives of the police as the only guarantor of security, to one that refers to a body of people officially employed to maintain order and enforce regulations. A broader concept of policing is intended to facilitate and enrich partnerships between the public and private police for enhanced crime prevention. Reinforcing the prowess of public and private security agents, into a collaborative framework, would allow resources to be used optimally and enhance dramatically, crime prevention capacities.

Tackling the causal factors that foster crime should be included as a critical component of any crime prevention strategy. Engaging with local communities helps in cultivating local agency, a key factor needed to strengthen the capacity for communities to contribute and take ownership of their safety and security. Notwithstanding the relevance of community involvement in crime prevention initiatives, a coordinated multi-stakeholder approach is needed. The 2010 United Nations Office on Drugs and Crime (UNODC) Handbook emphasises the importance of a shared responsibility for general safety and security. This is based on the recognition that the formal criminal justice system is not sufficient for preventing



crime. Furthermore, it is conceded that with the leadership of government, different sectors of society can work together to ensure a shift from deterrent and reactive to forward-looking and proactive approaches to combat crime.

Chapter V of the UNODC Handbook concedes that there are challenges related to a multidisciplinary approach and working in partnerships to address crime prevention. This is mainly attributed to an unwillingness to share areas of work that were previously under an exclusive jurisdiction of each respective security agency. The Handbook, however, maintains that 'partnerships should be an integral part of effective crime prevention, given the wide-ranging nature of the causes of crime and the skills and responsibilities required to address them'. The Handbook asserts that government leadership should be demonstrated by establishing a central agency that can develop crime prevention strategies. Some key components for a successful partnership include strong leadership, a clear direction for the partnership, sufficient time, information, funding and expertise, and long-term staff allocated to the partnership.

According to the UNODC Handbook, developing proactive rather than reactive responses to crime prevention requires a problem-solving approach, community involvement, and decentralised management. The Handbook highlights the different community-oriented approaches to policing used in North America and Europe. The use of auxiliary and municipal police in the partnerships to develop crime prevention strategies is shown to play a pivotal role in providing greater visibility and community support, in addition to freeing up police time. In South Africa, the Johannesburg Metropolitan Policing Department (JMPD) is a municipal police force that manages and coordinates the city's crime prevention strategy under the authority of the City of Johannesburg. Essentially, the JMPD offers a crucial support while having 'limited powers and responsibilities than the national South African Police Service (SAPS).'

It must be noted that communities may also rely on informal and private police because they either fear or do not trust the police. This is compounded by the reality that in Africa, both state and non-state policing is required to provide security due to the skewed ratio of public police per head. That being the case, in order to ensure that policing, both public and private, is equitable and accountable, it is asserted that private security needs to be considered in national and local government plans and partnership consultations. This would enhance the efficacy of crime prevention strategies.

Furthermore, the UNODC Handbook emphasises that the effectiveness of interventions based on situational approaches needs to be closely monitored to avoid producing a contrary objective, such as displacing crime from one street to another. This potential shortcoming of crime prevention strategies highlights the importance of multi-sectoral partnerships that include urban planning and environmental sectors. This represents a 'spill-over effect' that governs crime and

crime prevention strategies, revealing how changes in one area can have a direct impact on other areas. For example, improvements to housing, urban design, transport and road safety can have an impact on the opportunities for crime and victimisation and the sense of security for the population. An example of such urban renewal in South Africa is the Warwick Junction Urban Renewal Project in Durban that has contributed to job creation, increased tourism, a decline in violent deaths and an increased sense of security. The project was initiated by the local government and was aimed at addressing the sanitary and safety concerns of the area (Shipley, 2010). This was done by engaging street traders and other relevant stakeholders who had been considered a nuisance under the previous regime in the redesign of the site (Shipley, 2010).

A public-private partnership would ensure that the different variables that govern crime and, more importantly, its prevention, could be integrated into a credible network for security provision. This would therefore help in establishing pre-emptive responses for crime prevention and ensure the safety of citizens. It is widely held that deterrence through enhanced visibility and effective cooperation between public and private policing would lead to a safer society. The social, economic and political requirements for the consolidation of crime prevention initiatives will be examined through the hypothesis of different scholars that have contributed to an understanding of the fluidity of policing as a concept and its relation to the private security industry.

Bayley and Shearing (1996) examine the restructuring of policing in democratic societies globally, with emphasis placed on the USA, the UK and Canada. They highlight the evolution of crime control and law enforcement that has taken place in these countries. The lack of a monopoly by the public police over policing means that security is also provided by private companies on a commercial basis and by communities on a voluntary basis. Their research also highlights the process of self-questioning that police (in the specific states under study) underwent owing to the realisation of their inability to satisfy society's longing for effective security. The research considered all explicit efforts to create visible agents of crime control as *policing* and hence not just the *police*. The two are concepts which have increasingly become blurred. While customary police are paid, new policing agents are both paid – such as private security companies (PSCs) – and non-paid – such as those agencies involved in community crime prevention.

Indeed, there has been an acknowledgment that crime is too complex to be dealt with solely by the police and that the profit motive is not to be feared in policing. Developments in security provision mean that policing has become pluralised and police are no longer the primary crime deterrent presence in society. This means that the public police have been supplanted by numerous private providers of security. Bayley and Shearing (1996) also note that police have started to charge fees if electronic alarm systems summon police to false alarms more than a specified number of times and even charge a fee to cover concerts and sporting



events. These series of events demonstrates a mutually reinforcing dichotomy that dispels the myths of public and private security agencies. Moreover, this illustrates the 'force-multiplying effect' displayed by the private security industry and the legitimacy and feasibility of a profit motive for security provision.

In an effort to save money, police have reduced the scope of their regulatory work, such as licensing bars and enforcing parking regulations. Police are also subject to more rigorous and intense scrutiny from both government and non-governmental agencies, particularly in instances of police misbehaviour and brutality. National databases to evaluate the performance of police have been established to ensure their accountability. Increased civilian oversight of police performance ultimately means that policing belongs to everybody – in activity, in responsibility and in oversight. This is significant with regard to PSCs and highlights a closer connection between safety and policing because if safety is not increased, PSCs can be fired. PSCs are primarily accountable to their contractors.

Bayley and Shearing (1996) further assert that in order to improve crime prevention, new approaches must be sought together with a shift in the logic of policing, from one that conceives of it as remedying past wrongs to one that seeks to promote security. A key element to the deterrence of crime is the reliance of visible policing for both the public police and the PSCs. That being so, it is feasible to accept that pluralising the sources of policing enhances not only the quantity but also the quality of policing. Bayley and Shearing maintain that the presence of alternative providers of security may in fact mitigate the limitations placed on governments in democratic societies, as getting 'tough' on crime faces resistance from those concerned about human rights.

The view of crime prevention as the outcome of increased police-citizen contact and perceptions of safety can only be achieved when two conditions are met. First, there needs to be a shift in the expectation of citizens and security agencies of what is required for community safety, and secondly, a new multi-pronged approach to crime prevention must be sought. Neighbourhood Watch (NW) initiatives, for instance, give the perception of improved community safety. However, the lack of trust in high-crime areas hinders crime reduction and the flow of information. This renders NWs dependent on networks between the police, the citizenry and other security agencies.

Flemming (2005) argues for a change in the criteria used to determine the success of NW initiatives. This is deemed essential in order to view the NW as a conduit through which partnerships between the police, other agencies and the community are improved. This is pivotal to changing the perceptions of safety and security, and encouraging community engagement in broader crime prevention endeavours. The research findings of Flemming (2005) suggest that the NW initiative is an ineffective tool when 'evaluated in terms of minimising the incidence of preventable crime, reducing crime and increasing the flow of information between the community and the police.' His paper focuses on NW schemes in different cities across Australia

where the police and volunteers from the community work together to prevent crime. Some state-wide NW programmes also hold a state forum to exchange information between the different programmes; a liaison officer from the state police usually assists in the programme. Police involvement differs in each case; however, in most cases where there is a shortage of funding, police contribute in kind by attending meetings, providing information and providing criminal checks for volunteers.

It is noted that the emergence of NW schemes could be traced back to the second half of the 20<sup>th</sup> century when police sought closer relationships with their communities, after realising that crime prevention and control could not occur without the assistance of the community. While 'community policing' or 'community-oriented policing' has considerable political, legislative and monetary support in the US and the UK, it is, however, conceded that this support is largely absent in Australia. The paper also finds that due to distrust, people in high-crime areas were least likely to organise themselves in a crime prevention initiative such as a NW. Having said that, Flemming (2005) makes the assertion that, in fact, NW schemes increase the fear of crime instead of lowering it. His research findings also suggest that NW initiatives do not encourage police reporting, nor reduce crime, but 'may displace those rates into other types of crimes.'

The value of NW schemes was found in their ability to increase perceptions of safety in the community through increased police-citizen contact, which increases visibility, accessibility and familiarity. Undoubtedly, in areas where the police were seen to respond and interact positively with the community, there was a greater willingness to obey the law and a reduction of serious crime. Flemming (2005) therefore emphasises that a better way to assess the efficacy of NW schemes would be to view the reduction of crime as a benefit of the programme, as opposed to the main objective. This would be in line with the concept of 'reassurance policing' and the acknowledgment that no single agency, and certainly not the police, commands the resources necessary to control crime in a contemporary setting.

Resources are a critical determinant of the inputs and outcomes regarding crime prevention and its public and private approach. Property ownership has led to the rise of the private security industry, as surveillance strategies have become a central aspect for the management of privately owned commercial spaces. The British government's promotion of the private security industry, through outsourcing and inter-agency partnerships, has shifted the emphasis from crime prevention to community safety, fostered by state and non-state agencies.

The central argument presented by Wakefield (2005) is that surveillance strategies carried out by private security personnel represent much more than an approach to policing such settings. Rather, they are a central component of broader management strategies that are critical to the successful governance of public spaces. This is in particular reference to publicly accessible spaces controlled by private interests such as shopping malls, business park railway stations and airports.



Wakefield (2005) asserts that localised foot patrols and closed-circuit television (CCTV) surveillance present a fundamental feature of commercial management for such venues. She underscores the link between property trends and the growth of the private security industry, as property owners recognise the commercial benefits of hiring their own security providers. This allows them to control the conditions under which the security staff execute their duties and exclude visitors who breach the property's conditions. Hiring private security personnel is preferred due to the security hardware that they have at their disposal, such as radio communication and CCTV. This technology facilitates a pre-emptive approach to security rather than the reactive style used by state police agencies. Private security personnel in public spaces are responsible for the following duties: CCTV monitoring, form filling, participating in security networks, engaging in informal liaisons with the police, and providing information for police investigations. The gap filled by private security companies with regard to security provision would be further reinforced through a formal partnership for enhanced crime prevention with the public police.

In addition, Wakefield (2005) assesses the participation of private security personnel in 'private worlds' within what is termed governmental 'responsibilisation' strategies. This is in reference to the British government's promotion of 'private sector involvement in criminal justice through the outsourcing and fostering of inter-agency partnerships'. This promotion has in effect legitimised the private security industry. The British crime control policy embarked on a campaign to reformulate the shortcomings in their approach through a shift in emphasis from 'crime prevention' to 'community safety'. This was complemented by the Crime and Disorder Act of 1998 that requires police authorities, health authorities and fire brigades to work alongside the private security industry in order to promote community safety strategies. Wakefield highlights that this Act also prioritises the sharing of information by the police to non-police agencies for purposes of crime detection and prevention. The Police Reform Act of 2002 introduced the concept of an 'extended police family', whereby police confer limited powers to 'designated civilians' and 'accredited civilians'. This serves to ensure the credibility of public-private partnerships.

The changes in conditions of 'stateness' have encouraged the deconstruction of traditional state-centric ideas of security. This change has been compounded by a shift in global discourse in favour of hybrid forms of governance. Abrahamsen and Williams (2007) aver that state centrism and the marriage in international relations of the state, territory and authority is becoming increasingly challenged. This has led to an acknowledgment of the integration of domestic and global realms, particularly when it comes to the growing expansion and importance of non-state actors in the provision of security.

The study of the private security sector's contribution to public safety is indicated by the acceptance of the Central City Improvement District (CCID) initiative in Cape Town. The CCID (that will shortly be elaborated on) reveals how the day-to-day security provision by private security companies in the city has blurred the

distinction between public and private security provision. Abrahamsen and Williams (2007) state that security privatisation creates the need to unpack state-centric conceptions of security. This would eliminate the misconception that private security actors pose a threat to the State and contribute to the erosion of state capacities.

Abrahamsen and Williams (2007) emphasise that authority is not a zero-sum game and that it is possible that a private force can strengthen and support the authority of the State. Also, it is exactly the relationship with the State that gives the private security industry legitimacy for its activities. A re-conceptualisation of the 'state, territory, authority' marriage is advocated for in order to enhance the understanding of new networks between state and non-state actors. In an era of globalisation, PSCs are changing the conditions of 'stateness' through their day-to-day provision of security and the protection of life and assets. The services PSCs offer include basic manned guarding, patrol, alarm response services, surveillance, and satellite tracking systems. It is noted that, increasingly, they have expanded their services to risk management and consultancy.

Since 1997, there has been an emergence of powerful global PSCs which, through their resources, revenue and reach constitute a significant presence in international politics. Examples of these globally relevant PSCs include Securitas, Group 4 Securicor, and Chubb. The clout wielded by some PSCs reveals the broad transformations in global governance, the de-politicisation of security and the acceptance of security as a commodity to be provided in the market. Abrahamsen and Williams (2007) point to how increasingly the public-private distinction is losing its relevance, spurred on by the global discourse in favour of hybrid governance. States can confer authority on PSCs by incorporating them into law and leaving them to self-regulation. This strategy relieves the State from the burden of negotiation, implementation, and enforcement. However, the State maintains legislative authority and a breadth of jurisdiction that no other actor possesses.

The case study under scrutiny by Abrahamsen and Williams (2007) is the city centre in Cape Town, South Africa, where a significant shift in perception was observed. The private security industry was no longer viewed as potentially politically subversive, but rather as an essential factor in maintaining law and order. Immediately after the end of apartheid in South Africa, the public police guarded their status vehemently, owing to the threat posed by the well-resourced private security sector and the ideological opposition of the dominance of white ownership of most PSCs that employed low-paid black officers. Ultimately, PSCs were accepted by the SAPS, which stated that there was a need for 'the police, the public, elected officials, government, business and other agencies to work in partnership to address crime and community safety'. In Cape Town, the CCID is an initiative that represented a paradigm shift. This was illustrated by the policing partnership with the SAPS and G4S (operating as Securicor) to make the Cape Town city centre safer. It is stated that the city's ratepayers, business and City Council contracted Securicor due to the company's expert knowledge in the provision of security.



The complementary role played by PSCs should spur robust debate, followed by a commitment to cultivating new measures and partnerships for crime prevention. This should be composed of a strategy to highlight the strengths and eliminate the weaknesses found in public and private policing. Cavallaro (2008) posits that the greatest threat to human security and political stability in the 21<sup>st</sup> century is not terrorism, but rather non-political violent crime. The threat to human security that non-political violent crime poses represents a global challenge. Using crime surveys and health data in the United States, Cavallaro reveals that homicide rates have been increasing steadily over the past several decades. As this usually is an indicator of the future, it can be expected that common crime will continue to pose a great threat to human security in years to come. Although human security constitutes a wide spectrum of elements, physical security and crime form the major concern for the public.

Cavallaro (2008) focuses on the surge in crime in states that have undergone some form of political transition over the past two decades. For many post-transitional countries, ordinary crime is a leading cause of loss of life and is perceived as a central political issue by the domestic public. Cavallaro asserts that nation-building – the central task of transitional efforts – needs to address common crime more directly and build a transparent and efficient justice and criminal system to control it. A common trend of post-transition states is the desire to engage in a process of reckoning with the past and preventing the types of abuses committed by state agents under the prior authoritarian governments. Nonetheless, while addressing past abuses is necessary, it is an insufficient approach to responding to the major challenges facing the criminal justice system and police forces in the transition period and beyond.

Sociology's neo-institutionalism is used to explain the mimicry of governance models that focus on backward-looking scripts, despite the varied political contexts. Cavallaro (2008) uses this theory and insights from international relations scholarship to offer an account of socialisation of global models. This means that state behaviour is likely to be influenced by the international environment, particularly with respect to human rights, despite the differing demands. This results in transitional police and societies being inadequately empowered to address rising criminality by focusing on past abuses. Three country case studies are used to emphasise the Cavallaro's hypothesis, namely, Brazil, El Salvador and South Africa. In Brazil, widespread public insecurity has led to the rise in PSCs and vigilantism, and decreased the support for democracy as a form of government. El Salvador represents an example of good faith in the efforts to reform the police; however, the strong presence of actors that were part of the previous public security forces has undermined the capacity to protect human rights. This has contributed to a highly politicised and inefficient national police that relies on unsuccessful reactionary policies to respond to the high crime rates in the country.

Cavallaro (2008) finds that in South Africa, immediately after 1994, there was a perception that organs intended for social control developed no real effort

to control crime. This led to a lack of confidence in the government's ability to protect its citizens and the proliferation of the private security industry. This was evidenced by the first phase of Western-led assistance, which aimed to transform and legitimise the police as an organ for social control, followed in 1996 by a second phase of Western assistance to address emerging crime. In 2001, an overwhelming majority of South Africans were not confident in the government's ability to control crime. This spurred the proliferation of the private security industry and vigilantism in the country. Essentially, Cavallaro notes that the surge in crime and its consequences for transitional states should inform thinking and practice during the transition period and beyond.

The tenets intrinsic in neo-liberalism in support of the private sector, as a more efficient provider of public goods, have given credence to the expansion of private security. Consent for the industry will mean that it can contribute to an integrated security sector. In their paper, Buckland and Winckler (2010) begin with a prudent quote by Edmund Burke stating that, 'one of the finest problems in legislation [is to determine] what the State ought to take upon itself to direct by the public wisdom, and what it ought to leave, with as little interference as possible, to individual discretion'. Buckland and Winckler state that the growth of the private security industry has been propelled by the neo-liberal policies of the mid-1980s, premised on the belief that private actors could deliver services more quickly and cheaply than their government counterparts.

Buckland and Winckler (2010) highlight two major findings, first, that despite the merits of privatisation, there are resultant democratic governance challenges that remain to be addressed. Secondly, that states facing contemporary security challenges are poorly equipped to meet these challenges and have to increasingly rely on ad hoc security governance networks, often involving private partners. *Ad hoc* security governance networks are identified as cooperation between governments, the private sector, non-governmental organisations and international organisations. Buckland and Winckler assert that as long as consent and social recognition can be conferred on private security actors by the State, their role in security provision can contribute to establishing a fully integrated security sector. A formal framework would ensure that partnerships between public and private policing consolidate the efforts from actors engaged in security provision.

It is conceded that arguments about public-private partnerships must be analysed on a case-by-case basis before conclusions can be drawn (Buckland & Winckler, 2010). This would avoid the perception of the displacement of the State in the new arrangements while ensuring practical compromise regarding the interdependence inherent in public-private partnerships. Challenges regarding democratic governance and oversight of the private security industry are emphasised as a critical point of departure that should inform measures to hold public and private security agents accountable. Finally, Buckland and Winckler suggest a 'reg-neg' approach for the regulation of the private security industry, which incorporates stakeholder



consultations, followed by government regulation. This approach is presented as a solution to ensuring accountability and compliance. However, it is conceded that this must also be subject to specific contractual provisions.

The South African case presents a progressive example of policing partnerships. A background regarding the evolution of security service providers is carried out in a paper by Irish (1999), which reflects on the concomitant factors that have contributed to the 'silent revolution' of the private security industry. The absence of a robust debate about the changes in policing is highlighted as a potential risk to democracy. In South Africa, historical circumstances led to the withdrawal of the public police from certain key functions, such as guarding and armed response, thus leading to the subsequent growth of the private security industry. This continues to influence contemporary debates about the best way to approach the safety and security of the country. Irish begins by delineating the different objectives that distinguish the SAPS, which seeks to protect the public at large and the private security industry, which operates on a profit motive and is primarily accountable to its clients.

Irish (1999) states that in South Africa, expansion in the private security industry since the 1980s was due the vacuum created by the withdrawal of police from certain key functions. Additionally, this expansion was also informed by the increased access for the public to private property and a perception that the police were unable to protect the public. Assessing trends from different countries such as Australia, the United Kingdom, the United States and Japan, Irish describes the growth of the industry as a 'silent revolution'. She laments the lack of public debate about the changes in policing as a serious risk to democratic societies. However, no clarity is given on how and to what extent each of the democratic societies she includes in her study is affected. The contribution of the private security industry in order to reduce the risk of crime is highlighted. This allows the police to concentrate its resources on more serious matters. Irish contends that private security officials are more likely to infringe on the rights of people than the police, who are constrained by statutory limitations. This argument must be scrutinised and refuted due to the absence of verifiable data to indicate that statutory limitations deter the public police from committing infringements on the rights of people.

Irish (1999) decries the shift of responsibility from the State to PSCs and the duality the industry creates by taking power away from the State and not distributing it to more people. Background is given on South Africa's apartheid government that encouraged the expansion of private security so as to focus police services on consolidating political control. This is used to explain the dominance of white former police and military personnel in management positions of PSCs. This dominance has changed rapidly, as the private security industry is increasingly seen as a lucrative and entrepreneurial enterprise. Inadequate regulatory standards are criticised, particularly the fact that three-quarters of all security guards only have grade E qualifications and the fact that firearm training was solely under-prioritised. Irish concludes by recommending a streamlined regulatory system

financed jointly by the State and with fees from the PSCs in order to help develop a more concise regulatory framework for the industry.

Certainly, crime prevention strategies in South Africa should be informed by the rate (increase or decrease) of crime. This would best be achieved by conceiving the efforts of relevant security agencies, both state and non-state, through a binding and accountable multi-stakeholder approach, catered to preventing crime. When developed together with the principles of the 1996 National Crime Prevention Strategy (NCPS), this should elicit an understanding of the importance of cooperation and collaboration in the country. The NCPS envisaged a strategy to tackle the root causes of crime through an integrated and coordinated government response (Rauch, 1996). The NCPS floundered on many fronts but mainly due to the failed integration of different departments and agencies (Rauch, 1996).

Marais (2001) carried out a study of the nature and scope of the services provided by the police services in South Africa. In terms of the 1998 Draft White Paper on Safety and Security, the primary objective of the SAPS is to maintain order and protect lives and property. The paper points to crime prevention, which is only considered a secondary objective needed for the realisation of the primary objectives. Marais asserts that according to the Draft White Paper on Safety and Security, provincial governments are responsible for monitoring the provision of policing services through command, control and communication. Provincial governments are also tasked with ensuring crime prevention at the provincial level through a variety of initiatives aimed at coordinating and mobilising resources for social crime prevention. Provincial government's role in crime prevention extends to a responsibility to assume a joint ownership for social crime prevention initiatives in areas where the local government either lacks the resources or the capacity to undertake the task.

The role of local governments is also scrutinised and the findings of Marais (2001) point to thriving coordinated crime prevention operations between the SAPS and local governments. Examples of this include the 'Operation Kwano' in Pretoria and 'Vrugteslaai' in Kempton Park that enhanced the safety and security of residents. The former refers to a joint crime prevention initiative between the City Council of Pretoria's Department of Community Safety, the SAPS, and the Central Business District (Palmary, 2000). This joint initiative was responsible for coordinating the Pretoria Inner City Partnerships, including the deployment of private security companies to maintain a security presence in the inner city (Palmary, 2000). The latter refers to an initiative that encouraged the training of traffic officers to assist the SAPS in their fight against crime (Beeld, 1993). This collaboration ultimately led to the inclusion of the fire and ambulance services, the security department of the City Council and the Neighbourhood Watch initiative in the region as part of a crime prevention partnership (Beeld, 1993).

Marais (2001) avers that increased cooperation between different agencies contributes to crime prevention and is necessitated by an escalation in crime



rates. Cooperation between NGOs and government institutions is highlighted as a valuable mechanism needed to improve communication and help governments understand the fears and needs of people. The utilisation of technology and resources is hindered by police budget cuts, which affect state police agencies from undertaking their duties efficiently and effectively.

Marais (2001) encourages information sharing and the utilisation of resources and technology between different agencies for enhanced crime prevention. The different agencies he refers to include the SAPS, local government, security officers, traffic officers and other institutions involved in crime prevention. In 2000, the government's *Strategy on Crime Fighting* identified the need for clusters in order to consolidate the resources and expertise of different security agencies. These agencies included the Ministries of Safety and Security, Justice and Constitutional Development, Correctional Services, Home Affairs and Defence. Despite calls for clustering, the various roles of different security agencies including the contribution of local governments, corporate crime investigations, forensic auditors, Correctional Services, the Department of Social Welfare and the private security industry were ignored. Marais posits that the NCPS should have formed the basis of an integrated crime intelligence strategy; however, many of its good policies have floundered due to a lack of commitment to implementation.

The fluidity of policing as a concept seeks to expand on the perception of policing as a 'broader activity than just what the police can do' and is informed by a culture of self-reliance. In South Africa, this is further compounded by the presence of former state police officers operating within the private security industry. More effective crime prevention would fare better when conceived through effective partnerships between agents of public and private security.

Baker (2002) begins with the assertion that policing is an elastic concept, but that due to the instruments of coercion used to maintain order, prevent and respond to crime, it is perceived as a public good, one that should reside in the hands of the State. His study reveals that the emergence of formal and informal policing has been widespread, and in South Africa, non-state policing has been documented as a 'broader activity than simply what the police do'. Non-state policing, it is stated, is a broad category that covers anything from commercial security firms, semi-official community guards and formal and informal vigilante groups. Although different forms of policing are inherently separate, they stem from an established culture of self-reliance. Baker claims analytic gain can be achieved from collapsing all forms of non-state policing into one, as all policing activity is not performed by the state police force.

The 1994 political transition in South Africa was accompanied by a surge in crime by marginalised people, which influenced the shift from public policing to a proliferation of private policing agencies. Under apartheid, autonomous groups, in both black and white communities, arose to protect themselves due to inadequate state security.

Non-state policing is viewed as a growing interpenetration of previously unpoliced areas, particularly due to the recruitment of former state police officers into private security firms. This is facilitated by the covert disclosure of public criminal records to private police groups. The distinction between protection offered to the public and that offered to private clients is becoming increasingly blurred. This is because the public police service does not offer a uniform service, as certain sections of the public feel relatively neglected, while criminality, corruption, and human rights abuses are still prevalent within the public police. Meanwhile, non-state policing is seen to go beyond its mandate and not only to protect its clients, but also seeks to ensure safety for the public, simply because it is good for business.

Baker (2002) highlights three categories of non-state policing including vigilantes that are associated with violent methods of control and fail to cooperate with the police, 'responsible citizens' that patrol their communities with the approval of the police, and registered PSCs. The case study depicting a successful partnership between the private security firms and the SAPS in Grahamstown reveals the potential for the former to complement the efforts of the latter and vice versa. Through the approval and in conjunction with the SAPS, it is documented that car guards in the Grahamstown city centre were able to contribute to a 70 to 80% decrease in car theft. This outcome gives credence to the strength that can be gained from cooperation and division of labour between the public and private police.

In South Africa, an endorsement of police partnerships was hinted at by former President Thabo Mbeki. According to the former President, police partnerships would allow security expectations to be met. This was further highlighted by the then Minister of Safety and Security Charles Nqakula when he called for partnership policing because, the private security industry had already been 'looped in for crime prevention'. The current Minister of Police Nathi Mthethwa urged private security companies to work with police to enhance the fight against crime, affirming that the private security industry could complement the police's efforts and have a crucial role to play in making South Africa safer. In 2008, the Democratic Alliance (DA) published a Discussion Document in which the party asserted that bringing in the private security sector to work effectively with the SAPS would double the number of people available for the fight against crime, underscoring the value of a partnership between the private security industry and the SAPS (Democratic Alliance, 2008). A review by Minnaar (2007) emphasises the urgent need for a formal structure and guidelines for cooperative policing to be established. He asserts that this would address issues regarding accountability, monitoring and civil liabilities, which would enhance information sharing for enhanced crime prevention.

Minnaar (2007) presents a comprehensive assessment of the private security industry and its regulation. He traces the history of the private security industry in South Africa and elaborates on the reasons for its growth, namely, the increased perception and fear of crime, the opportunities that abound within the industry to create employment, and the industry's role in protecting valuable assets. This invaluable



role is highlighted by the expansion of in-house security followed by guarding and alarm response. Regulation and monitoring of the private security industry, it is noted, has come a long way since the Security Officer's Act, No. 92 of 1987 (only promulgated in 1989 and amended three times in 1990, 1992 and 1997).

The Private Security Industry Regulation Act, No. 56 of 2001 introduced a re-definition of a security service provider, obliged across-the-board registration and gave stronger powers for inspection. The Private Security Industry Levies Act, No. 23 of 2002 supplemented the PSIRA Act and was meant to underscore that enforcement and control would be stricter. However, neither Act gave provisions for a partnership between the private security industry (PSI) and the SAPS; any such cooperation was to be left to the prerogative of the latter. However, the National Police Commissioner may under Criminal Procedure Act, No. 51 of 1977 delegate powers of 'peace officer' to a private security officer. It is noted in the review that the lack of a formal framework has been the main root cause of distrust and resentment between public and private policing. In order to better understand how policing in South Africa – by public and private agents – can be integrated into a productive partnership, an empirical study on a partnership between the police and the private security industry is imperative.

Although legislation has been effective in fostering a structure for regulation, enforcement and management of the PSI, this is hampered by concerns regarding foreign ownership and the perception of low-quality training standards. Additionally, this is exacerbated by the growth, sophistication and specialisation of the PSI through the use of technology and hi-tech aids. Viewed within the framework of a partnership between the police and the private security industry, technology could be used to help enhance the mandate of such a partnership. In addition, challenges experienced respecting regulation emanate from funding constraints, poor organisational structure, and staff shortages within PSIRA. This has hindered background checks from being carried out and weakened the enforceability of sanctions.

Another factor that deters more effective regulation of the PSI is a poor database that allows transgressors to re-register with new companies. This gap is influenced by once-off registration, which means that the database cannot be updated. Minnaar (2007) recommends the creation of online opportunities to change information, access to the Home Affairs fingerprint database and outsourcing the function of background checks to enhance efficiency in regulation. Certainly, integrating the efforts of relevant stakeholders and organs of state would facilitate more effective partnerships and improved crime prevention strategies.

Minnaar (2007) asserts that partnership policing brings up questions regarding the kind of partnership and cooperation to be formed and the kind of information that would be shared. Also, there are concerns about how the PSIRA Code of Conduct will be enforced and its regulatory policies implemented, and ultimately, with whom shall the final accountability of the PSI belong? Developed countries in the mid-1990s began initiatives to strengthen community safety through public-

private partnerships. This was informed by a break from the narrow interpretation that the public police were solely responsible for crime prevention. A shift in people's perception of crime prevention in South Africa may indelibly change the way people allocate responsibility and efforts towards tackling it.

In South Africa, the 1996 NCPS was aimed at altering the occurrence of crime by identifying the conditions that cause crime and undertaking efforts to address them. Since then, the proposal for a preventative approach to crime has been sidelined for reactive and aggressive policing tactics used by both state and non-state security agents. Changing the way people think about crime may indeed help to develop more effective strategies to understand the cause of crime and reduce the likelihood of its continued occurrence.

Berg and Shearing (2011) recalls the laudable crime prevention strategies proposed in the 1996 NCPS and the 1998 White Paper on Safety and Security. It is averred that these policies espoused a whole-of-society approach to safety and security in the country and its governance. The aim was to encourage activities that would deter specific crimes by altering the environment in which they occur and the conditions which are known to cause them and through the establishment of an effective justice system.

However, it is noted that despite calls for a preventative approach to security governance, a reactive law enforcement approach has been prioritised. This is underscored by more aggressive policing tactics and statements about 'shooting to kill' and the reintroduction of military ranks within the police service. Consequently, PSCs and neighbourhood community patrols have developed in a way that reinforces a law enforcement approach to policing, as opposed to a more preventative one. Security governance during the FIFA Soccer World Cup is highlighted as the only good example of successful crime prevention owing to relevant state and non-state resources being aligned in a novel way to resolve potential safety issues.

Berg and Shearing (2011) advocate for a change in the way people think about crime, the institutions designed to govern crime and the way tax monies are allocated in crime prevention initiatives. Berg and Shearing lambaste the culture in the criminal justice system that upholds 'blame' as a ritual of comfort and asserts that 'blaming' precludes 'prevention' because of the overwhelming focus on the former. The hypothesis put forth is that the label of 'crime' and the meaning it confers constitutes a problem for 'prevention' – the point is made that when people call a 'harm' a crime, people 'call out' a blaming response. This is not to take away from the relevance of the 'blaming aspect' of the criminal justice system within security governance, but to emphasise that blaming offenders and allocating punishment should not be the only mainstream response. Berg and Shearing suggest that crime prevention would fare better if more emphasis is placed on reducing the crime from happening again, as observed in the response to accidents in the airline industry where blaming might take place, although it is not considered a solution.



Changing the way people think about crime and the design of the institutions that develop crime prevention strategies is essential in order to appropriately designate resources. Finally, Berg and Shearing (2011) maintain that a change in the flow of tax monies is critical. This would be in order to develop budgets to support partnerships aimed at finding and maintaining preventative initiatives to fighting crime. This, it is said, should involve different agencies including the police, local government, community groups and the private sector.

This review has examined various organisational, international and South African perspectives with reference to the development of crime prevention strategies through partnerships between agents of public and private policing. An affirmation of the value of public-private partnerships that are designed to enhance safety and security can be inferred from the different guidelines and hypotheses, as discussed in this review. Furthermore, this review has revealed the shortcomings that abound in a narrow conception whereby agents in society are responsible for crime prevention. The emphasis has been placed on ensuring a shared responsibility for crime prevention.

Notwithstanding these findings, it is critical to undertake further research on the best practice regarding partnerships between the police and the private security industry owing to the absence of scholarship with this specific focus. Comprehensive and empirical research on the southern African context for partnerships between the state authorities responsible for security and PSCs whose efforts complement those of the State have been overlooked. Concerns regarding democratic governance, accountability and how such partnerships should work have not been addressed. In order to ensure a greater understanding of the paradigm shift that this would entail, further research must be carried out. This would fill the gap and help clarify how public-private partnerships would work and would also create a framework to coordinate and enhance crime prevention strategies.

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*Mpho Molomo and Zibani Maundeni*

## 1. Introduction

Botswana stands out as the only African country to have sustained an unbroken record of liberal democracy and political stability since independence. The country has been dubbed the 'African Miracle' (Thumberg-Hartland, 1978; Samatar, 1999). It is widely regarded as a success story due to its exploitation and utilisation of natural resources, establishing a strong state, institutional and administrative capacity, prudent macro-economic stability and strong political leadership. These attributes, together with the careful blending of traditional and modern institutions, have afforded Botswana a rare opportunity of political stability in the Africa region characterised by political and social strife. The expectation is that the economic growth in Botswana will bring about development and security. However, a critical analysis of Botswana's development trajectory indicates that the country's prosperity has its attendant problems of poverty, unemployment, inequalities and crime.

Historically, crime prevention was a preserve of the state using state security agencies such as the police, military, prisons and other state apparatus, e.g. the courts and laws. However, since the late 1980s, with the expanded definition of security from the narrow static conception of including human security, it has become apparent that state agencies alone cannot combat the rising levels of crime. The police in recognising that they cannot on their own cope with the crime levels have been innovative and embarked on other models of public policing, such as community policing as a public society partnership to combat crime. To further cater for the huge demand on policing, other actors, which are non-state actors, in particular, private security firms have come in, especially in the urban market, and occupy a special niche to provide a service to those who can afford to pay for it.

However, unlike state security, which provides the service for free or is funded from the state's coffers (taxes and state revenue), private security providers are driven by the profit motive and render service to those who can afford to pay for it. This shift in paradigm in the provision of security requires research on how it operates. More substantively, the establishment of collaborative networks and partnerships between public and private security providers has become more imperative than optional. The creation of an optimal and effective framework for combating crime is important because development can only take place in a secure environment. It is the intent of this report to spell out the framework and environment of the interface between public and private security providers in Botswana.

The report is structured as follows: the first part briefly defines the subject matter and introduces the methodology guiding the report. The second part lays the contextual framework that underpins Botswana's political economy in which state-private security partnerships are embedded. The third aspect of the report grapples with the conceptual framework for understanding public and private security actors.

More importantly, it embarks on a critical examination and analysis of the extent to which Botswana has realised and appreciated the role played by private security companies and whether the state has established and/or nurtured partnerships between state institutions and private security firms in their crime prevention strategies. Fourth, the report discusses the nature and character of the Botswana state and how it has shaped the interface between public-private security providers.

The definition of the state is significant because it influences power relations in society. The underlying feature is to understand class relations in society because the poor tend to rely almost exclusively on the state to provide them with security, while the rich are able to source it privately from the market. This analogy brings to the fore the concept of 'commodification' of security as a product that can be sold and bought in the market. Related to class are issues of ethnicity and gender relations. The question is the conception of security mediated through ethnic lenses. Furthermore, has gender been incorporated in crime prevention partnerships strategies by state and non-state actors? Fifth, after defining the nature of the state in Botswana, it is important to identify the security threats facing the country and what sort of interventions are necessary for redress. The sixth aspect of the report analyses issues around partnerships, rivalry and incompatibility.

Perhaps the most problematic area in this discourse is how to manage relations between public and private security actors wherein the public security sector appreciates private security firms as partners rather competitors. The report seeks to enhance the perspective of private security as legitimate players in the security sector and not as intruders who erode the importance and significance of public security providers. The seventh intent of this report is to identify entry points for the establishment and strengthening of crime prevention strategies/policies/initiatives in order to ensure the security of people. More succinctly, it suggests reforms necessary to enhance public-private partnerships. Additionally, the report endeavours to provide an analysis on the legitimacy, accountability and oversight of the various security actors involved in crime prevention.

The report underscores the fact that there is no specific law or Act governing the operations of private security providers. More importantly, there are no oversight structures to regulate private security companies and also none that regulate public-private security partnerships. In addition, there are also traditional institutions called *Mephato* (regiments), which are known in some instances to partner with state institutions to maintain law and order in the rural villages. In some cases, as in Kgatleng District, *Mephato* were said to be sources of instability. However, *Mephato* will not be discussed, as they are outside the scope to be reported on. At this stage, it is only sufficient to indicate them as an area to be reported on in the future, given their location in traditional settings. Lastly, the report will provide a conclusion arguing that public-private partnerships on crime prevention are important and that Botswana should take them seriously. The report proceeds to address these issues by first outlining the methodology used in this study.



## 2. Methodology

This report focuses primarily on the interface between public-private security partnerships. The research methodology employed in this research was manifold. First, the study utilised a standard questionnaire supplied by the Private Security Industry Regulatory Authority (PSIRA) that explores issues related to security threats, the existence or absence of public-private security partnerships, outsourcing and human rights abuses in the security sector. In measuring public-private partnership or its absence, the PSIRA questionnaire enquires about the existence or absence of legislation providing for formal working arrangements between the public and private security sectors; the existence or absence of informal operational cooperation between the public and private security sectors; and the existence of or initiatives to introduce regulatory authority over the private security sector. In all three instances, interviews were conducted with various public and private security actors, as well as government officials who handle the licensing of security companies.

Second, the researchers conducted desktop research that helped gain background information about Botswana's socio-economic structure and its security threats. Diverse sources were relied upon to map the security threats facing Botswana and its people. Third, a focus-group discussion was organised for police officers to explore challenges of partnering with the private security sector. Fourth, a validation workshop was organised which helped to further generate information, sharpen the researchers' thoughts and to correct the draft report. To this end, a discussant was identified who is an academic at the University of Botswana to review the report. In addition, invitations were extended to security stakeholders, the majority of whom were interviewed when research for the first draft of the report was undertaken, and the authors of the report made a presentation that was further subjected to review. This report is a result of an elaborate methodology that sought to provide rich empirical sources and a solid scholarly work that could inform security policy.

## 3. Theoretical framework

During the Cold War period, security was the preserve of the state, which had the monopoly over the use of violence. With the advent of market-based economies, the post-Cold War period has seen the rise of private security firms in the provision of security. Private security companies have become a permanent feature of the security architecture and in many instances "outnumber their public counterparts by a considerable margin" (Abrahamsen & Williams, 2011:1). Since the 9/11 attacks on the United States and the subsequent global war on terror, security has gained prominence in international relations discourse. More substantively, "globalisation has eroded traditional understandings of state sovereignty" (Abrahamsen & Williams, 2011:217). As part of the transformation in global governance and the shifting of social forces and power relations, private security companies have come to occupy a central position in international security. The interface between public and private security companies is conceptualised and formed by the nature and character of the state.

This report begins by making a theoretical account of the state and how it refashioned itself to adapt to changes brought about by changes in the global political economy. The next level of discussion is an empirical investigation into how the public security sector works with the private security sector. The private security sector emerged in the 1980s and has existed side by side with the public security sector.

The argument as far as the private security sector is concerned is that although there are no formal partnerships between the public and private security sectors constituted by the Botswana Parliament, these partnerships have been forged by market forces to some degree. The report posits that the market has forged partnerships in some cases, such as with cash-in-transit and outsourcing security services such as guarding government buildings. These contradictions are expected to manifest themselves, as local security companies feel excluded from the lucrative transportation of precious goods such as diamonds and money. Insecurity is a permanent feature of life in Botswana; however, it affects people differently. The poor tend to rely on the state to provide their security needs, while the rich source this service from private providers. In this regard, a country's security architecture is one of the important pillars or indicators of a secure government. This will become clearer when the notion of commodification of security is discussed.

The report problematises the debate on what constitutes partnerships for crime prevention between the state and private security providers. An increase in the role of private security firms in Botswana's security landscape is set to change the political discourse in the country. More often, there is a tendency to conflate the conception of private security companies with private militaries, commonly known as mercenaries. To properly anchor the debate, private security companies are those that are mandated to "protect life and assets as opposed to support for military activities" (Abrahamsen & Williams, 2011:39).

The conception of security manifests in two basic forms: State security and human security. The first or perhaps the oldest conception of security is state security, sometimes referred to as national security; it entails building the capacity of the state to prevent internal insurrection and external aggression. State security invariably involves arming the state so that it can be more effective in warding off external aggression. It is a state-centred approach that is interested in survival of the state.

This concept of state security is founded on the realist and neorealist perspectives (Morgenthau, 1960; Keohane, 1986; Benjamin, 1996) that were more interested in state security; the two perspectives or theories were conceived in terms of sovereignty and territorial integrity. The state security paradigm was a dominant paradigm during the Cold War period. The dominant feature during the post-Cold War period was to link security and sustainable economic development. It also needs to be appreciated that the numerous security challenges that people face do not need guns to address but macro-economic planning and economic inputs that would increase and lead to sustainable development and equitable distribution of income and wealth. Invariably, prospects for redress do not require the military but a strong partnership between the state, the private sector and civil society.



It is appropriate to begin with a conceptual understanding of private security firms. Abrahamsen and Williams (2011:1) state that the global security architecture “affects the distribution of social power, and the operations of the international political economy” respecting who gets secure, how and by whom? Although this report does not engage in a substantial theoretical framework, it needs to be pointed out that Botswana politics are influenced by the realist and neorealist approaches. Realism is essentially about the role of states in international politics and its role in preserving power and maintaining security in the nation-state (Keohane, 1986). This conception was based on the Machiavellian notion that good neighbours require good arms (Machiavelli, 1961).

Nevertheless, there has been a shift in paradigm from a state-centric to a human security-based approach. It goes without saying that in the discourse on security, the concern about the security of the state has long been replaced, or at least been matched, by concern for the security of the people. The post-Cold War period has not only shifted the balance of forces in the world but has also redirected the energies to a redefinition of the role of security agencies in a democracy. Security has shifted from being seen only as state security to also including human security. People are now the referent objects of security. Increasingly, the military is called upon to address internal threats by helping the police to curb crime. The fact is that the conception of security is premised on people and human security is reflective of the multidimensional nature of security. This calls for the realisation that security is inexorably linked to economic and social development.

Sustainable economic development and security are historically and socially constructed entities and are mediated through socio-economic factors in society, and constantly grapple to deepen and strengthen their institutional relevance. The trajectories that define these concepts – while some are hidden, others are manifest – bring up possibilities for sustainable economic development and more secure forms of human existence. These shifts are occurring within the framework of globalisation, which not only yields loss of national sovereignty but also leads to international flows in technology, international migration and the internationalisation of security, to mention but a few (Hettne, Inotai & Sunkel, 1999). Although primarily economic in nature, globalisation is conceived as a multidimensional phenomenon that embraces all aspects of human life and interactions between states. Globalisation is a very complex phenomenon that creates both opportunities and challenges for all countries, but more so for small, developing countries such as Botswana.

Although the link between security and sustainable economic development is complex and sometimes unclear, this dialectic raises distinct but related issues. This report presents the case for constructing a credible paradigm that links sustainable economic development to security, in particular, public-private partnerships. It suggests a strong causal link between political institutions, strong macro-economic planning for sustainable economic development and security. It postulates that poverty and inequality breed social and personal and societal (and even state) insecurity. This problematic area therefore suggests that state and human security are intricately

entwined. Sustainable economic development is a complex, multifaceted and integrated process that entails the creation of an economic environment that will not only lead to economic growth but also alleviate poverty and secure livelihoods. It entails more than meeting people's material needs but also harnessing their ingenuity to actualise themselves and live their lives to the fullest. According to UNDP parlance entailed in the Human Development Report (1994:23), human development is seen as striving to achieve 'freedom from want' and 'freedom from fear', and perhaps most directly 'safety from such chronic threats as hunger, disease and repression' and 'protection from sudden and hurtful disruptions in daily life'. Further, sustainable economic development must take place in a positive political environment characterised by good governance and popular participation of people in the political life of a polity. This perspective links public safety to development and contends that the challenges facing developing countries are not only external but are also essentially internal conflicts. Human security involves, among other things, the realisation of human dignity, freedom from political repression and persecution, hunger, disease and ignorance. It also recognises that civil society has a role to play in the realisation of human development and security.

The broadening of the security discourse from its narrow concerns with state security to include public-private partnerships illustrates the primacy of human security as an important paradigm of security. In a real sense, discussing the role of private security forms is in essence a way of addressing everyday security needs, as these entities are increasingly called upon to provide security for people. Private security firms are responsible for guarding public and private spaces. They control access in public places such as government departments, universities, banks, malls and residential homes. The purview of private security companies also include monitoring of alarms and closed circuit televisions, cash-in-transit and loading automated teller machines (ATMs).

The privatisation of security opens a new window in the security discourse, whereas in the past the privatisation of security was linked to mercenaries and 'dogs' of war that were considered to undermine the authority of the state. Now, private security entities are considered auxiliary arms of the state. Abrahamsen and Williams (2011:3) suggest, "rather than private security eroding the power of the state, or threatening its power and authority, its proliferation is linked to changes inside the state, and its power stems not primarily from the barrel of the gun but from its embeddedness in contemporary structures of governance and its links to public forms of power and authority."

This neo-liberal paradigm suggests, "to govern less is to govern better" (Abrahamsen & Williams, 2011:63). This neo-liberal model of governance entails an increasing "fragmentation and pluralisation of decision-making" away from the state to more localised and autonomous and atomised levels of the individual actors. In this new security architecture, state power and state-society relations are reconfigured in a less-threatening way than was conceived in a state-centric mode. In this new framework, the concern is around a new dialectic that recognises a shift in power relations that cannot be easily contained within the nation-state as was



conceived in Westphalian terms but now mediated in state-society relations. In this dialectic, security actors are in a constant tension between public and private domains of security mediated within the state and society.

The increasing role of private security companies needs to be situated in the emerging role of neo-liberalism in the global political economy. It also needs to be seen within the framework of an increasing global agenda on the war on terror. A part of the neo-liberal model and agenda of rolling back the state is making the state lean and outsourcing some of its duties. While there was resistance to privatise security – which was considered the last bastion of political power – privatisation of security has now joined the mainstream reforms. This was more of a watershed in that, even traditional institutions such as the military, the police and prisons were in varying degrees and extent privatised. This theoretical discussion needs to begin with first-order questions: the nature, form and character of the state. By definition, the state is that institution that monopolises the use of violence. The question is, by outsourcing the supply of violence, is the state losing its sovereignty and its power?

In the scheme of things and the shifting locus of power, the state itself gets to be reconfigured and conceptualised. In emerging global economic and monetary markets, security companies have come to play critical roles in global monetary capital and cash transfers. These companies became part of the value chain that revolutionised banking and cash transfers. Through ATMs, they have transformed banking into a 24-hour service. In addition, the movement of cash and assets is secured by these companies. Security companies have acquired higher levels of technological advancement and sophistication. They have satellite tracking and communication devices that are at times more sophisticated than those used by the police.

The notion of commodification of security has not received sufficient analysis. This is a situation where security, instead of being perceived as a public good enjoyed by all in society, is rendered a private commodity that is purchased in the private market. In this sense, the neo-liberal understanding of security does not only replace the public anchors of security with private ones but also reconfigures the mindset of conceiving power relations and access to resources. This conception brings back into academic discourse class analysis and class relations in society. Botswana cities and peri-urban areas are slowly emerging into cities of high wall, electric fences and security alarms. These routines in daily lives of people have exposed the class nature of security provision. The politics of private security in urban spaces have exposed the class nature of private security. It juxtaposes and problematises security as a public and private commodity.

#### **4. The post-colonial state in Botswana**

It is perhaps appropriate to begin a discussion of public-private partnerships by understanding the nature of the state in post-colonial Botswana because it is within the realm of the state that these partnerships are mediated and formed. The state in Botswana remains a contested terrain; in some instances, it is seen

as privileging some people over others. It is necessary to begin by defining the character and nature of the state in Botswana in order to comprehend its role in giving direction to the public-private interface in the security sector. The complexity of defining the state in Botswana arises from issues of class, ethnicity, gender, and social construction of understanding its identity.

The state, according to the Marxist perspective, could be seen as an instrument of the dominant or ruling class. Still, according to the pluralist perspective, it could be viewed as a neutral actor acting on behalf of all classes in society. Polemics aside, its identity will be defined by the interests it represents. In more basic parlance, the state is essentially a cluster of interrelated institutions that make authoritative decisions about the distribution of resources and holds the monopoly of coercive power. As discussed in Mohiddin (2007:26), "The state is the main supplier of the basic and essential public goods and services, ranging from the management of law and order, creating and maintaining the enabling environment of peace, security and stability, so that people could pursue creative and productive activities of their own choices, to the health and education services for all citizens."

The central thrust of this report is not only to define the nature of the state but also to discuss its dialogue with society. In light of the above quotation, the role and capacity of the state varies in time and space. In situating the state in the political economy of globalisation, it is imperative to understand the balance between the state and developmental democracy and security. In most African countries, ethnic strife is problematic and contentious but the post-colonial state in Botswana negotiated a healthy balance between the various ethnic groups. Nevertheless, this is not to say that the ethnic question does not exist in Botswana. It exists, although in a latent form. The Botswana society is premised on unity in diversity. Although the country has several ethnic groups, people are never overtly discriminated on the basis of their ethnic origin. In addition, a person can never be denied justice on account of their ethnic group. Be that as it may, given the historical hierarchies where some ethnic groups were accorded a lower status, Botswana needs to work hard to accord ethnic minorities, especially the *Basarwa* (San), a greater sense of inclusion and accommodation.

Ethnic minorities have historically argued for social inclusion, which is the recognition of their languages to be taught in schools. The plight of the *Basarwa* is perhaps appropriate in order to discuss the extent of ethnic exclusion in Botswana. The *Basarwa* are the poorest of the poor; they are marginalised and considered a servile class (Werbner, 2002). Their relocation from the Central Kalahari Game Reserve (CKGR) is said to epitomise this marginalisation, and their leader, Roy Sesana, calls this dislocation 'cultural genocide'. Government in its characteristic paternalistic outlook maintains that it wants to bring them into mainstream development. With the assistance of a British non-government organisation, Survival International, they maintain that they are relocated to give way to diamond mining and have labelled Botswana's diamonds 'blood' or 'conflict' diamonds (Taylor & Mokhawa, 2003). This campaign was meant to tarnish the country's impeccable human



rights record and threaten Botswana's source of livelihood. The characterisation of Botswana as a pariah state also posed the danger of undermining Botswana's tourist industry, which is projected as an alternative engine of growth envisaged to diversify the country's economy (Solway, 2009).

Gender equality is another development that has been underplayed, and the human security paradigm recognised this. Since the 1990s, there has been a shift away from state security to human security and yet little attention has been placed on the interface between gender, security and development (Henry, 2007). Human security has been defined as being 'secure or safe from harm', but this cannot be comprehensive security until gender relations of domination and subordination are addressed and probably eliminated (Henry, 2007:65). Gender relations are important when addressing power relations in society because women often shoulder the burden of insecurity and the bad effects of development policies.

State building in Europe was a function of wars; those with large and strong armies survived, while the weak were vanquished. However, state building in Botswana assumed a different trajectory. The post-colonial state of Botswana was built without an army. Its defence was predicated on the goodwill of its neighbours and a small mobile police unit. Nevertheless, Botswana's developmental state facilitated the emergence of a strong state through a combination of factors, which coalesced at different levels of state activity.

It is vital not to take the emergence of a strong state in Botswana for granted; it came about as a result of an articulation of several forces and interests. Perhaps most paramount was the fact that before independence, Bechuanaland, as Botswana was called then, together with the other High Commission territories of Basutoland and Swaziland, were perceived as an "economic hostage" of South Africa with no prospect of sustaining an independent existence (Halpern, 1965). The salvation of these countries was considered as their incorporation into South Africa, which they strongly resisted. At the time, Botswana was desolate without any obvious means of subsistence. When independence was granted in 1966, it was in the interest of the political elite who had strongly lobbied for independence to build a strong state and proof their viability. The important question is: how was this possible?

The first area of contestation for the post-colonial state was to subdue the powers of *dikgosi* (chiefs) who hitherto were absolute sovereigns in their respective tribal areas. The independence constitution curtailed their powers by making them members of the House of Chiefs, constituting the second house of the National Assembly without legislative powers, serving only in an advisory capacity. The Chieftainship Act of 1965 (Proctor, 1968) usurped the power of *dikgosi* (chiefs) and subordinated them to the Central Government. In this new dispensation, they no longer served as political leaders but civil servants under the authority of the Minister of Local Government and Lands. This dispossession and subordination were not without contestation. The most visible contestation came from *Kgosi* (means Chief) Bathoen II and *Kgosi* Linchwe II of *Bangwaketse* (an ethnic group in the Southern part of Botswana) and *Bakgatla* (an ethnic group located on the South eastern part of Botswana), respectively.

*Kgosi* Linchwe II was visible in opposition politics, as he provided the Botswana National Front (BNF) a platform to launch the party in Mochudi in 1965, after Kenneth Koma failed to unite the warring factions of the Botswana People's Party (BPP). In a move to neutralise his influence, government appointed *Kgosi* Linchwe II as Botswana's ambassador to the United States of America. *Kgosi* Bathoen II, for his part, in registering his strongest dissent, stepped down from the throne (passing the baton to his son Seepapitso IV) and joined opposition politics, on the BNF ticket. Bathoen's political influence, as paramount chief of Bangwaketse, made the Ngwaketse District a stronghold of the BNF – a legacy that is still evident despite the strong challenge by the ruling Botswana Democratic Party (BDP). The powers of *dikgosi* were further eroded by the creation of the Tribal Land Boards, which relieved them of their remaining powers of land allocation.

At the time of independence, Botswana was one of the poorest countries in the world. Following the discovery of minerals in the 1970s and their subsequent exploitation, Botswana has been transformed into an economic success story in sub-Saharan Africa. Although there is a famous cliché by De Beers that 'a diamond is forever', the reality is that they are a finite resources and also get depleted. Botswana's economy continues to be fragile due to overreliance on one export commodity, namely, diamonds. Diamond revenues account for about 80% of the country's export revenue, 55% of government revenue and 35% of Gross Domestic Product (GDP) (Throup, 2006). Arising from the country's overdependence on diamonds, the country's sustainability is dependent on global fluctuations in the demand for these precious stones. In recent years, the country was severely hit by the 2008 global recession and financial meltdown. Over and above that, growth induced by the export of a single commodity – diamonds – has not led to a diversified economy.

The overreliance on one export commodity has not only made the economy vulnerable to the shocks in the international markets but has also led to lopsided development. The paradox of a diamond-led growth has increased levels of poverty and income inequalities. These income disparities have produced instability as evidenced by an unprecedented industrial action lasting eight weeks and increased levels of crime, often involving armed robberies. As a landlocked and agriculturally unproductive country, Botswana's economy depends on South Africa for crucial supplies such as food, electricity and water. Despite this dependent status, Botswana has been able to produce a strong state with strong links with the international arena, especially in the mining sector. In its partnership with De Beers, through a company called Debswana, the Botswana state has been able to develop into a strong state.

The second step in the creation of a strong state in Botswana was the creation of an institutional and administrative capacity to execute the ruling party's policies and programmes. This was done through the creation of a civil service, which for a long time relied on expatriate personnel. As more Botswana received education, they took over some of the responsibilities and developed a strong and effective civil service (Molomo, 1989). At independence, the dominant economic activity in Botswana was cattle farming. This enterprise – which was and still remains a traditional mode of livelihood – was also facilitated by the protectorate administration



through the sinking of boreholes as a source of water for cattle (Peters, 1984). This made cattle farming a sustainable enterprise for capital accumulation. The establishment of the Botswana Meat Commission (BMC) in 1954 was also instrumental in the creation of a cattle-owning capitalist class. This class was largely drawn from traditional Tswana aristocracy comprising of chiefs, sub-chiefs and headmen (Tsie, 1996). The ruling BDP government was quick to establish strong alliances with the cattle-owning elite and the rural peasantry. Seretse Khama and Quett Masire, the founding President and Vice President of the Republic of Botswana, epitomised this class. Civil servants also saw an opportunity in cattle farming, and many of them became weekend farmers and retired into farming.

During this period, the cattle-owning class, to use the conception Gramsci, emerged as the hegemonic fraction of the ruling class (Hare & Smith, 1971). The government supported this sector by providing infrastructure, subsidies in vaccines and feeds, cordon fences to control the spread of diseases, veterinary services and agricultural extension services (Parson, 1981; Peters, 1984; Picard, 1980). Moreover, the profits that were made at BMC were distributed back to farmers at the end of the year in the form of bonuses. Arising from this, it was evident that interests of the ruling elite were congruent with those of the cattle-owning elite, civil servants and the rural peasantry (Parson, 1983). This alliance has over the years been a source of electoral support for the BDP. However, government has been relatively autonomous from the influence of the dominant class in that it has been able to put in place welfare programmes to benefit the poor.

Leftwich (1996:143) was incisive in articulating the parameters that define a developmental state, which include availability of natural resources, technological rationality, authoritarian rule, macro-economic planning, a bureaucracy and prudent leadership, and relative autonomy of the ruling class. The technocratic-bureaucratic approach informed the country's developmental trajectory, which dominated the process of development planning and defined the path for capital accumulation. The discovery and exploitation of minerals, especially diamonds, gave government the ability to consolidate its position and control of state power. Mineral wealth gave government the capacity to deliver on development programmes and further consolidated state power by developing the military as the coercive arm of the state.

While the cattle-owning class remains significant for the Botswana economy, it was weakened considerably during the term of President Festus Mogae and now under President Ian Khama. The technocratic approach of President Mogae led him to question the economic sense of some of the subsidies and loans write-offs that government extended to farmers (Molomo, 1998). It would appear that President Mogae, well-schooled in neo-liberal economics, wanted to give the economy macro-economic stability and efficiency in the capital accumulation process. Furthermore, he endeavoured to give the country a competitive edge in global capital markets. It was during his administration that the idea of relocating the DTC from London to Gaborone was mooted. President Khama appears more inclined to tourism and conservation of natural resources. While the agricultural elite are trying to regroup

and maintain their dominance through the diversification of the agricultural sector to include poultry, piggery horticulture and young farmers' schemes, they seem to be losing ground to commercial interests associated with mining and tourism. The tourism sector, as a new engine of growth, is largely controlled by foreigners and concession companies and is likely to lead to the recolonisation of Botswana's land. The emergence of a strong elite based on tourism and mining fosters a new trajectory in the capital accumulation process and in defining the state.

The emergence of a rent-seeking characteristic of commercial cattle farmers, especially white farmers, some of whom own feedlots, seeks to end the monopoly of the BMC of benefiting from the lucrative export market, which manifests a new development in this sector. The challenge that this sector poses for the state is its pursuit to end the BMC monopoly, and this would deny the state the profits from the European Union (EU) market and the state would fail to continue to reward its traditional partners, the peasantry, with good beef prices. The fracture of the alliance might lead to reduced electoral support for the BDP. The cattle-owning elite, which for many years was hegemonic, appears to be losing ground to a new breed of politicians known as "tenderpreneurs" (Gabathuse, 2013). The term is used to refer to people who accumulate wealth through government tenders. This is a group of young entrepreneurs who wish to attain political power in order to secure their business interests by benefiting from government tenders. This group has gained hegemonic influence through contesting and winning key party positions, and has been instrumental in financing party activities and campaigns. This group does not bring to the party any particular ideology except their insatiable appetite for capital accumulation.

Overall, the trajectory of Botswana's development strategy is premised on a contradictory reality, notwithstanding the economic meltdown and recession that characterised the world since 2008, of a country experiencing economic growth and rising levels of poverty and income inequalities. In addition, attempts to diversify the economy away from a mineral-led growth to more sustainable alternatives based on harnessing renewable natural resources is occurring at a slow pace. The class character of the opposition is by and large an alliance with the working class and a small fraction of the middle class. The working class, through the unprecedented public sector strike that lasted eight weeks – where parties bargained for increases of salaries and wages in solidarity with opposition – also called for a regime change. However, they do not command the numerical strength to dislodge the BDP from power. The BDP enjoys the power of incumbency and can use reward power to consolidate its power base. What is more, to assert its position, the state needs its coercive instruments, and public-private partnerships are instrumental in defining this relationship.

A case could be made that the Botswana developmental state has redistributed the wealth acquired from mining in tangible areas such as the creation of infrastructure – roads, rural and urban electrification and water reticulation, hospital and schools. During the time of independence, these services were non-existent. Redistribution of



resources has also been in the form of salaries to the huge government bureaucracy, including the police and military. However, with a low minimum wage, poverty and inequalities remain a security threat to the otherwise successful economy. The redistribution of resources also takes a token form in the provision of welfare services, such as *ipelegeng* and backyard gardens. In what could only be seen as political patronage, the President periodically distributes blankets to the rural poor. Nevertheless, the trajectory of Botswana's development strategy has produced a limited trickle down of wealth and income, and the country has institutionalised a culture of dependency rather than of entrepreneurship and job creation. Disaffection with the ruling elite was also evident from the recent election where the ruling party won the election with a reduced simple majority of 47% against the combined poll of the opposition's popular vote by 50%. The First-Past-the-Post (FPTP) electoral system guaranteed a BDP win by 37 to 20 seats of the position.

At independence, the dominant social formation comprised of the cattle-owning class, which represented the mainstay of the economy supported by a strong civil service that benefited from timely salary reviews. Support for this ruling fraction of the dominant class was seen through subsidies in cattle vaccines and feeds. However, over time, this class was replaced by technocrats, and now – as already mentioned – a new class that could be referred to as “tenderpreneurs” (a group relying on government tenders to enrich themselves) have gained hegemonic control of the state. Tourism has emerged as the second foreign exchange earner.

Botswana's role in the world economy continues to evolve and change, as globalisation throws new opportunities and challenges that redefine relations between countries and people of the world. Globalisation has opened the country's borders to international communication technology and cybercrime, thus making security an urgent undertaking. Botswana's positioning in the global hierarchy may be marginal, but its political, economic and strategic importance is enormous given its political stability and control of the international diamond trade. The Diamond Trading Company (DTC) has relocated from the United Kingdom to Botswana. As a result, the country's security can no longer be taken for granted.

Botswana is considered a model of political and economic stability in sub-Saharan Africa. According to the United States Department of State (2013:1), “Botswana has consistently maintained a democratic government, responsibly managed its natural resources, invested in its people and infrastructure”. Since Khama became the President in 2008, Botswana has been overzealous with the provision of security. Khama's obsession with security has ensured the visibility of security institutions, especially the BDF, the Botswana Police Service, and in particular, the Directorate Intelligence Service (DIS). In some instances, the state security apparatus have gone overboard in the interventions to engage in extrajudicial killings. The case of John Kalafatis, who was killed in cold blood execution style, was instructive.

## 5. Security situation and threats

Botswana's defence and security policy was first conceived in 1977 out of a fragile sense of insecurity emanating from attacks from Rhodesia and South Africa. Following South Africa's policy of 'Total Strategy' of the 1980s geared towards the destabilisation of the region, the security of the people and state became the primary preoccupation of the Botswana state. Thus, regional aggression informed Botswana's early security threats, and the BDF was established in that regard. Nevertheless, leaders of the public and private security sectors note that external aggression was no longer an issue threatening Botswana's security, but that regional criminal gangs and poaching are high on the security alert. The end of the Cold War and the demise of apartheid and its destabilisation campaign were replaced by regional criminal gangs and poachers as new security threats. In this regard, partnerships between the police, the army and wildlife rangers have been developed. Botswana has a unique history in southern Africa compared to some of its neighbours who experienced a war of liberation. The country does not have the problem of proliferation of small arms. Also, it has a strict protocol regarding the acquisition and registration of small arms, which is in accordance with the amended Arms and Ammunition Act of 1979. Nonetheless, despite the stringent regulations and controls, Botswana is experiencing an increase in the number of firearm-related crimes.

Botswana displays the full panoply of factors that account for insecurity. These are high urbanisation, unemployment, inequalities, poverty and increasing levels of crime. The report maps out the security threats facing Botswana, and whether there are formal or informal partnerships between public and private security sectors. More concretely, it examines whether there is competition, incompatibility and rivalry between them. The inequality gap is pronounced, and youth unemployment is particularly high. Although Botswana is well endowed with natural and human resources, it suffers from extreme poverty and deprivation. Botswana also bears a great burden of other socio-economic ills: the scourge of HIV/AIDS, which is among the highest in the world, and other chronic diseases – further compounding this dire situation. Nevertheless, Botswana aspires to build a strong state that has significant social depth, and it is anchored on the virtues of a just and equitable society.

The perceived and actual security threats in Botswana are diverse and ever evolving. To begin with, leaders of both public and private security sectors share the opinion that security (and/or insecurity) is a multidimensional and multi-level phenomenon which can best be described as having different referent objects, requiring interventions of both statutory (public) and non-statutory (private) bodies. Public and private security leaders agree that the sources of insecurity in Botswana are deeply embedded in its socio-economic structure of society. As alluded to earlier, Botswana is widely regarded as an economic and political success story in sub-Saharan Africa and is classified by the World Bank as a high middle income country. Its socio-economic and political success is measured by its high per capita income, relatively stable political system and a stable currency.



Security sector leaders argue that, given the country's development trajectory, as an economy driven by diamonds whose exploitation is capital-intensive, this development presents itself as a double-edged sword. In the first instance, it provides development revenue for the state to undertake development projects and in providing security for the nation. Ironically, it also contributes to the growing wealth and income inequalities that have produced propertied classes and a reserve of the employed. The seemingly rich economy attracts investors of all sorts; some are bona fide investors, while others are fly-by-night entities without credible credentials. The country's economic success has also led to the mushrooming of prosperity churches that swindle unsuspecting worshippers of their hard-earned money. As a stable country, Botswana also attracts political refugees who flee their countries due to political persecution. Botswana has also been a haven for illegal Zimbabwean immigrants who cross the border at ungazetted points along the 800-kilometre border between the two countries. These illegal immigrants have been both victims and perpetrators of crime.

The tourism sector in the Chobe and North Western parts of the country, including some areas in the North East (Mashatu), has blossomed into a second engine of growth. This growth has its attendant problems. It manifests what could be called reconolisation of Botswana. The tourism sector in Botswana is dominated by foreigners with very few Batswana elites having a stake in it. This sector has emerged as an enclave where the majority of Batswana are excluded, and this has led to tension among Batswana. Batawana (an ethnic group in the North West) are at loggerheads with government over Moremi Game Reserve, which they claim is theirs and want to wrestle it from government.

The leaders of the security sectors also view the growth of the tourism industry as an important additional aspect of the Botswana economy that has generated massive property, jobs and insecurity as well. In this regard, Botswana established national wildlife parks as well as the Department of Wildlife and National Parks, which employs permanent armed rangers that provide anti-poaching services and help to ease human-animal interaction. As a result, Botswana has a huge wildlife population that has attracted the private and community tourism industry, as well as poaching. Because of poaching, government has resorted to a policy of shooting on sight, and this raises serious human rights concerns. Poachers are interested in elephant tusks and rhino horns. The tourism sector in the Okavango Delta and other areas is dominated by private lodges and campsites that provide their own security and hire guards from private security companies whose guarding services are highly required in that industry.

The diamond-rich economy has created an educated citizenry, but it creates very few jobs for the young educated citizens who flood the army of the unemployed. The jobless diamond-led economy has also created space for the private sector to flourish, helping to create more wealth and jobs. This prosperity has also created insecurity, and rich individuals have resorted to hiring private security guards for the private malls and property, installing security features into their residences and vehicles and guarding their parking spaces.

The growth of the criminal economy in the Southern African Development Community (SADC) manifests in the growth of illicit trade in goods, illegal drugs and black market currency exchanges. The use of Botswana as a transit point for money laundering, drug trafficking and human trafficking has been a source of concern for the Botswana government and Interpol. The leaders of the security sectors also acknowledge that the upsurge of globalisation and its borderless characteristic poses threats, such as cybercrime that could undermine Botswana's prosperity (the so-called fire-churches and pyramid schemes were singled out in this regard) threaten the coherence of national development planning and the security of the nation state. Ironically, the public security sector sees the private security companies as part of the security threat, with the potential to employ a large army of foreign criminals and thus expose property to risk, and with the potential to allow foreign security companies that could endanger the security of the state.

Botswana's security challenges transcend traditional conceptions of security to include shortages in water and energy (frequent power outages have become a common feature in Botswana's urban centres in the first quarter of 2014) plunging cities and other urban centres into prolonged darkness that has become a haven for criminals, including illegal immigrants and local criminals. The leaders of the public security sector also hold the opinion that heavy rainfalls have caused floods in the northern parts of the country and caused power cuts there too, while the southern parts – where the capital city is located – make the provision of water (the very low water levels in the Gaborone Dam as of April 2014 is 15% empty – a national security concern). They say energy insecurity (given the failure of Morupule B power plant and the constant threat by Eskom to prioritise South Africa's energy needs) amid the involvement of foreign contractors with uncertain track records, makes Botswana's energy supply extremely precarious and a security threat. Thus, policing (both public and private) will have to contend with long periods of power blackouts that make policing a very dangerous task.

In another twist, the private security sector sees unethical conduct by public security players with interest in the former as a threat to the private security industry and to the security of the nation. Allegedly, this is so because some officials in the Ministry of Defence Justice and Security (MDJS) and operatives in the intelligence services (DIS) are alleged to have vested personal interest in the private security industry. It should also be recognised that the private security industry has proved to be a reliable retirement home for retiring police, intelligence and army officers who open up their own private security companies. What is more disturbing are allegations that Ministry officials and their wives and friends, such as the former MDJS minister's wife, own security companies that provide services to the police and other public security agencies, thus advantaging themselves over other companies. In another instance, the leaders of the private security industry allege that DIS operatives, such as its director, own security companies that provide services to important companies in the country's economy. They hold the opinion that the fact that both public officials and their friends and relatives have vested personal interests has caused delays in legislation that could help clean the private security industry and enhance its growth.



Leaders of both public and private security sectors agree that Botswana's development trajectory as an economic success story in sub-Saharan Africa makes it a target for transnational and cross-border crime and for economic migrants. They also say its porous borders make it vulnerable to illegal immigrants and to illicit trade of all sorts. Their views supplement those of the Head of the Sub-Regional Bureau of Interpol in Harare, Commissioner Frank Msutu (Gastow, 2002:1), who previously stated, "there are very clear relationships and interlinking factors between crime syndicates operating in Southern Africa. It is not a secret to law enforcement agencies in the region that the criminals in the region have better cooperation links than the police officers. They seem to know who to contact at all times and budgetary constraints, foreign currency shortages, visa problems or governmental authority to travel do not control their movements."

Thus, there is a shared opinion among security players that regional criminal syndicates pose security threats to Botswana. It is therefore not surprising that the country was concerned about the increasing cross-border crime occurring in the region. According to Molomo, Maundeni, Osie-Hwedie, Taylor and Whitman(2007), the ethnic debate which was intended to make Sections 77, 78 and 79 of the Botswana Constitution ethnically neutral, healthy as it was, indicated that Botswana was not ethnically homogeneous and was premised on a false sense of stability. In the new millennium, Botswana's security threats are primarily internal, including constitutional reforms that touch on sensitive issues such as ethnicity. As alluded to earlier, the relocation of the *Basarwa* from the CKGR is another potential security threat for Botswana. Following the forced relocations and human rights abuse, a British non-governmental organisation (NGO), Survival International, mounted a campaign in which it labelled Botswana's diamonds, 'blood' or 'conflict diamonds'.

Maundeni (2004) observes that it is a known fact that Botswana's political stability and economic success is partly derived from diamonds, and that if these were to be boycotted by the international community, Botswana's sparkle would fade. He cautions that Botswana therefore needs to tread with great sensitivity in addressing this matter. Maundeni (2014) adds that the poor handling of industrial strikes such as the public sector strike in 2011 posed security challenges and proposes that state-trade union partnerships should be promoted, instead of the seemingly unmanaged rivalry between them. In the run-up to the 2014 general elections, the Botswana Federation of Public Service Union (BOFEPUSU) formed an alliance and called for a regime change. Maundeni (2014) quotes a newspaper article appearing in the Sunday Standard (2013) as a demonstration that state-trade union rivalry threatens the country's prosperity. He notes that the newspaper story mentions the slowdown of border crossing despite a P250 million computerisation of Botswana passports, slow financial transaction speed despite a P63 million Accounting and Budgeting system (GABS) introduced in 2007 by the Ministry of Finance and Development Planning. Maundeni (2014) highlights the newspaper making the following observation: 'Botswana government's multimillion pula investments in information technology infrastructure is failing to speed up the sluggish service delivery in the public service because officers are sleeping on the job, the 2013 Public Survey Customer and Employee Satisfaction survey financed by UNDP has revealed' (Sunday Standard, 2013).

Maundeni (2014) further notes that the poor handling of the 2011 industrial strike led to resistance politics against the Khama regime, thus threatening the existence of the regime itself. In the 2014 elections, the combined opposition parties increased their fortunes by polling 20 to 37 seats of the ruling party. He continues to observe that resistance against the Ian Khama regime was building against the manner in which senior civil servants (about 19 in a space of six months) were expelled during that time, in which senior ruling party officers (including ruling party MPs) continued to be expelled without regard to human rights, in which senior army officers were being speedily retired, and in which academics (the Zimbabwean professor lecturing in media studies immediately comes to mind) and priests who had lost favour with the regime were declared *persona non-grata*. Maundeni (2014) cites Gomolemo Motswaledi, a senior ruling party functionary who had taken President Khama to court over sharp differences over the running of the party, who was suspended and his candidature recalled in a manner that bordered on inhumanity (his candidature was withdrawn just before elections and was suspended from the ruling party for six months pending an investigation that led to his expulsion from the party). Maundeni (2014) adds that all those that were retired or expelled after Motswaledi bore the same stamp of inhumanity and abuse of human rights.

Maundeni (2014) observes that in response, their supporters (including opposition parties) joined forces with striking public servants to confront the Khama regime, spearheading a strike never seen in Botswana's entire history, and the threatening collapse of service delivery that followed. All these serve to show that the Botswana government needed to partner with its people to pursue successful developmental goals. Refugees are always a potential threat to the security of any country. According to Molomo *et al.* (2007), refugees and illegal immigrants have long been regarded as security threats to Botswana. Illegal immigrants are very difficult to keep track of because they crossed the border at ungazetted points and also did not report their presence to the police. Frequently, they are not only the originators of crime but its victims as well. Botswana has always maintained an open-door policy respecting refugees and has always ensured that they are treated in line with the international legal instruments that apply.

As a signatory of international conventions concerning people who flee their countries for political reasons, Botswana welcomes bona fide refugees. Asylum seekers constitute a security threat if they use the host country to attack or destabilise their home country. However, the long-standing foreign policy of Botswana is that it does not allow refugees to attack their countries using Botswana as a springboard. The case of Meshake Muyongo of the Caprivi Liberation Army in Namibia is a case in point. Muyongo crossed into Botswana armed with a group that wanted to break away from Namibia and form their own independent state. Botswana tried to diffuse this problem by handing the problem of refugees to the United Nations High Commissioner for Refugees. For example, the Government of Botswana allowed the Namibian Minister of Foreign Affairs to come and view the Namibian refugee camp on its border. Following bilateral discussions (state-state partnership) between the two countries, some of these refugees were given amnesty and repatriated back



to Namibia. Nevertheless, Namibia has not found closure to this issue; Muyongo is still in exile in Denmark, while others are still in Namibian jails.

According to Molomo, *et al.* (2007), many of the prisons within Botswana were filled with large populations of illegal immigrants who often created misunderstandings due to their perception that they were “ill-treated prisoners”, creating potential problems with Botswana’s neighbours. The former Vice President and Minister of Foreign Affairs Mr Mompoti Merafhe indicated that illegal immigrants and refugees were also potential contributors to both the problems of poverty and HIV/AIDS. The presence of large numbers of refugees and Zimbabwean illegal immigrants has led to increased pressure on the provision of public security and safety. In most cases, the police find themselves overstretched, and private security providers have often filled the gap left by the police.

According to Maundeni, Bwalya and Kwerepe (2014: 5), separatist nationalism of the Barotse of Zambia is also emerging as a serious security threat to Botswana. They say this is because Botswana’s tourism is in the region bordering Zambia, that is, near Barotseland. They quote the Botswana Tourism Board (2012) that confirmed that Kasane, in the northern part of Botswana, is the country’s top safari destination and home to the magnificent Chobe River and Chobe National Park.

The tourism board regards it as the perfect location where the Botswana safari provides visitors easy and trouble-free admission to the Chobe National Park, which is the best reserve for game viewing and birdwatching. The Botswana Tourism Board further observes that the mesmerising wilderness of this wildlife park just amazes the visitors with its diversified eco-system and magnitude of wild animals. It further notes that Zimbabwe’s Zambezi and Victoria Falls are two widely visited tourist destinations that can be explored from Kasane. According to the Tourism Board (2012:1), “Inching fishing camp is a renowned fishing safari destination and Kasane hot springs are the natural spots which are also widely visited spots. Kasane has a lot of safari activities which include: Boat excursions, sunset boat cruises, fishing, game drives, Day-excursions to Victoria Falls, Seboba water springs, Kasika village cultural tour and cultural activities through Mowana Lodge. All these activities are what tourists expect to find when they go to Kasane-scenic views and wildlife. Kasane also offers a wide range of hotels, lodges, guest houses and camping sites.”

According to the Botswana Tourism Board, Kasane is also Botswana’s important gateway to Central Africa. “At Kasane, one can expect to cross the Chobe River through the ferry from Botswana to Zambia. Strategically located by the Chobe River’s convergence with the Zambezi river, where Botswana, Zambia, Zimbabwe, and Namibia meet, it is clear to see that Kasane is a gateway to the three other countries in the region” (Botswana Tourism Board, 2012: 7). In addition, “Kasane is an important point of debarkation for the Victoria Falls in Zimbabwe, Livingstone in Zambia, and Namibia’s Caprivi Strip. All of these countries share a natural border being the river. Namibia, Botswana, Zambia and Zimbabwe

are also jointly marketing their touristic natural resources and wildlife packages for the Victoria Falls/Chobe/Okavango region which become very attractive and economical for tourists whilst the four countries have a share of the tourism market” (Botswana Tourism Board, 2012: 12). All these tourism activities face threats from the separatist nationalism of the Barotse of Zambia. This calls for a working partnership with the security forces of the neighbouring countries and with the private security forces working for lodges in the area.

Maundeni, Bwalya and Kwerepe (2014) maintain that in the past, the border between Botswana, Namibia and Zambia has always been marred by some controversies and disputes. They say, first, Botswana had a dispute with Namibia over the small river islands. Second, Namibia accused Botswana of helping the Caprivi nationalist movement of Mishake Muyongo in his search for independence for the Caprivi from Namibia. Barotse people in that region of Namibia share a common kinship with those in Barotse land in Zambia and those in Botswana in the Kasane region. Maundeni *et al.* (2014) state that the then Caprivi secessionist leader chose Botswana for political asylum in October 1998 when it became known that the Namibian government was about to arrest him and his group of agitators. They quote the Namibian Windhoek (1998) that noted that by December 1998, more than 2 200 Caprivi secessionists, including some 700 from the Linyanti area alone, had fled into Botswana to escape possible persecution from the Namibian government. Namibia’s Barotse chief, Boniface Mamili, fled to Botswana claiming persecution and seeking asylum. He was linked to a separatist movement in the Caprivi Strip (Minorities at Risk Project, 2004). Presently, the Barotse of Zambia are mounting a separatist bid to establish an independent state.

## 6. Public security sector

The peaceful predisposition of Botswana as a peace-loving nation has enabled the Botswana Police Service substantial mileage in maintaining public order and public safety. A renowned Setswana dictum is that *ntwakgolo ke ya molomo* (it is better to dialogue rather than to embark on war); it underlies Botswana’s preoccupation with peace rather than war and a predisposition to resolve differences through dialogue and negotiations. Moreover, the conception of multiple actors in the security domain has led to the development of new concepts such as “plural policing” (Stenning, 2009:31). Plural policing arose out of the awareness that the police alone cannot cope with the level of crime and maintain law and order. Plural policing recognises the multiplicity of state and non-state policing providers.

As a precursor to a detailed discussion of the Botswana Police Service (BPS), it is important to have an overview of the constitutional and legal framework that guides the operations of the police. The Botswana Constitution represents the supreme law of the land. It provides the legal framework upon which all laws are premised. The police exist primarily to protect, and based on its laws, provide public safety. Nevertheless, for Botswana, only first-generation rights



are entrenched in the Constitution; they involve civil and political liberties. The Constitution is silent on second- and third-generation rights. Second-generation rights manifest socio-economic rights, which entail cultural and workers' rights. Third-generation rights include the right to development.

The BPS has a broad mandate of maintaining law and order, and providing law enforcement to the people of Botswana. Its core functions include protecting life and property, preventing and detecting crime, repressing internal disturbances, maintaining security and public tranquility, apprehending offenders, bringing offenders to justice, duly enforcing all written laws with which it is charged, and generally maintaining the peace in the country (Anon., 2011). The BPS is a huge organisation that was initially located in the Ministry of the State President, but now it is in the new Ministry of Justice Defence and Security. It comprises of two broad sections: operations and support services. The operations division comprises the Criminal Investigations Department; Traffic, General Duties; Forensic Science Laboratory; and Crime Intelligence. Support services, on the other hand, consists of the Special Support Group (SSG); Transport and Communications; Departmental Management; Police College; Air Support; and Finance, Development and Procurement.

The Botswana Police predates the post-colonial state of Botswana, while private security companies only started to exist in the 1980s. The Bechuanaland Mount Police, as it was initially called, evolved over the years into the Bechuanaland Border Police, then into the Bechuanaland Protectorate Police, then into the Botswana Police Force, and lately into the Botswana Police Service (Anon., 2011). At independence, it was constituted into a police force that took on board paramilitary operations because the country did not have a defence force. Even after the BDF was established in 1977, the police force retained its paramilitary operations in the form of the SSG. Generally, the police are unarmed except for their special units such as the SSG. The SSG unit within the police service is a paramilitary wing primarily concerned with monitoring and "policing public situations" (Anon., 2011). (Perhaps an incident where the SSG was most visible was during the disturbances in Mochudi in 1995 resulting from the murder, allegedly for ritual purposes, of Segametsi Mogomotsi. In the whole process, a certain youth Binto Moroke was shot and killed in cold blood for his involvement and killing of a police officer during the strike.) They are often called upon when there are riots or public disturbances to institute public order. However, there are still uncertainties as to what types of weapons they should carry in relation to the military. In the 2011 public sector strike, although they were on the alert, the police maintained a low profile and acted in a highly professional manner in monitoring the disturbances.

Public security leaders acknowledge that public-public partnerships exist between the police and the army, and that even joint patrols have been mounted through presidential directives. They observe that given the nature of some internal security challenges that are beyond the capacity of the police, the military is often asked to render them assistance. The President, as Commander-in-Chief of the armed forces, has the prerogative, as mandated by the Constitution, to deploy the army in

other duties as national security may determine. Under the auspices of aid to civil authority, the army cooperated with the police in an operation called 'Kalola Matlho', which involved surveillance on matters of armed robbery, hijacking and other related robberies. In this operation, over 100 soldiers were attached to the Serious Crime Squad of the Criminal Investigation Department (CID) of the Police Service. In addition, the army was engaged in low-intensity operations, such as anti-poaching patrols. It was also deployed along the borders between Botswana and Zimbabwe to reinforce police operations in curbing the movement of illegal immigrants.

Police officials observe that the Botswana Police Force rebranded itself in 1996 from a police force into a police service suited for democratic policing. The rebranding included public education meant to foster an image of collaborative work with local communities (urban and rural residences). The police have established a community police service where they work with communities under the auspices of "*Twantsho borukutlhi*" (fight against crime) and neighbourhood watches, neighbourhood horse patrols and neighbourhood bicycle patrols. Community policing by its nature requires cooperation and teamwork. Policing is a vocation that entails a lot of responsibility on the part of officers; they are entrusted with the coercive instruments of the state and, as such, they must not use them to the detriment of the people. The interface between the police and local communities has made significant inroads in narrowing the avenues for crime in various areas in Botswana. Through the crime prevention unit at the Criminal Investigation Department (CID) the BPS has embarked on an outreach programme that educates the public about crime through workshops, billboards, radio and television programmes. The BPS recognises that its strength lies in a "skilled, well trained, motivated and developed officers who enjoy equal opportunities and proper deployment" (Anon., 2011). It also recognises that teamwork based on "collective effort, trust, understanding, support, hard work, perseverance and respect irrespective of rank and gender" (Anon., 2011) are critical to the success of their mission.

BPS operates in a complex environment in which crime has not only increased in sheer frequency but has an unparalleled level of sophistication. The BPS has divided the country into three zones: the north (comprises places such as Semolale, Bobonong, Selebi Phikwe, Francistown, North East, Kasane and Maun), the south central (comprises of Serowe, Palapye, Mahalapye, Mochudi, Gaborone, Tlokweng, Mogoditshane and Ramotswa) and the south (comprises of Molepolole, Lobatse, Kanye, Ghanzi, Kang and Tsabong). Most crime is located in the south central where there are greater job opportunities, better road networks, greater internet access and where the majority of the population resides. In particular, the areas that are most affected by crime are Serowe, Mogoditshane and Gaborone. In addition, given the large size of the country and the sparsely populated areas in the western parts and the high rate of urbanisation, policing has become a real challenge, calling for partnerships of all sorts. The paradox is that given the size of the country and population, it is improbable, that the state could create a police service that could meet all public safety needs. This gap has secured a market for private security. Private security companies operate more like an auxiliary



service to the BPS. They fill the gap that the police cannot fill. However, proper partnerships have not yet been worked out between them.

Because of increased incidents of armed robberies, carjacking, cross-border crime, including poaching involving automatic weapons, the police often go on joint patrols with the military. In some of these incidents, there are reports of excessive use of force, resulting in fatalities. Democratic policing entails the “use of force in a manner in keeping with the maintenance of constitutional rights” (Hutchful, 1997:536). However, the police maintain that where, for one reason or the other, there is an incident that results in a fatality, it is usually because of negligence on the part of the police officer, and usually necessary steps are undertaken to punish wrongdoing.

The Botswana Police College and International Law Enforcement Agency (ILEA) have been in the forefront of offering police officers quality education and training to ensure that Botswana is safe and secure. The Botswana Police College stands out as an important role player in ensuring that the BPS adheres to its mission, vision and values. The college is a tertiary institution within BPS established through Section 66 of the Police Act Cap 21:01 as amended by Act 15 of 2002. The college is registered with the Botswana Training Authority, and its programmes are accredited by the University of Portsmouth in the United Kingdom. The work of the Police College is augmented by the ILEA (In addition to ILEA Gaborone, there are four other ILEAs located around the world: ILEA Budapest in Hungary, ILEA Bangkok in Thailand, ILEA Roswell in New Mexico, USA, and ILEA San Salvador in El Salvador. There is also an ILEA Regional Training Centre in Lima, Peru, supervised by ILEA San Salvador known as ILEA Latin America.), a joint venture between the Botswana and United States – it was set up under the leadership of the US Federal Law Enforcement Centre working under the Department of Homeland Security – governments (International Law Enforcement Academy, 2010). It was established in 2000 out of the desire to combat transnational crime and cooperate in law enforcement to make the world, in particular, sub-Saharan Africa, safe and secure. ILEA provides training for middle-level managers in law enforcement with a view to support “criminal justice institution-building in Africa; to provide capacity building to combat transnational crime including terrorism, narcotics trafficking, financial crime, cybercrime, illegal firearms trafficking and migrant smuggling” (International Law Enforcement Academy, 2010).

In its efforts of becoming a 21<sup>st</sup>-century Police Service, the BPS has developed a corporate development strategy (Anon., 2011) focused on public education, crime prevention, community policing and human resource development to support its key performance areas. The overall thrust of this strategy, in line with the national vision 2016, is “to achieve a safe and secure nation” (as per Botswana government, Vision 2016). Notwithstanding its stated objectives of community policing, the BPS does not have a formal relationship with civil society.

Arising from the fact that crime transcends national borders, the BPS realises that it cannot combat crime alone. The BPS is affiliated with the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO), which is a forum of police chiefs formed in 1995 with a view to foster greater cooperation and collaboration of the police in the southern African region. It was formed out of the realisation that with greater cooperation and sharing of information, the region could be a safer and more secure place. The aims and objectives of SARPCCO are to harmonise regional public safety and security by coordinating regional police efforts geared towards carrying out regular reviews of joint crime management strategies and curbing cross-border crime. Furthermore, it endeavours to build confidence and trust among police officers and the communities they serve, with a view of networking and coordinating regional security concerns (Dissel & Tait, 2011:2).

The SARPCCO Code of Conduct represents an agreed standard of operation by the police chiefs of southern Africa that clearly sets out principles of integrity, respect for life and the rule of law, which if adhered to could avoid or at least minimise human rights violations. This Code of Conduct talks strongly against torture, inhuman and degrading treatment of people, including detention without trial. The SARPCCO Code of Conduct is derived from and borrowed a leaf from best international practice, drawing from international and regional norms and standards on human rights, accountability, democratic governance, and ethical and professional policing. Nevertheless, the constitution and code of conduct of SARPCCO are based on respect for national sovereignty, equality of police services, non-political professionalism, observance of human rights, non-discrimination and flexibility in working methods, mutual respect, and goodwill.

Policing in Botswana is anchored on observance of human rights, which depart from the basic premise that all human beings must be afforded dignity, freedom, security and equality. Human rights are based on the ethical consideration that human beings are “born free and equal in dignity and rights” (United Nations General Assembly, 2011). According to the United Nations Code of Conduct for law enforcement officials, they are expected at all times to “respect and protect human dignity, maintain and uphold the human rights of all persons” (Dissel & Tait, 2011:7). Nonetheless, despite the human treatment of people by the police, there are allegations of abuses by the BPS. Human rights organisations such as Ditshwanelo are inundated with reports from members of the public complaining about the police. These cases range from negligence to ill-treatment in the handling of suspects. The law requires that persons apprehended by the police should be accorded the dignity they deserve. However, one case brought before the courts in which five security officers, two of them special constables on a security patrol in Ramotswa village in November 2005, allegedly “arrested and forced Zimbabweans to have group sex, while they watched” (Morewagare, 2009:3).

Media reports, over the years, have been awash with stories of “arbitrary and unlawful killings.” According to a US report, during 2009, there were eight incidents of police



shooting during apprehension, in which 11 civilians were killed. These allegations involve cases like: On January 4, 2009, the police shot and killed Mothusinyana Moag[i], who reportedly fled from the police who confronted him because he fit the description of a suspect; on March 4, 2009, the police shot and killed Mark Gumbo while in pursuit of Gumbo and others suspected of armed robbery; on March 9, 2009, the police shot Tshepo Molefe during an attempted robbery. The police claimed that Molefe and other suspects in the group fired at police and that Molefe ran toward the police officers, who then shot him (United States Department of State, 2010:1). Deaths in police custody include an incident that was an eye-opener, the death in police custody of Peter Mokgware in the mid-1980s. The case of John Kalafatis on 13 March 2009, who was murdered execution style in a joint operation of the police and the military, was dramatic and perhaps unprecedented in the history of police killings in Botswana. Kalafatis was a wanted criminal who was killed during a lawful arrest and his killers are facing prosecution in the courts (Molomo & Mokhawa, 2012). In 2009, there were incidents of two people who died in police custody. On 5 March 2009, David Monggae collapsed during interrogation on accusations of cattle theft and subsequently died. In another incident, on 29 July 2009, Italy Setlampoloka was arrested for a series of robberies and died in police custody (Morewagare, 2011:4). "It is alleged that the suspect died under torture as the police tried to extract a confession from him" (Morewagare, 2011:4). Upon realising that they had caused the death of Setlampoloka, "police allegedly took his body to Senamakola farm lands near Gabane where they simulated suicide by hanging his body from a tree" (Morewagare, 2011:4).

Although the Constitution and the law prohibit torture and any inhuman treatment of people, there are reports from persons under their custody that the police often "beat and abuse suspects to obtain evidence or elicit confessions" (United States Department of State, 2010:1). There are also allegations that the police use force and torture to extract confessions from people in custody. It is alleged that torture is rife among suspects who are categorised as "high risk", diamonds and narcotics, serious crime, car theft, and armed robbery. In an interview with a human rights activist on 1 February 2012 in Gaborone, the activist mentioned that the units that are alleged to be notorious of torture and inhuman treatment are said to be Military Intelligence (MI), CID and lately the DIS. The security agencies have been under the spotlight since the advent of the DIS.

## **7. Public-private security partnerships and rivalry**

Public-private partnerships need to be contextualised in the national and global contexts. The expanded or broadened conception of security to include human security has led to a number of functions that were traditionally the domain of the state performed by other actors such as private security firms. There is a growing awareness the world over, including the developing world, that policing is not only a domain of state actors but that non-state actors are also proficient actors in that market. This section explores the existence or absence of public-private security partnerships in Botswana. More substantively, it observes that there is no

legal instrument that formalises public-private security partnerships in Botswana. Second, it observes that there are instances of informal public-private security partnership, competition and rivalry as well. The interface or partnership between the police and private security providers varies from state to state and situation to situation. More essentially, it depends on the nature of the state. Some states are highly centralised and prefer to keep power rather than share it with other actors.

In Botswana, leaders of private security companies say they are on good informal working relations with the police. Often, synergies develop out of personal relationships where a security manager previously worked in the police or military. In such a situation, the public security sector is likely to forge a productive relationship with private security providers. For instance, after Keabetswe Makgophe was appointed Commissioner of Police, the private security providers were some of the first stakeholders he addressed, and he referred to them as “brothers” in the security sector. The private security providers reminisce that they also had good working relationships with previous police commissioners. However, none of these cordial relations were sanctioned by law. Equally important is that in some jurisdictions, there is a tense relationship between public and private security providers. In some instances, the police may feel threatened by private security providers that they take their jobs and may eventually render them unemployed. Still, in some situations, the police may feel that private security firms exacerbate or compound criminality rather than reduce it. Such situations occur when private security personnel are not properly screened of criminal behaviour and perhaps not properly trained to do their job.

The first private security company to operate in Botswana was Way Guard Security, which was a joint venture between the Botswana Development Corporation (BDC) and a citizen of Botswana. This partnership was par excellence a public-private partnership because BDC is a government-owned parastatal created to promote private investment and diversify the Botswana economy. It would be simplistic to assume that the interface between state and private security providers is smooth without tensions. Way Guard ceased to operate because the ‘marriage’ between Mr Bothongo and BDC could not be sustained. Public-private partnerships have mushroomed and proliferated. In the arena of technology, which includes fitting alarm systems and automated security, private security companies have grown in numbers and expertise. They have developed a niche in this area, and the public security has secured their specialised services in, among others, close-circuit television (CCTV) and vehicle tracking devices. These various gadgets help the police to monitor and investigate crime. G4S is said to be the largest security company in the world, having offices not only in the advanced countries of the West but also many of the developing world. G4S and Security Systems are market leaders in the Botswana context, and they are able to use their social capital and corporate responsibility to consolidate their standing in the local market. Nevertheless, this is not a smooth trajectory; their space is highly contested.

The activities of private security companies acting at the service of international capital are fairly nuanced and constitute an interesting dialectic that does not project a



natural convergence of national and international interests. The predatory tendencies of private security firms, especially those with transnational connections, tend to upset the local balance. These relations need to be politically and socially mediated and negotiated. Community policing is one model of public-private partnership. Other models of this partnership include the privatisation of prisons and airport security system, and G4S, among others, has become a big player in the market. G4S is one of the big actors in the security industry, as it has a market share in security valuable assets such as diamonds. This unequal access to this lucrative market has led to a concerted consternation where smaller companies, largely citizen-owned, demand a fair share of the market. G4S even introduced another security model in Botswana of a one-stop model where one company does one's security and cleaning needs.

In contrast, private security only emerged in the 1980s and has had no formal relations with the public security sector. The private security industry is complex and diverse; it also includes alarm installation and response, CCTV and surveillance monitoring, guarding ATMs, cash-in-transit, vehicle tracking devices, crowd control at events and festivals, to mention but a few. According to the chairman of the Security Association Botswana (SAB) and managing director Nynex Security Services, Gaolatlhe Modongo, in an interview on 6 March 2014 in Gaborone, he mentioned that there are 2 377 registered private security companies in Botswana. Industry leaders say the then Vice President, now President, Ian Khama encouraged them to form an association. However, out of the aforementioned total registered, only about 70 companies are visible in the market and are registered with SAB. The voluntary SAB does not know where the other companies are and where they operate. Officials at the MDJS estimate that over 80% of the companies were either small entities or not operating at all. Once registered with the Ministry, security companies are free to bid for projects; also, the clients make their own assessments and decide what security companies to hire and for what purposes.

According to the common view, the few better-managed security companies win most of the tenders, particularly the more lucrative ones from big and wealthy institutions such as banks. In contrast, small companies allegedly win tenders with the district council authorities where corruption is suspected to be high. According to Mr Modongo of SAB, there is a misconception that security is an easy job that once one is registered, then one would get a job. He says the reality is that security is a low-profit margin job, and most companies are not able to withstand competition in the market. Leaders of the private security industry share the view that there are also numerous "briefcase" security companies that are only active after they win tenders, and as a result, they deploy untrained workers in the market.

Unaccountability about the rest of the private security companies is a disadvantage because both the association and the Ministry need the strength of numbers to lobby government for a regulatory framework and for reforms that would improve the image and advance the interests of the industry and its clientele. In contrast, as the licensing agency, the MDJS never carries out surveys on operations and does not even know the number of security companies in operation in each city;

still, it continues to approve new applications, thus saturating the market in some places. In short, the licensing authority has no capacity to manage the growth of the industry, which is a risky phenomenon. Meanwhile, the regulator spends more time mediating between disgruntled guards and some of their employers who fail to pay up as will be shown below.

Nevertheless, the active members of the private security industry constitute a lobby and are transacting business with public stakeholders. As a member of the Botswana Confederation of Commerce Industry and Manpower (BOCCIM), issues concerning the private security industry are discussed at the High Level Consultative Council (HLCC), which is chaired by the President of the Republic of Botswana. Thus, by partnering with the larger private sector, the private security industry has been able to reach the highest levels of power and interacted with the President of the Republic.

The private security industry is currently legally reserved for citizens only, as foreign ownership is partly illegal and partly considered a national security threat and is opposed by powerful interests in the private security industry and in the intelligence sector. However, according to MDJC officials (who are pushing for opening the private security sector market to foreigners), citizen ownership has limited its growth in terms of technological advances and sophistication. According to the Ministry officials, most security companies in Botswana are less technologically sophisticated and cannot cope with the security demands of modern clients such as those brought in by diamond beneficiation.

According to an interview on 5 March 2014 with Titus Modongo of Security Systems (which is headquartered in Tlokweng, near Gaborone and has 15 branches located at Mahalapye, Lethakane, Molopolole, Francistown, Selebi-Phikwe, Maun, Kanye, Ghanzi, Orapa, Kasane, Palapye, Lobatse, Jwaneng, Mochudi and Moshupa), the Ministry holds the view that only international security companies such as G4S and the locally owned Security Systems and a few others are technologically sophisticated, and that this gives them an edge over others. Both companies have operations throughout the country and command a workforce of about 7 000 employees. According to an interview with Victor Baiketsi of G4S on 3 March 2014, the company has been in the Botswana market since 1998. The original company was Automated Security, which later evolved into Securicor and later bought by G4S. G4S strives to become a 'one-stop shop' security company where it would do everything under one contract, including cleaning services.

To this end, G4S acquired companies such as Facilities Management and PS Cleaning. G4S has about 25% local holding and is the only security company operating in Botswana that is listed on Botswana's stock exchange. G4S has an in-house training facility that is BOTA (training accreditation authority) accredited. The setback is that competitors poach its trained workers. In addition, only G4S is known to have informal working relations with the police and the intelligence sectors. Its cash centre in the city of Francistown is guarded by the police and intelligence officers. G4S alerted them of the centre and asked them to help secure it, and the police and intelligence officers have been assisting since then.



There is rivalry within the private security industry. G4S's entry into the Botswana market was vigorously contested by local leaders of the private security industry who were however warned to back off by the presidency then. Its existence in the country is also opposed by the intelligence sector that sees foreign ownership of private security as a national security threat. In the views of industry leaders, G4S is operating illegally, as there are no laws allowing foreign-owned security companies in the country. The intelligence directorate (DIS) has been issuing warnings to all private security companies not to employ foreigners. Even institutions such as mines and the Bank of Botswana have been warned not to employ foreigners in their internal security sector. The DIS is legally authorised to screen all private security guards and to disqualify any that are of doubtful character. It is also authorised to screen all new public servants who are recruited into sensitive ministries and departments of government.

In contrast, Security Systems (a locally owned company) is giving G4S stiff competition, as some companies (primarily those owned by the government or that have government shares) prefer to work with locally controlled companies than with those that are controlled from outside (Sun Reporter, 2014:11). Security Systems prides itself as the second security company to operate in Botswana and receives preferential treatment. According to Titus Modongo, manager of Security Systems, on 5 March 2014, in Gaborone, Security Systems has a covert task force which can gather intelligence information on demand by individuals and companies. Thus, there is rivalry within the private security sector that extends to government security actors. However, compromising the capacity of locally owned private security companies is the fact that there is no formal training provided to their guards. It was reported at the validation workshop that Security Systems' training institute collapsed and that it no longer has accreditation with BOTA.

Lack of training of security guards also makes it difficult for them to work with the police and with other public sector security agencies who subject their own to rigorous training in various security aspects. It should be appreciated that each public security agency has its own training. For instance, the army trains separately from the police, who also train separately from prison guards, from wildlife rangers and from intelligence operatives. In short, there is not much cooperation regarding the training of public security operatives. According to Bonnie Mokalane, Department of Wild Life, Gaborone, 9<sup>th</sup> January 2014, only the army and wildlife rangers share some training facilities. While the local training institutions do not cater for private security companies, the industry has failed to fill the gap with a formal training facility for security guards. Part of the reason why Security System's institute collapsed was that other private security companies were not sending their guards for training. Worse still, there was no specified educational requirement for the security guards.

According to leaders in the private security industry, the absence of educational requirements exposes it to those who failed to advance in their educational pursuits and are therefore largely untrainable. They say, initially, guards were restricted to old

men who had long retired from their manual work careers and had a strong sense of duty. This only shows that historically, training was never part of the culture in the private security industry. In contrast, the MDJS insists that private security companies should limit themselves to hiring people who obtained a junior certificate or higher. However, the industry indicates that while this is a welcome development, young educated people do not fit very well in the private security business. First, according to official of Naconda Security Company, Jwaneng Township, 15 November 2013 educated young people who have not been exposed to any serious training, lack discipline and respect, such that they fail to open gates of important clients at their residences. For instance, in the diamond town of Jwaneng where mine executives have security guards posted at the residences, the clients commonly open gates for themselves because the young guards ignore their presence.

Young educated guards are also undisciplined, sleeping on the job (literally), deserting their workstations without giving notice, sometimes abandoning their positions to go and congregate and chat at a common place, and also dent the image of the industry by urinating in public. In addition, young educated guards also refuse to wear boots. Thus, the insistence on educated young people for personnel without affording them proper training is not working well for the security industry and for their clients. This is an area in which public-private partnerships could help the industry instil discipline in its young guards.

With the BDF, police and wildlife sectors running training institutes, there is no reason why security companies should be struggling with indiscipline among their ranks. There is also no need for them to reinvent the wheel. Public-private security partnerships should be able to avail expertise for the benefit of the private security industry. Security companies are open to the idea of gender equality, and they have made some efforts to employ women in this industry that is still predominantly male. Although private security firms neither have a gender quota nor policy on the employment of the disabled, they always strive to abide by the laws of Botswana. Their estimation is that their workforce maintain about a 50:50 gender balance. However, the situation is different on the ground. For instance, official of G4S Jwaneng Office, 15 November 2013 informed the researchers that G4S in Jwaneng has 28 employees, and 12 are women. In contrast, Anaconda in Jwaneng has 47 guards and other employees, and only 18 of them are women. This does not translate into 50:50 gender ratios. Women are mainly employed during the day for access control in shops and industries and also guarding ATMs. The woman workforce is said to be more stable, and the majority do not drink.

Women allegedly pose challenges for security companies: they ask for leave too many times in an industry in which physical presence counts more. As a result, women do not quite fit the industry. However, this is a challenge that public security sector players have also long experienced. While the defence force is still struggling with it, the police and wildlife sectors have actually overcome it. Thus, sharing experiences with the private security sector could easily assist in overcoming similar gender challenges. Men are mainly deployed at night and



at risky guarding jobs. Despite the fact that there is no policy on people with disabilities, those who meet disability requirements at work are given jobs in offices and control rooms; young educated males also pose challenges of a different sort – indiscipline.

In addition, large private security companies that have branches all over the country, such as Nynex, which employs 234 guards who remain un-unionised, could learn from the public security sector that also remains un-unionised. Ministry officials see unionisation as a security threat and do not allow it for either the public or private security sectors. In contrast, conditions of service in the public sector forces remain some of the best in the country while those of the private security sector remain some of the worst. This is a disparity that also works against possible partnerships between the two sectors. While members in the private security industry hold the view that the sector promises to generate employment in an economy that fails to create jobs, they believe that government has largely marginalised it.

Entry into the private security industry is open to every citizen who can afford to buy a shelf company or to register a company. However, the successful private security companies are allegedly owned by retired security personnel such as former police officers and soldiers. In one case, it was reported to the researchers that when Coin Botswana folded its operations in the country, some of its former employees formed a new company called Anaconda, and it is one of the successful companies in Jwaneng town. It employs 47 people (primarily guards) and has expanded its operations to Molepolole township. Criteria for employment include availability of accommodation for the concerned individuals in the area of operation; that is, for one to be employed in the private security sector in Jwaneng, he/she must have his/her home village in the vicinity of the town for accommodation purposes.

However, as noted before, most of the small companies that are owned by ordinary citizens have either collapsed or remained small and ineffective. According to MDJC officials, many security companies underprice to win bids (these are the types that win bids particularly at district councils) and fail to pay guards in accordance with the government minimum wage policy, thus creating endless labour disputes that place guarded property at risk. In fact, private security leaders confessed at the validation workshop that they are the biggest client of the Industrial Court. They even admitted that sometimes their lives are in danger from guards who had lost their jobs and come charging and threatening their employers with knives.

However, what has also come up in the research is that government labour laws work against the private security industry. For instance, labour laws stipulate eight working hours, and anything beyond is considered as overtime and is to be compensated as such. However, government tenders do not cater for overtime in an industry in which the normal working hours is twelve and not eight. On that account, security companies end up paying for overtime that is not included in the tender. The industry is busy pushing for reforms in the labour laws to accommodate its needs.

In an interview with Faried van Wyk, owner of Nova Security, a private security firm based in Gaborone on 13 November 2013, he stated that private security companies hold the view that they are in the 'frontline'; they are the 'eyes on the ground' and do what could be perceived as citizen's arrests. In most crime situations involving burglary and housebreaking, private security companies are usually the first to arrive at the crime scene, arrest the suspects and report the matter to the police. The industry leaders argue that in this area, they have cordial relationships with the police. However, they observe that the police are clueless on the use of CCTV surveillance cameras and do not know how to use them for evidence in the courts of law.

Private security companies call for the police to outsource activities to them and not for formal partnership as such. They say outsourcing could allow the police to focus on its core business of policing. For example, private security leaders say as an attempt to control traffic congestion, the police control traffic and such a necessary but menial task could be outsourced to private security companies. They acknowledge that most government buildings in Botswana are secured by private security guards, but strategic installations such as at the Bank of Botswana and the DTC use their own security or state security forces. The business community, such as the retail sector and the construction industry, use private security firms to transport money to the banks. When arrangements are done on time, the police are always willing to escort the transfer of money.

According to More Gondo, Assistant Commissioner, Botswana Police, Desk Officer at the Ministry of Justice Defence and Security 3 March 2014, Gaborone, the police also see private security as a threat to its own credibility and therefore regard private security as a rival. The advantages of private security companies are that unlike the police who respond to crime, they wait for crime; where a crime is committed, there is usually a private security officer nearby. In this regard, private security firms consider themselves as "an extended arm of the police" (Modongo, 2014). The advantages that private security providers offer involve capability enhancement and simply the strength of numbers. Private security providers fill the gaps that the police are not able to address; they provide security where public security is deficient. In most situations, it is efficient and cost-effective to deploy private security firms rather than the police. For instance, leaving menial tasks to private security firms allows the police to focus on the core business of policing. Private policing is demand- and market-driven. Private security guards endear themselves to the public due to their quick response to crime situations, while the police often take a long time to respond. The police consider private security firms as support staff who occupy a special niche such as guarding shops, private homes and also install and monitor alarms and CCTVs.

According to the BPS, private security companies are slowly encroaching into areas that used to be their core business. The danger of this development is that most people may lose confidence in the police and use only the service provided by private security companies. The private security companies felt that their relationship with the BPS should be institutionalised to the extent of having joint



patrols and regular forums. In operational terms, often when crime is reported to the police, their response is that they do not have any transport. However, at every corner of the street there is a security vehicle that could be of service to the police. The SAB wonders why the police cannot enter into an agreement with private security firms that, when such a situation presents itself, they simply climb into a private security vehicle and attend to the crime.

However, there are a number of areas in which the police collaborate with private security firms. Private security firms have contracts with commercial banks to replenish ATMs with cash when a cash out situation occurs. According to a source in the private security industry, when they do these transactions, they are usually supported by an undercover unit of the SSG. Respecting the cash-in-transit operations, private security firms often receive intelligence that their operations are targeted, and that way they avoid being robbed. The lack of a policy governing the relationship between private security firms and the police results in the lack of a framework that regulates their informal cooperative endeavours. When private security companies go to the bank to collect or deposit money, they do not queue. However, when private security companies go to the police to report a crime, they are made to queue. Time is of the essence here; why do the police not create a special desk for private security firms to use when reporting a crime? This clearly shows poor cooperation between the two security services.

Private security is completely excluded in matters concerning diamond security. In the mining town of Jwaneng, the Debswana mine provides its own security. Debswana's security personnel are integrated into company operations. Even the mine gate is manned by company security officers. In short, diamond mining is mostly not part of the clientele of security companies. Escorting the transportation of diamonds between the mine and the Jwaneng airport is done by armed police officers, and recently by the armed SSG. Escorting diamonds is a no-go area for private security companies in Botswana. However, cash-in-transit for the mines to and from the banks is handled by private security companies. While some private security companies provide guarding and alarm services at the residences of mine executives, others provide cleaning services to the mine offices. For instance, G4S private security company provides cleaning services to the offices of the Jwaneng diamond mine. G4S has a small branch in Jwaneng town that manages its cleaning services to Debswana offices. Thus, the relationship between mining and private security companies in Botswana has been restricted to non-diamond operations. In Jwaneng town, there are three dominant private security companies: G4S, Security Systems and Anaconda.

Botswana's security framework, as a developing country, has been a matter of serious concern, particularly since the relocation of the DTC from London to Gaborone. Despite the fact that Botswana is by value the largest producer of diamonds, over the years, there has been scepticism that relocating the DTC (Botswana) to Gaborone and the beneficiation of diamonds through value-addition in diamond polishing and jewellery manufacturing would not be viable. This relocation has been an act of monumental proportions that is likely to change the nature and

worth of the Botswana economy and its security. The critical question that should occupy the minds of security personnel is whether the country has the capacity to counter sophisticated criminal syndicates.

Despite still being at the formative stages, the diamond sites held in Botswana have surpassed expectations. Additionally, the establishment of the Diamond Technology Park (DTP) is a strategy of the Botswana government to move the country from a mere diamond producer to an international diamond centre. The overall strategy is geared to promote direct foreign investment by providing a favourable environment for international diamond companies to buy into the local industry (Anon., 2014). For instance, diamond polishers, international jewellery manufacturers and other support services already operate in Botswana. Nevertheless, the emerging diamond beneficiation enterprise, including the relocation of DTC (Botswana) to Gaborone poses big security challenges for Botswana. According to government officials, this is an industry requiring high-tech security, and diamond mining companies hardly outsource security services to local security companies; what more of the finished product?

The Botswana diamond mines are owned 50:50 by De Beers and Botswana government under a partnership called Debswana. It sells its rough diamonds to DTC (Botswana), which is also jointly owned (50:50) by the Botswana government and De Beers. De Beers' diamonds – from its mines in Canada, South Africa and Namibia – are all sent to DTC (Botswana) for aggregation. De Beers and the Botswana government each have 10 different sites where they sell their diamonds. Okavango, a company wholly owned by the Botswana government, buys 10% of DTC (Botswana) diamonds, which it sells at its sites on auction. De Beers buys 90% of the diamonds from DTC (Botswana), which it sells to its site holders by allocation. There is already three to four diamond polishing industries operating at the DTP.

Based on the foregoing, security is of great essence to Debswana and DTC (Botswana). At any given time, diamonds worth billions of Pulas are at De Beers, DTC (Botswana) and DTP. Diamonds are flown from the mines into Gaborone by a private jet, and the security at the airport is also made very tight. It is important that diamonds are transported safely from the mines to Gaborone and from Gaborone to its various destinations. Botswana needs to be secure so that De Beers and DTC (Botswana) as well as high-profile site-holders are not exposed to danger. The diamond enclave, hotels, restaurants and taxis that high-profile users utilise must be up to standard and secure. In the wake of the 'Brussels Airport diamond heist', wherein a developed country, Belgium, experienced an armed attack in which diamonds worth about US\$50 million were stolen from a Swiss jet preparing to fly to Zurich, security simply cannot be compromised, as indicated by Chris Lloyd, security operations manager at De Beers Group of Companies in an interview on 13 March 2014 in Gaborone. Without doubting the prowess of Botswana's security establishment, the precision with which the robbery took place, within a record time of about 20 minutes, makes one wonder whether Botswana's security structures would match that sophistication of armed robbery. The relocation of DTC to Botswana demands a high level of readiness and intelligence to counter such moves by criminals.



Private security companies that work with diamonds are Brinks, Malca-Amit and, to some extent, G4S International. De Beers, Debswana, DTC (Botswana), police, Civil Aviation Authority, Air Botswana, BDF, Brinks and Malca-Amit meet regularly to monitor and make the security situation better. Debswana, De Beers and DTC (Botswana) work closely with the Botswana government in securing what Chris Lloyd, security operations manager at De Beers Group of Companies in an interview on 13 March 2014 in Gaborone referred to as 'the wealth of the nation'. A reconfigured Diamond and Narcotic Squad known as the Diamond Protection Unit, the SSG and the Botswana Defence Force work together in securing the diamonds. Although private security is said to be restricted to 100% citizen-owned companies, international players have entered the market without reforming the laws to accommodate them.

For instance, the entry of Brinks Global Services Botswana (Brinks was founded by Perry Brinks in Chicago, Illinois in the United States of America (USA) in 1859. Its headquarters are in Richmond, Virginia in the USA. Brinks is said to be a global leader in security-related services for the diamond and jewellery industry, banks, retailers and a variety of other commercial and governmental customers. Their services include armoured car transportation, money processing, and long-distance transport of valuables, vaulting and other value-added solutions. It employs about 70 000 personnel around the world and Malca-Amit (Malca-Amit is an international security company that has dealt with the movement of money and precious assets since 1963) has secure vaults and storage facilities. It has a reputation of successfully transporting valuable assets in armoured vehicles. It has expert knowledge, established networks and integrated technology in moving precious assets worldwide and is not sanctioned by any law (Rapaport, 2014; Malca-Amit, 2014).

According to Modongo (2014) and other stakeholders at the validation workshop, the diamond industry is not open to local security providers. When SAB challenges the status of the two aforementioned international security firms, they are told that these are courier companies and not security companies. The security association holds that at least if they were told they do not meet the standards of transporting diamonds and precious minerals, they would enhance their capacity in order to gain entry into the diamond security market. Brinks issued a press release on 12 November 2013 that it was "proud to announce ... the first international rough diamonds site shipment from Botswana left Gaborone airport under [its] supervision marking a new era in the diamond industry ... this is a landmark moment in the diamond industry and we feel privileged to play an integral part in it" (Rapaport, 2014).

It seems that the negotiations for relocation of the DTC to Gaborone included assurances from the Botswana government that the law would be reformed to allow international security players to ensure the safety of diamonds-in-transit. The perceived security challenges involved in protecting and shipping of diamonds to their international destinations prompted De Beers to put pressure on the Botswana government to seek to introduce the Private Security Bill which sought

to open up the industry to international players (Brinks Global and Malca-Armit) who were already involved in diamond protection and transportation. Unfortunately, this is one of the stalled reforms as shall be shown below.

The private security industry has also been excluded in terms of workshopping. For instance, an important initiative made by former participants of workshops that had been organised by the United States of America's Africa Centre for Strategic Studies came together in 2005 to form the Africa Centre for Strategic Studies-Botswana Chapter. Its members consisted of retired army officers, practicing soldiers, academics, police officers, politicians, members of the Red Cross, and members of NGOs. The training focused on security studies, counterterrorism, civil-military relations and defence economics. Facilitators came from different militaries in the continent and abroad and included civil society leaders and academics. A cordial working relationship exists between the security forces and civil servants. In one instance, the Ministry of Trade and Industry organised a breakfast briefing on the Local Enterprise Authority for all permanent secretaries and special institutions (such as Ombudsman, IEC, and Auditor-General, Directorate on Corruption and Economic Crime), the BDF and the Botswana Police Service. In this briefing, private security was also ignored.

In another instance, the army organised a seminar on counter-terrorism, aimed at bringing together civil servants and the military officers in 2001. It is interesting to note that leaders of private security companies were not invited. The purpose of the seminar was to educate stakeholders on their expected role in the case of a terrorist attack, especially in a hostage-taking situation. This was initiated based on assessments from a military point of view that the concerned ministries and departments did not know their role in a hostage situation. The army believed that if nothing was done to bring awareness to them, such a situation would present a real problem in case of a hostage-taking situation in that the army would be expected to do all the work despite the fact that such operations are multi-agency and inter-department type, not a purely military operation. The attendance was very disappointing because almost all ministries failed to attend except just a few.

Most of the attendees were members of the police, Prisons Department, Civil Aviation Authority and Air Botswana. The point here is that the private security industry that is in the 'front-line' was not invited and did not participate in workshops aimed at preparing the nation for terrorist attacks and hostage taking. Thus, the army failed to notice the importance of private security companies and did not invite them to such an important seminar on terrorism. Even regional and international security bodies have failed to notice the relevance of private security services. For instance, in 2006, the army attended a conference on combating and preventing terrorism in Africa that was held in Johannesburg. There is no evidence to suggest that private security was also invited there. The BDF was also invited by the International Centre for National Security Studies to an international conference on terrorism in the Middle East. This shows the growing importance of the issue of terrorism in Africa and the importance that the army attaches to it. Still, private security companies have generally been ignored on matters of terrorism.



Civil society and governmental institutions have organised numerous workshops and activities and have invited the security forces, but have also ignored the private security sector. As an example, the prisons and the army have confirmed attending many such workshops, but the private security sector never attended any of them. Members of the Prisons Department attended workshops on HIV/AIDS, gender equity, crime prevention, defensive driving, firefighting, and so on. However, members of the private security sector never heard of such workshops. In another instance, members of the army attended seminars in Francistown and Gaborone organised by the judiciary on the issue relating to the maintenance of wives and children. This was after the recognition that there was an increase in cases on such matters involving soldiers. In contrast, no such has ever been organised for the private security sector whose involvement in domestic violence is not even known.

In 2006, members of the security services were also invited and attended conferences organised by the Public Procurement and Asset Disposal Board (PPADB) 'towards attaining service excellence in public procurement and asset disposal'. The public security sector also attended seminars on discipline and administration of military justice that was facilitated by Justice Ian Kirby. Thus, there is mutual cooperation between the security forces and civil administration to help improve the administration of military assets and military justice. On the other hand, the Prison Service Department and the army have also attended joint workshops with civil society and civil servants on strategic planning, gender and energy, dissemination and training in human rights and humanitarian principles, and on HIV/AIDS. According to the Prison Service Department, such interaction is important for sharing ideas and benchmarking. While some investment was made towards educating parts of the security sector on numerous dangers, not much has been done to include the private security sector.

## **8. Privatisation of security and human rights**

Botswana is a state party to numerous regional and international treaties and protocols that guarantee people's human rights. It has ratified a number of these protocols. These include welfare of women and children, which are meant to protect women and children from harsh treatment such as being denied food and rest. Domestic violence and gender-based violence are problems that are rife in the developing world, including Botswana. Sections 3-19 of the Botswana Constitution address the fundamental human rights that Botswana should enjoy. There are also statutes that address specific issues affecting the lives and welfare of people. These include the Employment Act and labour laws.

Guards carry handcuffs and are empowered to detain suspects and hand them over to the police. The act of arrest may infringe on personal and human rights of people, and needs proper regulation. Botswana has a strict protocol on the use of firearms. The army, DIS, wildlife rangers and the SSG of the Botswana Police Service are the only security actors that are allowed to carry firearms. The use of firearms by

citizens is limited to rifles and to shotguns for livestock protection and for trophy hunting when licences to do so are available. In contrast, private security companies are not allowed to carry firearms. However, SAB (2014) is of the view that, while it accepts the law as it stands, private security personnel be allowed to carry arms on special assignments (such as transporting precious items, cash-in-transit and while responding to alarms). At present, when private security companies have long distance cash-in-transit, they are expected to inform the police to keep surveillance on their armoured vehicles. However, this surveillance system has its own blind spots, which compromise the security of the operation and place the lives of guards in danger. There are reported cases where guards transporting cash-in-transit have seen unknown vehicles following them without any information that these are surveillance police vehicles. This subjects guards to fear that robbery is imminent.

In addition, guards are neither clearly defined in the labour laws of the country nor unionised. According to ILO, unionisation is a human right that all employees (including guards) should enjoy. According to Botswana labour officials, the labour department has addressed private security companies on numerous occasions respecting the need to form a labour union that could address their specific needs. As a result of lack of norms and standards, security companies are lumped together with industrial workers, and this undermines the integrity of the industry and violates the human rights of the guards. According to private security officials, private security needs to be properly defined to take its place as a professional entity commensurate with the type of work it does. For instance, private security guards keep ATMs safe, which is a big responsibility, as they are required to know safety procedures such as fire drills in case there is fire. Also, in handling cash-in-transit, they play a vital role in protecting the integrity of the currency, and as such, should not be treated at the same level as *Namola Leuba* (drought relief workers), *Ipelegeng* (Self-Reliance) and other manual workers.

Private security officials emphasise the point that the minimum wage of all industrial workers is set at P4.50 an hour, which translates to P36.00 on an eight-hour day and P40.50 on a nine-hour day. This rate is low for security personnel who not only work in high-risk jobs but also require personal and professional integrity. With this minimum wage, private security workers are underpaid, and a company cannot increase wages knowing that they would be unattractive when they bid for tenders, as the market usually prefers the lowest bidder. As a result, private security companies need to be detached from industrial workers to help professionalise the industry and to help it become competitive.

Private security companies have problems with the eight hours a day (that is meant to provide a time of resting, which is an international human right) because they operate 24 hours a day and seven days a week. According to SAB, what works for the industry is 12-hour days (For a six-day week, it translates into eight hours a day plus four hours overtime = 12 hours. For a five-day week, it translates into nine hours plus three hours overtime = 12 hours) with two shifts, which violates the labour laws and violate the human rights of guards. The idea is that with a regulatory framework



that appreciates the industry, a dispensation that works for guards and employers could be developed. The private security association also has difficulties with the new dispensation of severance benefit that replaced gratuity. It says this does not work for private security firms, as it does not promote continuity and skills transfer.

The spirit of the new dispensation is understood as it was meant, among other things, to protect guards where unscrupulous employers would expel a worker who has worked for four years and deny them their benefits. Severance benefit affords guards benefits even when they have worked for one month. However, guards have found a loophole in severance pay where after one year, especially towards the Christmas vacation when workers want to raise quick money, they give notice for termination of employment knowing that they would cash in on their termination benefits and secure new employment from another company in the new year. SAB feels that some safety measure needs to be put in place to protect employers from this unstable situation.

Outsourcing has also proved to be a threat to human rights. It is ironic that when government had its own security company to guard government buildings, it had an elaborate structure that allowed for progression and the development of a clear career structure with pension and support structures. It appears that when government outsourced this service, it was simply a cost-saving measure. According to the chairman of SAB, government awards tenders to the lowest bidder who often undercuts the minimum wage and collapses the pay structure into one layer. These bids do not accommodate the development of private security companies into a full-fledged career structure.

## **9. Stalled reforms**

Efforts to establish a regulatory framework for the private security industry have not yet borne fruits. A Private Security Bill was initiated in 2007, and was presented in Parliament in 2012 after extensive consultations with various stakeholders and private security firms. The Bill sought to establish a regulatory framework that included 'Private Security Services Licensing Board', and an 'appeals board'. The Private Security Services Licencing Board was to consist of a chairperson appointed by the minister and nine other members, three of whom were to be public officers, two representatives of the private sector, two representatives of the security association, one representative of the trade unions, and two additional members.

According to the Bill, the tasks of the licencing board were to include the following:

1. Receive applications for licences, verify information contained in the applications, and issue licences in accordance with this Act;
2. Set the minimum standards of training for security service providers and security guards and ensure compliance with the minimum standards;
3. Encourage and promote efficiency in and responsibility within the private security service industry;

4. Set a code of conduct for private security service providers and ensure compliance with the code of conduct;
5. Promote the protection and enforcement of rights of security guards and other employees in the security service industry;
6. Ensure compliance with existing legislation by security service providers through active monitoring and investigation of the affairs of security service providers; and
7. Protect the interests of users of security services.

It is clear that the Bill would go a long way to enhance the integrity of the private security industry. There is talk of 'corporate good practices' as part of a system to oversee private security companies. Currently, the private security industry is unregulated, exposing it to fly-by-night entities that damage its image. It is for this reason that the industry urges the government to tighten the rules. According to leaders of the private security sector, private security is a multifaceted industry that involves fitting of automated alarm systems and facilitating cash in transit. Yet what is surprising is that people who install automated alarms do not need a licence in spite of the fact that they fit them inside residential and business premises. The industry calls for reforms that will include regulating alarm equipment and those who fit it in residences.

Moreover, regarding transporting cash, all one needs is permission from the Bank of Botswana but vehicles that do the business are not inspected for road worthiness and safety standards. In this regard, the Bill is offering a comprehensive definition of private security to include all those who are (a) protecting or safeguarding a person or property in any manner; (b) giving advice on the protection or safeguarding of a person or property, or on the use of security equipment; (c) providing a reactive or response service in connection with the safeguarding of a person or property; (d) providing a service aimed at ensuring order and safety on the premises used for sporting, recreational, entertainment or any similar purposes; (e) manufacturing, importing, distributing or advertising of monitoring devices or surveillance equipment; (f) performing the functions of a private investigator; (g) installing, servicing or repairing security equipment; (h) providing security training or instruction to a security service provider or prospective security service producer; (i) monitoring signals or transmissions from electronic security equipment; (j) performing the functions of a locksmith; (k) making a person or the services of a person available, whether directly or indirectly, for the rendering of any service referred to in the above paragraphs to another person; and (l) managing, controlling or supervising the rendering of services referred to in paragraphs (a) to (j). All these aspects were to be regulated for the orderly development of the private security industry.

Standards were to be enhanced partly through screening. The screening of members of the licensing board was aimed at excluding the bankrupt, those with a criminal record, active politicians, the physically and mentally unfit. The intent of the bill was to provide a clean legal framework for the operations of private security firms,



as well as authorisation of international private security firms to operate in the country. The proposed reform would also improve the integrity and professional standards and thereby inspire confidence for effective work between the police and private security companies. However, the issue of internationalisation has united local industry managers with the intelligence to resist and to kill the Bill. The alleged confrontations between the minister of defence, and the director of intelligence, have compromised the progress of the Bill.

In contrast, the government's interest (through the MDJS) is more into opening up the private security industry to international competition. This position is opposed by the industry that primarily consists of citizen-owned companies and by the intelligence agency – DIS. As a result of the divergent positions, there has been little progress in completing the reforms, which stalled for several years now. However, a regulatory framework would have helped to define all the trades that fall under the purview of private security. Activities such as vehicle tracking systems do not fall under the purview of private security and are not regulated. It is clear that people who operate explosives in the mines and elsewhere require a licence to do their work and that there is a regulatory framework that oversees their work. Leaders of the private security industry say that over the years, there has been an increase in robbery activities in which explosives were used on ATMs; this indicates loopholes in the existing regulations and calls for reforms. Thus, there is a need to review the handling of explosives and all other security-related matters.

It is clear that the operations of private security companies are constrained by a number of unresolved issues. Security companies hold the view that a regulatory authority that is independent of government is required to regulate the industry. The SAB calls for a regulatory authority that is established by an Act of Parliament operating as an autonomous entity which will establish ethics, norms and standards regarding their operations. At present, private security companies are loosely regulated by the 'Controller', whose substantive position is the Deputy Permanent Secretary in the MDJS. SAB is of the opinion that this arrangement is not working for the industry as the Controller is not dedicated to overseeing private security.

In contrast, in a focused group discussion with officers (Mr F Majingo, Assistant Commissioner; Mrs K Maletle, Senior Superintendent, Crime Prevention Unit, CID; Mr D Motube, Senior Superintendent, Public Relations Unit; Mr A.B. Taliyana, Assistant Superintendent, Traffic; Mr M Mmalane, Senior Superintendent; Mrs C.B. Ncube, Inspector; Mr C Ndlovu, Senior Superintendent, Traffic; Ms C Mokhanya, Superintendent, Central Intelligence Division; and Mr M Tihalefang, Senior Superintendent) at Police headquarters at the Botswana Police Service on 6 March 2014 in Gaborone, the police observed that private security companies are always the first at the scene of crimes and where they are not trained to 'protect the scene of crime, they may contaminate evidence'. This view is corroborated by the chairman of SAB that such a situation calls for joint training of the police and private security personnel in recognition of the integrity of evidence that must be protected. Where training is not done, there is a need to establish norms and standards that inform training of private security

personnel. Security guards should know what to do in situations of burglary, ATM robbery and fire, and this requires elaborate training. Reforms are expected to address these issues.

Private security companies also hold the view that there is no adequate flow of information between themselves and the police. There is a need for joint meetings between the police and private security managers. For example, private security companies install automated alarms and CCTV cameras, and in the event of a break-in, the police conduct investigations but never give private security managers feedback on what transpired and what corrective measures are necessary to close gaps in fighting crime. Private security managers say perhaps the police also need to be trained in alarm technology. In accordance with the Criminal Procedure and Evidence Act of 1939 (as amended), private security providers are allowed to make citizen's arrests and hand the perpetrators over to the police to do further investigations and prosecute where there is a case to answer.

Lack of training of private security personnel in criminal law led to contradictory behaviours from that of the police. For instance, suspects who are released on bail usually get caught up again in criminal activity, and when private security arrests them, private security is told that they are on bail. It ends up appearing as if private security chases after the same criminals over and over again without proper custody. This ends up demoralising the guards because they feel they are chasing the same criminals. Formal partnerships would compel the police to provide regular reporting and debriefing exercises with the private security sector. Private security providers also report that many times when they ask for crime statistics from the police with a view to strategically position themselves in the market, such information is not readily available. These are instances that require legislation to compel the police to share information with private security.

## **10. Oversight of the security sector**

Botswana could be said to be experiencing parallel policing in which there are no formal arrangements for public-private partnerships. While there are administrative and politically sanctioned partnerships between the police, army and wildlife rangers, such do not currently exist with the private security sector. Botswana does not have a regulatory framework such as the one Private Security Industry Regulatory Authority (PSIRA) has to regulate the work of private security companies. Neither is there an overarching framework such as a national security policy that coordinates all security policies. There are actually complaints within the security sector that in the absence of a national security policy, there tends to be a conflation of roles by security actors. The problem has been most evident with the establishment of the DIS in 2008.

Perhaps what is lacking in Botswana that could inspire confidence is the lack of a legal framework that sets out the parameters of private security practice. Equally important is the setting up of norms and standards and a regulatory framework that would not only enhance professionalism in the industry but would also inspire



confidence in the police to work with them. Both the police and private security companies require effective means of oversight and accountability. The lack of a human rights commission to oversee the police, a Police Ombudsman or a dedicated parliamentary committee to oversee the police is a serious omission in Botswana's policing sector.

In line with their professional conduct based on integrity, police officers are not expected to abuse the rights and privileges of their office, and are expected at all times to display "ethical behavior that appreciates the need for confidentiality", respect for human rights and zero tolerance of corruption (Botswana Government, 2011:3). However, according to the 2009 U.S. Human Rights report on Botswana, "police officials acknowledge that corruption was a problem in the lower ranks. Some officers took advantage of illegal immigrants and traffic violations." (United States Department of State, 2010:3). Although there are cases of corruption by the police, the problem is not as entrenched. Perhaps what is more prevalent is abuse of power.

Safe for the courts of law which enforce juridical justice, the Directorate on Corruption and Economic Crime (DCEC) and the Ombudsman remain the only statutory bodies that can bring relief against corruption and unfair treatment. DCEC investigates cases of fraud, money laundering, tax evasion, to name just a few. The law does not provide for public access to government information, and government generally restricts access to it (United States Department of State, 2010:7). The Ombudsman, as the public protector, handles complaints of wrongdoing in the public sector. In democratic theory, the Ombudsman should be free from bureaucratic and executive control to investigate complaints and make recommendations for redress without fear or favour. However, in the specific case of Botswana, the Ombudsman – as the public protector – is statutorily precluded from monitoring and investigating security and intelligence issues. Moreover, public awareness of these institutions is limited. Besides, both the DCEC and the Ombudsman are not fully effective respecting their reporting lines. Their independence and effectiveness could be enhanced if their reports were tabled directly in Parliament to strengthen their oversight role. The robust oversight by these public interest organisations is constrained by their reporting lines. Instead of reporting to Parliament, they report to the President. Under the current setup, they are perceived as 'toothless bulldogs'.

The Police Council is the only statutory body that exists to oversee the work of the BPS. This entails internal structures such as disciplinary proceedings to ensure that institutions do not engage in unlawful conduct. However, the bulk of its work is to review disciplinary cases and conditions of service. It does not in the strict sense perform an oversight function. It is generally perceived as a 'toothless bulldog'. As part of a system of accountability, Botswana should consider creating "external police oversight mechanisms, which can provide an important complement to internal police investigations, internal discipline, the criminal justice system, and legislative oversight" (Alston, 2010:1). In addition to public interest institutions such as the DCEC, Ombudsman, and Auditor-General, it is important to have parliamentary oversight

which goes beyond the criminality of the matter to include “corporate governance, maladministration, ethics, fair business practices etc.” (Motlogelwa, 2011:4).

External oversight is done by institutions external to the state. External oversight is also supported by independent institutions such as civil society, human rights organisations, academia and research think tanks. According to Diamond (1994), civil society is an intermediary bridge builder that facilitates dialogue between organs of the state and the people, and also serves as a watchdog of people’s rights. Broadly defined, it includes the media, trade unions, business associations, non-governmental organisations, human rights groups, churches and academia, and can serve as an intermediary between the people and organs of the state. What is lacking in Botswana is that there is no independent human rights inspectorate to oversee the police. Over and above that, the biggest problem that Botswana faces in terms of oversight of security agencies is lack of a national security policy that would be overarching and define and harmonise the various security agencies.

The greater calls for democratisation of the developing world have also led to demands for security sector reform. This has not created an awareness of democratic policing in creating and strengthening the greater probity of the democratic state, and also demanding different forms of accountability and oversight of the police. These include oversight committees of Parliament and independent civilian oversight bodies such as human rights commissions.

## **11. Conclusion**

This empirical report on security threats and on crime prevention has explored the likelihood of public-private partnerships and has exposed the dangers of competition and rivalry between public and private security sectors. It observed that while the public security sector is extremely old (particularly the police), dating to the entry of colonialism in the 1890s, the private security only arose in the 1980s. Until then, the Botswana economy and society did not promote the growth of the private security sector. It is ironic that the growth of the mining sector (the richest sector in terms of value in the Botswana economy) promoted embedded security in which mining companies established security personnel that were integrated into the workforce. This embedded security was assisted by public security through the police, intelligence and army. Even up to today, the mining sector has largely ignored the private security sector, marginalising it to guarding residences of mining executives, handling cash-in-transit and cleaning at the mine headquarters.

It was only after the growth of the private sector (banks, retailers, malls and so on) and the tourism sector that private security established a strong footing in the Botswana economy. The private sector places its security hopes on private security. However, the government has also been slowly hiring private security guards to secure its buildings and parking spaces. The irony that the public security sector views the private security sector with suspicion as an employer of criminal elements



and as having the potential to endanger the security of the state by opening the industry to foreign investors has been noted. This unresolved issue of opening up the market to foreign investors threatens all reforms related to the private security industry. This issue should be left out if the country is not ready for it. Unfortunately, the government has already allowed international private security companies to operate illegally, creating a very difficult situation for reforms to go ahead without it.

It has been shown that the growth of the private sector necessitated the growth of the private security sector. Currently, the thinking is that the relocation of DTC to Gaborone necessitates the participation of foreign investors – a hotly contested view that divides the public security sector. However, it has also been shown that mining in general and diamond mining and handling, in particular, has never been friendly to private security companies. This may imply that the reforms make a distinction and allow international security companies into this sector only, rather than opening up the whole private security industry to foreign competition.

It was noted that there were more informal partnerships between the public security sector and the foreign-owned G4S that runs a huge warehouse for cash-in-transit. The informal 'partnership' is partly anchored on risk analysis, regarding it too risky that a private warehouse holding large sums of money could be guarded by a foreign-owned security company alone. Thus, the presence and visibility of the police and intelligence operatives guarding the G4S warehouse together with private security guards should be seen in the context of high-risk factor, not trusting the foreign-owned company. Accordingly, Botswana needs partnerships based on trust, and not on mistrust, as it is now the case.

Botswana enjoys more public-public security partnerships in which the army aids and cooperate with the police or with wildlife rangers. Joint (police-army) night patrols are common, as are joint (wildlife rangers-army) anti-poaching patrols. Presidential directives have been issued to make these possible. In the case of diamonds, joint (mine security-armed police) operations are the order of the day. In contrast, banks and other businesses are legally required by law to inform the police and intelligence so that they provide surveillance over cash-in-transit operations by private security companies. This cannot be regarded as a partnership because it does not involve the security companies themselves that may not even know that they are under surveillance. However, in other instances, private security companies themselves contact the police and ask for an escort – in this case, informal partnerships are in place. In addition, while police commissioners are known to address meetings of the private security association, the leaders of the latter are not known to have ever addressed police meetings and workshops.

Botswana lacks legislation formalising the interaction between public and private security sectors. In addition, Botswana lacks a regulatory authority that could help grow the private security industry to impose some discipline, to introduce standards and to protect the industry and clients from fly-by-night companies that swindle the economy. On the one hand, the absence of legislation means that

public-private security partnerships can only be informal. On the other hand, the absence of a regulatory authority means that there are norms and standards, and that everything is permissible, thus placing clients and their property in danger. Botswana has even allowed the entry of foreign private security operators without the necessary legal framework to control their operations.

It has also been noted that the growth of the private sector and the insufficiency of public security to protect it triggered the unplanned growth of the private security industry. While there is still instability within the private security industry (with numerous companies collapsing and new ones registering all the time, and with poor training and lack of standardisation), the sector is growing fast, diversifying its services and complementing the inefficiencies of the public security sector. This has reached a point where public-private security partnerships become a requirement. However, the report showed that such partnerships were not yet in place, limiting the benefits that could accrue from it.

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## **1. Introduction**

This report forms part of a four-country comparative study commissioned by the Private Security Industry Regulatory Authority of South Africa (PSIRA). The overall objective of the research was to explore crime prevention partnerships between the state and the private security sector in Namibia with a view of influencing policy processes aimed at improving crime prevention initiatives. This report, while not intended to be exhaustive or definitive, is meant to contribute to a better understanding and quantification of the issues that are relevant to the establishment of crime prevention partnerships between the State and the private security sector in Namibia.

The findings of this report are based on extensive literature research and key informant interviews conducted with key industry participants in both the public and private sectors. For this, the questionnaire – prepared by PSIRA – was used and adapted to the Namibian context. In addition, a few spot surveys were also conducted with security guards on duty to gain an impression of their actual working conditions. The draft report was presented to the key industry participants in both the public and private sectors. This was done with the view of detecting omissions and inaccuracies with the view of improving the final product. Generally, there were no major limitations experienced during the compilation of this report. The major limitations related to time and financial constraints, thus resulting in no field work been conducted to, for instance, identify personnel in private security companies who were demobilised after the end of the liberation war. In addition, this report does not and cannot analyse each and every issue in detail. Thus, many of the issues considered herein appear ripe for further and more detailed study and analysis.

### ***1.1. Population trends and demographics***

Namibia covers an area of 825 234 square kilometres. It is bordered by Angola and Zambia on the north-east, Botswana on the east, South Africa on the south, and the Atlantic Ocean on the west. After Mongolia, Namibia is reportedly the least-densely populated country in the world. The country has been administered in 13 regions since 1993. A 14th region was added in 2013 on the recommendation of the Delimitation Commission. The latest population size as recorded in the 2011 National Housing and Population Census shows that Namibia has a population of 2 113 077 people.

The 2011 Census also shows that most of the population live in rural areas (1 209 643) compared to 903 434 living in urban areas (Namibia Statistics Agency, 2012).

The census further reveals that the country is experiencing high rates of rural-urban migration. In this regard, it shows that the urban population grew by 49.7% between the two preceding censuses (2001 and 2011), while the rural population decreased by 1.4% during the same period (Namibia Statistics Agency, 2012:26). Namibia reportedly has a relatively young population, in that close to 37% of the whole population is less than 15 years of age. Furthermore, the female population in Namibia continues to be higher than the male population (1 091 165 females versus 1 021 912 males), representing 51.5% of the total population compared to 48.4% for males (Namibia Statistics Agency, 2012:29).

The overall unemployment rate for Namibia, as measured by the broad unemployment definition, is 29.6% (Namibia Statistics Agency, 2013). Unemployment has a gender dimension. The latest Labour Force Survey for the country shows that the overall unemployment rate for females in all age groups under 60 years is higher than for males in the same age group. Overall, 33.1% of females are unemployed compared to 25.8% males (Namibia Statistics Agency, 2013:75). Unemployment in Namibia also mostly affects the youth. The overall unemployment rate for youth aged 15 to 34 is 41.7% (Namibia Statistics Agency, 2013:81).

## **1.2. Historical background**

Historically, it is said that about 2 000 years ago, Namibia was inhabited by the 'San' people. As the years went by, Europeans started exploring the continent of Africa. It was German explorers who were particularly attracted to the territory of Namibia and accordingly placed it under its control mainly for exploitation of its resources. When Germany lost the First World War, it also lost all its colonies. Thereafter, the League of Nations was tasked with the allocation of how these territories were to be governed. In 1920, the League of Nations awarded the territory of Namibia/South West Africa to South Africa with the aim that the latter would prepare the territory for independence. Instead, South Africa governed the territory (Namibia/South West Africa) as if it were a fifth province and imposed upon the territory its racist and apartheid policies. After a century of colonialism and a long period of armed struggle, Namibia attained independence on 21 March 1990.

Namibia is said to be one of the richest countries in Africa. The country, however, as noted by the then Central Bureau of Statistics in 2008, is also one of the most unequal societies in the world. For instance, in Namibia, the wealthiest 10% in the country have consumption levels that are 50 times higher than the poorest 10%. Also, the Gini coefficient, which is the standard summary measure for inequality, is 0.63 and with a great variation according to various background variables such as gender, age, main source of income and administrative region. Additionally, a comparison with countries for which comparable data is available reportedly suggests that the level of inequality in Namibia is among the highest in the world (Central Bureau of Statistics, 2008).

### **1.3. Current context**

Since independence, Namibia has enjoyed political stability and steady economic growth, achieving the status of a middle-income country. While the Gross Domestic Product (GDP) has increased considerably, the poorest sectors of Namibian society have not benefited in the way they should. For instance, inequality and poverty levels are still at unacceptably high levels. For example – as already stated – in Namibia, the wealthiest 10% of the population reportedly has consumption levels that are 50 times higher than that of the poorest 10% of the population (UN Human Rights Council, 2012). High unemployment is an important feature of poverty in the country (UN Human Rights Council, 2012).

After more than a century of colonial domination and three decades of liberation struggle, the Namibian Constituent Assembly, on 9 February 1990, adopted the Namibian Constitution. The Namibian Constitution has been hailed as one of the best in the world. The Constitution is based on a set of constitutional principles adopted in 1982 by the UN Security Council after consultations with the parties involved in the Namibian conflict. The 1982 constitutional principles were agreed on by the Western Contact Group consisting of five states, namely, the United States, the United Kingdom, France, Canada, and West Germany and served as a set of principles for the Constituent Assembly and for the future constitution of an independent Namibia. The Constitution adheres to the principle of separation of powers in terms of which state power is distributed to the Executive, comprising of the President and his/her Cabinet, the Legislature and the Judiciary. The country has adopted a combination of unitary frameworks for the organisation of the State and a hybrid of both presidential and parliamentary systems of government (Kaaapama, Blaauw, Zaaruka & Kaakunga, 2007). Hitherto, the country's political system is in a stable state and provides an enabling environment for democratic consolidation (Kaaapama *et al.*, 2007:30). Töttemeyer (2013) argues that although Namibia is a one-party dominated state, the Constitution secures multi-party democracy. Indeed, although Namibia is marked by dominant one-party governance, the ruling party, i.e. the SWAPO Party, to its credit, does not reject democracy as a principle and as a process (Töttemeyer, 2013:66).

### **1.4. The Namibian Constitution and human rights**

Namibia's Constitution brought about a shift from an era of parliamentary sovereignty to constitutional supremacy. In this regard, Article 1(6) of the Constitution proclaims that the Constitution shall be the supreme law of the land. The Namibian Constitution, as correctly observed by Kaaapama *et al.* (2007:30), is committed to the preservation of fundamental human rights and freedoms. In Article 5, the opening article of the Namibian Bill of Rights (Chapter 3), it stipulates that the Bill of Rights applies vertically and horizontally and thus constrains both public as well as private actions. It accordingly imposes a positive duty on the legislature, the executive, the judiciary and other organs of state as well as juristic and natural persons, where applicable

to them, to respect and protect all the fundamental rights and freedoms guaranteed in the Constitution. Some of the fundamental rights and freedoms guaranteed and protected in the Bill of Rights include the right to life, human dignity, equality and non-discrimination, fair trial guarantees, administrative justice, and various freedoms such as academic, freedoms of association, free speech and expression, the media, the press, to mention but a few. The rights and freedoms guaranteed in Chapter 3 of the Bill of Rights, like in all constitutional democracies, may be limited and even suspended provided certain requirements are complied with.

In this regard, Article 22 of the Constitution provides for the limitation/restriction of the rights and freedoms enshrined in Chapter 3. Article 24 requires that any envisaged limitations be based on a law of general application, may not negate the essential content of the right in question, and may not be aimed at a specific person(s). Further, the Constitution in Article 24, as is universally accepted, makes provision for the suspension/derogation of rights and freedoms in defined circumstances such as when the country is in a state of national defence or when a state of emergency has been declared. Any suspension/derogation of rights is subject to detailed procedural guarantees and a maximum time period of 30 days. Article 24 also lists the rights and freedoms which may under no circumstances be suspended. These include the right to life; human dignity; equality and non-discrimination; fair trial; administrative justice; freedom of speech and expression; and freedom of thought, conscience and belief, which include academic freedom and freedom of association. Similarly, no person or group of persons may ever be denied access to a legal practitioner or a court of law irrespective of the circumstances the country is facing (The Namibian Constitution, Article 24).

The Constitution also, as is required by international human rights law, provides for the right to an effective remedy where someone's rights or freedoms have been threatened or actually violated. In this regard, Article 25 endows aggrieved persons with the right to approach the courts for redress. In guarding this constitutional injunction, the superior courts in the country have shown their resolve to guard these constitutional imperatives. The courts have on different occasions nullified legislative provisions, executive and administrative conduct, common law provisions and customary law and conduct found to be in conflict with the Constitution. People may also file complaints with the Ombudsman. In Namibia, the Ombudsman performs both the functions of a traditional Ombudsman, i.e. investigating and dealing with complaints of maladministration and those ordinarily assigned to a human rights commission. Worryingly, only a small percentage of people regard courts and the Office of the Ombudsman as protectors of human rights in the country. This was the finding of a Baseline Survey on Human Rights in Namibia which was recently published by the Office of the Ombudsman towards the end of 2013 (Office of the Ombudsman, n.d.).

The right to peace and security is not specifically guaranteed in the Namibian Bill of Rights, Chapter 3. Namibia, however, is a state party to several human

rights instruments which guarantee the right to security of a person. The right to security of a person is closely associated with the right to liberty. However, it is also relevant in a variety of other contexts in which the State is required to keep its citizens safe, ranging from the threat of terrorism to domestic violence. The right to peace and security, though not expressly provided for in the Constitution, is guaranteed in Namibia through the operation of Article 144. This article dictates that all international agreements that are binding on Namibia shall automatically form part of the laws of the land.

### ***1.5. The public security sector in Namibia***

The state institutions responsible for safety and security in Namibia include the Ministry of Defence (which incorporates the army, air force, and the navy), the Namibian Police (Nampol), the Namibia Central Intelligence Service (NCIS), and the Security Commission. The paragraphs that follow will give a brief outline of the mandate of each of these role players in the context of safety and security.

The Namibian Defence Force (NDF) consists of (i) the Namibian Army, (ii) the Namibian Air Force, and (iii) the Namibian Navy. Section 5 of the Defence Act states that the entire NDF or any of its wings or a member of it may at any time be employed on service in defence of the country. Such services further extend to the prevention or suppression of terrorism; the prevention or suppression of internal disorder in Namibia; the preservation of life, health or property; the maintenance of essential services; or any other service as may be determined by the President as Commander-in-Chief. This section further empowers the NDF or any of its wings or a member of the Force to be used to perform any of the police functions provided for in the Police Act. These include the preservation of the internal security of Namibia, the maintenance of law and order, and the prevention of crime. The NDF has an estimated staff complement of 20 000 members. Nonetheless, attempts to get official documentation with regard to the foregoing figure proved futile.

The Namibian Army comprises of an estimated 10 000 staff members (out of the total for the NDF). The Defence Policy commits the army to strive for perfection, to remain a disciplined, accountable, professional, and a volunteer force. It further commits the army to promote a good public image and assist the communities in which it is based. In terms of the policy, when called upon to assist the Namibian Police in the maintenance of law and order, the army shall do so in the public interest. This shall in no way be construed as assuming policing duties (Ministry of Defence, n.d.).

The primary mission of the Air Force is to protect Namibia's airspace and to protect the country's cultural and national economic assets and installations (Ministry of Defence, n.d.:84). Its peacetime role includes, among others, search and rescue operations, support to civil power and communities by providing air assets and personnel in times of emergencies (Ministry of Defence, n.d.:87).

The Navy's wartime role, as assigned to it in terms of the Defence Policy, include surveillance and security of the country's entire coastline, naval combat engagements, search and rescue operations, casualty evacuation, naval blockades and landward combat operations by maritime airborne and seaborne forces (Ministry of Defence, n.d.:90). During peacetime, the Navy has the role of augmenting civil offshore patrol forces. Specific tasks in this regard include assisting civil authorities to combat illegal immigration, smuggling (arms and drugs) and threats to the environment, as well as assisting the Ministry of Fisheries and Marine Resources with the enforcement of the fisheries protection regime (Ministry of Defence, n.d.:91).

Article 115 of the Namibian Constitution provides for the establishment of a Namibian Police Force by way of an Act of Parliament. Subsequent to this constitutional injunction, the Police Act, No. 19 of 1990 was enacted. This Act, amongst others, provides for the establishment, organisation, administration, and powers and duties of the Namibian Police Force (NamPol). The prime constitutional mandate of NamPol is to secure the internal security of the country and to maintain law and order. Section 13 of the Police Act expands on this mandate by directing that the powers of NamPol shall be (i) the preservation of the internal security of Namibia, (ii) the maintenance of law and order, (iii) the investigation of any offence or alleged offence, and (iv) the prevention of crime.

The Namibia Central Intelligence Service (NCIS) was established in terms of the Namibia Central Intelligence Act, No. 10 of 1997. The powers, duties and functions of the NCIS are outlined in Section 5(1) of the Act. It entails investigating, gathering, evaluating, correlating, interpreting and retaining intelligence-related information, whether inside or outside Namibia, for the purposes of:

- detecting and identifying any threat or potential threat to the security of Namibia;
- advising the President and the government of any threat or potential threat to the security of Namibia;
- assisting the Namibian Police Force by gathering intelligence to be used in the detection and prevention of serious offences; and
- taking steps to protect the security interests of Namibia, whether political, military or economic.

Article 114 of the Namibian Constitution provides for the establishment of the Security Commission. Article 114(1) of the Constitution empowers the Security Commission to recommend to the President the appointment of the Chief of the Defence Force, the Inspector-General of Police and the Commissioner of Prisons. Additionally, Article 114(2) of the Constitution states that the Security Commission shall consist of the Chairperson of the Public Service Commission, the Chief of the Defence Force, the Inspector-General of Police, the Commissioner of Prisons and two members of the National Assembly appointed by the President on the recommendation of the National

Assembly. Additional functions of the Commission, as outlined in the section of the Security Commission Act, No. 18 of 2001 include advising the President on matters relating to defence or internal security when requested to do so by the President or on its own accord. The Commission is also empowered in terms of Section 5 of the Act to alert and recommend to the Minister of Home Affairs the presence in Namibia of a named person regarded as inimical to peace and the public interest or that a named person, by his or her conduct, is a danger or is likely to be a danger to peace and good order in Namibia.

From the foregoing, it is thus clear that the Namibian government is responsible for ensuring peace and security in the country.

### ***1.6. Staff complement of the army and police***

The estimated staff complement of the Namibian Defence Force (NDF) is 20 000. About 10 000 of this figure is assigned to the army, another estimated 3 000 to the Navy, and the remainder to the Air Force. Unfortunately, no official document was made available to the researchers to verify these figures. The NDF, as noted by Graham Hopwood – the Director of the Institute for Public Policy Research (IPPR) – is run on a professional basis and operates with neutrality when it comes to political or tribal issues (Poolman, 2014). Hopwood further opines that the NDF has by and large avoided political controversy and worked to serve the country's interest rather than any particular political or ethnic group (Poolman, 2014).

In an interview with Deputy Commissioner Edwin Kanguatjivi, the police spokesperson, on 24 January 2014 in Kanguatjivi, the total estimated staff complement of the public police (NamPol) stands at 14 094 staff members. Remarkably, no official document could be obtained to verify this figure. This figure is divided among the Special Field Force (SFF), Very Very Important Persons (VVIP) and Very Important Persons (VIP) Protection and the Special Reserve Force. About half of the officers belong to the SFF and are mainly responsible for conducting border patrols. A significant number of the remaining members, according to Kanguatjivi, are designated to do VVIP and VIP protection, whereas others serve in the Special Reserve Force to deal with riots and special situations, respectively. This leaves an active police force of about 5 000 staff members. That said, private security officers outnumber Namibian police officers by over three-fold at a ratio of 3:1.

### ***1.7. International treaty obligations on peace and security***

Namibia signed, ratified and/or acceded to the human rights and other international instruments relating to peace and security highlighted in Table 1. Table 1 shows some of the main instruments relating to peace and security the country is bound to.

**Table 1: Main instruments related to peace and security**

Name of Instrument	Signed	Accede	Ratify	Date
<b>United Nation Level</b>				
1. Charter of the United Nations, Article	✓	✓		23.04.1990
2. The four 1949 Geneva Conventions	✓	✓		22.08.1991
<b>Continental Level</b>				
1. Constitutive Act of the AU	✓		✓	11.07.2000
2. Protocol relating to the establishment of the Peace and Security Council of the AU				
3. Common African Defence and Security Policy (CADSP)				
<b>SADC Level</b>				
1. SADC Treaty Articles	✓		✓	17.08.1992
2. The Protocol on Politics, Defence and Security Co-operation				

## 2. Namibia security threats

Namibia is ranked among the few countries in the world that have consistently enjoyed peace and stability with virtually no civil strife resulting from political turmoil (The Namibia Sun, 2013). The country has been ranked third in sub-Saharan Africa and 46<sup>th</sup> in the world in terms of the high level of peace prevailing in the country by the 2013 Global Peace Index (GPI) Report (Institute for Economics and Peace, 2013). Previously, the nation experienced one visible incident that threatened the peace and stability enjoyed in the country in the form of an armed rebellion.

### 2.1. The Caprivi secessionist issue

In the early hours of 2 August 1999, the peace and stability of Namibia was briefly disturbed when members of a secessionist group, the Caprivi Liberation Front (CLF), attacked government installations in the regional capital of Katima Mulilo in the then Caprivi region (now Zambezi), in an attempt to secede this region from the rest of Namibia. The group attacked the police headquarters, the local offices of the Namibian Broadcasting Corporation, an army base, and an immigration post. The Namibian security forces acted swiftly and rather zealously to quell the uprising. Officially, nine lives were lost, dozens were reportedly missing, and hundreds were jailed and tortured (Harring & Odendaal, 2012). One hundred and twenty people were subsequently arrested for their alleged involvement in this armed rebellion to face charges ranging from high treason, murder and attempted murder.

The Caprivi trial, as it is commonly referred to, has become known as one of, if not the longest trial, in an independent Namibia. Several of the accused have since died in detention. On 11 February 2013, a total of 43 of the accused were acquitted by the High Court when it ruled as inadmissible the admissions and confessions allegedly made by the accused persons during their arrests and arraignment. The rest of the accused still await, after more than 13 years, the outcome of this highly publicised treason trial.

Some people in the Zambezi region, as pointed out by Töttemeyer (2013), still pursue, although more hidden than openly, the succession of this region from the rest of Namibia. This might not be a hyperbole considering the renewed endeavours by Lozi-speaking Namibians to secede the Zambezi region from the rest of Namibia, which were launched in 2012. In their protest march, which at the end was not authorised by the Namibian Police, they openly called and demanded the succession of the Zambezi region from the rest of Namibia. Moreover, the exiled leader of the CLF – the former Namibian politician Mishake Muyongo – in a telephonic interview in 2011 reiterated his resolve to “leave no stone unturned to ensure that the Caprivi gain its independence” (Poolman, 2011).

Until now, the Government of Namibia (GRN) has adopted a rather hard-line approach in dealing with the Caprivi secessionist issue. For instance, on 1 September 2006, the government announced that it considered the United Democratic Party (UDP) – the political party advocating for the succession of the Zambezi region from the rest of Namibia – as an illegal organisation. In terms of the announcement, the GRN demanded that the UDP abandons, rejects or denounces its secessionist agenda. The announcement further revealed the GRN’s intention to rigorously enforce national laws governing the prevention of illegal gatherings to ostensibly thwart the UDP’s intentions of undermining the constitutional order (Weidlich, 2006). The Dinyando announcement (named after the then Deputy Minister for Information and Broadcasting, Raphael Dinyando who made the announcement), however, stopped short of banning the UDP altogether. There is a strong argument to be made that the hard-line approach adopted by the GRN in dealing with the Zambezi/Caprivi secessionist issue falls foul to human rights principles and standards. It is respectfully submitted that advocating for the succession of the Zambezi region from the rest of Namibia cannot be equated with treason. Undoubtedly, the open and democratic society envisaged by the Namibian Constitution makes allowance for the advocating of all kinds of ideas, no matter how controversial, provided it is done through peaceful means. It is submitted that the suppression of a democratic debate surrounding the Zambezi/Caprivi secessionist issue only exacerbates intra-state tension and undermines the long-term peace, security and stability in that part of the country.

## ***2.2. Unemployment, poverty and inequality***

How sustainable are the current levels of peace and stability enjoyed in the country? Such an interrogation is imperative given the disproportionate income distribution, the grinding poverty, and the depressing high unemployment rate plaguing the country. It is clear that risks can arise where there is a public perception that the benefits of national growth are not being shared equitably. It is worth noting that the 1994 Human Development Report of the UN Development Programme advocates for the concept of security to be shifted from the idea of a militaristic safeguarding of state borders to the reduction of insecurity in people's daily lives (human insecurity) and from security through armaments to security through sustainable human development (United Nations Development Programme, 1994). Issues such as economic security, food security, health security, environmental security, personal security, community security and political security should as such be seen as threats to human security (United Nations Development Programme, 1994).

The 2013 Human Development Report similarly warns that rising inequality, especially between groups, can lead to social instability. This report further warns against the potential of social unrest resulting from the persistence of inequality and the lack of intergenerational social mobility (United Nations Development Programme (UNDP), 2013). The CADSP similarly advocates for a new, multidimensional emphasis on human security which should be based on political values and social and economic imperatives. Such a multidimensional notion of security should necessarily embrace issues such as human rights; the right to participate fully in the process of governance; the right to equal development as well as the right to have access to resources and the basic necessities of life; the right to protection against poverty; the right to conducive education and health conditions; the right to protection against marginalisation on the basis of gender; protection against natural disasters; and ecological and environmental degradation (CADSP, Article 6).

In view of the aforementioned, it is fair to state that the current and growing unemployment, poverty and inequality in the country constitute a ticking time bomb that could present an unimaginable security threat for the country. Anecdotal evidence seems to suggest that for some of the unemployed, excluded, marginalised and poverty-stricken members in the country, violence and crime have become the only means through which they can make a living. Poverty and inequitable distribution of natural resources, as pointed out in the CADSP, constitutes an internal security threat which undermines the maintenance and promotion of peace, security and stability in a given country (CADSP, Article 6, 8(ii)(k)). Time has come to view the triple challenge of unemployment, poverty and inequality in the country not only as a socio-economic problem but also as

a threat to the peace, stability and security of the country. This is so because Namibia, at the risk of being a sounding alarmist, faces a real security threat and challenge now and in the near future if nothing is done to address the huge unemployment, poverty and inequality facing the country. It is beyond dispute that the growing unemployment, poverty, and inequality in the country are the ingredients of crimes, social chaos, conflicts and instabilities.

### **3. Legislative and policy regulatory framework of the private security industry in Namibia**

Responsibility for private security companies in Namibia falls under the Minister of Safety and Security. The industry is governed by the Security Enterprises and Security Officers Act, No. 19 of 1998. The Act mandates the Minister, in consultation with the Security Enterprises and Security Officer Regulation Board (SESORB), to make Regulations relating to various aspects pertaining to the industry. However, the Regulations are still in draft form and thus of no legal force. Hence, it is a common complaint among representatives of the sector that it is currently way too easy to start a private security company. There is general concern that this lack of regulation has resulted in a vast number of unprofessional companies that provide poor services and ruthlessly exploit their guards.

#### ***3.1. Legislative framework***

The Namibian private security industry, as stated above, is currently governed by the Security Enterprises and Security Officers Act. This Act was amended in 2002 by the Security Enterprises and Security Officers Amendment Act, No. 21 of 2002. The Act is complemented by the Regulations and the Code of Conduct. Both the Regulations and the Code of Conduct are still in draft form but are discussed here to provide the necessary context and a holistic understanding of the issues discussed.

##### ***3.1.1. Definition of security***

The Act strikingly does not define what constitutes a 'security service'. In this regard, it is noteworthy that the equivalent of the Namibian Act in South Africa, the Private Security Industry Regulation Act, No. 56 of 2001, elaborately defines the concept of 'security service'. A 'security service' in that country's Act, for instance, include protecting or safeguarding a person or property in any manner; performing the functions of a private investigator; providing security training or instruction to a security service provider or prospective security service provider; and performing the functions of a locksmith (PSIRA, 2001).

##### ***3.1.2. A security enterprise***

The Act does not comprehensively define 'security enterprise'. It stipulates that to operate as a security enterprise, a company must apply to SESORB for registration. Such an application must be accompanied by a clear set of fingerprints taken by

the police and a non-refundable fee of N\$850. For the enterprise to be registered, the applicant (in the case of a natural person) – every director (in the case of a company) and each member (in the case of a close corporation or partnership) – must also be registered as a security officer.

The draft Regulations further required that the application for registration be accompanied by an original or certified copy of a police clearance certificate regarding the criminal record status of each applicant, director or member, whichever is applicable (Draft Regulation 5(b), 2009). Applicants found guilty 10 years prior to or anytime after the commencement of the Act of an offence specified in the Schedule to the Act are precluded from registering. Such offences – 27 in total – include high treason, rape, indecent assault, murder, culpable homicide, child stealing, malicious injury to property, public violence, theft of game or livestock (including illegal hunting), robbery, and assault with intent to do grievous bodily harm.

A security company may be deregistered by SESORB for a number of reasons. These could include being found guilty of a Scheduled offence as listed in the Act, a misconduct committed under the Code of Conduct, failure to pay any outstanding fee(s) owed to SESORB, or failure to pay the prescribed annual amount to the Fidelity Guarantee Fund established for the private security sector.

Both the Act and the draft Regulations create a number of statutory offences which may be committed by a security enterprise/company. These include failure to deliver a surrendered certificate of a deregistered security officer to SESORB within seven day of such a surrender; failure to display its registration certificate in a conspicuous place in each of the premises used by such a company; trading under a name other than the one registered with SESORB; and failure to issue a security guard with a durable identification card.

### **3.1.3. Security officers**

The Act also does not provide a definition of a security officer. Section 16 of the Act governs the application for registration as a security officer. Such an application must be made to SESORB. The application must be accompanied by a clear set of fingerprints taken by the police and a non-refundable fee of N\$120.

A prospective security officer must submit, together with his/her application, an original or certified copy of a police clearance certificate of his/her criminal record status (Draft Regulation 5(b), 2009). Persons found guilty 10 years prior to or any time after the commencement of the Act of an offence specified in the Schedule to the Act are precluded from becoming security officers.

Where a security officer provided SESORB with materially false information in his/her application for registration; is found guilty of an offence specified in the Schedule of the Act; is found guilty of a misconduct committed under the Code of Conduct;

or is declared mentally disabled by the High Court, that security officer may be deregistered by the Board/SESORB. A security officer who has been deregistered must surrender his/her registration certificate within seven days after deregistration either to his employer or SESORB if he/she is not employed by a security company.

Both the Act and the draft Regulations create a number of statutory offences which may be committed by security officers. These include failure to surrender his/her certificate of registration to his/her employer or SESORB within seven days of his/her deregistration; failure to surrender his/her identification card upon ceasing to be employed by a security company; changes, falsifies information on, defaces, destroys or fails to take reasonable steps to safeguard his/her certificate of identification.

### ***3.2. The Security Enterprises and Security Officer Regulation Board (SESORB)***

The Act, as stated in previous paragraphs, provides for the establishment of a regulatory body called the Security Enterprises and Security Officer Regulation Board (SESORB). The objects of the SESORB are to essentially exercise control over security enterprises and the occupation of security officers by way of maintaining, promoting and protecting the status of security companies and security officers, respectively. SESORB's powers include the following: maintaining standards and regulating practices in connection with the occupation of a security officer; informing persons pursuing or intending to pursue such occupation about those standards and regulatory practices; gathering information relevant for the occupation of security officers; and advising the Minister of Home Affairs on any matter relating to security officers.

SESORB is also responsible for the registration of security companies and security guards as already mentioned. It is also responsible for the enforcement of the Code of Conduct in the industry. It is further charged with the responsibility of keeping a register detailing names and particulars of all registered security enterprises and security officers.

The Amendment Act, No. 21 of 2002, provides for the reconstitution of SESORB. It restricts the power of the Minister of Home Affairs to make the Regulations for the industry. It is of particular interest that while the Act makes reference to the Minister of Home Affairs, in reality, the draft regulations were made by the Minister responsible for policing. This raises various issues relating to administrative legality. For instance, the Minister responsible for policing is not the Minister of Home Affairs as per the ministerial portfolios. The police department reports under the Minister of Safety and Security. Thus, while the author (of the Regulations) is consistent with the daily realities, the Minister responsible for policing is not necessarily the designated person to have made the Regulations if regard is to be had to the provisions of the principal Act. Needless to say, this matter alone may give rise to legal battles in future. It is thus advisable that this matter be addressed before the actual promulgation of the draft Regulations.

In terms of reconstituting the SESORB, the Act provides that the SESORB shall consist of the following:

- one staff member of the Ministry of Home Affairs (who shall be the chairperson);
- one member of the Namibian Police Force (NamPol), designated by the Inspector-General of Police (who shall be the vice-chairperson);
- one staff member of the Ministry of Labour, designated by the Attorney-General;
- one staff member of the Office of the Attorney-General, designated by the Attorney-General; and
- six security officers selected by the Minister from a list submitted to him/her (three shall be representatives of employers and three representatives of employees).

SESORB, as can be seen from the above, is composed of 10 board members. It is supposed to meet at least twice a year. A special meeting is convened at the request of the Minister or of at least one-third of the SESORB members. It appears that the current legislative framework does make room for the full administration of the regulatory authority/SESORB. This begs a number of questions. For instance, are the different committees that SESORB is empowered to appoint/establish from time to time for the purpose of performing any of its functions supposed to fill this void (in respect of daily administration)? Also, what are potentially serious implications of limited regulation and accountability of an industry which continues to grow in both size and importance, and which is likely to be here to stay? Is a 10-member board, without any support staff, well positioned to play the kind of role and function as envisaged by the principal Act, the draft Regulations and draft Code of Conduct? Given these challenges, would it not make sense to emulate the South African model in this regard? In that country, the equivalent of SESORB is a Council, which, just like SESORB, serves on a part-time basis. However, the day-to-day activities of the Authority are overseen and implemented by a full-time administrative structure.

## **4. The use of firearms and uniforms by the private security industry**

### ***4.1. Use of firearms by private security officers***

The current legislative framework allows for the use of firearms within the public security industry (PSI). There are currently no specific rules governing the use and specifications of firearms used by private security companies due to the lack of regulations in the industry. The Arms and Ammunition Act, No. 7 of 1996 thus serves as the general guide in this regard. This Act, among others, regulates the control over

the possession of arms and ammunition. Section 2 of this Act expressly prohibits any person from having a firearm in his or her possession unless he/she is licensed to possess such a firearm. However, there seems to be a clear vacuum in the current legal provisions as they pertain to the use of firearms by security officers.

Currently, the licence of the PSC to buy and possess firearms is by default passed on to the security officer in the employment of that company. Thus, in terms of the current situation, such a security officer does not need to have a licence to possess and or use a firearm while on duty. Over and above that, there is currently no requirement that security officers must be subjected to a fitness test to determine whether they are fit to handle a firearm or not. There is currently also no requirement for a security officer to undergo some kind of training programme for the use and handling of firearms, as is the case in South Africa. Indeed, a random informal survey conducted among security officers, for this study, found that the majority of security officers spoken to received no or very little training on the use and handling of firearms. Currently, only a few private security companies (PSCs) and mainly the established ones provide firearm training to security officers. It is important to stress, though, that such initiatives are done voluntarily and in the absence of a statutory duty to do so.

Once again, due to the absence of rules and regulations, PSCs may technically use whatever type of weapons they want to use except for semi-automatic to automatic rifles. Permission must be obtained from the police to use such types of rifles. Otherwise, firearms such as shotguns and small calibre AK-47s, which are single-shot firearms, may be used. In terms of this practice, PSCs only need to register themselves with the police as a security officer whereby they are allowed to buy any firearm they want. In this regard, pistols and shotguns may be used in self-defence. Furthermore, the use of concealed weapons applies to all persons in private clothes. Those in uniforms, including security officers, must place a weapon where it is easily identifiable.

Furthermore, private security officers are only allowed access to firearms when on duty. While on duty, they normally use pistols, shotguns, semi-automatic weapons and, at times, AK-47s. All weapons, however, are to be stored on the employer's premises. The law makes it mandatory that such weapons be stored in a safe.

#### **4.2. Registration of company weapons**

In terms of the law, no firearm should be possessed without a licence. *Part II and Regulation 2* of the Arms and Ammunition Act, No. 7 of 1996 are authoritative on this issue. As a requirement, there has to be, *inter alia*, documentary proof that the applicant carries on a business of rendering security services attached to an application for a licence.

### **4.3. System in place for controlling the use of firearms by employees**

In relation to state-owned security entities, the police manual actually regulates the use of firearms (Operation Manual, Chapter 2, use of firearms). According to Abraham Kanime, Chief of City Police, in an interview on 22 December 2013 in Windhoek, the police manual regulates the keeping of firearms. Police officers are 24 hours on duty, but they have to follow procedure when taking firearms. In terms of the internal rules regulating the use of firearms at City Police, the following procedure has to be adhered to:

- Make an application to the head of the police force for record purposes. The head may deny an officer access to the firearms based on disciplinary issues.
- Such an officer should have a safe at his residential premises so that they can store the weapon when it is not on their body.

The Arms and Ammunition Act, specifically Part II, specifically requires that all employees using firearms be registered in terms of the law. In the case of private security companies, there are no specific legal requirements. As a result, it is up to individual PSCs to come up with their individual controlling measures. In the absence of governing regulations, private security companies devised their own controlling system in this regard.

### **4.4. Criminality in the private security industry**

From newspaper articles, it is evident that employees of private security firms are not immune from criminal activities. For instance, a Namibian newspaper reported that a security guard, Junias Uleko (31), was jailed for stealing sweets (Anon., 2013). Uleko admitted that he stole goods with a total value of N\$1 388 over a period of time while he was employed as a security guard at a service station shop. Magistrates sentenced him to 15 months imprisonment, of which five months were suspended for a period of five years on condition that Uleko is not convicted of theft during the period of suspension.

In a separate incident, a former detective inspector, Michael Booyesen, was jailed for four years after he pleaded guilty to assault charges and was sentenced in the Magistrates Court in Katutura. The former detective inspector was imprisoned for assaulting his ex-girlfriend after burning down her flat in 2004 and threatening her with a firearm.

Similarly, The Namibian reported on an incident involving a killing resulting from the use of a firearm. A security company owner was accused of killing a former employee (Kafirovi) in a shooting that took place in his office three years ago.

The accused (Andreas Karupu) pleaded not guilty on a charge of murder in the Windhoek Regional Court (Menges, 28 January 2008).

The latest incident involving criminal behaviour of security guards occurred as recently as April 2014. In this instance, police in Rundu arrested four men, including two security guards, in connection with a robbery involving N\$1.8 million from the First National Bank of Namibia in the town on 28 April 2014. The security guards initially claimed they were robbed of the money, which was supposed to have been distributed for use in ATMs at a Rundu shopping mall. Two security guards were reportedly supposed to distribute the money to ATMs at the Galaxy Shopping Mall, but staged a robbery instead (Kangootui, 2014).

#### ***4.5. Uniform, identification and insignia of security guards***

The enabling Act, as noted earlier, makes it mandatory for security guards to wear a uniform, have insignia, and have proper identification while on duty. It can be stated that the requirements relating to uniform and insignia are generally complied with. Nevertheless, this study found that most security officers are not wearing any form of identification while on duty. Once again, only the established PSCs consistently adhere to this statutory requirement. Additionally, the existing legal provisions forbid PSCs from having the same or similar uniforms as the Namibian Police or Windhoek City Police. This provision is customarily not adhered to with the result that every PSC is doing as it sees fit. Consequently, many of them use uniform closely resembling that of state institutions such as the police or the defence force.

### **5. The extent of the private security industry in Namibia**

Private security, as a concept, means different things to different people (Gumedze, 2007-08). To some, it means mercenaries, yet, to others, it means private military companies (PMCs) and PSCs. Others think of private security as including vigilantes and community police, while some do not see a difference between any of the above (Gumedze, 2007-08). This review focuses on the private security industry within Namibia's borders in the context of such services being provided by non-state actors. It deliberately refrains from delving much into definitional 'gymnastics' which are likely to blur the global objective of the study. With that said, the private security industry comprises those actors that provide security for people and property under contract and for profit (Richards & Smith, 2007). This focus does not in any way detract, disregard or devalue the security provided by informal communities. Rather, it has been informed by the mandate and scope of the assignment and the fact that, worldwide, this industry is experiencing a period of rapid growth (Richards & Smith, 2007). Available evidence suggests that

the trend towards increased security provision by non-state actors is prevalent in all regions of the world (Richards & Smith, 2007:5). This begs the question, how has this global trend played itself out within the Namibia context?

### **5.1. The size of private security industry in Namibia**

The issue of what constitutes private security is not well defined in Namibian legislation. Closest to this is the definition of 'security service' in the Security Enterprises and Security Officers Act, No. 19 of 1998 (as amended). Security service, in terms of this Act, is defined as a service rendered by one person to another for reward in exchange for the protection or safeguard of people or property, or the provision of advisory services in this regard (Security Enterprises and Security Officers Act, Section 1). It is debatable whether this definition sufficiently caters for the broader view of the role of private security that prevails today. For instance, the American Society for Industrial Security (ASIS) International – the largest association of private security professionals in the United States – has defined private security as 'the non-governmental, private-sector practice of protecting people, property, and information, conducting investigations, and otherwise safeguarding an organization's assets' (Strom, Berzofsky, Shook-Sa, Barrick, Daye, Horstmann, and Kinsey, 2010).

The private security industry in the country, as mentioned in the literature reviewed, is under-researched. As a result, very little is known about the scope and nature of the industry in Namibia. For example, trying to discern the number of security enterprises and security officers from official documents such as the 2012 Namibia Labour Force Survey Report is impossible. This is so because the private security industry is not listed as a stand-alone industry. Thus, depending on the source consulted, the size of this industry appears to vary. For instance, an investigation conducted by labour inspectors of the Ministry of Labour and Social Welfare (MoL) indicates that there were 216 security companies in operation in the major towns throughout the country in 2012 (Ministry of Labour and Social, 2012). The report, regrettably, does not show which of these companies are branches or outlets of the major security companies operating in the country. The given number may thus be an overstatement of the number of PSCs currently operating in the country. This, however, does not detract from the concerns expressed by various key informants in the industry about the high number of 'fly-by-night' security companies operating in this sector, such as a study conducted by the Labour Resource and Research Institute (LaRRi), allegedly administered and managed from a 'suitcase'. These 'fly-by-night' security companies reportedly do not have physical office space, do not pay their workers regular salaries, and usually do not pay the prescribed minimum wages set for the industry (Shindondola-Mote & Indongo, 2012).

The same muddle regarding the exact number of security guards employed by the PSI prevails in the country. For instance, the latest Labour Force Survey does

not give an indication of the number of persons employed as security guards in the country. Also, two key informants for this study gave different estimates for the number of security guards currently employed by the PSI. In this respect, in an interview with A.J. Kannemeyer, president of the Security Association of Namibia (SAN) on 4 February 2014, he estimated that there are around 14 000 guards employed by the PSI in the country. On his part, Mr J.H. Visser, Chief Executive Officer (CEO) of the Namibian Protection Services, in an interview on 3 January 2014, estimated the number to be 17 000. He based his estimation on the 2009 wage negotiations conducted for the industry in that year. Moreover, already back in 2009, The Namibian newspaper carried an article which estimated that there were between 15 000 and 20 000 people employed in this industry (Shejavali, 2009). Be that as it may, this industry is generally regarded as one of the fastest-growing industries in Namibia.

## ***5.2. Major private security companies in Namibia***

It is worth reiterating that the exact number of private security companies in the country is highly disputed. There is a general consensus, though, that the number of these companies is continuously growing. The companies vary considerably in size, with the majority being small to medium-sized, owner-managed companies, employing less than 100 people. The majority of companies operate in only one locality or town, whereas the major companies have operations in several main towns as well as rural areas. The highest concentration of companies is in Windhoek. The sector is dominated by approximately five leading companies. The largest company in terms of number of employees is Namibian Protection Services, with about 2 000 employees and operations in 11 branches across the country. Other main players include G4S Security Company, with approximately 1 800 employees; Rubicon Security Services, with approximately 1 254 employees; as well as Omega Security Services, Eagle Night Watch Security Services, among others. Most of these companies operate throughout the country, although some have chosen to restrict their operations to certain towns and regions.

Table 2, compiled by the Ministry of Labour and Social Welfare in 2012, shows the location of private security companies throughout the country.

**Table 2: Location of private security companies in Namibia**

Name of the Towns	Number of Security Companies
Gobabis	9
Oshakati	15
Ondangwa	10
Windhoek	38
Omatako	1
Oshikango	4
Swakopmund	11
Rundu	12
Ongwediva	1
Khorixas	3
Otjiwarongo	9
Opuwo	4
Outjo	2
Rietfontein	1
Usakos	2
Walvis Bay	15
Katima Mulilo	4
Tsinsabes	1
Tsumeb	3
Omuthiya	3
Quinas	1
Aminus	1
Okongo	2
Eenhana	2
Outapi	7
Oshikuku	1
Aranos	2
Okahao	2
Mariental	5
Keetmanshoop	3
Oranjemund	1
Karibib	4
Rosh Pinah	3
Okahandja	7
Henties Bay	2
Grootfontein	4
Okakarara	3
Otjinene	1

Rehoboth	2
Klein Aub	1
Oshigambo	2
Onyuulae	2
Onyaanya	1
Onathinge	1
Oshivelo	1
Gibeon	1
Okalongo	1
Ruacana	1
Oshifo	1
Nkurenkuru	1
Divudu	2
<b>Total</b>	<b>216</b>

Source: Ministry of Labour and Social Welfare Directorate (2012)

It is worth pointing out that key informants from the private security industry questioned the accuracy of the total number of security companies per town in Namibia as given by the Ministry of Labour and Social Welfare. They noted that the survey considered branches of established private security companies as independent outfits. This, in their opinion, erroneously creates the impression that the country has an oversupply of private security companies. These sentiments seem warranted if one considers the Master List of Security Companies in Namibia, which was also published by the Ministry of Labour and Social Welfare in 2012. According to the said Master List, 85 private security companies were registered with the Ministry in that year. However, the discrepancy between the total numbers of private security companies operating per town and those on the Master List may also be directly linked to the alleged high number of 'fly-by-night' companies operating within the industry. This situation, needless to say, calls for urgent redress through active leadership to rid the industry of unscrupulous operators.

### **5.3. Industry associations**

There are currently two rival industry associations in the country, namely, the Security Association of Namibia (SAN) and the Namibia Federation of Security Employers (NFSE). SAN was established in 2006 and is an affiliate of Namibia Employers Federation (NEF). Most of the established and major PSCs are members of SAN. However, a significant number of companies reportedly do not belong to SAN because they either do not meet the organisation's requirements for membership or because they opted not to associate with SAN. SAN currently has a membership of 21 companies. A.J. Kannemeyer, in a wide-ranging interview on 4 February 2014, emphasised the main aim of SAN as being to establish and maintain quality standards and good practices in the sector; it also strives to

provide a central organisation to liaise with government, police and other relevant institutions and agencies. SAN specifies technical and operational standards that all members must comply with. SAN membership is open to all bona fide PSCs. The association played a central role in the initiation and setting up of the now-defunct police-security forum (POLSEC), the drafting of regulations for the industry and strongly endorsed the prescribed minimum wage for the sector.

SAN is reportedly viewed as being biased towards the interests of white employers. Black employers in this industry reportedly therefore established their own association called the Federation of Security Employers in Namibia (FSEN) to advance their interests (Shindondola-Mote & Indongo, 2012:5). According to the records of the Ministry of Labour, the FSEN was registered with the Ministry in 2008. To date, no annual return has been submitted by this federation, and it has since been deregistered by the Ministry (Ministry Labour, 2012). In fact, very little is known about this entity. No evidence whatsoever could be found on the role this federation plays in either the Security Labour Form or POLSEC. It is thus safe to assume that this federation plays no actual or significant role in the regulation of private security companies in the country.

#### ***5.4. Main operational areas of private security companies in Namibia***

The investigation report of the MoL, referred to earlier, reveals that PSCs are operating in 51 towns throughout the country. The report also shows the number of security companies present in a respective town. Closer reading of this report shows that private security companies mainly operate in urban areas. Some 38 private security companies are currently applying their trade in and around the capital. Oshakati and Walvis Bay are joint with the second highest number of private security companies at 15. Rundu and Swakopmund are third and fourth respectively, with a total of 12 and 11 private security companies providing security services there (MoL, 2012).

#### ***5.5. Foreign ownership of private security companies in Namibia***

The Security Enterprises and Security Officers Act is silent on the regulation of private ownership and control of a business operating as a security service provider. Foreign-owned private security companies such as Rubicon, G4S, and Coin Security thus freely operate in the country. In contrast, in South Africa, in 2013, the South African Parliament passed an amendment to their Act, whereby in terms of Section 9(c) of the Private Security Industry Regulation Amendment Bill, the law of that country required that at least 51% of the ownership and control of private security companies must be exercised by South African citizens. The Security Enterprises and Security Officers Act also does not, as rightfully

pointed out by Gumedze (2007-08), address the issue of the exportation of private security skills beyond the borders of Namibia, as it is the case in the South African equivalent legislation. This is despite the fact that there were concerns around the abuse by private security and military companies that surfaced in 2007. In that year, a firm called Special Operations Consulting-Security Management Group (SOC-SMG), a US outfit, actively went around to recruit ex-combatants to guard US bases in Iraq and Afghanistan. This matter, when it became known, created a national and international stir. The Namibian government eventually declared the two US nationals said to be behind the recruitment drive as prohibited immigrants. The two were accordingly deported. The State Security Committee also recommended the closure of the SOC-SMG.

### **5.6. Registration and licensing of private security**

The Companies Act, No. 28 of 2004 governs the registration of all companies in Namibia. As such, this Act and its Regulations are the provisions under which all private security companies are to be registered. The Registrar of Companies, in the Ministry of Trade and Industry, oversees the registration of companies in Namibia. Thus, anyone wishing to start a private security company can register such a company with the Registrar of Companies. The registration requirements are generally very liberal and allow any would-be entrepreneur to start such a business.

However, operating a security company is further subjected to the requirements of the Security Enterprises and Security Officers Act, No. 19 of 1998. Section 14(1) (a) of this Act stipulates that no person may operate a business for purposes of rendering a security service unless such a business is registered as a security enterprise. Section 14(1)(b) of the same Act similarly prohibits any person from being a security guard unless he/she is registered as a security officer/guard. In this regard, the Act establishes an entity called the SESORB, which, among others, is empowered to grant applications and to register private security companies and security officers upon application, respectively (Security Enterprises and Security Officers Act, Sections 15(3) and 16(3)).

It transpired, though, that these provisions are generally not enforced in practice. Several of the industry participants have singled out the non-enforcement of the application and registration requirements as the most singular reason for the proliferation of private security providers in the industry. The non-enforcement of these requirements was also commonly cited as the reason why some of the registered private security companies refuse and/or are reluctant to pay the minimum wage set for the industry.

The Act empowers the Minister of Home Affairs, in consultation with SESORB, to make regulations relating to, *inter alia*, the training of security officers, uniform, insignia and identification of security officers, and requirements for the identification

of vehicles used by security organisations and security officers in the course of their duty. However, these Regulations are still in draft form – 16 years after the passing of the Act. The general non-enforcement of the Act and the absence of regulations, as noted by Mr R Wiese, Regional Manager of Rubicon Security Services, on 28 January 2014 in an interview, greatly contribute to the non-uniform standards currently plaguing the industry. The lack of zeal and leadership on the side of the relevant organs of the government in this regard is open to question.

### **5.7. Vetting and screening policies of private security companies**

Pre-screening of personnel, as observed by Strom *et al.* (2010), is becoming more thorough in the private security industry the world over. As such, criminal histories and fingerprint checks are becoming the norm. This is so because the nature of the job makes it essential for background checks to include measures of the applicant's personality. Thorough background checks are critical because employers have an obligation towards the people they serve. More so for private security companies, as they rightfully want to ensure that the individuals they hire are competent and mentally fit to handle the daily duties of their jobs (Strom *et al.*, 2010). These matters, surprisingly, are not addressed in the Act.

The Act does not expressly address the issue of background checks. This, arguably, is indirectly addressed through the statutory requirement that a "*clear and complete set of fingerprints*" be submitted to SESORB by both prospective security enterprises/companies *and security officers/guards* upon applications to provide such services in terms of sections 15(1)(a) and 16(1)(a) of the Act. If the applicant is a natural person, their fingerprints will be required; where the applicant is a company, such fingerprints must be of each director of the company; and where the applicant is a close corporation or a partnership, the fingerprints must be of each member. This, however, is currently not happening due to the inactive and/or dysfunctional status of SESORB. As a result of this, anyone, whether with good or bad intentions, may under the current dispensation either operate a private security company or become a security guard. This state of affairs, needless to say, provides an ideal opportunity for crime syndicates to operate given Namibia's high crime rate.

Some private security companies are reportedly addressing this void by having formulated their own vetting and screening policies. Such practices are, however, mainly done by the major security companies, thus pointing to inconsistency in the way things are done.

In terms of the current practice, security companies collaborate with the Namibian Police services to acquire fingerprint-based checks of criminal history records to screen prospective security officers. The inherent flaw of this practice is that it has no legal basis and is not mandatory. It is thus up to the private security

company to do such a check. It was found that some companies would even allow employment although the results of the check were still pending. Some companies such as Namibia Protection Company also do a background check on prospective employees by interviewing family members.

### ***5.8. Unionisation and conditions of employment in the private security industry***

The right to freedom to form or join a trade union of one's choice is entrenched in the Namibian Constitution (Namibian Constitution, 1990). This right is also listed as a non-derogable fundamental freedom under Article 24(3) of the Constitution. This right, undoubtedly, equally and unreservedly also applies to employees of private security companies. Literature regarding the level of unionisation within the private security industry is close to zero. The 2012 LaRRi study, referred to earlier, was found to be the only source shedding light on this subject. This study reveals that only 40.9% of security guards employed by private security companies belong to a trade union (Shindondola-Mote & Indongo, 2012). This report shows that there are currently four trade unions organised within the private security industry. These are the Namibia Allied Workers and Transport Union (NATAU), the Namibia Independent Security Union (NISU), the Namibia Security Guard and Watchmen Union (NASGWU), and the National Security Guards Protection Union (NSGPU). Most security guards, 83.4%, reportedly belong to NATAU, while some 7.3% of the guards hold NASGWU membership (Shindondola-Mote & Indongo, 2012).

The Labour Act, No. 7 of 2011 entitles a trade union, which represents the majority of employees in an appropriate bargaining unit, exclusive bargaining agency status (recognition agreement) for purposes of negotiating a collective agreement on any matter of mutual interest with the relevant employer and/or group of employers. Both NATAU and NASGWU enjoy exclusive bargaining agency status with some private security companies. Nevertheless, a sizable number of employers in the private security industry reportedly do not find it necessary to have recognition agreements with trade unions (Shindondola-Mote & Indongo, 2012). This, if reported correctly, undoubtedly constitutes an unfair labour practice. Exclusive bargaining agency status under the current labour regime is an entitlement, if phrased differently – a right and not a privilege bestowed on a trade union. Furthermore, the importance of recognition agreements in an industry notoriously known for low wages, extended working hours, poor working conditions cannot be overemphasised.

## **6. The growth of the private security industry in Namibia**

Increasingly, the private security industry is taking on roles that have traditionally been the preserve of state security providers. This include escorting and transporting high-risk commodities; providing rapid-response services attached to alarm systems; stewarding large public events; providing surveillance services; risk analysis; and providing protective security to a wide range of facilities such as banks, ports and embassies (SEESAC, 2006). Richards and Smith (2007) similarly observe that the trend towards the provision of increased security by non-state actors is prevalent in all regions of the world. Thus, the mixture of state and private actors within the field of security, as aptly observed by Creutz (2006), is here to stay. It therefore just makes sense that all actors involved in this sector “find a way, if not to embrace it, at least to cope with it” (Creutz, 2006). Namibia, as was pointed out in section 3, has a rapidly expanding private security industry. What has been the driver of this growth and how has this expansion been used to the advantage of the nation at large? These are some of the issues canvassed in this section.

### ***6.1. Main reasons for the development of the private security industry in Namibia***

Private security provision in Namibia became more prominent after the attainment of independence in 1990. Several reasons may be given for this development. One such reason relates to the demobilisation of ex-combatants after the end of the armed liberation struggle. The main belligerents in the struggle for independence were the South African Defence Force (SADF); the locally recruited South West African Territorial Forces (SWATF) and paramilitary groups; and the People’s Liberation Army of Namibia (PLAN), which was the military wing of the South West African People’s Organisation’s (SWAPO). Namibia’s transition to independence took place under the United Nations Transition Assistance Group (UNTAG). UN-supervised demobilisation was initiated as a condition for the transition to independence. UN Resolution 435 stipulated the demobilisation of PLAN, SWATF and Koevoet (the paramilitary unit of SWATF), and the withdrawal of the SADF. Most veterans were unemployed and had few marketable skills (IRIN, 2008). The experience gained by many soldiers, on both sides of the divide during the conflict, made them ideal recruits and a fertile hunting ground for private security companies (IRIN, 2008). The company profile of the Namibia Protection Services confirms this assertion. It indicates that the company was formed in 1989 by the SWAPO Party leadership as a job creation initiative to mainly assist ex-PLAN fighters (Namibia Protection Services, 2014). The president of SAN similarly pointed out that many PSCs in the country indeed have ex-combatants, retired army officials and even ex-police officers in their staff

complement. That said, scholarly information about the demobilisation-reintegration process in Namibia is sketchy. Efforts to obtain information from government sources in this regard proved futile. This is indeed regrettable because empirical data on this issue would have undoubtedly added value to the study by showcasing how many of these ex-combatants have ended up in private security firms. Also, due to time and resource constraints, the researchers could not identify personnel in private security firms who were demobilised from the war. Needless to say, further research is needed to substantiate the averment that many ex-combatants have been absorbed by the private security industry.

The expansion of the PSI in Namibia can undoubtedly also be linked to the rapid migration pattern of people to urban areas in search of jobs and better opportunities. The majority of these urban migrants do not succeed in entering the employment markets. Anecdotal evidence suggests that many of these unemployed rural migrants end up getting involved in criminal activities. Indeed, crimes such as armed robbery, murder, housebreaking, domestic violence, baby dumping, infanticide, and rape have reached alarming proportions in most towns and cities in the country in recent times (NAMRIGHTS, 2012). The fear of crime thus fuelled and continues to fuel the booming of the private security industry in the middle-class suburbs across the country (Du Pisani, 2006). Private security vehicles, for example, are highly visible around Windhoek's wealthy areas and suburbs, parked at strategically central points, ready to respond to calls from clients. In fact, in response to the escalating levels of crime, which at times take on violent portions, the middle-class suburbs are increasingly characterised by gated communities. Du Pisani (2006) describes such communities as fortified enclaves with private security, automated surveillance cameras, unfriendly barbed and electric wire fencing, and vicious guard dogs (Du Pisani, 2006). In Windhoek, these gated communities are scattered in former white areas and are burgeoning on the southern and eastern outskirts of the city (Morange, Folio, Peyroux and Vivet, 2012). Arguably, in Namibia, just as is the case in South Africa and other parts of the world, gated communities have become popular primarily as a response to the high levels of crime and the fear of crime (Landman & Schönteich, 2002).

Namibia, as noted before, has high levels of poverty and unemployment. Plausibly, the majority of rural and urban poor dwellers have not benefited from the growth of private security companies. For instance, alarms and rapid-response services provided by these companies are outside the financial reach of the vast majority of households. Private security services are accordingly affordable only to wealthy citizens, expatriates and employees of international organisations, embassies and other organisations. The crime levels and sense of security in wealthy areas and suburbs are accordingly much lower compared to those in poorer communities. Several attempts to get crime statistics from the police to validate this foregoing statement proved futile. Those communities that cannot afford private security services organise various forms of neighbourhood watch schemes, at times, even vigilante groups in order to improve their collective security.

## **6.2. Private security companies and crime levels**

Namibia is essentially an unequal society. Inequality is pervasive in all spheres of the Namibian society, be it in terms of income, between genders, or with reference to the opportunities and services available in urban versus rural areas, or even among different races, ethnic groups or classes in society (Office of the Ombudsman, n.d.). The provision of private security in the country is thus no exception. Kirunda (2007) forcefully maintains that an examination of all the circumstances relating to the growth of the private security industry in Uganda reveals that private security in that country has only benefited wealthy people and businesses that can afford to pay the hefty bills of the firms or personnel providing the security. The people in the rural areas, so he argues, have been left exposed to the same security dangers and risks that prevailed prior to the advent of the privatisation of security in that country (Kirunda, 2007). The Ugandan situation also aptly applies to Namibia. In Namibia, the homes of wealthy citizens in urban areas throughout the country have become fortresses under the protection of PSCs and strongly built walls lined with electric wires. The crime rate in these affluent suburbs is accordingly very low. On the other hand, the poor, who are predominantly based in rural areas and informal settlements in urban areas, have no access to private security. Police visibility in these areas, as a rule, is usually conspicuously absent. These areas, unsurprisingly, therefore, have much higher crime rates. It is clear that the commercialisation of security neglects the need for the provision of security for rural and poor communities while concentrating on the more affluent urban areas (Le Roux, 2007).

## **6.3. Relationship between the private security industry and the government's security forces in Namibia**

This report is based on the fundamental premise that the government's security forces, especially the police, and private security companies are all in the business of crime prevention. If this tenet is correct, then there have to be enormous opportunities for the groups to work together more closely to prevent crime in Namibia.

The relationship between the Namibian Police and the private security industry can at best be described as cordial. The Inspector-General of the Namibian Police (NamPol), Sebastian Ndeitunga, in a telephonic interview on 24 January 2014 noted that the relationship between NamPol and the PSI is not institutionalised. There is currently no official forum for the sharing of information, experiences, resources and expertise. Collaboration between these entities does not happen on a daily basis but rather on an ad hoc basis. Such collaboration, as emphasised by the Police spokesperson, Deputy Commissioner Edwin Kanguatjivi, in an interview on 24 January 2014, mainly occurs in the area of arrests. This, however, is no special arrangement, since the Criminal Procedure Act, No. 51 of 1977 provides for citizen's arrests. Deputy Commissioner Edwin Kanguatjivi, however, raised

some serious concerns in this regard. He, for instance, questioned the quality of training of security guards in carrying out arrests. He also questioned whether security officers/guards are taught to apply the minimal use of force for the minimal length of time during the training they received? Moreover, whether they inform accused persons of their rights upon arrest? These are very relevant questions. However, yet again, the government's failure to effectively regulate the private security industry in this regard cannot be wished away.

The level of collaboration between the City Police and private security companies is said to be more frequent than with NamPol. The City Police networks with private security companies through what is called zonal policing. However, the Namibian Police are reported to be on a quest to improve their service delivery with the community in what is called community policing.

#### **6.4. Community policing**

The genesis of community policing concept was coined by Sir Robert Peel in 1829. To date, this concept is key to crime management strategies worldwide. The Namibian Police Force embarked upon a community policing programme in 2011. This strategy is aimed at not only reducing the incidences of crime in society but to equally improve service delivery by NamPol and to establish a good reputation with its community. It is on this foundation that Chief Inspector Victoria Matjila strongly affirmed that since its inception, there has developed a strong partnership between the force and the communities within which community policing is practiced.

Inextricably linked to community policing as a crime prevention strategy is the partnership between the National Police Force and the community which includes the business sector, local councils or municipalities, community-based groups, the media, law enforcement agencies, and religious and community leaders. From this, one is tempted to arrive at the conclusion that such partnerships would necessarily also include the PSI. This is however not a straightforward matter, since private security companies are not expressly mentioned in this regard. In fact, the Crime Management Strategy of the Namibian Police Force (2011–2014) is conspicuously silent on the role to be played by PSCs as a strategic partner in terms of the strategy.

#### **6.5. Sustainability of the private security industry in Namibia**

There is a general consensus in Namibia that the private security industry has rapidly become an indispensable component of peace and stability operations in the country. Private security companies, as noted earlier, are spread across the country, covering all the major urban centres. They provide employment for many people, ranging from uneducated youths and school dropouts to retirees from government security agencies. Contestably, the insufficiency of resources to help the various organs of state, especially the police, in their principal role of

protecting the security of their citizens has been a major driver in the growth of the private security sector in the country. There is a great problem of exclusion though, as not all people can afford private security.

On the issue of the sustainability of the private security industry, anecdotal evidence suggests that private security actors tend to be better resourced than organs of state. There is therefore an over-reliance on them. In this regard, many leading local and international companies depend on private security companies for the security of their investments. The private security industry is therefore well integrated into the business and domestic spheres of Namibian life. Mr J.H. Visser, CEO of Namibian Protection Services, in an interview on 3 January 2014, accordingly, forcefully argues that there is a need for the private security industry in the country and that it is, in his view, sustainable. Despite this active role in the Namibian economy and the monumental growth of the industry, he decried though, like everyone else, the absence of specific government regulations or rules to standardise the industry's operations.

## ***6.6. Concerns/challenges in relation to the presence of the private security industry in Namibia***

The particular challenges in relation to the presence of the private security industry in Namibia are mainly associated with poor regulation of the sector. This research found that, as a result of the non-enforcement of the Act and the absence of regulations, there is no control over the type or quality of services provided by private security companies in the country. On that account, the likelihood of untrained staff with questionable backgrounds having access to weaponry and using force in an illegitimate way, as cautioned by Richards and Smiths (2007), is very real and indeed an occasional occurrence. The dysfunctional status of the regulatory body, SESORB, also raises several concerns. The current status of SESORB effectively means that the industry is not directed and managed by persons with the necessary knowledge, skills and motivation to vet operators and to regulate and monitor the sector. Needless to say, an unregulated private security industry in the country hinders rather than helps law enforcement.

Another issue of concern relates to training. The training of private security companies is not regulated. In the absence of a standardised training, most private security companies use their own types of training. This raises the question of whether security officers/guards are well trained to handle firearms. Because of a perceived lack of formal qualifications and credibility among practitioners in the private security industry, it appears that some organisations (and individuals) do not believe that the private security industry is capable of contributing to a professional community crime prevention programme. This became apparent through the interviews conducted with officials from the Namibian Police, many of whom seem to have a perception that private security is a competitor rather than an enhancement or assistant to the police role.

The foregoing problems highlight the considerable challenges raised by the operation of private security companies and the consequent need for practitioners to develop a comprehensive system providing for their effective regulation and oversight (Richards & Smith, 2007).

## **7. The services provided by private security companies**

The commercial sector is the main market for private security, and virtually all businesses of any size in Namibia employ private security in one form or another, as do international organisations, NGOs and embassies.

### ***7.1. Range of services and/or products offered***

Private security companies in general provide a variety of services, including guard services, alarm monitoring, investigation, armored transport, correctional facilities management, systems integration and management, security consulting, pre-employment screening, information security, and others. In Namibia, the leading companies offer a full range of services, including electronic intruder alarm systems, radio alarm response, perimeter protection and access control, vehicle tracking, as well VIP protection. The majority of companies provide only manned guarding for access control and perimeter patrol. Cash-in-transit and cash management is a growing and expanding part of the business, as more and more clients realise their vulnerability in an increasingly armed environment.

The most sought-after private security demands were found to be physical guarding, followed by asset transit (cash-in-transit). Armed response and alarm and security system installations were found to be the third and fourth most sought-after security services, whereas the occasional request for VIP protection is reportedly also on the increase. It is foreseen that with the advancement of technology in alarms, camera and surveillance systems, the number of security guards may reduce significantly.

Most of the major security companies operating in the country use technology and equipment such as satellite tracking, radio alarms, and panic buttons. In fact, one of the widely used security companies in Namibia, G4S, reportedly has more than 20 000 alarms. Armoured vehicles are generally only used by those PSCs which transport cash and assets. It was found that there is once again no consistency in this regard. Only certain PSCs use armored vehicles to transport assets even though they are transporting values, thereby endangering the lives of their employees and risking the valuables of their clients. Absence of Regulations was once again pointed out as being at the heart of this.

Satellite tracking is reportedly not commonly used in Namibia. This is mainly due to the cost considerations and the availability of the technology.

## **7.2. Identification of private security companies**

Section 38(1)(d) of the Security Enterprises and Security Officers Act empowers the Minister, in consultation with SESORB, to make Regulations prescribing the uniform, insignia and identification documents of security officers. Such Regulations should expressly prohibit persons not registered as security officers from wearing such uniform or insignia or carrying such identification documents. Regulation 24 of the draft Regulations gives effect to this statutory injunction. In terms of this regulation, the uniform, badges, buttons, logo or insignia of each PSC must be registered with SESORB. Examples of all such must also be provided to SESORB upon registration. At present, this remains a paper requirement due to the non-proclamation of the Regulations. Be that as it may, to the credit of the private security companies, it appears that most of them are voluntarily complying with this requirement. Security guards, generally, wear uniforms with distinguishable insignia of their respective companies.

Furthermore, draft Regulation 10 prescribes that each security guard be issued with a durable identity card. However, a random observation carried out for this report showed that, on a general basis, security guards do not wear visible identification cards when on duty.

## **7.3. Who employs the private security companies and why?**

Namibia, as noted earlier, has witnessed an exponential mushrooming of private security companies. In fact, the private patrolling of shopping malls, university campuses, office buildings, and other semi-public places has become so commonplace in Namibia that people hardly take note of it anymore. It is no exaggeration to state that the proliferation of 'mass private properties' such as gated communities, shopping malls, business parks and amusement districts has been a widely observed phenomenon since independence. The main market for private security services is commercial clients, ranging from industries, banks, parastatals, commercial farms to embassies, international organisations, and NGOs.

The surge in the use of the services of PSCs may, debatably, be linked to the security needs of the different sectors of the Namibian society. There is regrettably no or scant literature currently available in this regard, as academics and other researchers have completely neglected PSCs as subjects worthy of scholarly inquiry (Simelane, 2007). The assertion of Krahmman (2009) that the popularity of PSCs as illustrated by the growth in industry turnover indicates that citizens and corporations are not only willing to tolerate the private use of armed force for individual protection but also that they respond positively to the ability to take control of their own security quite correctly applies to the Namibian situation.

The rise and use of the private security industry, as contended by Krahmman (2009), fits the neoliberal paradigm with its preference for the small state, free market and maximising consumer choice. Cold logic suggests that the same worldview informs the preferred use of PSCs by those who can afford their services in Namibia.

#### **7.4. Government use of private security companies' services**

In other parts of the world, as pointed out by Isima (2007), the emergence and proliferation of private security companies reflect a trend in which non-core security functions of the State are increasingly outsourced to the private sector. This is reportedly prevalent in sub-Saharan Africa, where the relative weakness of the State has made it very difficult for governments to bargain with powerful private enterprises (Isima, 2007). This fate, fortunately, has not befallen the Namibian State. In Namibia, state institutions responsible for safety and security have formerly retained core security functions within the public sphere. The Police spokesperson, Deputy Commissioner Edwin Kanguatjivi, when asked, in an interview on 24 January 2014, to what extent the Namibian Police contracts the services of PSCs made it clear that no such arrangements currently exist. The Police Force, in his view, is more than capable of executing its constitutional mandate of securing the internal security of Namibia and to maintain law and order. General Veiko Kavungo, Legal Advisor of the Namibian Army, in a similar vein indicated that the army does not make use of the services of PSCs. He was equally adamant that the Namibian Army, together with the Navy and Air Force, is more than capable to defend, as per its constitutional mandate, the territory and national interests of Namibia, without relying on the services of PSCs.

In reality though, the GRN does make use of the services of PSCs, especially Black Economic Empowerment (BEE) security companies providing mostly guarding services. These are the companies which allegedly are mostly not complying with the minimum standards.

Ironically, it appears that the strength of the State bedevils the establishment of public-private partnership paths to strengthen the country's overall crime-fighting efforts and influences policy in a constructive and positive fashion (Taljaard, 2007).

#### **7.5. Professionalism in the private security industry**

The reply of the president of SAN in response to the question on whether the PSI in Namibia could be regarded as a professional service serves as an indicator of the current level of professionalism in the sector. According to A.J. Kannemeyer in an interview on 4 February 2014, *"The industry cannot be described as professional; the reason for this is, once again, the absence of rules and regulations for the industry. As a result of this, anyone can register his/her security companies*

*and enter the industry. The lack of rules and regulations effectively means that there are no standards governing issues of training, uniforms, pre-employment, screening/vetting and other matters necessary to ensure a professional service.”*

However, the level of professionalism as displayed in the private security industry in Namibia cannot be generalised. This is so because it transpired that established private security companies such as Rubicon Security Services have a dedicated training school and place great emphasis on professional conduct and quality service delivery. The same can however not be said about the increased number of ‘fly-by-night’ companies flooding the industry. Most of these companies, if not all, are said to be driven by a quick profit motive. That being so, investing in the professional conduct of their employees is said to be the least of their concerns.

Because the sector is at present largely unregulated, standards of service and professionalism vary considerably. Issues compromising professionalism in the industry include the following:

- the absence of industry standards to define and control the quality of security products or services;
- the lack of a set of basic standards on training to maintain professional standards within the industry; it was found that in some instances new employees (security guards) are only provided with a uniform, a bat and taught for a few days on how to march and salute;
- the lack of uniform and consistent rigorous background checks of criminal records. If the government, as noted by Mkutu and Sabala (2007), requires all taxi drivers to have police checks, surely PSCs should be required to do so as well. People’s lives and property are at risk if ex-criminals are not filtered out. After all, such a checking process occurs in the police;
- the occasional media reports implicating security guards in crimes, human rights abuses and the excessive use of force; and
- the non-enforcement of the minimum wages by the Ministry of Labour, which entrenches security guards remaining among the working poor in the country; strikingly, no punitive actions were ever taken against those PSCs that do not pay the prescribed minimum wage.

The result of all these, needless to say, is a compromise of professionalism in the sector. The speedy promulgation of the draft Regulations and the draft Code of Conduct for the industry will go a long way in addressing some of these issues. It is puzzling why the Regulations and Code of Conduct could not be promulgated so long after the enactment of the enabling Act. Whether the migration of the PSI among three different ministries since the passing of the Act could reasonably be given as a justification for this omission is open to debate.

## **7.6. Code of conduct for private security companies and security guards**

The Security Enterprises and Security Officers Act, under Section 23(1), provides for the promulgation of a code of conduct to regulate the conduct of security enterprises and security officers respectively. Further to this, the Minister responsible for policing, as mandated by the Act, drafted a code of conduct for the PSI in 2009. The said Code is, however, is still in draft format and thus has no legal force as yet. It is however important for this exercise to assess whether the draft Code of Conduct, in its current format, is addressing some of the areas of concern highlighted in this study.

The draft Code of Conduct, among others, seeks to promote, achieve and maintain a professional security service industry. It also aims to promote, achieve and maintain compliance with minimum standards of conduct by both PSCs and security guards, and to promote client confidence (Code of Conduct, 2009).

The Code aims to achieve the above-listed objectives by imposing a set of binding and enforceable rules of conduct on security companies and security guards respectively. These rules of conduct are framed as prohibited acts and omissions in relation to the rendering of security services. The list of prohibited acts and omissions is very comprehensive and does not constitute the list provided in the Code. The performance and/or non-performance of any of the prohibited acts or omissions constitute misconduct and expose the perpetrator to disciplinary actions by SESORB.

Some of the specific prohibited acts and omissions include matters relating to advertising and touting, the relationship with other security companies or security guards; the safekeeping of arms and documents, contracts entered into with clients; relations with clients; the safeguarding of client information; and substitution or subcontracting of security services without a client's consent and to a company or guard who is unable, ill-equipped or does not have the capacity to render the security services in question. Some of the general prohibited acts and omissions include collusion of a security company or guard with someone not registered as a security company or guard to provide services; the employment of unregistered and/or deregistered security guards; failure to report criminal activities; and the exploitation of a security guard by a security company.

The draft Code is silent on a number of pertinent issues. For instance, it does not set the professional standards that are to be observed regarding issues of training, the use of force and firearms, and the respect for human rights. Strikingly, it also does not address issues such as working conditions, pay and remuneration. The Code's silence on issues such as equal opportunities and non-discrimination in a predominantly male industry is equally striking.

Be that as it may, the draft Code of Conduct will go a long way in uplifting the professional standards in the private security industry. To achieve and maintain the laudable standards of professionalism as envisaged by the Code will require

an effective, efficient administration and enforcement. It is questionable whether the current set-up of SERSORB as the regulatory authority is capable of achieving these standards as will be shown in the subsequent sections.

## **8. The effect of the privatisation of security on human rights with special reference on vulnerable groups including women and children**

The Namibian Constitution contains an array of articles which are directly and indirectly applicable to women and children. Those most relevant to this work include the rights to human dignity, equality and non-discrimination; and the prohibition against torture, and cruel, inhuman and degrading treatment. The Constitution also prohibits forced labour as well as child labour; it guarantees all working persons the right to form or join a trade union of their choice and the right to strike. All persons are also guaranteed the right to practise any profession or carry on any occupation, trade or business of their choice. Furthermore, Article 23 of the Constitution empowers the legislature to enact affirmative action legislation with the aim of redressing the legacies of apartheid and achieving greater social justice. In this regard, groups such as women are specifically targeted.

Additionally, Article 95 of the Constitution obliges the State to actively promote and maintain the welfare of the people. In this respect, the State is tasked with enacting legislation aimed at ensuring, inter alia, equal opportunities to women in all spheres of society; equal remuneration of men and women; maternity leave and benefits for working mothers; and the health and strength of workers, men and women so that citizens are not forced by economic necessity to enter vocations unsuited to their age and strength, and that workers are paid an adequate living wage.

To what extent, though, are these guarantees and entitlements observed in the private security industry?

### **8.1. The PSI and women**

The Constitution, as noted above, expressly prohibits discrimination. The Labour Act, in seeking to give effect to this, specifically outlaws direct and indirect discrimination particularly relevant to women. These include discrimination based on gender, marital status, family responsibilities, AIDS or HIV status, or previous, current or future pregnancy (The Labour Act, Section 5). The Act prohibits sexual harassment in the workplace. In fact, it provides that a resignation resulting from sexual harassment is regarded as a constructive dismissal.

These above-mentioned provisions, needless to say, equally apply to the PSI. Employers in the PSI are thus obliged to respect these guarantees like any other employer in Namibia.

### **8.1.1. Male dominance**

The PSI in Namibia is essentially male dominated. For example, the owners of private security companies are predominantly male and the number of male security guards far outstrips that of females (Shindondola-Mote & Indongo, 2012). Many of the industry participants were of the view that the guarding of premises and the challenge of dealing with criminals on a day-to-day basis is a trade less suitable for the female gender. A summary of the female to male composition of the security guards staff complement of the major security companies in the country indeed confirms this perception as shown in the Table 3.

**Table 3: Female to male composition of security guards**

<b>Name of company</b>	<b>Number of employees</b>	<b>Female to male ratio</b>
G4S Security Company	1 800	30:70
Namibian Protection Services (Pty) Ltd	2 000	28:73
Rubicon Security Services	1 254	30:70
Eagle Night Watch	640	40:60

### **8.1.2. Maternity leave**

The Labour Act provides three months paid maternity leave for a female employee who has been continuously employed for a period of at least six months. Such an employee may also not be dismissed during her maternity leave or at the expiry of her maternity leave due to matters relating to her pregnancy. The LaRRi report found that the maternity leave provisions as provided for in the Act are generally adhered to in the sector. However, a significant number of female security guards are reportedly not aware that they are entitled to maternity leave (Shindondola-Mote & Indongo, 2012).

### **8.1.3. Sanitation facilities**

The right of access to proper sanitation facilities is universally guaranteed. This right requires, among others, that sanitation facilities be within or in the immediate vicinity of the workplace. Sanitation facilities must also be available for use at all times of the day or night. This study found that this is not the case in many instances in the PSI. Toilet facilities are not provided at all times. It appears that such facilities are mainly available on the premises of bigger and established clients such as banks, shopping malls, embassies and parastatals. The researchers witnessed a few instances of male security guards using the bush to relieve themselves. What is the situation with female security guards? Are they subjected to the same fate? These are but some of the questions that could not be adequately researched as part of this project. It can be stated though that the current situation regarding the availability of sanitation facilities appears to be an obstacle or even dangerous, especially for female security guards.

The availability of other facilities, such as facilities with safe drinking water, shade in the intense heat or warmth in the cold, also raises serious human rights issues.

#### **8.1.4. Sexual harassment**

The Labour Act prohibits any form of sexual harassment by an employer. Not much is known about the prevalence of this issue in the industry. For instance, A.J. Kannemeyer, the representative of G4S, revealed in an interview on 4 February 2014 that only two allegations of sexual harassment were ever reported in the company. Even then, the matter did not proceed far because of alleged insufficient evidence. Other industry participants were reluctant to speak on this issue. This might be ascribed to the societal taboo attached to discussing issues of a sexual nature in public. Sexual violence is a major issue in the Namibian society at large. It can therefore not be said that the private security industry is not affected by this societal menace. This matter appears ripe for further and more detailed study and analysis.

#### **8.1.5. Sexual violence**

There have not been many reports of gross human violations perpetrated by security guards against women within the broader society. However, as noted earlier, sexual violence is a major problem within the broader Namibian context. Sadly, the private security industry seems not to have been spared from this. Abuse of trust and acts of sexual violence perpetrated by security guards are occasionally reported in the printed media. This sad reality is reflected in the two boxes below and deserve verbatim and full quoting.

#### **Box 1**

##### **“I PLEAD not guilty.”**

With this statement repeated four times, the trial of former security guard Lesley Kukame – accused of raping and murdering a three-year-old girl at the Katutura Cinema Hall in early 2005 – started in the High Court in Windhoek yesterday (24.09.2007). His response came after he was asked to give his plea to each of the four charges that he faces: murder, rape and abduction, alternatively kidnapping.

It is alleged that between February 7 and 10 2005, Kukame (27) abducted a three-and-a-half-year-old girl from the house where she was staying in Independence Avenue in Katutura. He took the girl to the disused Katutura Cinema Hall, which was next to the child’s house, it is alleged.

At the hall, he raped the girl, it is further alleged. He then murdered her, it is charged.

The child is alleged to have died from asphyxia, caused either by strangulation or by her panties having been stuffed into her mouth.

Source: The Namibian (2007)

A similar shocking incident involved an elderly woman raped in a cemetery by a security guard.

## **Box 2**

### **Cemetery attacker's appeal thrown out**

By: Werner Menges

AN appeal by a former security guard who is serving a 37-year prison term for raping and attempting to murder a woman at Windhoek's Pionierspark Cemetery five years ago ended in failure in the High Court in Windhoek last week.

So unconvinced were Acting Judges John Manyarara and Hosea Angola by the grounds on which Adolf Kahoro was basing his appeal against the sentences that he received in the Windhoek Regional Court on September 17 2004 that they did not even want to hear any oral arguments from State advocate Andrew Muvirimi before they gave their ruling on Kahoro's appeal on Thursday. "We are satisfied there are no merits in this appeal, and it is dismissed in its totality," Acting Judge Manyarara told Kahoro, with Acting Judge Angola agreeing with this judgement.

Kahoro (28) pleaded guilty to charges of rape and theft of a motor vehicle when his trial started before Magistrate Ben Myburgh in the Windhoek Regional Court on July 30 2004.

He admitted that on January 21 2003, when he was on duty as a security guard at the Pionierspark Cemetery, he attacked a woman who visited the cemetery. He held her at gunpoint, raped her, and then left the cemetery in her vehicle.

The woman was shot in the neck after being raped. Kahoro claimed that the shooting was accidental, but this claim was rejected and he was convicted of attempted murder as well.

Magistrate Myburgh sentenced him to 20 years' imprisonment on the rape charge, a 10-year jail term for attempted murder, and a 12-year term for the car theft.

Five years of the sentence on the attempted murder count were ordered to be served concurrently with the sentence on the rape charge. The effect of this was that Kahoro was sentenced to a 37-year prison term.

Source: The Namibian (2004)

## **8.2. The PSI and protection of children's rights in Namibia**

### **8.2.1. Child labour**

No dedicated study on the incidence and prevalence of child labour in the PSI in Namibia has so far been conducted. The LaRRi report appears to be the only report shedding some light on this matter. This report reveals that on average 58% of security guards in the country are between the ages of 21 and 30, 26% were between the ages of 31 and 40, 8% were between the ages of 41 and 50, 5% were between the ages of 16 and 20 years and only 0.2% were aged 15 and below (Shindondola-Mote & Indongo, 2012). This report also found that there was only one case of child labour. It appears therefore that child labour in the private security industry is not a major issue.

### **8.2.2. Impact on children within society**

There have not been many reports of gross human abuses perpetrated by security guards against children in the country. However, two recent incidents in this regard shocked the nation, involving the reckless killing of two boys by security guards. In the one incident, a 20-year-old high school pupil was allegedly tortured and fatally shot by two security guards. The two guards reportedly tied the boy to burglar bars inside a house and beat him severely before shooting him in the chest and stomach. The young man was accused of stealing a wallet from the security guards. After this, the guards fired off more rounds with some of the bullets hitting a wall. One of these bullets ricocheted and struck a bystander in the right hand. The two guards were arrested and are currently in detention (New Era, 2014).

In a similar incident on 22 October 2013, learners at the Ella du Plessis Secondary School in Windhoek and the nation at large were shocked to learn about the shooting of a Grade 10 pupil at the school. The boy reportedly wanted to hit a teacher with a brick. Two security guards intervened. After a scuffle with the two security guards, the pupil was shot in the head by one of the security guards. He was declared dead on arrival at the hospital. It is alleged that the boy was unruly and attacking people after "a drinking spree" (Namibian Sun, 2013).

## **8.3. General human rights concerns within the PSI**

Generally, the human rights infractions within the private security sector often received prime-time reporting in the local media. These include, but are not limited to, working conditions within the sector, wages, health and safety issue, and the handling of firearms.

### **8.3.1. Working hours**

The Labour Act, No. 11 of 2007 limits the maximum weekly working hours for security officers at 60 hours. The Act also provides that security officers working

five days per week may not work for more than 12 hours per day, while those working six days per week may not work for more than 10 hours a day. The LaRRi report, referred to earlier, found that an astounding 78.9% of security guards work between 11 and 12 hours a day and seven days a week. This, if indeed the case, amounts to a gross violation of the Labour Act and the rights of security guards not to be subjected to long working hours.

### **8.3.2. Wages**

Guarding, as observed by Abrahamsen and Williams (2005), is a notoriously low-paid occupation. This is also the case in Namibia where guards often work very long hours for very little remuneration. In an effort to contain the level of exploitation, the government introduced a minimum wage for the sector in 2005. Nevertheless, despite having a minimum wage in the sector, wages continue to be the lowest compared to other sectors in the country (Shindondola-Mote & Indongo, 2012). The current minimum wage for entry-level security officers is N\$5 an hour or N\$60 per shift. The prescribed minimum wage is however not adhered to by many security companies. In this regard, it is worth reiterating that an investigation carried out by the Ministry of Labour and Social Welfare on this matter found that more than a third of security companies are not adhering to the minimum wage agreement. The investigation results revealed that out of the 212 security companies inspected, only 147 were in compliance with the law. A total of 65 companies did not comply, and 35 of them were issued with compliance orders.

Furthermore, allegations of 'illegal' salary deductions in the industry are also rife. Such illegal deductions allegedly include penalties for sleeping on duty, being absent without leave (AWOL) or leaving the site, as well as transport allowances, uniform deductions and bank charges.

### **8.3.3. Health and safety issues at the workplace**

The Labour Act provides that every employer should provide premises that are safe, without risk to the health of the employees and that adequate arrangements be made to cater for the welfare of such employees. Over and above that, an employer employing more than 100 employees should establish a health and safety committee to monitor and implement health and safety regulations, among others. The LaRRi report reveals that many private security companies do not have a health and safety policy or committee in place. With reference to this, 24.5% of security guards surveyed were of the view that they were exposed to injuries at work, while 22.2% felt that they were exposed to the cold (Shindondola-Mote & Indongo, 2012). Other hazards experienced at work include risk of being attacked by criminals (15.7%), standing for too long (9.2%), exposure to dust (6.1%), exposure to chemicals and gas in factories (2.7%), and other hazards.

Additionally, awareness regarding health and safety committees in the workplace raises another concern. Sixty-five per cent of employees revealed that there

is no health or safety committee in the workplace, whereas 28% had no idea as to whether such a committee exists, and only a meagre 7% confirmed the establishment of such a committee in the workplace.

## **9. The advantages and disadvantages of the private security industry**

The development of the private security industry attracts both positive and negative elements. As a consequence, the industry can be analysed in terms of the advantages it offers those who utilise them while at the same time containing certain disadvantages.

### ***9.1. Advantages of the PSI in Namibia***

Among the prominent advantages of private security companies are those that follow.

#### ***9.1.1. Providing safety for Namibia's inhabitants and protecting client's assets***

There are many critics regarding the private security industry; however, without such an industry, crime levels would probably be much higher. Hence, as highlighted by A.J. Kannemeyer in an interview on 4 February 2014, such an industry is instrumental in deterring crime. PSCs also assist entities such as the police, whose main responsibility is providing safety for all residents in Namibia. Additionally, through their actions, they do try to protect their client's assets and have made many arrests in the past. As a result, therefore, this is a positive aspect on which to build crime prevention partnerships between the State and private security industry, as it will help in keeping the residents of Namibia safe and, as a result, the statistics of crime will see a decrease.

#### ***9.1.2. Providing employment opportunities***

The private security sector is a major source of employment in Namibia. The sector currently employs a significant number of people who would otherwise be unemployed given the high unemployment rate in the country. Private security is thus an important part of the economy, providing much-needed employment. This is despite the fact that PSCs pay very low wages.

#### ***9.1.3. Ease of establishing private security companies***

In an interview on 4 February 2014, A.J. Kannemeyer observed that the ease to set up a security company in Namibia also counts as an advantage. Currently, all that is required is that the applicant registers his/her company with the Registrar of Companies. There are no barriers or extra prerequisites required in registering a security company. Hence, from a business perspective, this encourages people in Namibia to engage themselves in setting up such companies, as there are very few, if any, barriers to establishing such companies.

If private security companies are seen as collaborating with state security enterprises, then they will be viewed in a positive light by potential clients and state security enterprises would then want to enter into partnership agreements with them. Thus, other people who seek to undertake a business venture would opt to establish such a private security company because of the ease it offers to establish such a company. Also, those who enter this market would then also like to collaborate with state security enterprises so that they can be placed on the map of having a good reputation; as a result, this will benefit both the owner of such company and the State.

## **9.2. Disadvantages of the PSI in Namibia**

While several advantages can be outlined, there are also numerous disadvantages that can be counted against private security companies in Namibia.

### **9.2.1. Increasing the class divide**

Since the services of private security companies are class-specific and associated with high costs, these services cannot be afforded by the majority of people in the country. This inevitably exacerbates the already high levels of inequality.

### **9.2.2. No minimum standards**

The ease of setting up a security company in Namibia may also arguably count as a disadvantage. As an example, some companies reportedly register themselves under a vague name, not necessarily only doing business as a security company. In their memorandum of association, such companies reportedly outline various activities that the company would embark upon, for example, building contractor, security company, supplier of equipment, import and export company, and many other. This is done, as highlighted by A.J. Kannemeyer in an interview on 4 February 2014, so that they can be able to apply for any tenders advertised in the newspapers or other media and hoping to be successful in their application, whether or not they have the necessary experience, capability or funds.

Accordingly, there are difficulties to ascertain whether each and every security company in Namibia is fit and qualified for the services they provide, as it remains so easy to establish such a security company. Not only is this potentially dangerous for society in terms of consumer protection, but it becomes problematic for employees as well in terms of the conditions they have to work under (e.g. being exploited due to their low levels of education). It can additionally pose a problem for the State to enter into partnerships with such private security companies, as the State is unsure of the quality of services provided by such companies, as there are no minimum standards and, as a result, it may endanger society more rather than protect it.

### **9.2.3. No regulations**

The private security industry, as noted earlier, is currently unregulated. Because of this, the standards of service and professionalism vary considerably. This has proven to be detrimental to the establishing of crime prevention partnerships with the State.

### **9.3. General perceptions about private security companies**

No study has been conducted to determine the general feeling in the country about the presence of the private security companies. Conclusions and assertions can thus only be based on anecdotal evidence. There have been no reports of people vehemently opposing the presence and/or operations of PSCs in the country per se. General complaints about PSCs mainly relate to the low wages and the less-than-ideal conditions of employment prevailing in the industry. It thus appears that most Namibians are prepared to tolerate the presence of private security companies while expecting them to pay their employees decent wages and improving their overall conditions of employment. Notwithstanding, there is still a need for more authoritative research into this issue.

### **9.4. The impact of the private security industry**

The growth of the private security industry has benefited many sections of the Namibian society. There is even no doubt that the Namibian government itself has benefited immensely from the presence of private security companies. The following are some of the ways in which the PSI has had an impact:

- **Public security services:** Institutions and companies offering services to the public make regular use of private security companies, such as their security guards, installing alarms, vehicle tracking, VIP protection, surveillance, valuables in transit, and others.
- **Crime levels:** Private security companies came into existence with the aim of providing protection for their clients and, as a result, the actions taken by such companies may indeed lower crime levels. For example, one of the widely used security companies in Namibia, G4S, has better statistics than NamPol. It has more than 20 000 alarms, and it responds to most of them. The forum of interaction between this company and NamPol has stopped due to the latter showing no interest whatsoever in the meetings prepared, according to A.J. Kannemeyer in an interview on 4 February 2014.
- **Public safety:** Because of the nature of the services that private security companies provide, this contributes to the overall safety of the public. People therefore are said to feel much safer when a security guard is around, according to A.J. Kannemeyer in an interview on 4 February 2014.
- **Economy:** The security industry no doubt is a low-income industry; however, it does contribute towards Namibia's economy if one takes cognisance of the fact that with an estimated 14 000 security officers operating in Namibia and each one, for instance, supports five others, then this industry does have an impact on the economy, according to A.J. Kannemeyer in an interview on 4 February 2014.

## **10. Public private partnerships in the provision of security**

Partnerships between state law enforcement agencies and private security providers have become a popular phenomenon in many countries. Many states worldwide are increasingly outsourcing functions to private contractors that were traditionally undertaken by their military and police, partly in response to public sector downsizing, but also because of the changing nature of warfare (Richards & Smith, 2007). In theory, this new model of security provision allows governments and public institutions to increase efficiency by concentrating on their core functions while transferring surplus responsibilities to private companies. For example, private security companies have taken over the administration of prisons in some countries including the UK, Canada, Mexico and Lesotho (Richards & Smith, 2007).

The above naturally begs the question: what is the situation regarding the outsourcing of the State's security mandate to private sector partners in Namibia? Specifically, does the government of the Republic of Namibia (GRN) outsource its security/military services to the private security industry? Is there a policy regarding the outsourcing of government security services to private security companies? If so, which services? These are some of the questions briefly considered in this section.

### ***10.1. Outsourcing of its security/military services to the private security industry in Namibia***

The Namibian government, as noted earlier, has a rather cold relationship with the private security industry. A key informant for this study observed that the government's attitude towards the private security industry amounts to suspicion and ascribed this to the country's recent historical past. Also, the state institutions responsible for peace and security remain fully in charge of public security matters. Given this position of strength, there is seemingly no incentive for the State to work with the private security companies on peace and security matters. There are accordingly no outsourcing agreements of security and/or military services to the private security industry in Namibia. In fact, from the interviews conducted with high-ranking officers from both the army and the police, it seems highly unlikely that this might happen soon in Namibia.

### ***10.2. Policy regarding the outsourcing of services to the private security companies***

There is currently no national policy regarding the outsourcing of services to the private security companies in the country. This is seemingly left to individual ministries, government departments, parastatals and agencies. For instance, certain schools, hospitals, clinics and public offices are making use of the guarding services provided by private security companies. The trend to contract out security services has also been observed in parastatals such as Telecom Namibia,

NamWater, the National Housing Enterprise (NHE), NamPost, Namibia Statistics Agency (NASA), to mention but a few. Efforts to verify whether this is part of GRN's policy or an ad hoc decision have so far proved futile.

### ***10.3. Other establishments outsourcing their security services to private security companies in Namibia***

This research found that private security firms are also contracted by non-governmental organisations, commercial banks and other private companies. In most instances, such services are sought to provide guarding. Embassies also depend on private securities companies to augment their security needs.

### ***10.4. Public-private partnership in the provision of security services in Namibia***

There is currently no formal partnership that exists between the State (as represented by the police department) and the private security sector in Namibia; each of these sectors operate in its respective sphere, each functioning in a mutually exclusive manner with respect to the provision of protection for the people of Namibia. More so, the relationship between these potentially strategic partners is clearly imbued with mistrust. For instance, it was found that police officers feel that private security personnel (security guards) generally lack education and training and are threats to their policing domain (professionals versus non-professionals). Private security personnel, on the other hand, believe that public law enforcement officers have limited knowledge about the private security industry and do not appreciate the important role they play in solving and preventing crime. This partly explains why the Police Security Forum (PSF), reportedly initiated by the private security sector, proved ineffective and naturally ceased to exist. In fact, key participants in the PSI were adamant that the demise of the forum was solely because of the lack of interest shown on the side of the police. Inspector-General Sebastian Ndeitunga, in a telephonic interview on 24 January 2014, conceded that the government needs to do more to initiate such initiatives. In fact, he blamed the lack of a public-private partnership in the provision of security services on the inaction from the side of the police. He committed himself to take the initiative in this regard and to address the long-outstanding regulations for the industry.

It is common knowledge that the police and PSCs have different motivations for their activities. The police and non-police government agencies, as noted by Golsby (1998), exist to serve the public good, whereas private security exists for the profit motive. Notwithstanding this, private security officers are regularly seen in shopping centres mingling with the crowds and are used regularly at sporting events alongside the police. Thus, regardless of the motivations of both sectors, if it is accepted that the different sectors are in the business of crime prevention, then there are opportunities for a coming together, for the formation of partnership arrangements to provide a more concerted, efficient attack on crime and consequently to make people feel more safe (Golsby, 1998).

There is a need to establish a formal relationship between the police and the security industry, as both have many common goals, and the security industry provides a major protective role in Namibian society. It is widely known that public policing is desperately inadequate for those unable to afford private security. It thus just makes sense that logistical cooperation between the police and the private security sector in some areas might free up public resources for deployment elsewhere. Resolving these issues and ensuring that private security resources act as a supplement to public policing are key future considerations for the Namibian society (Abrahamsen & Williams, 2005).

## **11. Gaps, inconsistencies and areas of improvement with regard to the private security sector**

### ***11.1. Major gaps and inconsistencies***

The major gaps and inconsistencies devilling the private security sector in Namibia undoubtedly appear to relate to the following:

- the dysfunctional state of the regulatory body;
- the non-enforcement of the governing Act;
- the lack of Regulations;
- the lines of communication and lack of collaboration between the GRN and the PSI;
- the number of fly-by-night companies present in the industry;
- the questionable conditions of services prevailing in the industry;
- the non-enforcement of the minimum wage agreement;
- the quality of training, or lack thereof, given to security guards;
- the lack of requirements for background checks and vetting for potential security guards in the Act;
- lack of literature on the private security industry; and
- the commercialisation of security through the growth of the private security industry.

### ***11.2. Areas for improvement***

Areas of improvement for the private security industry in Namibia relate to:

- governance and regulation;
- communication between public and private security stakeholders;
- working conditions;
- expanding security to all;
- oversight; and
- research.

### **11.3. Recommendations**

The following recommendations are given on how the private security industry in Namibia can be effectively regulated:

1. Develop a clear definition of private security.
2. Develop a clear definition of a security officer/guard.
3. The Minister in charge of policing, and not the Minister of Home Affairs, should take full charge of the industry as envisaged by the Act.
4. Activate and reconstitute the regulatory authority as envisaged under the Act as a matter of urgency so as to ensure the industry is properly regulated.
5. Concerted efforts must be made to develop the capacity of oversight agents such as an Ombudsperson, parliamentary committees and other such regulatory authorities to scrutinise the activities of PSCs and the industry in general.
6. Trade unions must do more to educate their members of their rights and to bargain for better conditions of service in the industry.
7. Academia should be encouraged to publish and to do research on PSIs in Namibia.

## **12. Conclusion**

It is vital to note that the mushrooming of PSCs in Namibia is both an economic and social problem. Insecurity is not simply a matter for the police. Ways need to be found to establish a working and effective partnership between the police and the private security industry; doing that is in the long-term interest of the broader Namibian society.

The legislative and policy framework for regulating the private security industry in Namibia appears to be solid. What appears to be lacking is the will and/or willingness to implement. This in itself raises various human rights issues, among others, a failure on the part of the State to comply with its duty to protect. The Namibian people are entitled and deserve no less – to be protected from the current unregulated private security industry.

Related to the above, it is worth stressing that the current set-up of SESORB needs to be reviewed. SESORB in its current format is not sufficiently geared to regulate and monitor the private security industry in an effective and efficient manner for the benefit of all.

It has been shown that guards are increasingly getting involved in criminal activities. The industry can and should get rid of such elements. This is an unnecessary and avoidable evil. This is so because both the draft Regulations and

draft Code of Conduct sufficiently address this matter. The speedy promulgation of these instruments can therefore no longer be delayed. One again, the Namibian public deserves no less. There is thus a need for complementary policies, tighter regulation, better law enforcement, greater transparency and accountability, active leadership, and more collaboration.

The issue of low wages paid by private security companies must always be given the attention that it deserves. There can be no justification for tolerating a situation whereby those who are guarding wealth are paid starvation wages, thereby perpetuating and exacerbating inequality in the country.

Lastly, there is no doubt that Namibians – either as individuals or groups – are spending heavily on security. The question worth debating is whether there is a way that the nation’s spending can be used to build the capacity of the existing official state agencies. This thus makes the establishment of a working partnership between the state security architecture and the private security industry an inevitable must.

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*Margaret Gichanga*

### **1. Introduction**

Since the dawn of democracy, the Republic of South Africa has experienced a profound shift in the characteristics of policing and the provision of security in the country. The African National Congress (ANC) has been the driving force behind policy direction since the first democratic elections in 1994. The party's policies regarding security have been representative of the State's monopoly on the legitimate use of violence, in line with Weber's notion of the modern nation state (Weber, 1919). Notwithstanding the authority entrenched by the state security apparatus, non-state actors and particularly the proliferation of the private security industry in the country has surpassed the capacity, in terms of size, of the members of the South African Police Service (SAPS).

The objects of the SAPS are to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of the Republic and their property, and uphold and enforce the law (Constitution of the Republic of South Africa, Chapter 11, Section 205(3)). This report explores the theory that the traditional conception of the State, as being solely responsible for the monopoly of violence, is becoming increasingly blurred (Bayley & Shearing, 1996; Flemming, 2005). The analysis presented here of the dynamic landscape of security provision in the country seeks to uncover the value or lack thereof found in the exponential growth of a private security industry, adjacent to the public police.

Shortly after 1994, the integration of the country into the rapidly globalising economy was given priority (Official Government website, 2014). The ANC-led government embarked on a programme that was aimed at promoting the reconstruction and development of the country and its institutions, informed by a strict commitment to the principles in the Constitution of upholding democracy and ensuring socio-economic change. An interpretation of the Constitution and the democratic dispensation it gave birth to shows that its uncompromising aim is to, improve the lives of all South Africans, especially those who prior to 1994 had been marginalised under the apartheid government. The improvements inferred in the Bill of Rights would come through the provision of basic needs, such as health care, housing, piped water, electricity, freedom and security of a person (Constitution of the Republic of South Africa, Chapter 2, Subsection 12, 26, 27). Precedence was given to improving the safety of citizens, which highlighted the need for a transformation of the police to become "a service working with the community, and overcoming the grave problems of criminality and a culture of violence, created by the social dislocations inherited from the past" (Constitution of the Republic of South Africa, Chapter 2, Subsection 12, 26, 27).

The newly formed police service had to be aligned to new legislation and to the process of transformation in South Africa (SAPS website, 2014). Political leaders

concerned themselves with ensuring a transition that would allay past fears of abuse by agencies of the State and ensure that the police would support rather than challenge the new-found democracy (White Paper on Safety and Security, 1998). The current Constitution affirms that the governing principles underpinning security services is that they are subject to the authority of Parliament and the National Executive and must reflect the resolve of South Africans to be free from fear and want (Constitution of the Republic of South Africa, Act, No. 108 of 1996, Chapter 11, Section 198(a) and (d)). Hence, security services for the Republic constitute a single defense force, a single police service, and an intelligence service established in terms of the Constitution; any other armed service must be established, structured and regulated in terms of national legislation (Constitution of South Africa, Act, No. 108 of 1996, Chapter 11, Section 199(1), (2), (3), (4), (5)).

Parallel to the reform of the police force into a police service, there has been an unprecedented proliferation of private security services; hence, the Private Security Industry Regulation Act, No. 56 of 2001 was promulgated to regulate and maintain a trustworthy and legitimate private security industry (Constitution of South Africa, Act, No. 108 of 1996, Section 22). To this end, the Private Security Industry Regulatory Authority (PSIRA) was established in terms of Section 2 of the Act. The Preamble of the Act states that since protecting the right to life and the right not to be deprived of property is fundamental to the well-being and economic development of every person and the private security industry plays an important role in safeguarding the aforesaid rights, and since every citizen has the right to choose an occupation, including the occupation of a security service provider, it is necessary to achieve and maintain a trustworthy and legitimate private security industry which act in terms of the principles contained in the Constitution and is capable of ensuring greater safety and security in the country (PSIRA Act, Preamble). Chapter 2, Section 3 underscores that the objects of the Authority 'are to regulate the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself.'

Notwithstanding the legitimacy and primacy of authority of state security structures, the exponential growth of the private security sector gives impetus for an analysis of the security architecture that frames the South African context. The transformations that have been taking place within the SAPS and the private security industry reflect changes taking place in policing and security provision in the global context. The provision of private security services by civilians is a significant feature of the contemporary global security context. This phenomenon has been informed by states increasingly shifting some public responsibilities to the private sector. The privatisation or outsourcing of security are interchangeable terms and can be traced back to the writings of founding economist Adam Smith from the 1700s (Singer, 2003: 7). Factors such as cost, efficiency and changing conceptions of public sector responsibility, have led to the outsourcing of services such as: healthcare, education, tax collection, prison services and the police (Singer, 2003: 7).

'Crime prevention' refers to 'strategies and measures that seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and society, including the fear of crime, by intervening to influence their multiple causes' (ECOSOC, 2002). While security and the tools of violence have historically been conceptualised as being the sole purview of the state against external foes, and for citizens in the domestic context, it has been observed that 'security intervention from private [actors] is as old as warfare itself (Holmqvist, 2005: 1).'

Establishing the extent to which partnerships – *ad hoc* or formal – between members of the South African Police Service (SAPS) and members of the private security industry as manifested in day-to-day security provision will form a critical point of departure for this analysis. Underscoring this is the importance of effective regulation and a high level of compliance to accountability mechanisms for security service providers in the country. This, it is emphasised, refers to both public and private actors involved in security provision.

The hypothesis presented here posits that a causal link exists between improved crime prevention capabilities and government support for a crime prevention partnership; that includes accredited members of both the SAPS and the private security industry. The hypothesis put forward does not seek to disparage the sovereignty of the State and its security architecture; rather, it is based on the realities that underpin security provision and, in particular, the major role that the private security industry plays in providing security in the country. It is also derived from a cost-benefit calculation of the gains that could be made in crime reduction and community safety, once a robust debate leads to the development of a mechanism to promote crime prevention partnerships between the two entities.

It is anticipated that this report will encourage dialogue and debate by policymakers responsible for policy direction for the provision of security in the country and by South African citizens. The envisioned outcome for this is the development of a formal model for enhancing the capacities for crime control, prevention and community safety. In theory, coordinated interaction led by state organs responsible for security provision would facilitate a partnership with private security companies (PSCs) to complement the already established security architecture for the benefit of all citizens. The emphasis is on understanding the principles that inform the plurality of agents responsible for security provision, particularly the public police and the private security industry, and developing a partnership approach to deal with the divergent factors that govern crime in the South African context.

Empirical research regarding the nature, governance and accountability of such partnerships was undertaken using both primary and secondary sources. The primary sources were drawn from interviews with managers of different private security companies, members of the PSIRA's leadership, and heads of different private security industry associations. The secondary sources were drawn from academic journals, books, newspaper articles, official government policy, the 2010 United Nations Office on Drugs and Crime (UNODC) Handbook, Commission on

Crime Prevention and Criminal Justice through the United Nations Office on Drugs and Crime (UNODC) Resolution 21/1, E/CN.15/2012/20, the Report on the meeting of the Expert Group on Civilian Private Security, UNODC/CCPCJ/EG.5/2011/2, 28 October 2011, the United Nations Economic and Social Council Resolution 2002/13 and the official SAPS website. The research findings will clarify the current and *ad hoc* nature of public-private engagement and give suggestions about how they should work and be formalised, in order to help create a framework for a crime prevention partnership approach.

The research question that this report seeks to answer is 'to what extent crime prevention partnerships between the state security architecture, particularly the SAPS and the private security industry, are feasible?' For purposes of this research, 29 semi-structured in-depth interviews were conducted with the management of private security companies in Pretoria, Johannesburg, Durban and Cape Town between October 2013 and March 2014. Twelve of these were conducted on a one-on-one basis, and eight were carried out with multiple members of the companies' management teams, varying from two to seven members. Contributions from members of the industry provided invaluable insights regarding the dynamics that may affect the prospects for the proposed crime prevention partnership (CPP).

One of the company managers interviewed was Mr Diavastos, who represents two of the most influential security industry bodies, namely the Security Industry Alliance (SIA) and the Security Association of South Africa (SASA). Also interviewed were the Chief Operations Officer of SIA, Mr Conradie, and the Secretary of both SIA and SASA, Mr Botes; the two bodies are currently in the process of merging. Four members of PSIRA's leadership were also interviewed, including the Director, the Deputy Director for law enforcement, the Deputy Director for communications and the Senior Manager of legal services at the Authority; this process yielded pivotal insights into the role that compliance and enforcement play in regulating the private security industry in the country.

It must be noted that some requests for interviews with actors in the private security industry were rejected because the persons were not interested or were unable to due to organisational commitments; the responses therefore are from individuals who were available and willing to participate in the research. Unless otherwise stated, for referencing purposes, only the date of the interviews will be provided so as to preserve anonymity as requested by the participants. In this report, contributions from participants will be referred to as responses from undisclosed managers of private security companies. As a result, anonymity and confidentiality of participants' identities have been maintained. This condition was deemed necessary to elicit authentic responses, but mainly because most participants were unwilling to confer consent to allow the names of their private security companies to appear in this report.

Additionally, there was a request to review this report, as a precondition for some participants' consent. The foregoing represented a limitation in terms of referencing the PSC in question and by whom the information was sourced.

Participants were informed that they would only be privy to the final report and thus chose to remain anonymous. In order to conduct these interviews, a semi-structured interview questionnaire which contained 41 open-ended questions for company managers and 15 for industry representatives was developed. Open-ended questions were ideally suited for this research, because they are aimed at encouraging respondents to express their own opinions, and they provided the opportunity for detailed responses from individuals.

Questions were structured in a way that prompted the respondent to express their sentiments, perceptions, opinions and suggestions that may not have been initially considered. Such an approach presented an opportunity to gather more insights to include when answering the research question. The concerns raised during the course of the interviews have defined the modalities that underpin the current gaps in knowledge about the private security industry, especially in relation to the support they offer the State through the provision of security. Indeed, Stenning argues that in a contemporary context, it is near impossible to 'identify any function or responsibility of the public police that is not, somewhere and under some circumstances, assumed and performed by private police in democratic societies' (Stenning, 2009: 25). The reference to private police in referring to private security actors, as interpreted by other scholars, is avoided in the analysis presented below in order to provide a clear distinction between the public police and private security actors.

## **2. Contemporary security threats**

### **2.1. Background**

As alluded to earlier, the political transition in South Africa also necessitated a transformation of the security structures of the country. Key to this was establishing a police service capable of operating in a democratic environment. A major complication was the need to amalgamate the policing structures of the separate political entities that had been reincorporated into South Africa. These included the policing structures of four nominally independent states (Transkei, Bophuthatswana, Venda and Ciskei), six self-governing territories (Gazankulu, Kangwane, KwaNdebele, KwaZulu, Lebowa and Qwaqwa) and the South African Police Force, as it was formerly called (SAPS website). Unlike the former police force that was authoritarian, highly centralised and para-military, the new police service was required to resonate with principles of democratic policing (White Paper on Safety and Security, 1998).

Furthermore, immediately after 1994, there was a significant surge in crime and a perception that organs intended for social control made no real effort to control crime (Cavallaro, 2008). The 1998 White Paper on Safety and Security affirmed that the surge in crime in the country reflected a typical feature of

states undergoing political transitions (White Paper on Safety and Security, 1998). This surge in crime led to a lack of confidence in government's ability to protect its citizens and to the proliferation of the private security industry. The lack of confidence was informed and framed within the context of a protracted process of transforming the police service. This was evidenced by the first phase of Western-led assistance, which aimed to transform and legitimise the police as an organ for social control, followed in 1996 by a second phase of Western assistance to address emerging crime (Cavallaro, 2008).

Clarno and Murray find that policing in South Africa was never conventional and there was no 'golden-age' of policing whereby a single state-sponsored agent was able to preside over a monopoly on the legitimate use of violence (2013: 212). Rather they argue that the idea of upholding law and order through a centralised order was largely symbolic (Clarno and Murray, 2013: 212). Heavy handed policing tactics were commonly used under the apartheid regime. Vigneswaran argues that a collective selective memory and a path dependency condition forged; as new policing actors are taught law enforcement techniques from officials trained by the apartheid regime informs the continued use of this approach by South African police today (2014: 92).

A direct consequence of the apartheid government's use of the police to control political opponents meant that police expertise to concentrate on crime control and crime prevention was severely weakened in the post-transition era (White Paper on Safety and Security, 1998). The racial fragmentation of police services in 1994 revealed the extent of the challenge facing the country as "74% of the country's police stations were situated in white suburbs or business districts" (White Paper on Safety and Security, 1998). The architects of the new Constitution required a police service that would be responsive to all sections of society, with the envisaged aims articulated in the Constitution as follows:

The Constitution of the Republic of South Africa, Act, No. 108 of 1996 lays down that the South African Police Service has a responsibility to: prevent, combat and investigate crime; maintain public order; protect and secure the inhabitants of the Republic and their property; and uphold and enforce the law; create a safe and secure environment for all people in South Africa; prevent anything that may threaten the safety or security of any community; investigate any crimes that threaten the safety or security of any community; ensure criminals are brought to justice; and participate in efforts to address the causes of crime. (SAPS website, 2014)

However, despite the ambitions of the proposed reforms for the SAPS, the number of and evolution of private security services form a critical point of departure for understanding the provision of security in the country. Reference is made to the National Crime Combating Strategy (NCCS) introduced in 2000 by the then Police Commissioner, the late Jackie Selebi, the aim of the strategy was to "stabilise

and then normalize the crime rate” by committing increased manpower and resources to operational policing in the stations that had recorded the highest crime rates (Vigneswaran, 2014: 98). The strategy entailed using high-impact raids targeted at ‘high crime areas’ (Vigneswaran, 2014: 98). An example is used of the approach used in the Hillbrow area in Johannesburg in 1999 that included raids on crime hot-spots such as street corners and ‘bad buildings’ where crime rates were higher than average (Vigneswaran, 2014: 99). The focus was turned from criminals and their networks and concentrated on their infrastructure; results meant that several criminal syndicates left the area and overall there was a significant decrease in crime rates in Hillbrow (Vigneswaran, 2014: 100).

The unintended consequence of this was that the syndicates simply adapted and responded to this new approach, leading to their criminal networks ‘spilling over’ to other major cities that previously never had a problem (Vigneswaran, 2014: 100). It was observed in 2001 that an overwhelming majority of South Africans were not confident in government’s ability to control crime; this spurred the proliferation of the private security industry and vigilantism in the country (Cavallaro, 2008). The rapid and influential growth of the private security industry was described by one commentator as the ‘silent revolution’ (Irish, 1999).

Arguably, this revolution was influenced by multiple factors including, the segregated policing during apartheid that created a “fragmented criminal justice system characterised by lack of infrastructure, scarcity of properly trained personnel, and poor service delivery; notwithstanding this, many trained detectives [from the former SAP] opted for highly paid jobs in the private [security] sector” (South African Human Rights Commission (SAHRC), 2006:127). The irony is that this migration of former members of the SAP was needed for the newly formed SAPS to bear a semblance of transformation.

A view is held that further incentives to join the private security industry came in the form of the massive retrenchment packages that were offered to senior white police officers that were leaving the newly restructured police service (Minnaar & Mistry, 2004:41). The flight of experienced police officers was compounded by increasing crime rates during the transition period and a moratorium on the appointment of new police personnel between 1995 and 2002, decreasing from 140 000 to 121 000 (Minnaar & Mistry, 2004:41-42). “With the opening of the country’s borders after 1994 and South Africa’s developed banking and transport infrastructure, various forms of organised crime like money laundering, cyber crime, vehicle hijacking and narcotics syndicates experienced rampant growth” (Minnaar & Mistry, 2004:42).

The central argument in this report is that a partnership between state and non-state actors involved in crime control and prevention would be in line with already established trends of broadening the concept of ‘policing’. In 2010 the United Nations Office on Drugs and Crime (UNODC) published a ‘Handbook on

the Crime Prevention Guidelines: Making them Work'. The Handbook emphasises the importance of a shared responsibility for general safety and security. This is based on the recognition that the formal criminal justice system is not sufficient for preventing crime. Furthermore, it is conceded that with the leadership of government, different sectors of society can work together to ensure a shift from deterrent and reactive to forward-looking and proactive approaches to combat crime (UNODC Handbook, 2010).

In this report, unless otherwise indicated, policing should be taken to mean any services rendered by the SAPS, pursuant to the objectives of the Constitution of the Republic outlined in the Police Service Act, No. 68 of 1995 and the subsequent South African Police Amendment Bill of 2012, the Criminal Procedure Act, No. 51 of 1977 and the Firearm Control Act, No. 60 of 2000. Policing as undertaken by the SAPS refers to services including, but not limited to, visible policing, protection and security services, crime intelligence, detective services, criminal record and forensic services, combating organised crime, public order policing, community policing forums and boards, emergency response services, and reservists. On the 25<sup>th</sup> of February 2014 the former Minister of Police, E N Mthethwa, remarked in the National Assembly, that there are over 270 000 armed statutory forces comprising; the SAPS and the South African National Defence Force (SANDF) compared to over 445 407 registered private security officers – almost double the number of statutory forces combined (Politics Web, 2014).

PSIRA's Director, Mr Chauke, stated in an interview on the 30<sup>th</sup> of July 2013 that the vision for the private security industry in crime prevention stems from the preventative role they play in averting crime in the communities they operate in (2013). This is complementary to the SAPS's reactionary role, and it was noted that there were potential gains to be made if planning on how to prevent crime was formalised. The Director asserted that a crime prevention role for the private security industry was already touted in the 1996 National Crime Prevention Strategy (NCPS), as part of an integrated society. He further highlighted that some joint operations already existed, for example, in the assets-in-transit (AIT) sector; in the form of a joint operations centre for collaboration between private security actors, the police, the banking sector and business (2013).

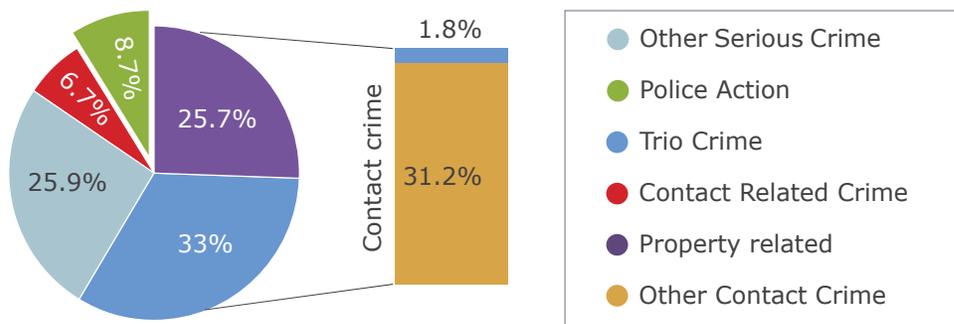
According to Mr Chauke, since the establishment of the aforementioned centre, AIT ambushes have decreased, and this has been made possible through the dedicated work and intelligence of the private security industry and the SAPS, through investment in helicopters to monitor and respond when needed. He underscored that resources for a crime prevention partnership (CPP) should come from both agencies – as a sign of the willingness to contribute to crime prevention. He further noted that simultaneously, the SAPS should develop effective policies that can facilitate and enhance the manpower needed to prevent crime (2013).

The Civilian Secretariat for Police in the 'Policy for [the] Establishment of Community Safety Forums' (CSF) asserts that indeed crime hinders socio-economic growth and that enhanced coordination and planning would drastically improve conditions of safety in South Africa (Civilian Secretariat for Police: 11). One of the main objectives of a CSF is to: coordinate, promote cooperation, synergise and integrate planning and budgeting between government departments on matters of community safety and security (Civilian Secretariat for Police: 12). Despite the usefulness of a CSF in cultivating networks with relevant agencies to assist in crime prevention, appropriate buy-in is however lacking with regards to including the private security industry. The inclusion of the private security industry to support crime prevention initiatives could be interpreted to mean that government inputs and outputs can be expedited; through the use of available resources from within the private security industry and in line with a developmental perspective (Civilian Secretariat for Police: 6).

## 2.2. Contemporary security threats

A critical aspect of domestic security in South Africa is framed around the reality and perception of crime. The SAPS 2011/2012 Crime Statistics charted the anatomy of serious crime in the country between 2004/05 to 2011/12 (see Figure 1).

**Figure 1: SAPS Crime Statistics 2011/2012**



Source: SAPS Crime Statistics Overview RSA 2011/12 page 6

Figure 1 reflects serious crime categories whose distribution is calculated by 8 year crime data. These categories are contact crime, contact-related crime, property-related crime, crime detected by police actions and other serious crime. Contact crime examples include murder, attempted murder, sexual offences, assault with grievous bodily harm (GBH), common assault, aggravated robbery and common robbery. It also includes trio crime such as carjacking, residential and business robberies (SAPS Crime Statistics, 2011/2012). Contact-related crime refers to arson and malicious damage to property, whereas property-related crime is defined as burglary – residential and non-residential; theft of motor vehicle/cycle; theft out of motor vehicle; and stock theft (SAPS Crime Statistics, 2011/2012).

Crime detected as a result of police action refers to illegal possession of firearm/ammunition and driving under the influence of alcohol and drugs. It is noted that this category of crimes may increase as a result of police action. Other serious crimes relate to theft, commercial crime, and shoplifting (SAPS Crime Statistics, 2011/2012:6). According to managers from undisclosed private security companies in an interview on 7 October 2013 and 15 November 2013, the crime statistics are of significant relevance to the private security industry, which relies on these statistics to plan and pre-empt security services for its clients.

Managers of PSCs that were interviewed for this research were asked if they had a way to chart crime levels in the area where they operated. The responses that follow were recorded. Two managers from an undisclosed private security company in Cape Town stated in an interview on 13 November 2013 that they did not have a way of charting whether crime had increased or decreased in the area where their PSCs operated, further noting that according to their experience, crime seemed to have increased over the past eight years, especially on farms in Stellenbosch – referring to armed robberies and an increase in ATM bombings. Another manager from an undisclosed private security company stated in an interview on 12 November 2013 that crime rates were dependent on the location of the site and the type of crime prevention the client sought, claiming that in residential areas, crime had gone down and that in low-cost housing areas, there were minor incidences involving access control. He further went on to state that the biggest problem the PSC experienced was with construction sites, especially with cases involving employees that stole equipment (such as cement and pipes), but noted that through police assistance there had been major improvements. Managers of two different undisclosed PSCs noted in an interview on 14 November 2013 and 15 November 2013 that crime had levelled and had even decreased, based on their experience, comparison of previous years, interaction, and reliance on the SAPS's crime statistics.

Two different interviews with a manager from an undisclosed private security company and another from Quemic Group on 8 November 2013 yielded responses that affirmed a decrease in copper cable theft, with one specifying that their services for power utility Eskom had resulted in a 75% decrease in this crime. One manager from Silver Solutions Fund claimed in an interview on 10 October 2013 that it was difficult to know if crime had peaked or dipped, as they had not experienced much crime in the area where they operate and was unsure if this was as a result of the services they as a PSC offered. He also stated that there was no accurate data from SAPS, which made it difficult to know what was real and what was not. Two managers in Pretoria from an undisclosed PSC claimed in an interview on 7 October 2013 that there had been no decline in crime and copper theft, which had continued unabated in the area.

In Durban, two managers from Tactical Security Services highlighted in an interview on 8 November 2013 that the biggest problem in the area was housebreakings, noting that he and his colleagues continued to attend weekly meetings with the SAPS to keep

up with crime trends in the area. One manager from an undisclosed private security company noted in an interview on 6 November 2013 that there had been a definite decline in crime on the farms where most of their operations were concentrated, and the manager had seen a decline from 140 incidents every month to only 25. This, he noted, was because of the role the PSC officers played in arresting suspects.

Minimal incidents of crime were recorded at the point of duty for another PSC, according to the manager from the undisclosed PSC in an interview on 7 November 2013, while another manager from an undisclosed private security company noted in an interview on 8 November 2013 that his PSC relied on information from the police station in the area; however, he could not say for sure that crime had gone down in the area. Another manager from an undisclosed private security company noted in an interview on 5 November 2013 that crime was lower where they operated, particularly theft, which had become minimal with one or two incidences a month. Yet another manager from an undisclosed private security company noted in an interview on 5 November 2013 that they had no way of charting crime levels, which came down to police visibility that was lacking in the area. It was noted that monthly meetings were held with clients to allow the PSC to map crime trends in the area; the manager noted that intermittent spikes of crime were dealt with accordingly.

A question was posed to the managers of different private security companies regarding what the most common kind of crime that private security officers had to attend to in the pursuit of their companies' objectives. One manager from an undisclosed private security company in Durban stated in an interview on 5 November 2013 that the theft of cable was the most concerning and common crime, especially at the container depot; the manager recalled an incident in which 30–40 metres of cable was stolen. The PSC is responsible for providing 24-hour monitoring, including CCTV surveillance for clients such as Transnet and Greenrock Shipping. Another manager from an undisclosed PSC whose company also deals with the protection of copper cables stated in an interview on 6 November 2013 that this was a major issue on farms as well and posed a threat to the stability of dams and boreholes. Cable theft came up again as being a major crime, and one of the interviewees from an undisclosed private security company stated on 5 November 2013 that his PSC is responsible for preventing this crime for the eThekweni Municipality and the Pietermaritzburg Municipality. They also identified the illegal sale of scrap metal and second-hand goods as a major concern for their clients.

An aggregate of the most common crimes recorded by PSCs, according to managers of private security companies in interviews from 5 October 2013 to 15 November 2013, were housebreaking, burglary and robbery, armed robbery, breaking and entering, vandalism, assault, malicious damage to property, stowaways, illegal immigrants entering and leaving the country on ships, theft, mugging, assaults in health institutions, public disorder, shoplifting, heists during cash-in-transit,

trespassing, internal cash losses and internal theft of security equipment such as laptops and hand radios, fraud, and sabotage of parastatals, with regard to an incident that involved a stand-off with the organisation Green Peace.

These crimes represent the primary concern for the private security companies that participated in the study and reflect a close resemblance to the crimes the SAPS have a mandate to address, despite the real and perceived dichotomy of the two agents. The distinction in legal terms between the police and the private security industry is clear and concise; however, Berg notes that 'they seem to underpin not necessarily what the private security *does* – in terms of its similarity to the State police and the oversight challenges that this creates – but rather that industry *is* run on business principles' (Berg, 2007). How this may affect the proposal of a crime prevention partnership between the police and the private security industry will be discussed in more detail later in the report.

### **2.2.1. Crime as a social phenomenon**

Developing a substantial argument to show causality between socio-economic challenges, namely, inequality, unemployment and poverty and how this is correlated with crime, is beyond the scope of this report. However, one can establish the emergence of fault lines in the South African context, particularly when socio-economic challenges are conflated with the realities of maintaining stability within the global economy (World Economic Outlook Update, 2014) and consequently the effect this has on the local public. The 1995 National Crime Prevention Strategy (NCPS) asserted that the "causes of crime are deeply rooted in the history and socio-economic reality of South African society" (National Crime Prevention Strategy, 1995). What applied in 1995 can still be traced in the contemporary South African context, as the emphasis continues to be on "transformation imperatives that will accelerate growth, create work opportunities and build a more equal society" (Minister of Finance, Budget Speech, 2014). The NCPS juxtaposed the violent history of the country and the 'culture of violence' associated with criminal activity, with the unfulfilled material expectations from the political transition and the limited capacity to deliver for the new government (National Crime Prevention Strategy, 1996). The inference was made that "the very high and often unrealised expectations associated with transition have contributed to the justification of crime" (National Crime Prevention Strategy, 1996).

The Victims of Crime Survey (VOCS) is a countrywide survey that aims to provide information regarding the dynamics of crime from the perspective of households and the victims of crime; perceptions about crime and victimisation are complemented by crime data provided by the SAPS. While the VOCS cannot replace police statistics, it can contribute to capturing the overarching characteristics that govern crime and perceptions of crime (Victims of Crime Survey, 2012).

VOCS reflects data that is sensitive in nature. Hence, Statistics South Africa is obligated to survey households using the highest ethical standards in order to ensure integrity, informed consent and the protection of privacy. The following quote is noteworthy:

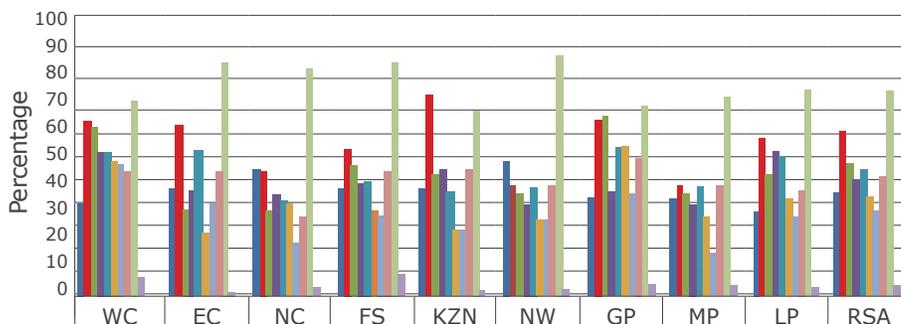
Victimisation surveys are likely to produce higher crime estimates than police-recorded administrative data. This is due to the fact that many crimes are not reported to the police. Victim surveys deal with incidents which may not necessarily match the legal definition of crime. Although data from crime victim surveys are likely to elicit better disclosure of criminal incidents than data from police records, they can also be subject to undercounting, as some victims may be reluctant to disclose information, particularly for incidents of a sensitive nature, such as sexual assault. The accuracy of statistics is influenced by the ability of people to recall past victimisations. The longer the elapsed time period, the less likely it is that an incident will be recalled accurately. Surveys are also subject to sampling and non-sampling errors. The most basic difference between the two types of crime measurement is the method of data collection. Police-reported statistics obtain data from police administrative records. In contrast, victim surveys collect both household and personal information about their victimisation experiences through face-to-face interviews. The survey covers victims' experiences of crime at a micro-data level, including the impact of crime on victims. Police-reported statistics normally collate information on all incidents reported to a variety of police stations. Victim surveys ask a sample of the population about their experience and, if well designed, this sample should be representative of the population as a whole. (VOCS, 2012)

A 2003 VOCS revealed that in the four largest cities in South Africa, namely, Pretoria, Johannesburg, Durban and Cape Town, "the most common crime was burglary followed by muggings, robbery and assault, with the exception of Pretoria, where the next most common crime was vehicle motor theft" (Van Der Spuy & Rönsch, 2008). It was affirmed that in all four cities, previously disadvantaged groups (Africans, Coloureds and Asians) were disproportionately more affected by violent crime and Whites were affected by property crime (Van Der Spuy & Rönsch, 2008).

Figure 2 was taken from the most recent VOCS for 2012, which takes a different approach and reveals the main reason why households that participated in the survey felt they were not satisfied with the police in their area. It was indicated that 72.4% of participants highlighted that this was because of the delays it took for the police to respond, while 58% noted that it was due to police laziness (Victims of Crime Survey, 2012:32). Hence, it is worthy to note,

The 2012 Victims of Crime Survey found that six in every ten (59.3%) households perceived housebreaking/burglary to be one of the most common types of crime, followed by home robbery (46.2%), street robbery (41.4%) and pick-pocketing (32.1%). Only 1.7% of the households perceived white-collar crime as a common type of crime. Approximately half of households thought housebreaking/burglary (57.4%) and home robbery (49.8%) were the most feared crimes in their areas. The third most feared crime was street robbery (39.6%), followed by murder (38.8%). About one in three households said that they were afraid of pick-pocketing (31.2%), sexual offences (29.8%) and assault (23.6%). (Victims of Crime Survey, 2012:7)

**Figure 2: Results from the most recent VOCS for 2012**



	WC	EC	NC	FS	KZN	NW	GP	MP	LP	RSA
Not enough resources	32,6	37,8	44,7	37,8	37,7	47,5	34,8	34,4	29,9	36,5
Lazy	61,8	60,1	44,1	51,7	71,2	38,7	62,2	36,6	55,5	58,0
Corrupt	59,2	30,5	30,3	46,4	43,2	36,4	63,8	35,2	42,8	46,8
Don't come to the area	50,6	37,1	35,7	39,9	45,0	31,9	36,6	40,2	51,0	41,2
Release criminals early	50,9	51,5	34,0	40,4	36,9	38,5	52,1	33,2	49,2	44,8
Cooperate with criminals	47,8	22,0	32,9	30,0	23,5	27,2	53,0	27,7	34,1	35,0
Harsh towards victims	46,7	32,8	18,3	28,3	23,4	27,1	36,4	14,6	27,5	30,1
Never recover	44,2	38,4	28,0	43,9	44,6	38,7	48,4	32,3	37,0	42,1
Don't respond on time	69,1	82,6	80,2	82,7	65,4	84,9	67,0	70,2	72,7	72,4
Other	7,0	1,0	2,9	7,6	2,1	2,4	3,8	3,8	2,8	3,4

Source: Statistics South Africa, Victims of Crime Survey 2012

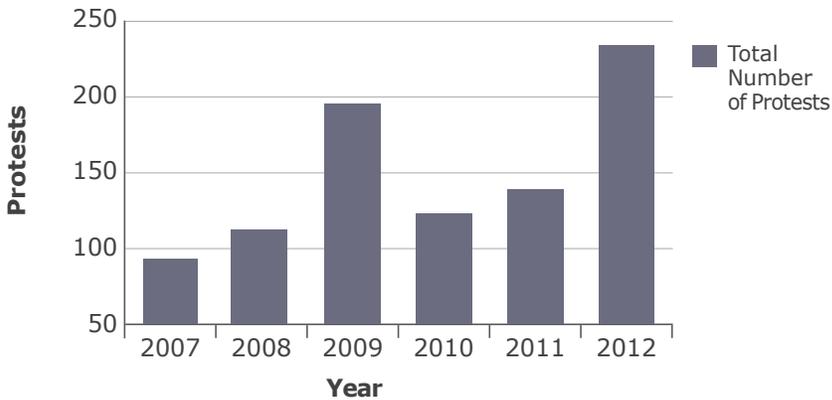
A consensus exists among both scholars and the international community that lethal violence is often rooted in contexts of deprivation, inequality and injustice, social marginalisation, low levels of education, and a weak rule of law (UNODC Handbook, 2010:29). At a global level, low levels of violent crime are associated with higher stages of development and income equality (UNODC Handbook, 2010:29). Economic deprivation in no way justifies the incidents of crime, but it should rather inform decision-makers of the importance of enacting policies to address the root causes of crime associated with deprivation and the consequences this has on the society as a whole.

A further security threat in the South African landscape has been framed by the increasing prevalence of violent service delivery protests 'galvanised by inadequate local services or tardy service delivery, the responsibility for which lies with a municipality' (Allan & Heese, Municipal IQ website, 2009). Research from Municipal IQ's Hotspots Monitors posits a direct causal link between the migration of relatively



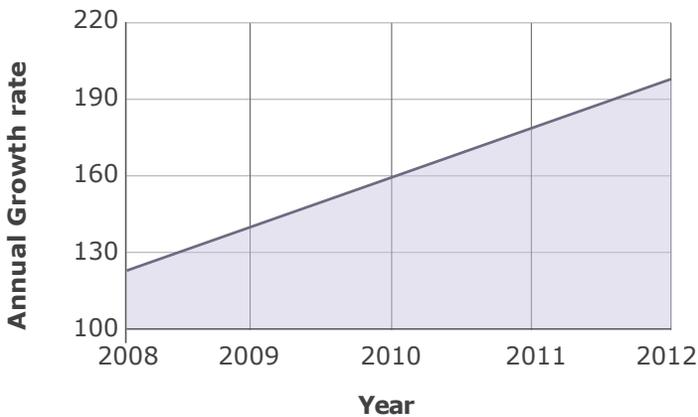
deprived unemployed persons from rural to urban areas and the occurrence of violent service delivery protests; this is revealed by their occurrence in informal settlements – a sign of failed local government economic policy (Allan & Heese, 2009). Figures 3 and 4 reflect barometers from the Multi-Level Government Initiative (2014) that have charted the frequency of service delivery protests and the annual growth rate of protest activity, which indicate that the growth rate of protests has increased by 100% in each year of the data set. The initiative defines protest as any complaint or issue cited by protesters in reports, whether related to the delivery of municipal services or not, over which citizens decide to and actually engage in organised public protest activity (Multi-Level Government Initiative 2014).

**Figure 3: Total number of protests per year**



Source: Multi-level Government Initiative, Data on Protest Activity from February 2007 to August 2012

**Figure 4: Annual protest growth rate**



Source: Multi-level Government Initiative, Data on Protest Activity from February 2007 to August 2012

The pervasive nature of service delivery protests and their susceptibility to violence is most notable in the South African context, with implications on the way that the police's approach to service delivery protests is discerned. The Bill of Rights underscores that 'everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions' (Constitution of South Africa, Act, No. 108 of 1996, Section 17). However, protest activity is becoming increasingly marked by violence "service delivery protests are not supposed to be dangerous; it is the responsibility of the police to deal with it in such a manner that it does not become dangerous ... police violence at service delivery protests it has been noted, has become a trend" (Mail & Guardian website). The link was made in the 1996 National Crime Prevention Strategy (NCPS) between unfulfilled material expectations of citizens and the justification of crime, and that the "historical criminalisation of political activity and protest has...contributed to a blurring between legitimate forms of protest and criminality" (NCPS, 1996).

A reflection of the paradoxes and conflicting morality that exists in policing practices are highlighted in particular reference to the public police who are 'intended to produce a degree of certainty in managing fundamentally problematic yet recurrent situations' (Loader, 2011:451-452). It is argued that the public police are proverbially caught between a rock and a hard place due to the fact that they are the 'fire that you fight fire with' and are endowed with the authority to partake in activities that would be considered as criminal for the rest of society (Loader, 2011:452).

Faull (2013:9) makes the claim that violence as a tool for earning respect has been normalised and that many members of the SAPS have embraced the view that violence teaches lessons and solves problems, and also that it builds respect. Conversely, it is noteworthy that the police, in their efforts to counter crime, are caught in the 'crossfire', and 'between 2005 and 2013, close to 800 police officers were killed' (State of the Nation Address, 2014). One of the most compelling incidents that have brought to the fore the challenges in public policing was the 16 August 2012 Marikana massacre and its subsequent aftermath. The incident involved the shooting and deaths of 34 mineworkers (South African History Online, 2014), and cast an ominous shadow on the future of the mining industry and the South African economy as a whole due to incidences of strike action that followed in the mining sector. The strike action referred to here was prominent during the drafting of this report; and was the five-month strike action in the country's platinum sector (Fin 24, 2014). The Marikana massacre illustrated the increasingly strained link between human rights, the plight of the economically marginalised and public policing procedures in the country.

During his 2014 State of the Nation Address, President Jacob Zuma expressed concern regarding violence during some of the protests that have been occurring in the country. He affirmed that the government supports "the right [of citizens] to protest, peacefully and unarmed ... [but] that acts of violence, intimidation and destruction of property were criminal offences, and the police would arrest and

prosecute those who committed such acts” (State of the Nation Address, 2014). The President further stated that the loss of life in the hands of police could not be overlooked and asserted that the police must act within the ambit of the law at all times, but that scrutinising police action should not lead to glorifying anarchy in the South African society (State of the Nation Address, 2014).

It is however, worthy to note that, the National Development Plan (NDP) advocates for the professionalism of the police rather than the militarization of the police; owing to the increased likelihood of the latter influencing violent conduct against members of the police service (NDP, Chapter 12:355). It is highlighted in a 2011 report by the Independent Police Investigative Directorate (IPID) formerly known as the Independent Complaints Directorate that there was an 800 percent increase in torture by the police, who’s role should not be conflated with the army but should rather discharge their duties with respect for civil and criminal law, and particularly, the Constitution (NDP, 2011:356). The NDP notes that, “the SAPS and the metropolitan police should be viewed as professionals, working in a skilled occupational group with a prime function to protect the public. They are the only agencies mandated to use necessary coercive force” (NDP, 2011:353).

The 2012/2013 National Crime statistics highlighted that “there had been a continued decline, in both ratios and figures of crime over the past nine years, 2004/2005 to 2012/2013, against the increase in population figures” (SAPS, 2013:2). The National Commissioner for Police asserted that there has been an observed correlation between the incidence of crime and the challenging socio-economic conditions that prevail in the country (SAPS, 2013:2). It was stated that violent social behaviour characteristic of a majority of serious crime categories is deemed to be a serious concern, owing particularly to the failure for such violent behaviour to be deterred by [state] law enforcement agencies (SAPS, 2013:2). The concession was made that a collective effort was paramount from all affected stakeholders, including local communities, and that the prevention of crime should be approached as a partnership in order to prevent the domino effect where small crimes escalated into more serious crimes (SAPS, 2013:2).

The question was posed regarding the standards of members of the private security industry and whether this ought to elicit endorsement from the SAPS as part of the State’s crime preventing force. PSIRA’s Deputy Director for Communications Ms Mofikoe, maintained in an interview on 2 June 2014 that technological advancements in the private security industry demonstrated that the industry was evolving with the times and was constantly refining the skills of members to provide better security. However, it was noted that low barriers-to-entry created challenges with respect to ensuring that standards of the industry were kept high, this was further compounded by the fact that the industry created jobs, which meant that barriers should neither be too high (Deputy Director Communications, 2014). Concerning this, it was noted that it was essential to develop a new minimum

entry requirement that would enable the private security industry to create jobs, without hindering the quality and professionalism of recruits (Deputy Director Communications, 2014).

### 3. The size of the private security industry

The proliferation of private security service providers reveals a gap in the safety and security demands of what South African citizens expect and the reality of what the SAPS can feasibly offer. Historical circumstances have played an instrumental role in the current unequal strength of the SAPS, which is considerably limited in size when compared to the South African private security industry. Concerning the growth of the private security industry, two critical policy shifts are worth mentioning. Firstly, the withdrawal of the South African Police (SAP) from conventional policing functions in the late 1970s to concentrate the SAP on efforts to suppress liberation movements and consolidate political control (White Paper on Safety and Security, 1998; Berg & Gabi, 2011:3). According to Minnaar, “responding to burglar or intruder alarms situated in private homes, business premises and factories [was], strictly speaking, part of the police’s crime-combating and prevention functions, but due to resource constraints, this is no longer performed by the police” (Minnaar & Mistry, 2004:50). As a result, private security companies provide armed response services for clients who are able to afford it (Minnaar & Mistry, 2004:50–51).

Secondly, the enactment of the National Key Points (NKPs) Act, No. 102 of 1980 that required PSCs to be recruited to support the role of the State in protecting NKPs, such as ports of entry, military bases and fuel plants (Berg & Gabi, 2011:3). Under the supervision of the South African Defence Force – the managing agent of the NKPs – the security of the NKPs was entrusted to their proprietors who were international companies, and were in favour of outsourcing security to local PSCs and to whom search and seizure powers were extended (Berg & Gabi, 2011:3). It is submitted that the professionalism and militarism of the private security industry was due to the influence from the defence force (Berg & Gabi, 2011). Legislation enacted to regulate the industry, led to expectations from other clients that the special powers and status of NKPs guards could be applied for the security services they sought (Berg & Gabi, 2011:3).

Additionally, it is noted that the practice of PSCs recruiting only members of the former SAP was abandoned in the 1990s (Irish, 1999), although this had already led to a dramatic influence on the quality of security provision. The skewed ratio of public police per head is also an intervening variable and can be attributed to the sense of inadequate security provision, whether real or imagined. The total personnel strength of the SAPS is 197 946, which is comprised of 155 531 SAPS Act and 42 415 Public Service Act personnel, at 31 March 2013, the police *versus* population ratio stood at a comparative ratio of 1:336 (SAPS 2012/2013 Annual

Report:26). Furthermore, claims have been made by Gareth Newham of the Institute for Security Studies (ISS) 'that there are glaring 'errors,' in the newest crime statistics as a result of inaccurate population figures being used to compare the change in crime ratios between 2011–2012 and 2012–2013' (S. Masombuka & G. Hosken, Times Live, 2013). This will remain a matter for conjecture, but may perhaps lead to a robust debate and engagement from the public regarding the merits or lack thereof of the SAPS crime statistics.

In order to ensure that policing, both public and private, is equitable and accountable, it is asserted that private security needs to be considered in national and local government plans. This is provided for in the Constitution of South Africa Act, No. 108 of 1996, section 206 with regards to the political responsibility for the police; the member of Cabinet responsible for policing "must determine a national policing policy after taking into account the policing needs and priorities of the provinces" (Van Der Spuy & Rönsch, 2008:38). The 1998 White Paper on Safety and Security alluded that the role private security industry played in providing security was "useful ... [and] in principle [the private security industry's future role should be] one of partnership with the State" (White Paper on Safety and Security, 1998).

In South Africa, security provision and the criminality it seeks to counteract continues to be a reflection of the kind of society South Africans live in. It can be contended that a considerable number of the challenges facing South Africa as a developing country are derived from the high levels of crime, the high levels of fear of crime and the limited role the SAPS can play in crime prevention (Van Der Spuy & Rönsch, 2008:56).

Community involvement in crime prevention measures should be framed as an inevitable need, considering the demands on the SAPS since 1994 to respond to the constitutional criteria for police reform and the challenges of policing in a democratic environment (White Paper on Safety and Security, 1998). According to the South African Police Service Act, No. 68 of 1995, Chapter 7, Section 18, (1) (a), (b), (c), (d), (e), (f), Community Policing Forums (CPFs) were established. Their objectives are to establish and maintain a partnership between the community and the SAPS, promote communication, cooperation and joint identification and problem-solving, and improve police services and transparency in the SAPS. For well-resourced communities, this also means taking responsibility for their safety through the private security industry and neighbourhood watch initiatives (Van Der Spuy & Rönsch, 2008:57). According to the 2011/2012 VOCS,

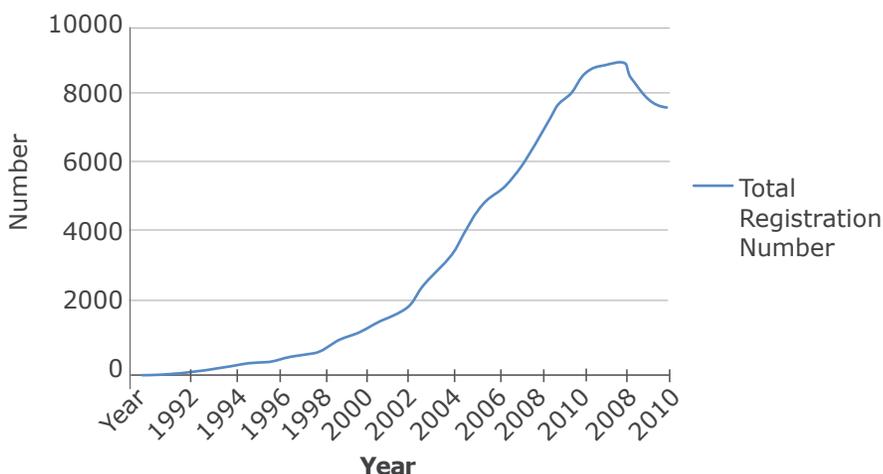
About two-thirds (65.6%) of households in Gauteng and the Western Cape (64.4%) indicated that they took physical protection measures to protect their homes. The extent to which a household crime is reported to the police depends on the type of crime. Murder was most likely to be reported (98.2%), followed by car theft (92.2%).

About 60% of housebreaking/burglary, deliberate damage of dwelling, and home robbery was reported to the police. Amongst those who didn't report crime to the police, some had indicated that they had reported it to a traditional authority, local gang, Community Policing Forum, insurance company, private security, local ward councillor or local vigilante group. (Victims of Crime Survey, 2012:2-3)

The private security industry in South Africa is considered one of the largest in the world, in terms of its contribution – which amounts to 2% of the country's Gross Domestic Product (GDP) (Berg & Nouveau, 2011:23). The industry is made up of private security companies and private security officers who are legally registered business entities and individuals who provide – on a contractual basis – security services as defined in the PSIRA Act, No. 56 of 2001. It is stated that the industry has continued to grow, in response to the growing crime rate characteristic of the transitional period and because it has created an 'avenue for employment for returning liberation army members' and also as a result, of increased liberalisation of the economy (Berg & Gabi, 2011:5).

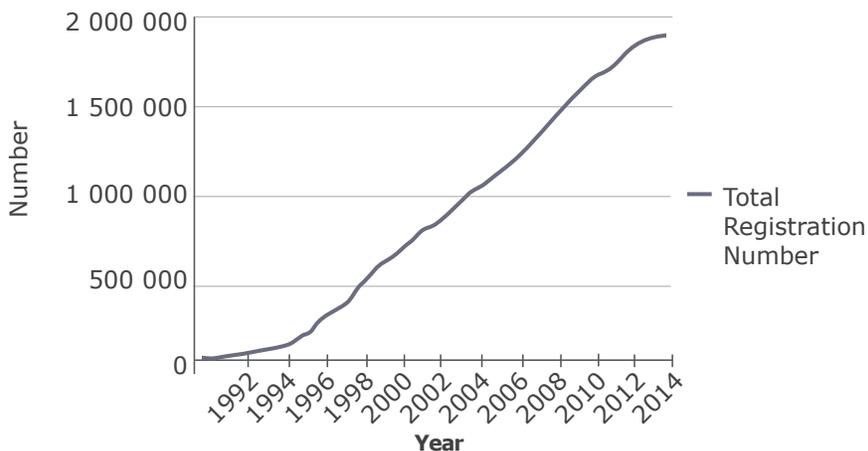
The figures that represent the industry are staggering, and they strengthen the point that the industry is growing at an exponential rate. This is the same industry that was valued at R1.2 billion in 1990 (Minnaar, 2007:127). In 2007, the industry was estimated to have a net worth of R30 billion (Minnaar, 2007: 129). In 2010, as an indication of the private security industry's rapid growth, the industry was recorded to have an annual turnover of R40 billion (Berg & Gabi, 2011:5). Figures 5 and 6 reveal the growth of active and inactive private security businesses and security officers since 1991 respectively. This information has been sourced through PSIRA's records.

**Figure 5: Total number of private security companies registered**



Source: PSIRA database as at 15 April 2014

**Figure 6: Total number of private security officers registered**



Source: PSIRA database as at 15 April 2014

Figures 5 and 6 reveal the sheer demand for the private security industry, which has become a critical player in the provision of security in South Africa. It is no secret that South African crime statistics are among the worst in the world. Between April 2013 to March 2014, the SAPS recorded 17 068 instances of murder, 62 649 total sexual offences, 260 460 instances of burglary at residential premises, 11 221 instances of carjacking, 145 instances of robbery of cash-in-transit, and 19 284 of robbery at residential premises (South African Police Service, 2014). It can be argued that on their own, the South African police do not have sufficient capacity to effectively provide security to the South African population. This is where the demand for the private security sector becomes critical and has been manifested in the increase in demand for security services, particularly in the guarding sector.

From the figures reflected in the latest PSIRA Annual Report (2013/2014), it is clear that the guarding sector continues to be the most sought after. During this period, a total of 7 220 active guarding businesses were registered with PSIRA as compared to 6 370 during the 2012/2013 financial year (PSIRA Annual Report 2012/2013:36). The demand for armed response services is also on the rise. During the financial year 2013/2014, a total number of 4 550 registered armed response security businesses were recorded as compared to 2 740 for the 2012/2013 financial year (PSIRA Annual Report 2012/2013:36). Another increase is also recorded within the cash-in-transit sector. During the same period, a total number of 4 465 cash-in-transit security businesses were registered as compared to 2 061 during the 2012/2013 financial year (PSIRA Annual Report 2012/2013:36). The above figures illustrate that the South African private security industry is thriving and will continue to do so in the foreseeable future. South African private security providers are armed, and the services that are most in demand remain the guarding services, followed by armed response and cash-in-transit services.

However, some rogue elements have also tainted the industry by committing criminal offences, resulting from the nature of their work. The misuse of firearms by security guards has also been witnessed within the private security industry. Regarding the illegal use of firearms within the private security industry, Jaynes postulates that private security companies are perceived as a high risk for the diversion of company weapons to an illegal pool that uses company firearms to perpetrate violence (Jaynes, 2012:24). Jaynes affirms that there is insufficient data on how many firearms are used, in which crimes they are used and on the rates of diversion. The shortcomings, in terms of misconduct and criminality within the private security industry, are highlighted later in this report, in order to assess the feasibility of a crime prevention partnership between state and non-state actors.

#### **4. Reasons for the growth of the private security industry**

In the first 10 years of South Africa's democracy, many of the laws, rules and norms pertaining to security governance and the public figures responsible for implementing them underwent constant transformation (Béni-Gbaffou, 2006:303). Communities' increased participation in the governance of their own security was markedly influenced by the growing crime levels – a typical feature of transitional countries. This reflects a legacy of the devolution of security to private actors that was encouraged in the early 1970s (by the apartheid government), intended to allow the national police to focus on political objectives (Béni-Gbaffou, 2006:301-302). Many residents, rich and poor, black and white, expressed that at a certain point, they 'had to take the law into their own hands' (Béni-Gbaffou, 2006:302).

International trends for good governance and community participation in the production of security, the necessity of regaining residents' (particularly in townships) confidence, as well as the current inability of the police service to ensure security, led the post-apartheid state to enhance non-state actors' participation in the provision of security. (Béni-Gbaffou, 2008:1934)

In the preceding period before 1994, security in affluent (predominantly white) neighbourhoods was outsourced to private security companies, while in the townships, community policing and justice systems developed, spurred on since the 1980s by urban political movements intended to make the townships 'ungovernable' (Béni-Gbaffou, 2006:301-302). Civic organisations developed with the aim of making self-justice movements, with very tight street and neighbourhood networks, more politically visible (Béni-Gbaffou, 2008:1934). There was a pervasive perception that the police were unable to protect the public. South Africa's apartheid government encouraged the expansion of the private security industry in order to allow the police services to focus on consolidating political control. This explains the dominance of white former police and military personnel in management positions of PSCs (Abrahamsen & Williams, 2007; Irish, 1999). However, today this dominance

has changed markedly, and the private security industry is increasingly seen as a lucrative and entrepreneurial enterprise for all members of the South African society; despite room for improvement in this regard.

The growth of the private security industry was also informed by the increased access for the public to private property, such as shopping malls. The powers exhibited by members of the private security industry and private security officers, in particular, derive from the property laws of the 20<sup>th</sup> and 21<sup>st</sup> century and are compounded by the urbanisation of modern cities (Stenning, 2009:24). This is characterised by 'mass private property' and other forms of 'communal property' (Stenning, 2009:24). The property rights in the South African Constitution effectively give the property owner the right of admission for the type of persons allowed on their property; such property, although it is considered to be privately owned, is used by the public as a public space.

'Mass private property' refers to urban shopping malls, sports stadia, recreational and entertainment centres, airports, transport hubs and 'communal property' such as gated communities or security villages (Stenning, 2009:24). The potential for abuse is noted when private property owners and their private security agents have 'unfettered' powers to control members of the public who use or access mass private property (Stenning, 2009: 27). How this may lead to the rights of individuals being infringed upon, in the South African context, is discussed in more detail later in the report.

One of the questions invited opinions from security managers of private security companies in interviews from 5 October 2013 to 15 November 2013. It was regarding the factors that contribute to the growth of the private security industry. While all expressed that the biggest factor was crime and the fear of crime, responses revealed that managers of PSCs felt that the increased demand for their services was because crime is at its worst. The suggestion was that in most cases this was related to unemployment. One manager from an undisclosed PSC stated in an interview on 5 October 2013 that the growth was linked to the 'huge increase in crime and the inability of police to reduce it'.

In interviews with managers of private security companies from 5 October 2013 to 15 November 2013, the aggregate of the responses suggested a consensus that key factors for the growth of the private security industry included; the lack of trust in the SAPS and lack of sufficient capacity for the SAPS on the ground. In Durban, one manager from an undisclosed private security company noted in an interview on 5 November 2013 that the economy was booming, and this was interpreted through the increase in the construction of warehouses and the increased flow of exports which had made security vital. It was stated by respondents from Quemic Group in an interview on 8 October 2013 that the business sector and individuals did not have enough trust in the police, and this was compounded by low barriers to entry and how easy it was to buy a fake PSIRA certificate – that

only costs R50; these factors made private security a career of last resort and a key aspect of the unprecedented growth of the private security industry.

The potential for misconduct and criminality, apparent in certain sectors of the private security industry highlights the need for stricter application and enforcement of PSIRA's regulatory policies, to root out criminality and for the promotion of higher training standards, which are considered very low. The Memorandum of Understanding (MoU) that was concluded between PSIRA and the Safety and Security Sector and Education and Training Authority (SASSETA) in 2014 facilitates opportunities for skills transfer and development for all South Africans in the safety and security sector, seeking nationally recognized industry qualifications.

SASSETA has been accredited by the South African Qualifications Authority (SAQA) to perform the function as an Education and Training Quality Assurance Body in terms of the SAQA Act and in agreement with the Quality Council for Trades and Occupations in terms of the National Qualifications Framework Act in respect of security qualifications registered on the National Qualifications Framework. Synergy between the PSIRA and SASSETA is critical in the sense that while the mandate of the former is to "promote high standards in the training of service providers and prospective security service providers" (PSIRA Act), the latter's mandate is to "promote learning programmes" within the area of safety and security (Skills Development Act, 1998).

Overall the issue of low barriers to entry prompted a discussion about the establishment of a formal education system for the security industry, but this was discounted, as it would become too expensive. A suggestion was made that entry and training of school leavers that cannot afford tertiary education should be provided; however, it was noted that this would only be feasible if it were funded by the Safety and Security Sector Education and Training Authority (SASSETA). It was conceded that absence or negligence of the private security industry could have a negative effect on citizens, but that the consumer also played a crucial role and needed to be properly informed as 'some members of the public only got private security in order to get insured' (Quemic Group 08/10/2013). In Cape Town, one manager from an undisclosed private security company highlighted in an interview on 14 November 2013 that the increased demand for volumes of cash that needed to be transported, particularly to the suburbs, to supply the increasing number of ATMs was a sign that a booming economy also played a role. It was underscored by a manager from an undisclosed private security company in an interview on 15 November 2013 that the contribution of new smaller companies, with low rates for clients that outpaced the already established PSCs benchmark on quotations, was made worse by the ignorance of consumers.

One manager noted that there was a link between the growth of the private security industry and the need for active monitoring because 'a camera cannot offer any response or call the police'. A manager from an undisclosed private



security company, however, conceded in an interview on 12 November 2013 that a security officer is very limited in his/her response, as 'they have limited training and are not willing to lose their lives for such little pay'. Two managers in Pretoria from an undisclosed PSC stated on 7 October 2013 that economic growth indeed played a role in the growth of the private security industry and noted that most of their clients were commercial enterprises, noting that the ease it took to become a security officer as compared to a police officer was also a factor. Furthermore, they highlighted that a major challenge in the industry was related to the training aspect of recruits and particularly those responsible for issuing training certificates; emphasis was placed on SASSETA's role in inspecting these centres.

The claim has been made that the delegation of security is also rooted in a desire for public authorities to develop new and improved ways of managing the city, informed by "both an international call for 'good governance' and a neoliberal shift" (Bénil-Gbaffou, Didier & Morange, 2008:692). The plethora of actors, state and non-state, participating in the provision of security is an indication of the fear of crime and insecurity that persists in the country (Minnaar, 2007). It is alleged that this fear and insecurity stems from the Constitution's protection of the rights of "arrested, detained, and sentenced persons ... while not equally protecting ordinary citizens" (SAHRC Report, 2004:23). Private security providers conform to the demands of communities that seek a specialised and extra sense of security, which is supplementary to that provided by the public police. Their service resonates with residents who wish to "appropriate the streets for themselves and promote a condition of well-being, social linkage and safety" (Bénil-Gbaffou, 2006:309).

Regarding which security services are the most sought after in the private security industry, the responses from managers of private security companies revealed in interviews from 4 October 2013 to 15 November 2013 that the following services were in demand: guarding, installing electronic security systems, close protection, VIP protection, transporting high-risk cargo, Assets-In-Transit, farm security, investigations, monitoring and armed response, integrated and dynamic solutions (which included guarding and training), private investigations, consulting to ensure that electronic systems are up to standard and are compliant, and tactical teams sought after by farms and mines.

It was however noted by a respondent from Silver Solutions Fund on 10 October 2013 that requests for guarding and armed guarding had decreased in terms of people's interest due to the length of time it takes to get a certificate issued from PSIRA. The Authority's registration unit has heeded this challenge and, in line with PSIRA commitment to excellent service delivery, has achieved on overall average of a turnaround time of 19 days for individual registrations and 15 days for business registrations (PSRA Annual Report, 2013/2014:35).

Furthermore, it was noted that regarding electronic security installations, clients do not want to pay for a proper camera, so they purchase one from the 'China

malls' and subsequently have difficulty servicing the camera. It was asserted by the respondent from Silver Solutions Fund that strict laws regarding the sale and installation of electronic security equipment and services should be implemented in a similar fashion as the law that applies to electric fences. For example, from 1 December 2012, all new, upgraded and repaired electric fence installations in South Africa must be compliant, and the government has now established strict new regulations for this industry. By 1 October 2013, all electric fence installers were required to be registered after first passing a tough exam. The new law prescribes that electric fences must now be certified with an electric fence system certificate of compliance. However, electricians cannot issue this Electric Fence Certification (EFC), unless the electrician is also qualified in terms of the new electric fence laws and has been registered with the Department of Labour. Should a fence be found non-compliant, it will either have to be upgraded to compliance or the owner will be forced to remove it, according to the Department of Labour, Occupational Health and Safety Act, 1993.

In Cape Town, one manager from an undisclosed private security company stated in an interview on 14 November 2013 that his company provided 'end-to-end' type of security solutions, not just guarding, but also cash-in-transit (CIT) and the processing of cash. He indicated that to minimise incidents regarding the movement of consignments, clients used the same PSC for collecting and processing of cash in order to decrease chances of theft. One manager from an undisclosed PSC noted in an interview on 12 November 2013 that the most sought-after services were guarding and 24-hour monitoring from the control room. The manager went on to say that in the private security industry, there is always an issue with the cost structure and a concern of losing the client. He noted that government contracts were more profitable because 'the government was able to pay'.

## **5. Services offered by the private security industry**

Chapter 1, Section 1 of the PSIRA Act defines 'security equipment' to mean the following: an alarm system; a safe, vault or secured container; a satellite tracking device; closed circuit television or other electronic monitoring devices or surveillance equipment; a device used for intrusion detection, access control, bomb detection, fire detection, metal detection, X-ray inspection or for securing telephone communications; a specialised device used to open, close or engage locking mechanisms; or a specialised device used to reproduce or duplicate keys or other objects which are used to unlock, close or engage locking mechanisms (PSIRA Act, No. 56 of 2001).

The Act further defines 'security service' to mean one or more of the following services or activities: protecting or safeguarding a person or property in any manner; giving advice on the protection or safeguarding of a person or property, on any other type of security service as defined, on the use of security equipment; providing a reactive or response service in connection with the safeguarding of a person or a property in any manner; providing a service aimed at ensuring order



and safety on the premises used for sporting, recreational, entertainment or similar purposes; manufacturing, importing, distributing or advertising of monitoring devices contemplated in Section 1 of the Interception and Monitoring Prohibition Act, No. 127 of 1992; performing the functions of a private investigator; providing security training or instruction to a security service provider or prospective security service provider; installing, servicing or repairing security equipment; monitoring signals or transmissions from electronic security equipment; performing the functions of a locksmith; making a person or the services of a person available, whether directly or indirectly, for the rendering of any service referred to in the aforementioned paragraph to another person; and managing, controlling or supervising the rendering of any of the services referred to in the aforementioned paragraph (PSIRA, No. 56 of 2001). Table 1 gives a more comprehensive look at the different services offered by private security providers according to PSIRA's 2013/2014 Annual Report.

**Table 1: Different services offered by private security providers**

	<b>Category of Security Service</b>	<b>Number of PSC's 2013/2014</b>
1	Security guards (Industrial and Commercial)	7 220
2	Security guards – cash-in-transit	4 465
3	Bodyguarding (CPO)	6 089
4	Security consultant	4 181
5	Reaction services	4 550
6	Entertainment/venue control	6 231
7	Manufacture security equipment	1 705
8	Private investigator	4 478
9	Training	5 304
10	Security equipment installer	3 670
11	Locksmith/key cutter	1 160
12	Security control room	5 715
13	Special events	5 578
14	Car watch	3 199
15	Insurance	846
16	Security and loss control	707
17	Fire prevention and detection	459
18	Consulting engineer	155
19	Dog training	13
20	Alarm installers	129
21	Anti-poaching	5
22	Rendering of security service	5 093

Source: PSIRA Annual Report 2013/2014, p 41

The private security sector is largely made up of private security companies and private security officers who play a defining role in the provision of security.

The activities of the private security industry were legitimated by the Criminal Procedure Act, No. 51 of 1977, this allows private security members to: arrest persons without a warrant on the basis that the person committed or was suspected of committing, an offence; pursue that person; break open premises in order to effect the arrest; use force – even deadly force – to effect the arrest should the person offer up resistance and seize articles from that person (as long as they are delivered to a police officer as soon as possible). (Criminal Procedure Act, No. 51 of 1977, Section 42 (a)(b)(2); Section 48; Section 49(2)(a)(b)(c)).

However, this is only applicable once the Commissioner of Police has conferred upon the private security officer a 'peace officer status'. It must be noted that private security officers, even though the law allows this, are not conferred with a 'peace officer' status, and they carry out their duties as civilians, only incurring legitimacy from the contract with the client and property owner. The debate surrounding the constitutionality of the use of force sanctioned by the State for members of the SAPS when effecting arrests is of relevance here, owing to the proposal for a partnership to formalise the cooperation between the SAPS and members of the private security industry. In the field work undertaken, there was significant evidence of the reliance on the SAPS by members of the private security industry. Based on interviews from 4 October 2013 to 10 February 2014 with managers and heads of industry associations of private security companies, this was particularly evident in instances where the response units and private security officers encountered a situation that required them to apprehend a suspect and required assistance from members of the SAPS to affect the arrest.

Interviews conducted with managers of undisclosed private security companies from 4<sup>th</sup> October 2013 to 15<sup>th</sup> November 2013 revealed resoundingly that the private security industry believed that its work would be enhanced if included in governmental policies dedicated to crime prevention. However, one private security company manager was adamant that the work of the police and the work of the private security industry should remain separate. Managers of the private security company that were interviewed on the 8<sup>th</sup> of November 2013 were keen on the idea of a partnership with the police; ironically reiterating that the growth of the private security industry was due to the failings of the SAPS which was in need of reform.

Managers of private security companies that were interviewed on 7 November 2013, that were in favour of a government-endorsed partnership with the SAPS, asserted that both partners would need to reform in order to have a meaningful partnership. The role the private security industry played in investigations and solving cases was highlighted in an interview on 6 November 2013 by one manager of an undisclosed private security company whose company specialised in investigations. He proposed that a budget and special status should be provided to the PSCs that solved a

certain number of cases. Investigations carried out by members of the industry are considered a key aspect of crime prevention, mainly due to the way this duty overlaps with the investigations carried out by members of the SAPS, according to a manager of a PSC interviewed on 5 November 2013. Improved training on the part of the private security companies – it was conceded – would be a vital element of such a partnership. This was emphasised in line with the proposition that such a partnership between the police and private security should include search and seizure powers for the latter. Regarding these comments, it is unclear how extending the powers of a security officer to include search and seizure would be implemented and be void of abuses considering the nature of transgressions characteristic of the private security industry. This will be discussed in more detail later in this report.

A question was posed regarding the kind of crime prevention partnership that members of the private security industry would envision if a partnership with the SAPS was formalised. Better access to crime data, more powers to handle crime prevention, search and seizure powers as opposed to powers of arrest, an enhanced status for security officers, and better cooperation and intelligence sharing were some of the responses by the managers of PSCs interviewed from 4 October 2013 to 15 November 2013. The view was held by a respondent from Silver Solutions Fund interviewed on 10 October 2013 that the concept of a crime prevention partnership should foster access to data to ensure proper planning, in which case the security officer would remain subordinate to the police, but enable partnering only in specialised fields.

According to one manager from a PSC interviewed on 4 October 2013, information from the SAPS would be vital to training and particularly understanding the latest trends of criminals. This, it was noted by a manager of a PSC who was interviewed on 8 October 2013, would make it easier for private security officers to do their job. Having an input in the county's crime prevention agenda, it was noted by another manager from a PSC who was interviewed on 7 October 2013, should not confuse roles because of the different levels of training for security guards and for the SAPS, conceding that prerequisite training was needed and that such a partnership was currently not possible. Mr Diavastos stated that he did not believe that private security officers should get more powers. He asserted that the private security industry should not take over any kind of state policing and noted that the SAPS made crime data available to everyone. Furthermore he stated that the private security industry should not do any intelligence gathering as this was the domain of the police, noting that the private security industry should rather augment and fill the areas that the police could not (10 February 2014).

It was stated in an interview with a manager from a PSC on 4 October 2013 that access to crime data should only be for the managers of security companies and

not for security officers. Generally, it was stated that giving security officers more power was not a good idea; rather, only supervisors should get a special status or a 'peace officer' status. As far as one manager from a PSC who was interviewed on 5 November 2013 was concerned, 'peace officer' status should only be granted to those security officers with the highest training levels, and it would be necessary for these officers to be familiar with the law. It was stated by another manager from a private security company who was interviewed on 7 November 2013 that more power, particularly of arrest, would allow security officers to apprehend suspects without any delays and would be more constructive after the appropriate training. More cooperation was deemed feasible because the majority of members of the private security industry had previously worked as police officers in the former police force and the SAPS, according to one manager from an undisclosed private security company whose interview took place on 13 November 2013.

One manager from a PSC, whose interview occurred on 13 November 2013, submitted that PSCs already had access to crime data through attendance of CPFs and noted that the SAPS does not have a problem giving information; he argued that rather more legitimacy is what was required. Being fully compliant is a criterion for getting a contract at government agencies; however, it was noted by another PSC manager interviewed on 13 November 2013 that there were some PSCs that had acquired contracts to provide security at government agencies, even when compliance was questionable. Some company managers continued to emphasise that they would want better access to crime data. The remark was made by a manager from an undisclosed private security company in an interview on 15 November 2013 that there was the risk of security officers becoming reluctant and turning a blind eye, and that it would have to be the best-trained private security officers to be considered for a partnership.

Rooting out elements of poor training and criminality, in the context of such a hypothesis, was deemed by a manager of a PSC in an interview on 15 November 2013 to be a critical component to its feasibility. It was stated that a partnership would only be constructive if regulation of the industry was improved. Once this is done, then officers could be trusted with more power because currently the attitude of security officers was that they were only civilians; this was the feeling of a manager from an undisclosed private security company interviewed on 14 November 2013. Certainly, benefits could be gained if a partnership was based on mutual respect and issues of egos were put aside. The focus would eventually gravitate towards complementing each other's work, with a crucial awareness that one cannot expect a security officer to do the work of a police officer; instead, the emphasis should be on enabling the private security industry to play a supportive role.

## 6. Privatisation of security: effect on women and children

During the 2014 State of the Nation Address, President Jacob Zuma highlighted that one of the key focus areas for his government was the eradication of violence against women and children. He noted the measures that had been put in place to address this, including the reintroduction of the Family Violence, Child Protection and Sexual Offences Units, as well as the Sexual Offences Courts. This offers a contextual framing of the challenges that South Africa faces regarding violence against women and children (State of the Nation Address, 2014) and gender-based violence in general.

Regarding the role women play in the private security industry, the question was posed to find out what factors hindered or promoted the entry of women into the industry. Most responses by managers of PSCs that were interviewed from 4 October 2013 to 15 November 2013 suggested that the main issue or hindrance for women in the private security industry was the type of site that was guarded and the clients' preference. One manager in Cape Town who was interviewed on 14 November 2013 noted that 50% of his officers were female and stated that they were not used for CIT and protection services; nevertheless, he noted that 50-80% of the personnel that were used to count and pack cash were female. Managers interviewed on 12 November 2013 highlighted that the main hindrance for women in the private security industry was that clients would specifically request to have only male security officers; some even went to the extent of requesting security officers from specific racial groups to work on their sites.

It was noted by one manager who was interviewed on 13 November 2013 that clients preferred male officers, particularly for guarding residential areas; conversely, in the retail and hotel industry, women were afforded more opportunities as security officers because of the role they played in searching female patrons. Other than that, it was affirmed by managers of private security companies interviewed from 4 October 2013 to 15 November 2013 that there was no discrimination and that women worked in various capacities in the private security industry such as in management positions, as supervisors, control room operator administrators, secretaries and drivers. One manager in Durban, interviewed on 5 November 2013, stated that he had five female top site commanders, and there was nothing in his opinion that hindered their promotion; he however stated that more caution was applied in instances when women were deployed to sites.

It was conceded by one manager whose interview was conducted on 6 November 2013 that it was his opinion that the private security industry was a dangerous environment for female officers, who only constituted 5% of the workforce in his PSC. This concern was raised by another manager interviewed on 7 October 2013 that a female officer would be an easy target if she were to guard a site by herself because, indeed, danger is associated with site protection and management. One manager in Pretoria whose interview took place on 11 October 2013 noted that

women were hindered from progressing in the private security industry because they wanted to start families.

Another manager in Durban who was interviewed on 8 November 2013 stated that 30% of his officers were female and that it was 'just common sense that women could not do some jobs that men could', reiterating that this was also influenced by the client's preference. Another manager from an undisclosed private security company whose interview occurred on 8 November 2013 stated that female officers were only deployed to protect sites as a group and not for individual guarding; that manager emphasised that this was as a key precaution considering South Africa has one of the highest rape statistics in the world. The field work carried out does not point to any direct effect on children as a result of the services provided by the private security industry.

## **7. Advantages and disadvantages of the private security industry**

In South Africa, the evolution of policing services has been an inevitable necessity that has responded to the flux and flow of crime (Marais, 2001). Berg contends that it is no longer sufficient to engage with different policing agencies in isolation from one another, since increasingly, a diverse set of entities engage with one another on a daily basis (2007: 3). Pooling the resources and expertise from the police and private security would serve to enable a framework for cooperation and division of labour, help cultivate a coordinated approach to policing, and mitigate the prevalence of crime in the medium to long term. Undoubtedly, there was consensus among members of the private security industry who participated in the study that authority need not be a zero-sum game and that it is possible that the private security industry can strengthen and even support the authority of the State. Without doubt, it is exactly the relationship with the State that gives the private security industry legitimacy for their activities (Abrahamsen & Williams, 2007; Wakefield, 2005).

A re-conceptualisation of the 'state, territory, authority' marriage has been advocated for in order to enhance the understanding of new networks between state and non-state actors (Abrahamsen & Williams, 2007). It is stated that in an era of globalisation, PSCs are changing the conditions of 'stateness' through their day-to-day provision of security and the protection of life and assets (Abrahamsen & Williams, 2007). However, in South Africa, the State maintains an oversight role of the private security industry through the establishment of PSIRA – an independent regulatory body formed to facilitate all aspects of regulation of the private security industry including 'compliance, legal services, enforcement, forensic investigations, industry training, customer relations management (CRM), registrations, communications, stakeholder management, and research and development' (PSIRA Annual Report, 2013).

Some key developments for security privatisation indicate an alteration of the primacy of state authority. What follows below is an analysis of the circumstances that influence the alleged changing conditions of 'stateness'. The emergence of road closures in affluent and sometimes less affluent residential areas was born out of residents' decreased confidence in the State's capacity to ensure security. However, these alternative security features have had major implications regarding questions about rights to access specific areas and the spatial fragmentation that they support. The development of road closures in the mid-1990s forged broader debates about the continued use of race and class divisions strongly resembling those used for political, economic and social segregation in the apartheid era. It is argued that these security practices that are exclusionary and in many ways criminalise poverty, are indirectly encouraged by public authorities through the State's reliance on residents' participation, in the production of their own security (Béni-Gbaffou, 2008:1938).

"What happens when the private becomes the public, when the right to exclude expands from the home to a commonly accessible space, or when that right exists as a new spatial practice that allows us to [exclude those we do not want to encounter]?" (Berg, 2007). This conundrum implores a consideration of what it means when a public space comes to be governed by rules formerly reserved for private property (Berg, 2007:24). This query is of relevance, particularly after a consideration of the development of "more than 300 road closures [that were] implemented since 1996 in the most affluent areas of Johannesburg ... matching the socio-economic pattern of the city, [the prevalence of these road closures were erected mainly in] the northern, white, middle to upper-income class suburbs" (Béni-Gbaffou, 2008:1935).

The South African Human Rights Commission (SAHRC), a state institution established by Chapter 9 of the Constitution of the Republic of South Africa, Act No. 108 of 1996 received complaints regarding the public road closures by using boom gates for crime prevention in some suburbs (SAHRC Report, 2004:7). The SAHRC concluded a report that found that the road closures were violating ordinary citizen's human rights, mainly due to the allegation that individuals were being denied access based on their race and the infringement of individuals' right to dignity and privacy (SAHRC Report, 2004:7). It was reported that domestic workers were required to produce their identity documents to gain access to the area (SAHRC Report, 2004:7,17).

The racialisation of the road closures debate was underscored by the different treatment that was on offer for different races. "It was alleged that many of the security guards at these booms were instructed to, or chose to routinely stop black people in order to enquire about their movements; such treatment was not applied to white people" (SAHRC Report, 2004:17). The right to privacy was also emphasised in the discussions about the constitutionality of the road closures, and the assertion was made that privacy was only violated if "[t]he information was obtained in an intrusive manner, contained intimate aspects of a person's life,

the information provided was then used for another purpose, or disseminated to the press or general public or to persons for whom the person could reasonably expect such private information would be withheld" (SAHRC Report, 2004:19).

Ambiguity abounds regarding the successes of road closures in reducing incidences of crime. Some accounts suggest that road closures are not effective due to the laws that prohibit restricted access and claims that "the criminal has more time to act from within and is actually protected from the police by the closure" (Bénil-Gbaffou, 2008: 1937). Other accounts have identified the gains made by the development of road closures in "preventing road-assisted crime, particularly hijackings" (Bénil-Gbaffou, 2008: 1937). Notwithstanding the potential for infringements of ordinary citizens' human rights, it must be noted that the prevalence of private security personnel manning road closures, points to broader social changes in the way South African citizens believe they need to manage their safety and security.

The process of delegation of security and other aspects related to city management has been protracted and, at times, presented an immense challenge in terms of the way the State delegates the governance of its domestic security architecture. On the one hand, pursuing ways to entrench its power and control, and on the other hand, promoting the use of alternative private security providers. Increasingly, trends are gravitating towards consumerism and the commodification of security. The fear of crime coupled with the supply of private security agents in the absence of state security guarantees, and the States' adoption of 'responsibilisation' strategies, has created a platform through which private security providers can thrive (Berg, 2007:4). This is demonstrated by the development of different security networks informed by citizen's security concerns, thus leading to specific urban and architectural forms and fragmentation (Bénil-Gbaffou, 2008:1934). It can be inferred that the use of road closures and boom gates imply that the State is loosening its grip on the monopoly of the legitimate means of violence. Arguably, ownership and stewardship of the proposed crime prevention partnership would realign and fortify the State's principal role in providing security in the domestic realm.

During the field work carried out for this report, managers of private security companies were asked if they thought that the SAPS would benefit from working with members of the private security industry and what services they could offer in this regard. One company manager from a PSC expressed in an interview that was held on 7 October 2013 that they already had a close working relationship with the SAPS, particularly due to the criteria required for the protection of a NKP, which they were currently involved in guarding. They noted that they provided VIP protection and assisted the SAPS with investigations into copper cable theft.

Another company manager interviewed on 10 October 2013 asserted that their company had dedicated and specialised experts that were involved in the protection of non-ferrous metals. The view was expressed that members of the

private security industry could offer a force-multiplying effect to bolster the work of the SAPS and assist with intelligence gathering. This is because private security companies had access to information on the ground and could be the eyes and ears of the police, according to a PSC manager that was interviewed on 8 October 2013. The force-multiplying effect that private security companies provide to state security members has also been identified by some scholars, namely Bayley & Shearing's 1996 report titled 'The Future of Policing.' It was stated by a respondent from Quemic Group in an interview on 8 October 2013 that the company had been allegedly encouraged by the Member of the Executive Council (MEC) of Mpumalanga to become more involved in the safeguarding of wildlife tourism in that area, which they were currently engaged in.

One manager of a private security company in Pretoria, who was interviewed on 10 October 2013, held the view that the SAPS officers were too busy and incapacitated to provide security comprehensively, affirming that more cooperation and dialogue would guarantee tangible gains through working together instead of against each other. It was highlighted in an interview with a manager of an undisclosed private security company on 10 October 2013 that the SAPS would benefit from a partnership with the private security industry because there was a significant amount of expertise that had shifted from the SAPS into the private security industry. By discarding the idea of such a partnership, it was emphasised by a manager of a PSC in an interview on 10 October 2013, that this would reflect a denial of the skills entrenched within the private security industry. Additionally, it was asserted that the SAPS and South African citizens would benefit from a public-private partnership through increased support and visibility from the private security industry.

## **8. Crime prevention partnerships between state and non-state actors**

### **8.1. Findings**

When asked whether the PSC has ever been involved in a joint operation with any state organ or member of the SAPS, what the operation was and how roles were divided, one company manager interviewed on 5 November 2013 stated that his company had not been involved in a joint operation with the SAPS but that they had in instances of theft, collected evidence and passed it over to the SAPS for further investigation. Three other PSCs highlighted in interviews held on 5 November 2013, 7 November 2013 and 8 November 2013 that they had not been involved in a joint operation with any state organ or the SAPS. Majority of respondents however, highlighted that joint operations with the SAPS were a common occurrence and, in fact, happened on a daily basis. It was stated by one respondent from Silver Solutions Fund on 10 October 2013 that one joint operation included a contract to take over providing VIP protection for delegates at the World Bankers Association Forum.

One group of company managers operating under Quemic (Pty) Ltd highlighted in an interview on 8 October 2013 that their interaction with the SAPS was influenced by contracts for guarding services to parastatals such as Eskom and the municipal agent City Power. The same managers also identified that the PSC has an ad hoc working relationship with the Hawks and also worked with the SAPS with reference to their wildlife conservation initiatives. The Hawks refers to the Directorate for Priority Crime Investigation which was established as an independent directorate within the South African Police Service in terms of Section 17C of the South African Police Service Act, 1995 and as amended by the South African Police Service Amendment Act, No. 57 of 2008.

The Directorate for Priority Crime Investigation is now responsible for the combating, investigation and prevention of national priority crimes such as serious organised crime, serious commercial crime and serious corruption in terms of Section 17B and 17D of the South African Police Service Act, 1995 as amended. It was noted in the interview with management from Quemic (Pty) Ltd on 8 October 2013 that roles during joint operations were divided depending on the kind of operation it was, affirming that sometimes the company took the lead while other times the SAPS took the lead; it was emphasised that the PSC had no mandate on public roads nor on intelligence matters.

Another joint operation with the SAPS was identified by a PSC with operations in KwaZulu-Natal and involved efforts by both entities to apprehend members of a syndicate selling copper to scrap dealers, as indicated by a manager from a PSC interviewed on 8 October 2013. The roles during these operations were divided depending on what branch of the state security authorities they worked with, the manager noted that their engagement with members of the Hawks was welcomed more than with members of the SAPS who were more authoritative (Undisclosed Private Security Company, 8 October 2013). He stated that 90% of the private security company was comprised of former police officers who in their experience of testifying in court 'had to put up a fight to get the work done, as the police do not think that this crime is a problem'. The manager from the PSC brands his company as a specialist in mitigating copper cable theft for the past 11 years and asserted that this crime poses a detrimental impact on the South African economy. Two managers from an undisclosed PSC stated in an interview on 7 October 2013 that their work of conducting investigations into cable copper theft for parastatals such as Telkom, Eskom, and Transnet was supported by the SAPS, and joint operations were carried out on an equal footing.

Two managers from another company, Tactical Security Services, who were interviewed on 8 November 2013, stated that joint operations with the SAPS in Durban's Brighton Beach area were important to ensure visible policing for abandoned buildings and illegal shacks. The company claimed that they were currently assisting the SAPS to carry out their functions to ensure visible policing in the area and had also secured a contract to provide VIP protection for members of the Road Traffic Inspectorate. Another company manager from an undisclosed

PSC, whose interview was conducted on 6 November 2013, submitted that they had been involved in many joint operations with the SAPS involving the recovery of illegal firearms and narcotics. It was stated that in many of these operations, the private security service provider had taken the lead role in the operations, and the SAPS were involved because their assistance had been requested for support.

In Durban, one manager from an undisclosed private security company, whose interview took place on 5 November 2013, highlighted that the SAPS would assist them in their functions of guarding certain sites and claimed that, he was involved in the debates and discussions surrounding the successes and shortcomings of the crime prevention approaches that took place in the area. It was noted during the interview that those present at the discussions were members of the Metro Police, medical emergency response teams, and councillors that represented the area.

One company manager of a PSC, who was interviewed on 5 November 2011, noted that his company was responsible for ensuring security for representatives from international delegations – for a convention held at the International Conference Centre in Durban during the meeting of the BRICS (Brazil, Russia, India, China and South Africa) group. The company was contracted by the International Conference Centre (ICC) for security provision in conjunction with the SAPS. A manager highlighted, during his interview on 5 November 2013, his company's role in providing security together with the SAPS in conjunction with the local port authority, which included escorting the utility service provider, ensuring port security, and addressing the issue of stowaways. One manager who was interviewed on 7 November 2013 asserted that his PSC worked closely with various branches of state security authorities, such as Crime Intelligence and Public Order Policing, and that this was primarily to ensure orderliness during sports events and concerts. It was noted in an interview on 5 November 2013 with another manager of a PSC that the SAPS would take the leading role in the pre-planning stages, while the company played a bigger role on the day of the event.

Two managers of an undisclosed PSC who were interviewed on 13 November 2013 claimed that they had been involved in joint operations with the SAPS; this included armed response operations and patrol of farms with the help of the SAPS, the efforts of which were undertaken with equal responsibilities. The relationship, it was noted in the interview, had grown, and there was a strong sense of mutual respect; they claimed that the company even helped the SAPS with road blocks. The police stations that the company had a close working relationship with were the Stellenbosch Police Station and the Kuils River Police Station, highlighting that the De Doorns Police Station was reluctant to work with the private security company, particularly during the farm protests that engulfed the area in early 2013. It was suggested that this aversion to work together was because there were many employees of the company that previously worked in the police service, whose attempts to dominate the tactical operations of the SAPS, in that particular instance, led to the poor cooperation.

One PSC manager who was interviewed on 12 November 2013 was contracted by the City of Cape Town to provide security guards at different venues and open

areas; this also meant working with the SAPS during special events such as the Cape Town International Jazz Festival and the Cape Argus Cycle Tour. Another manager of a PSC interviewed on 13 November 2013 stated that his company had been contracted by the City of Cape Town and was required to patrol the city under the auspices of the Central City Improvement District (CCID). It was highlighted in an interview with another manager of an undisclosed private security company on 13 November 2013 that crime in the Cape Town city centre had declined significantly, owing to the increased visibility from the joint patrols which were not there before the CCID initiative. It was alleged – in the interview – that during the period when CCID officials were engaged in strike action, another PSC was contracted by the same municipality to maintain peace in the city centre, while a subsidiary of the company worked closely with the SAPS to ensure security during the 2010 FIFA World Cup Tournament.

One of the most reputable private security companies in the country stressed during an interview on 14 November 2013 with one of its managers, that they were involved in an ongoing operation with the SAPS and several other covert operations which were legally sanctioned through an official agreement with the State Prosecutor and the National Prosecuting Authority (NPA) (Undisclosed Private Security Company, 14 November 2013). This joint agreement allowed for information sharing between the PSC and the SAPS, and helped apprehend criminals and prevent incidences of crime. Another PSC manager highlighted on 12 November 2013 in an interview how their company had assisted on numerous occasions to profile international dignitaries and guests for events hosted in the country, and because the directive was initiated by the SAPS, the police assumed the lead role and the PSC played a supportive role.

### **8.1.1. Prospects for a crime prevention partnership**

Regarding crime prevention partnerships and state authority, it is argued that states are able to confer authority on private security companies by incorporating them into law and leaving them to self-regulation; the emphasis here is that authority need not be a zero-sum game (Abrahamsen & Williams, 2007). It is posited that such a strategy would relieve the state police from the burden of negotiation, implementation and enforcement of [non-core police duties] while still maintaining legislative authority and a breadth of jurisdiction that no other actor possesses (Abrahamsen & Williams, 2007). In the global context, changes in policing policy were initiated in the late 1970s by changes in the perception that policing and the legitimate use of violence was ideally a state monopoly, and it began to be seen as 'everybody's business' (Bénit-Gbaffou, 2006:301).

Urban unrest in several North American cities in the 1970s and in European cities in the 1980s led public authorities to challenge the way social order [was] created at the local level ... this new form of security governance corresponds to a paradigm shift where disorder rather than crime is the main concern. [The emphasis being that] collective effort should focus less on 'bandit catching' [and more on] 'problem solving', which requires all stakeholders at the local level to interact and cooperate. (Bénit-Gbaffou, 2006:301)

Accordingly, developed countries in the mid-1990s began initiatives to strengthen community safety through public-private partnerships (Bayley & Shearing, 1996). This was informed by a break from the narrow interpretation that the public police were solely responsible for crime prevention (Bayley & Shearing, 1996). The restructuring of policing in democratic societies globally, highlights the type of evolution of crime control and law enforcement that has taken place in the North. This evolution revealed that due to the lack of a monopoly by the public police over policing, security would increasingly be provided by private companies on a commercial basis and by communities on a volunteer basis (Bayley & Shearing, 1996).

Indeed, there has been an acknowledgement that crime is too complex to be dealt with solely by the police and that the profit motive is not to be feared in policing. Constraints on police organisations around the world have bolstered public demands for the public police to 'achieve more with less' (Loader, 2011:455). This has prompted the support for police to 'generate resources by selling services or merchandising the police "brand" while acknowledging the risks of a loss of a distinct police identity and neglect of core policing' (Loader, 2011:455). Developments in security provision mean that policing has become pluralised and police are no longer the primary crime deterrent presence in society. This means that the public police have been supplanted by numerous private security companies (Bayley & Shearing, 1996). It is averred that the British government's promotion of private sector involvement in criminal justice through the outsourcing and fostering of inter-agency partnerships has in effect legitimised the private security industry in the United Kingdom (Wakefield, 2005).

Arguably, all explicit efforts to create visible agents of crime control are increasingly perceived as *policing* and hence not just the *police*, affirming that the two concepts have become increasingly blurred (Bayley & Shearing, 1996). Indeed, while customary police are paid, new policing agents are both paid – such as PSCs – and non-paid, such as those agencies involved in community crime prevention. There are three categories of non-state policing, these include vigilantes that are associated with violent methods of control and fail to cooperate with the police, 'responsible citizens' that patrol their communities with the approval of the police, and the third group are the registered PSCs (Baker, 2002). Berg alleges that the private security industry or the 'private police' as they are sometimes termed, due to their close similarities with the public police, play a key role in crime prevention through their appearance and influence (2007:3).

Academic debates often focus on the many challenges that private policing poses on a normative and practical level, and the private security industry in particular forms part of these debates ...For instance, a community may be secured not only by the state police, but by private security patrols, metro police and neighbourhood watch organizations or other voluntary community patrol systems working to secure the same area possibly in a cooperative framework...There is a tendency to blur state

and non-state security dynamics and thus the involvement of a range of 'nodes' – those who initiate and those who provide security relating to each other in security networks. (Berg, 2007:3)

It is acknowledged that in order to improve crime prevention, new approaches must be sought together with a shift in the logic of policing, from one that conceives of it as remedying past wrongs to one that seeks to promote security (Bayley & Shearing, 1996). A key element to the deterrence of crime is the reliance on visible policing for both the public police and the private security industry. Hence, it is feasible to accept that pluralising the sources of policing enhances not only the quantity but also the quality of policing (Bayley & Shearing, 1996). The credibility of plural policing may be realised when underpinned by explicit endorsement from the incumbent state authorities. This is surmised from the UK Crime and Disorder Act of 1998 that requires police authorities, health authorities and fire brigades to work and share information with the private security industry, for crime detection and prevention (Wakefield, 2005). Plausibly, changes in legislation and the shift in the perception of who is responsible for crime prevention contained in the Act has led to a significant decrease in crime in the United Kingdom (Moss. K, Academia.edu website).

The promotion of a plural policing framework between state and non-state actors may prove to be effective and efficient in terms of reducing the incidences of crime when applied to the South African context. One manager of an undisclosed PSC in Durban underscored in an interview on 5 November 2011 the benefits of a partnership between the SAPS and the private security industry. The company provides guarding services for an NKP, VIP protection, and security for the ports in Durban, while its sister company provides guarding services for the main airport in Durban. The manager stated that the emphasis should be on visible policing, which due to the nature of security guards who were on the ground and were the eyes and ears of the police could assist in providing information to the SAPS, vital for solving crimes.

One company manager who was interviewed on 7 November 2013 held that a partnership would be beneficial to both parties and would avoid duplication of services. Carrying out investigations to help solve cases, it was admitted in the interview, was already happening, albeit in an ad hoc manner, and it was noted that a formalisation of ongoing partnerships and the development of stronger links would in essence give credit where it was due. One company manager whose interview was conducted on 8 November 2013 averred that due to the limited number of SAPS officers, closer liaison and information sharing would be critical to solving crimes, particularly housebreakings, which was the most common crime that the company had to deal with. The manager of one company in Cape Town claimed in an interview on 15 November 2013 that they had a contract to protect pensioners as they get their money at cash point services (CPSs) and at the South African Social Security Agency (SASSA) payout points. He also highlighted that they had a contract with the Department of Justice for VIP protection of magistrates and judges.

The findings from the field work conducted underscore the fluidity of 'policing' as a traditional concept and seeks to expand on the perception of policing as a 'broader activity than just what the police can do' (Baker, 2002). In South Africa, this is further compounded by the presence of former state police officers operating within the private security industry. It is argued here that effective crime prevention would fare better when conceived through effective partnerships between agents of public and private security. Accordingly, in order to ensure that policing – both public and private – is equitable and accountable, private security agents should be considered in national and local government plans and partnership consultations. This would enhance the efficacy of crime prevention strategies which could be formulated on a national level with the inclusion of non-state actors; with members of the private security industry playing a support role in a new national crime prevention strategy.

The rise in mass private property is a key element in the commodification of security, which has influenced changes in conditions of 'stateness' and encouraged the deconstruction of traditional state-centric ideas of security. Partnership policing brings up questions regarding the nature of the partnerships to be formed and the kind of information that would be shared. Additionally, a more capacitated PSIRA, in terms of human and financial resources, would be required to play a critical role in ensuring that regulatory policies are adhered to and compliance is enforced. A change in the way people think of policing is advocated for in order to establish an effective approach towards the way accountability and resources for crime prevention and control are allocated, for both state and non-state actors.

One of the more notable examples of a functioning crime prevention partnership between state and non-state actors was that coordinated by the SAPS Honeydew police precinct in association with Business Against Crime (BAC), the SIA and twelve different PSCs in 2008 (Tony Botes, 4 March 2014). The initiative that was termed the Private Security Alignment Initiative has since dwindled in effectiveness, influenced by the changes in station commanders who subsequently were not in support of the initiative, as indicated by Tony Botes on 4 March 2014 and Steve Conradie, CEO of SIA, on 5 March 2014. Information from the initiative termed the Honeydew Private Security Alignment Initiative, highlighted that it provided for;

a single dedicated and secure radio system to be installed in the operational coordination centre of the Honeydew SAPS radio control room and manned by operators under the control of the station commissioner or cluster head on a twenty-four hour basis... This system was linked to the response vehicles of parties to the agreement (PSCs), so that in the event that any of the participants witnessed any criminal activity, they would notify the radio operator who would subsequently relay this to the control room head and initiate a response by the SAPS to the crime scene. (Conradie, 2014)

SAPS Honeydew was responsible for selecting the senior supervisors from accredited PSCs to undergo special training, who would then train the reaction officers to be

deployed in the area specified in the agreement (Conradie, 2014). Mr Botes noted that SIA played a key role in the formation of the initiative, and asserted that the police did not have the manpower to handle their existing load, and the only way they were be able to proactively prevent crimes was to get partners. Dunmar Security, Venture Security, Apcan Risk Management, Peaceforce Security Group, Top Security, Accumen Security Services, ADT Security (Pty) Ltd, Piranha Security CC, Chubb Security SA (Pty) Ltd, Viper Risk Management, DCS, Trojan Security, Business Against Crime South Africa, and Security Industry Alliance were the actors that were initially part of the Honeydew Private Security Alignment Initiative (Conradie, 2014).

It was noted, that the SAPS Honeydew would keep the information regarding the time, location and nature of a joint operation private, and only on the morning of the operation were the parties informed of what it would entail. The initiative's strongest point, as highlighted by Mr Conradie in an interview on 5 March 2014, was the quick reaction time to apprehend suspects and the crime scene training and management that private security officers received; consequently, there was a recorded drop in trio-crimes, referring to house robberies, vehicle hijackings and business robberies. Mr Conradie acknowledged that additional powers for private security officers were not necessary and that is was important not to interfere with police work; hence, he continued to support the concept of a crime prevention partnership based on information sharing.

Discourse and the development of a feasible model for a public-private partnership would ensure that the different variables that govern crime and more importantly its prevention would be integrated into a credible network for security provision. This process would help entrench pre-emptive responses for crime prevention and ensure the safety of citizens. However, this should be accompanied by government endorsement and a commitment to an effective network from the relevant security agencies. It is widely held that deterrence through enhanced visibility and effective cooperation between public and private policing would lead to a safer society (Wakefield, 2005). Crime prevention as the outcome of increased visible policing can only be achieved when two conditions are met, namely, a shift in the expectations of citizens and security agencies regarding what is required for community safety, and a new multi-pronged approach towards crime prevention (Wakefield, 2005).

The importance of engagement is underscored by the similar yet distinct role in policing and providing security for the SAPS and the private security industry, respectively. This is more pronounced in the immediate response that is required by those who are first at the scene of a crime. It is worthy to note that amendments to the Criminal Procedure Act, 1977 were enacted to substitute Section 49 of the Act and align the provisions relating to the use of force in effecting the arrest of a suspect. The amended Act is now referred to as Act, No. 9 of 2012: Criminal Procedure Amendment Act, 2012. The following provision for the 'use of force in effecting arrest' was made:

If any arrestor attempts to arrest a suspect and the suspect resists the attempt, or flees, or resists the attempt and flees, when it is clear that an attempt to arrest him or her is being made, and the suspect cannot be arrested without the use of force, the arrestor may, in order to effect the arrest, use such force as may be reasonably necessary and proportional in the circumstances to overcome the resistance or to prevent the suspect from fleeing: provided that the arrestor is justified in terms of this section in using deadly force that is intended or is likely to cause death or grievous bodily harm to a suspect, only if he or she believes on reasonable grounds

- a. That the force is immediately necessary for the purposes of protecting the arrestor, any person lawfully assisting the arrestor or any other person from imminent or future death or grievous bodily harm;
- b. That there is a substantial risk that the suspect will cause imminent or future death or grievous bodily harm if the arrest is delayed; or
- c. That the offence for which the arrest is sought is in progress and is of a forcible and serious nature and involves the use of life-threatening violence or a strong likelihood that it will cause grievous bodily harm,

However, in addition to the requirement that the force must be reasonably necessary and proportional in the circumstances, the arrestor may use deadly force only if –

- a. The suspect poses a threat of serious violence to the arrestor or any other person; or
- b. The suspect is suspected on reasonable grounds of having committed a crime involving the infliction or threatened infliction of serious bodily harm and there are no other reasonable means of effecting the arrest, whether at that time or later (Criminal Procedure Amendment Act, No. 9 of 2012).

The authority granted to the members of the SAPS, for the use of force when enacting arrests, is wide-ranging, whereas the powers conferred upon members of the private security industry are limited, in comparison. Private security officers, even though there are laws that allow this, are not conferred with a 'peace officer' status and carry out their duties as civilians, only incurring legitimacy from the contract with the client and property owner.

A study of 'plural policing' in the United Kingdom found that 'it is often security guards rather than police that constitute the primary form of visible policing' (Crawford. *A et al*, 2005). In South Africa, there has been limited research conducted on whether members of the SAPS or the private security industry are responsible for more 'visible policing' than the other. Nonetheless, it can be argued that due to the sheer disparity in the ratio of SAPS officers to private security officers, the reassurance that emanates from visible policing would be increased by the presence of private security officers and through a partnership between both agencies.

In South Africa, an endorsement of crime prevention partnerships was hinted at by former President Thabo Mbeki; according to the former President, police partnerships would allow security expectations to be met (Baker, 2002). This was

further highlighted by the then Minister of Safety and Security Charles Nqakula when he called for partnership policing because the private security industry had already been 'looped in for crime prevention' (Baker, 2002). The previous Minister of Police Mr Nathi Mthethwa urged private security companies to work with police to enhance the fight against crime, affirming that the private security industry could complement the police's efforts and have a crucial role to play in making South Africa safe (South Africa Government News Agency, 2011). A 2008 Democratic Alliance (DA) discussion document, asserted that bringing in the private security sector to work effectively with the SAPS would double the number of people available for the fight against crime, underscoring the value of a partnership between the private security industry and the SAPS (Democratic Alliance, 2008).

Chapter 12 of the NDP underscores that the 2000 National Crime Combating Strategy due to its focus on criminal justice resources led to an interpretation of the police as an "all-purpose agency rather than a highly specialized resource to be deployed strategically and this has led to a police agency that is stretched beyond its capacity with; a mandate that is impossible to fulfill, and disenchanted police officers with fragile authority and legitimacy" (NDP, 2011: p 357). It is acknowledged by the NDP that in order to build safer communities what is required is a different approach, as law enforcement agencies do not and cannot provide a 'total response.' The assertion is made that the private sector plays a critical role in community safety through technological support and further that joint operations between the SAPS and the private security industry should be supported and extended (NDP, 2011: 360).

## **9. Policy framework for outsourcing private security**

Crime prevention aims to improve security by deterring the conditions that cause crime; for the community, this inevitably requires taking ownership of their communities and working together with the police and non-state security agents. For the former, useful steps have been taken to meet this end. As discussed earlier, in 1995, the SAPS officially established CPFs aimed at forging dialogue and re-establishing trust between the police and residents at the local level (Bénil-Gbaffou *et al.*, 2008:694). Initially, CPFs gave residents important powers for identifying local security priorities; however, in the late 1990s, new regulations were implemented to restrict residents' participation in simple consultation (Bénil-Gbaffou *et al.*, 2008:694). CPFs were introduced to allow residents to monitor the police and hold them accountable for their actions. However, the power entrusted to local communities by the Police Service Act of 1995 that conceived of CPFs began to manifest itself as a politically and racially motivated opposition to the incumbent political party (Bénil-Gbaffou, 2008:1943).

The dramatic shift in power structures that accompanied the democratic political transition in the country and the symbolic platform that the CPFs initially represented led to some confrontations. "The most powerful CPFs were in the

previously advantaged areas, and the predominantly white residents were dealing with [allegedly] black, illiterate police officers" (Bénil-Gbaffou, 2008:1943, 1945). Hence, amendments to the Police Act were implemented to reassert the authority of state officials, particularly elected local representatives, and to relieve the condescension characteristic of the initial resident-police interaction from the CPF initiative. Despite the shift in policy direction for the CPFs, there was an awareness of the importance of maintaining a 'grassroots' coordination between the public authorities and local residents (Bénil-Gbaffou, 2008:1943, 1945).

It can be argued that the State by extension – through the authority granted to municipalities- indirectly supports the outsourcing of services that were traditionally viewed as being the preserve of the State. It is worthy to note that contemporary projections for the City of Johannesburg point to the creation of a safe, inclusive and sustainable city management approach; it is stated that,

The Joburg 2040 Growth and Development Strategy (GDS), launched in October 2011, responds to the multiple challenges and uncertain futures faced by the city... The Joburg 2040 GDS is driven by the goal of capable and capacitated communities and individuals. With this realised, the City of Johannesburg will be able to achieve a more sustainable, inclusive future, in which communities and the individuals who live in them hold the potential and the means to imagine and grow their neighbourhoods, their communities and themselves. A balanced focus on the environment, management and services, good governance, economic growth and human and social development will assist in achieving a resilient and sustainable city – and a city in which all aspire to live. (JDA, 2012/2013, mid-year report)

Major changes in mass private property have also led to the emergence of Community Improvement Districts (CIDs) in central Cape Town and the northern suburbs in Johannesburg. The CID refers to a security scheme established with public endorsement and private interests responsible for ensuring improved security, refuse collection, alleviation of inner-city decay, and helping these cities become 'world-class cities', which is facilitated by public service support at the local level (Bénil-Gbaffou *et al.*, 2008:695, 698). The concept of the CID is taken from the Business Improvement District (BID), first developed in North America (Bénil-Gbaffou *et al.*, 2008:695).

The funding [for the CIDs] consists of an additional levy paid by all the property owners of a specific area it is raised by the municipality but spent exclusively in the CID's perimeter. [A] non-profit company is set up by the property owners and businesses of the area for the management of this local resource. (Bénil-Gbaffou *et al.*, 2008:695)

For example, the Johannesburg Development Agency's (JDA) key objectives are to restructure and upgrade public space, promote economic growth and encourage public management and development partnerships (JDA, 2012/2013 Mid-year report). JDA implements area-based initiatives for overall development; these initiatives may be outsourced for certain objectives while maintaining its primary accountability as the

development manager (JDA, 2012/2013 Mid-year report). It is submitted that the outsourcing of key town management responsibilities through the support of CIDs and the concomitant fiscal and spatial fragmentation that they produce represents:

A political tool for the municipality, allowing the City to have resources channeled for the securitization of business and commercial cores, without being accused of avoiding redistribution and following the apartheid legacy of the bigger share of the public budget being invested in white and privileged areas. [Outsourcing city development] actively proves quite rewarding politically (lack of opposition) and economically (efficient and visible cleansing of business districts), in the short term. However, in the longer term it can lead to its weakening, through fiscal fragmentation, exclusionary practices, and loss of political legitimacy. This strategy, far from being a solution imposed by market forces or international institutions to local public authorities, is a way for the city to instrumentalise globalisation in order to follow, without too much political contest a focused economic growth policy. (Bénil-Gbaffou, 2008:1943)

The broader social changes that are characteristic of an increasing reliance on a public-private partnership and the new spatial practice that it cultivates prompts an inquiry into the kind of limits that a “political community, committed to equal citizenship and concerned [with] encouraging social cohesion among its members, place on the market exchange for security provision” (Berg, 2007:24).

Marks, Shearing and Wood assert that in order to ensure that crime prevention partnerships between the SAPS and the private security industry are effective, the ‘police and the public need to be clear on what the core competencies and functions of the public police are’ (2009:150). Likewise clarity should be provided on what functions can be outsourced to members of the private security industry. This, it is argued, would resemble good security governance where different policing nodes are distinguishable and allow “all parties in networked arrangements to be clear about what it is they can individually contribute and what they can realistically expect from the public police” (Marks, Shearing and Wood, 2009: 150). The police, as representatives of government, would in such a context be able to steer a crime prevention partnership and help safeguard policing norms, due process and justice (Marks, Shearing and Wood, 2009: 152).

## **10. Regulatory framework for the South African private security industry**

PSIRA was established in terms of Section 2 of the Private Security Industry Regulation Act, No. 56 of 2001. The Authority is mandated to regulate the private security industry and exercise effective control over the practice of the occupation of security service providers in the interest of the State, the public and the private security industry itself. Inadequate resources for the Authority hinder effective regulation; PSIRA receives no government funding but rather generates revenue from annual fees from the private security industry and penalties incurred by

members of the industry when they are found to be non-compliant. The activities of the private security industry and its members are regulated and governed by the Act. The private security industry was previously regulated in terms of the Security Officers Act, No. 92 of 1987 by the Security Officers Board (SOB), which failed due to partiality, the exclusion of in-house security and a myopic focus on guarding services. PSIRA is administered by a Council which is accountable to the Minister of Police for the performance of its functions and must provide the Minister with any requested information (PSIRA Amendment Bill, 2012).

PSIRA's main responsibilities are to determine and enforce minimum standards of occupational conduct in respect of security service providers; monitor the private security industry and promote compliance with minimum standards; regulate the private security industry and exercise effective control over the practice of the occupation; to ensure that the industry acts in the interests of the public, and the country and the industry itself, when rendering security services; to promote a legitimate private security industry characterised by the principles contained in the Constitution and other applicable law. [This should be done] whilst upholding professionalism, accountability, transparency, equity, accessibility and stability of the industry; to protect the rights of security officers; to consider applications for registration, suspension or withdrawal of registrations, prevent the exploitation or abuse of security officers and ensure high quality standards of training. (PSIRA Annual Report, 2013/2014)

The Act introduced a redefinition of a security service provider, obliged across the board registration of service providers and gave stronger powers for inspection. Complementary to the Act was the Private Security Industry Levies Act, No. 23 of 2002 which supplemented the PSIRA Act, the Code of Conduct for Security Service Providers, 2003 and the Improper Conduct Enquiries Regulations, 2003 which have all been instrumental in the enforcement of minimum standards of occupational conduct of security service providers (PSIRA Annual Report, 2012/13:17). The Code of Conduct is a key component of the regulatory framework and places the responsibility on security service providers to adhere to minimum standards that are aimed at promoting responsible conduct, trustworthiness, quality of service, and adherence to other relevant laws (PSIRA Annual Report, 2012/13:17).

A Code of Conduct for Security Service Providers of 2003 was prescribed under the Private Security Industry Regulation Act, 2001. The purpose of the Code is to provide binding rules that all security service providers and employers of in-house security officers must obey, i.e. in order to promote compliance in line with a minimum set of standards that are established by the Authority in the endeavour to realise its objects (Code of Conduct for Security Service Providers of 2003, Chapter 1, Section 1). These include promoting a trustworthy and professional private security industry with regard to their obligations to the State, the Authority, consumers, the public and the private security industry itself; this includes ensuring the payment of minimum wages and compliance with standards aimed at preventing exploitation or abuse of employees in the private security industry (Code of Conduct for

Security Service Providers of 2003, Chapter 1, Section 1, Subsection (a), (b), (c) and (d)). The Code of Conduct is legally binding on all security service providers, irrespective of whether they are registered with the Authority or not, and to the extent provided for in this Act on every person using his or her own employees to protect or safeguard merely his or her own property or other interests, or persons or property on his or her premises or under his or her control (Private Security Industry Regulation Act, No. 56 of 2001, Chapter 4, Section 28).

Improper conduct proceedings may be instituted by the Authority against a PSC or other person who employs a security officer, on account of an allegation of improper conduct, whether such improper conduct was allegedly committed within or outside the borders of the Republic (Private Security Industry Regulation Act, No. 56 of 2001, Chapter 4, Section 29, Subsection 1). Any person aggrieved by the refusal of the Authority to grant his or her application for registration as a security service provider; the suspension or withdrawal of his or her registration as a security service provider by the Authority; or a finding against him or her, of improper conduct in terms of this Act, or the punishment imposed in consequence of the finding, may within a period of 60 days after service of the notification of the relevant decision, appeal to an appeal committee (Private Security Industry Regulation Act, No. 56 of 2001, Chapter 4, Section 30, Subsection 1(a), (b) and (c)).

Chapter 5 of the Act refers to the monitoring and investigation component of the Authority's mandate. According to this chapter, the Council is responsible for appointing inspectors for the Authority; inspectors are required to perform functions in terms of the Act and any other law and are subject to the control and direction of the Director (Private Security Industry Regulation Act, No. 56 of 2001, Chapter 5, Section 31, (1) (a) and (2)). The Director must furnish every inspector with a certificate in the prescribed form to the effect that he or she has been so appointed and is deemed by virtue of Section 34(3) of the Act to be a peace officer.

An inspector in respect of any provision of this or any other law applicable to security service providers is deemed to have been appointed as a peace officer by the Minister of Justice in terms of Section 334 of the Criminal Procedure Act, No. 51 of 1977 for the national territory of the Republic and for the purpose of exercising the powers contemplated in Sections 40, 41, 44, 45, 46, 47, 48, 49 and 56 of the Criminal Procedure Act, 1977. An inspector may use the powers in terms of this subsection only to serve the purposes of this Act and matters incidental thereto (Private Security Industry Regulation Act, No. 56 of 2001, Chapter 5, Section 34, (3) (a) and (b)). An inspector must at the request of any interested person produce the certificate when performing a function in terms of this Act (Private Security Industry Regulation Act, No. 56 of 2001, Chapter 5, Section 31, (2), (3) and (4)). All inspectors are legally bound by a code of conduct and must comply with rules to realise the objects of the Authority; penalties are provided for instances when inspectors' compliance is found to be wanting (Private Security Industry Regulation Act, No. 56 of 2001, Chapter 5, Section 32, (1), (2) and (3)).

An inspector may, subject to the direction of the Director, carry out an inspection of the affairs or any part of the affairs of a security service provider, or any other person who employs a security officer, or of a person whom the Director has reason to believe is a security service provider or employs a security officer (Private Security Industry Regulation Act, No. 56 of 2001, Chapter 5, Section 33, (1)). After completion of the inspection, the inspector must compile a report of the inspection, provide a copy thereof to the relevant security service provider or other person contemplated in Subsection (1), and submit the original to the Director (Private Security Industry Regulation Act, No. 56 of 2001, Chapter 5, Section 33, (1)). Carrying out an inspection allows an inspector to, at any reasonable time,

[W]ithout prior notice enter any premises occupied by or used in connection with the rendering of a security service by a security service provider or another person contemplated in Section 33; which the Director has reason to believe are occupied by or used in connection with the rendering of a security service by a security service provider or another person contemplated in Section 33; or from where a security service is rendered or the Director has reason to believe that such a service is rendered; use any applicable equipment which has not been prohibited by the Council during such inspection and conduct such inspection, examination and investigation as may be necessary for the purpose of monitoring or enforcing compliance with [the] Act or the Levies Act; use any computer system or equipment on the premises which is or appears to be utilised for the control or administration of the rendering of a security service, or require reasonable assistance from any person on the premises to use that computer system to access any data contained in or available on that computer system; reproduce any record from that data; and seize, against the issue of a receipt, any output from that computer for examination and copying. (Private Security Industry Regulation Act, No. 56 of 2001, Chapter 5, Section 34, Subsection (1) (a), (b) and (c)).

PSIRA endeavours to ensure integrity and excellence in the regulation of the private security industry, whose efforts in maintaining oversight of the private security industry must be lauded for the progress that has been accomplished thus far. Although room for improvement remains, leadership to ensure more effective regulation of the private security industry in the future is underscored by the development of a strategic plan covering financial years 2014/15 to 2018/19. The Authority aims to focus on 11 strategic objectives to "ensure good governance and a sound financial control environment; ensure that PSIRA has in place effective and reliable IT systems; ensure that PSIRA has a competent, ethical and skilled workforce; ensure effective regulation in the security industry; enforce minimum standards of occupational conduct in respect of security service providers (SSPs); promote awareness amongst the public and the private security industry on the functions and role of PSIRA in the industry; promote the protection and enforcement of the rights of security officers and other employees in the private security industry; promote the interest of the consumers of private security services; ensure that the registration process is transparent and timeous; promote high standards in the training of security service providers and prospective (SSPs); and ensure that PSIRA is a centre of excellence in private security research" (PSIRA Strategic Plan, 2014/2015 to 2018/2019).

Furthermore, it can be argued that recognition of PSIRA's unrelenting approach to improve the regulation of the private security industry represents an awareness of the weight of the Authority's responsibility. A key element of PSIRA's mandate requires that the Authority ensure that private security service providers comply with the legislation that legitimises the occupation of security service providers, and that compliance is regulated through the inspection and education of security service providers (PSIRA Annual Report, 2012/13:17). Non-compliance results in regulatory measures being escalated to the Law Enforcement Division. As discussed above, inspector's conduct investigations to establish if a security service provider is registered with PSIRA or detect other criminal contraventions in relation to the PSIR Act and Firearms Control Act (PSIRA Annual Report, 2012/13:24). Certain contexts require members of the SAPS to assist PSIRA inspectors, particularly when carrying out investigations that necessitate arrests to be made and during site inspections and law enforcement operations (PSIRA Annual Report, 2012/13:25).

Compliance inspections were stepped up dramatically, with 27 072 inspections conducted during 2013/2014 as compared to 23 827 during 2012/2013 and 7 669 during 2011/2012. This is the highest number of inspections ever conducted by PSIRA ... During 2013/2014, a total of 1 489 improper conduct dockets against security businesses were compiled, compared to 1 052 dockets during 2012/2013 ... During 2013/2014, 740 criminal cases were opened by inspectors of the Authority as compared to 727 in 2012/2013, and during 2013/2014, 301 criminal cases were finalised by the National Prosecuting Authority. (PSIRA Annual Reports, 2012/13:15; 2013/14:28, 29, 30)

The Deputy Director of law enforcement at PSIRA, expressed in an interview on 23 January 2014 the view that the work of promoting compliance and enforcing it when the former had failed would be more effective if PSIRA inspectors had the mandate to investigate cases, from the cradle to the grave (Mthethwa, 2014). As opposed to what is currently happening whereby inspectors collect information for the SAPS to process, he underscored that the optimal use of inspectors' function and execution of PSIRA's mandate would only be realised when inspectors have exclusivity with crimes associated with the private security industry. He noted that the impression from the SAPS was that crimes related to the private security industry were inferior, unlike other major crimes such as murder and organised crime; this meant that the SAPS did not see value in the transgression of an unregistered PSCs.

According to the principal Act, PSIRA inspectors have the powers to, inter alia, enforce sanctions as determined by the crime or offence, the Deputy Director noted that if inspectors were only required to acquire a case reference number from the relevant police station, this would allow more control with cases related to the private security industry. He highlighted that this would also deter the current trend where pending cases that were being investigated by the SAPS were shifted from one prosecutor to another, noting that it had been observed that SAPS prosecutors exhibited significant leniency for perpetrators of crimes related to the private security industry, which typically only led to a slap on the wrist.

There is a close working relationship between the Authority and the SAPS, which assists the Authority in investigations where the Authority requires arrests to be made. As at 31 March 2014, a total of 1 740 outstanding criminal cases were pending with the South African Police Service, compared to 1 301 cases as at 31 March 2013. The Authority proposed the drafting of a standard operating procedure for the SAPS in respect of Authority-related cases in terms of the Private Security Industry Regulation Act and Regulations. The SAPS undertook to compile the standard operating procedure and the Authority requested to have inputs into the document. This will form part of a National Consultative Forums agenda in the new financial year. (PSIRA Annual Report, 2013/2014:30)

It is noteworthy that neither of the legislative Acts referred to above gave provisions for a crime prevention partnership between the private security industry and the SAPS; any such cooperation was to be left to the prerogative of the latter. However, in the 2012 draft Private Security Industry Regulation Amendment Bill, there was a proposal to amend Section 3 of the principal Act through a provision to 'promote crime prevention partnerships between the private security industry and organs of the State responsible for crime prevention' (Private Security Industry Regulation Amendment Bill, 2012). This amendment was however not approved by Parliament.

The question was posed to the senior manager for legal services at PSIRA in an interview on 26 February 2014 regarding whether he believed that the work the private security industry did would be enhanced if the private security industry were included in governmental policies dedicated to crime prevention. He noted that if this was in the form of legislation, it would go a long way, and he gave the example of the Intergovernmental Relations Framework Act, No. 13 of 2005 whose spirit encourages all government institutions to work together. He further stated that prospects for the inclusion of the private security industry into the security cluster would require engagement from all relevant stakeholders, including the Security Manager's Forum and Security Industry Alliance.

Notwithstanding this, it has been noted that the lack of a formal framework has been the main root cause of distrust and resentment between public and private policing. The Director of PSIRA conceded that trust was a major factor that hindered the feasibility of a crime prevention partnership. He stated that it was prudent to acknowledge that legislation had allowed criminal elements to infiltrate into the private security industry; hence, it was imperative to develop vetting procedures that could guarantee that crime prevention partnerships would operate with the utmost professionalism and the highest integrity. Furthermore, he noted that applying the same vetting procedures used for the police, on members of the private security industry that wish to be included in the partnership would help address the issue of trust. He asserted that it was important not to generalise the issue of criminality or stereotype the work of security guards as being susceptible to crime, noting that private security officers were aware of the role that integrity played in their jobs.

The Deputy Director of law enforcement at the Authority noted that a key aspect of the Crime Prevention Partnership (CPP) would be the standardisation of training; thus, aligning the training of the private security industry to that of the SAPS would be crucial to harmonise the basic training minds that were currently fragmented. According to the Deputy Directory, this shift would enable the private security industry to assist in the prevention of crime from a proactive point of view. He submitted that the SAPS was mandated to ensure the safety of the public, and in this context, the private security industry must at all times maintain a supportive role to the SAPS. He opined that there existed reasonable suspicion that there were some PSCs that were involved in burglaries and housebreakings, and noted that this represented the putrid aspects of the private security industry, presenting themselves as the solution to the very crime they perpetrate. It is however encouraging that concerted efforts to curtail criminality and enforce compliance is a key strategic focus of the Authority's management.

It is contended here that undertaking the arduous task to make all South Africans be and feel safe would be optimally achieved through a partnership with the SAPS, members of the private security industry and the explicit support and awareness of consumers of private security services. It is anticipated that this report will encourage discourse about the feasibility and usefulness of a partnership between public and private policing agencies and will contribute to a shift in attitudes about policing and security provision in the country. This will play a critical role in laying the foundation for the development of a framework that would use an integrated approach, in order to take advantage of the work done by both the public police and private security actors and establish an integrated method of holding both agencies accountable.

## **11. Use of firearms by the private security industry**

The Central Firearms Registry (CFR) is principally responsible for firearms control in the country. PSIRA is required to supply information to the CFR regarding security service providers that apply for firearm licences. The information required is the registration status of the security business, the number of security officers employed by the business, training status, and the annual amounts due to PSIRA (PSIRA Annual Report, 2012/13:26). Managers of private security companies were asked how they characterise the role of the CFR in issuing certificates for firearm ownership. It was claimed that the CFR was not effective in its mandate, and the suggestion was made by one of the managers of an undisclosed PSC in the interview on 6 November 2013 that this might be because the CFR did not know what their role was regarding who should or should not get approved. It was alleged by one manager interviewed that the CFR was notorious for massive delays in issuing competency certificates and then proceeded to penalise officers when their certificates were not on site. It was however noted that there had been a slight improvement. Another manager stated in an interview on 7 November 2013 that effectiveness was generally poor at the CFR, and was made worse because of the prevalence of 'fly-by-nights' brandishing fake competency certificates.

According to one manager in Cape Town in an interview conducted on 14 November 2013, delays were to be expected, and it was important that all necessary processes were followed; even so, he stated that it seemed as though there was not enough personnel to handle the number of applications. He gave an example of an officer who had a criminal case pending against him for domestic violence, and the CFR withdrew his firearm competency. This resulted in him losing his income, while he still had to pay legal fees. He stated that all officers receive counselling for domestic issues and family problems, and that the employees' well-being was outsourced to a private company. He claimed that the prevalence of fake certificates is the reason for in-house vetting processes.

Limitations on the scope and nature of recording, regulation and control of firearms for the private security industry in the country are a major concern. It can be surmised that this stems from the poor alliance between the CFR and PSIRA; the question was posed to the Director of PSIRA regarding how this relationship could be improved in line with the Authority's endeavour to improve compliance rates. He stated that there has been no effort to regulate the use of firearms in the private security industry properly, which was partly due to the poor alignment between PSIRA and the CFR despite attempts by the Authority to forge a closer relationship with the latter. He highlighted that, as a result, the PSIRA Firearms Regulatory Committee worked to ascertain which PSCs have been issued with firearms and their status with the Authority. He indicated that an audit on this issue was conducted and revealed that 15 000 firearms were recorded as belonging to PSCs that were no longer registered with PSIRA and, as a result of this finding, a proposal was made that PSIRA and the SAPS should sign a Memorandum of Understanding (MoU) to allow the Authority to have access to their real-time database.

Using this strategy, it can be inferred that increased information sharing with the CFR, screening to verify which PSCs have firearm licenses and conducting joint operations with the SAPS to address non-compliance would lead to greater transparency on this issue (PSIRA Director, 2013). Currently, PSIRA is limited in the information it receives from the CFR; the Authority is granted access when a request is made; however, this is not from the CFR's real-time database (PSIRA Director, 2013). Furthermore, it was underscored that the issue of ensuring a robust partnership needs to be addressed from a different angle that keenly considers the balance between oversight and regulation. The Director of PSIRA also highlighted that questions such as how abuses or deaths would be recorded, as well as firearm use and losses in the line of duty, are crucial and would need to be sufficiently addressed. This, he noted, required the private security industry to be more accountable regarding how many people die or are affected by firearms.

Compliance Forums are one of the ways PSIRA engages with the private security industry, the aim being to discuss and target issues that affect non-compliance. It was argued by the Director of PSIRA that a broader consultative process with

stakeholders such as the SAPS, BAC, SIA and the SASA could help develop measures to deter non-compliance (2013). He stated that engagement with the National Commissioner of Police on the matter had already taken place and that the terms of reference were still being formulated. The Director of PSIRA stated that the National Commissioner of Police supported the idea of partnerships but had not articulated to what extent this support reached.

## **12. Gaps, inconsistencies and areas of improvement**

The private security industry has grown tremendously over the past 20 years. Since the promulgation of the Private Security Industry Regulation Act, No. 56 of 2001, PSIRA has been concerned with the regulation of the industry, particularly with regards to ensuring effective regulation. The challenges of the private security industry have been manifested in many ways, including the lack of adequate resources of the Authority, which generates revenue from the fees and penalties from the private security industry. This affects most notably PSIRA's inspectorate that is understaffed, there are currently 45 inspectors nationally, more inspectors are needed to fulfil PSIRA's regulatory mandate.

Insufficient resources have compromised effective regulation, compounded by the lack of proper accountability for firearms in the possession of members of the private security industry, security services rendered outside the Republic by South African security companies, and criminality within the private security industry. These challenges have thus necessitated the fortification of the already established regulatory framework. The call for the review of the Act can be viewed as an affirmation of government's will to ensure that every citizen feels and is safe and a commitment by PSIRA to enhance the regulation of the private security industry.

Certainly, crime prevention strategies in South Africa should be informed by the rate of crime. This would best be achieved by conceiving the efforts of relevant security agencies, both state and non-state, through a binding and accountable multi-stakeholder approach, catered to preventing crime. When developed together with the principles of the 1996 National Crime Prevention Strategy (NCPS), this should elicit an understanding of the importance of cooperation and collaboration in the country. The NCPS envisaged a strategy to tackle the root causes of crime through an integrated and coordinated government response (Rauch, 2001). The NCPS floundered on many fronts but mainly due to the failed integration of different departments and agencies (Rauch, 2001).

The establishment of a formal structure and guideline for cooperative policing, it is averred, would address issues of accountability, monitoring and civil liabilities, and enhance information sharing for enhanced crime prevention (Minnaar, 2007). Marks, Shearing and Wood underscore that police officers should be trained as "knowledge brokers and experts in the discretionary enforcement of law" (2009: 153) and seek

to impart these skills on the members of the private security industry. Although legislation has been effective in fostering a structure for regulation, enforcement and management of the private security industry more is needed to increase compliance to the PSIRA Act and ensure a credible private security industry capable of working with the SAPS. This is hampered by amongst other things, concerns regarding foreign ownership and the perception of low-quality training standards (Minnaar, 2007). It was noted during the fieldwork that the use of foreign security officers is pervasive in the private security industry, foreign security officers are deployed mainly during weekends and public holidays when PSIRA inspections do not take place. However, more pressing are concerns regarding foreign ownership of private security companies, the intention is to limit foreign ownership in the private security industry. In theory, however, this has been addressed in the Private Security Industry Regulation Amendment Bill of 2012, which is yet to be signed into law.

In addition, the question was posed to PSIRA's Director regarding whether the current sanctions regime was sufficient to ward off criminality in the private security industry; the Director of the Authority conceded that indeed they were not sufficient. He highlighted that the issuing of fines must be understood within the correct context, and that according to the Act, labour-related contraventions require that a fine be issued accordingly, whereas sanctions related to criminal offences are issued by the courts. The Director noted that the latter represented a more pressing concern because there was no formal strategy to deal with these in relation to enforcement as dictated by the Act.

Furthermore, the Director of PSIRA stated in the interview that administrative- or labour-related fines were not sufficient, and PSCs find it easy to pay the fines, with PSIRA having accumulated R10 million in fines in one year. It was noted that this trend promoted non-compliance and exacerbated the criminality within the industry. According to the Act, PSIRA is mandated to deal with issues of abuse, payment of wages and exploitation of labour. This provision is informed by the history of the private security industry; however, PSIRA has scaled down on adjudicating on labour matters, which are now referred to the Department of Labour (Director, 2013). The Director emphasised that PSIRA's role was not restorative but punitive. Nevertheless, the promotion of the protection of the rights of security officers is a key consideration for the Authority. Notably, Berg (2007) posits that the treatment and working conditions of security officers has a direct implication on the levels of accountability that can be expected from private security officers and

[although] the State has to some extent attempted to enforce the labour rights of those employed in the security sector through, amongst other things, regulating working hours, overtime and payment thereof, regulating rest and meal intervals, the receipt of benefits, and so forth. There is a general consensus that these conditions constitute the most basic conditions of employment and that security officers are still expected to perform in less than optimal conditions for relatively low pay or incentives. (Berg, 2007:19)

In addition, there is a need to focus on current challenges affecting the private security industry, such as criminality, non-compliance and firearm control; the fact that PSIRA has recorded 2 million private security officers on its database but can only account for 400 000 is illustrative of this point (PSIRA Director, 2013). The Director also highlighted that PSIRA still relied on unofficial figures to determine how much the private security industry in South Africa is worth, and the Authority is yet to obtain data from Statistics SA on how much the industry is really worth. The challenges of training should also lead to promptly addressing the shortcomings in literacy, as currently there is no defined threshold for entry into the private security industry, for example a matric certificate (PSIRA Director, 2013).

The view was held, according to PSIRA's Deputy Director of communication that moving from the old PSIRA 'grades' to the National Qualifications Framework (NQF) space was a critical move rooted in the signing of the MoU between PSIRA and SASSETA. The Deputy Director emphasized the point that additional debate and engagement with the industry was needed to ascertain the material, quality of content, quality assurance process and the duration for improved training for the private security industry. This process is currently underway and is intended to enhance the credibility of members of the private security industry.

It is prudent to acknowledge the hindrances created by the lack of strategic planning and foresight from previous management at the Authority most of whom were suspended for poor performance in relation to their inability to carry out the objectives of the Authority, this has created a huge lapse in efforts to ensure effective control and regulation of the private security industry today. The result is a pattern of reactive responses to address a plethora of challenges that stem from poor regulation of the private security industry in the past, exacerbated by the industry's growth. Despite this, the Authority's management structures have been developing policies to respond to the growth of the private security industry. The Deputy Director of law enforcement indicated that the new management of PSIRA had, in the process of reviewing policies, uncovered that there had been no clear policies in the past, thus prompting the development of clear and responsive policies in the current context.

Viewed within the framework of a partnership between the police and the private security industry, technology could be used to help enhance the mandate of such a partnership. According to the Senior Manager of legal services the kind of partnerships envisioned between the private security industry and the SAPS ought to be based on experience, which had revealed that the role of information sharing should be at the forefront of all agreements and MoUs. It was noted that this should centre on how to communicate with each other and how to use information technology (IT) to help each other. The Senior Manager highlighted that the intention in this instance would be to ensure that the lines between the two entities are not blurred any further.

What is more, challenges experienced with regulation, which emanate from staff shortages within PSIRA must be addressed. There are currently seven vacant

inspector positions (four senior inspectors and three inspectors) within the Compliance and Enforcement Departments at Head Office, following previous resignations/alternative deployments and promotions (PSIRA Annual Report, 2013/14:33). Other factors that deter more effective regulation of the private security industry are a poor database that allows transgressors to re-register with new companies (Minnaar, 2007). This gap is influenced by the once-off registration, which means that the database cannot be updated (Minnaar, 2007). New mechanisms such as the expiration of registration for security companies and officers is one of the ways PSIRA plans to address this issue. The need for the creation of opportunities to change information online, access the Home Affairs fingerprint database, and outsourcing the function of background checks to enhance efficiency in regulation is of paramount importance. Certainly, integrating the efforts of relevant stakeholders and organs of state would facilitate more effective regulation in this regard and provide the platform for crime prevention partnerships. Greater engagement with relevant state agencies, for enhanced regulation is envisioned under the Amendment Bill.

The Commission on Crime Prevention and Criminal Justice through the United Nations Office on Drugs and Crime has emphasized that “private security services while preventative in nature may compliment the work done by the criminal justice system and in some countries are often supportive of public safety” (UNODC, 2012). The UNODC Report on the meeting of the Expert Group on Civilian Private Security Services, noted that states may consider; “reviewing, evaluating and revising existing regulation on civilian private security services and, where no regulation exists, enacting specific comprehensive legislation for the regulation of private security services” (UNODC, 2012). Key to this is: defining exactly what private security services are; what their responsibilities entail; maintaining accurate records; limiting their use of force; establishing an effective sanctions regime for any transgressions; and regular reviews and amendments of legislation to address any weaknesses (UNODC, 2011).

Section 22 of the principal Act, No. 56 of 2001 was amended by the Private Security Industry Regulation Amendment Bill of 2012 with regard to the renewal of registration. It states that “the Minister may prescribe, through regulations, procedures and principles in respect of periodic applications for the renewal of registration by registered security service providers and the conditions and requirements for the granting of such applications” (Private Security Industry Regulation Amendment Bill of 2012, Section 22, (1) [B 27B-2012]). Regulation of the private security industry continues to experience extensive challenges related to non-compliance, because of that, during the 2014/2015 financial year, the Authority will be introducing the following measures with the objective of improving industry compliance:

The launch of the new certificates with improved security features to prevent forgery and address identity theft; the new certificate will be implemented in line with the Home Affairs database integration to authenticate the identity of applicants; the new certificate will have an expiring date (18 months for Security Officers and 12 months for security business). The next phase of improvements will focus on the replacement of current identity cards for security officers. The process will also involve employers taking accountability by applying for identity cards on behalf of a security officer. This means that only security officers issued with identity cards will be deployed to provide security services (PSIRA Annual Report, 2013/14:6-7).

The framework for a crime prevention partnership would work more effectively once the regulation and oversight of the activities of the public police and members of the private security industry are coordinated under a standardised mechanism. There is a dire need for a robust debate about changing the way the South African society conceive of accountability for policing and security provision; the emphasis as Berg (2007:26) argues should be placed on engendering a new way of 'ensuring accountability from a plural perspective'. Berg postulates that the context of accountability for both policing agents, state police and the private security industry, should be reinforced through an emphasis on what activities they undertake.

### **13. Conclusion**

The peaceful transition to democracy in South Africa was an indication of the remarkable and visionary agents of change that were responsible for the country that many now live in. The country boasts strong institutions that bode well for the future of democratic principles in the country. However, the legacy of inequality is reflected in the contemporary context, in differing and mutually reinforcing ways, as the country continues to be burdened with the triple challenge of poverty, inequality and unemployment. The increasing levels of crime are a reflection of the increasing levels of joblessness and poverty in the country (South African Human Rights Commission, 2006:12). Since the NCPS was unveiled, government has been directing significant resources to addressing crime in the country. There has been a concession that "high levels of crime pose a serious threat to our emergent democracy ... [and] results in the deprivation of the rights and dignity of citizens, and poses a threat to [citizens'] rightful participation in the democratic process" (NCPS, 1996). The NCPS made bold and honest assertions about the state of crime and prescribed the "development of wider responsibility for crime prevention and a shift in emphasis from reactive 'crime control', which deploys most resources towards responding after crimes have already been committed and towards proactive 'crime prevention' aimed at preventing crime from occurring at all" (NCPS, 1996).

The reform of the police to suit a democratic order was imperative, considering the injustices and abuses that were normalised and even authorised by the



apartheid government for members of the South African Police force. The police force's transition to a police service has been facilitated by the highest echelons of power, but divergent factors have contributed to the police's inability to control and prevent crime in isolation. Notwithstanding the reality that no police service in any country has the ability to control and prevent crime unilaterally, gains could be made through partnerships with relevant state security structures, the private security industry and the communities towards which these efforts are directed.

The hypothesis of an improved crime prevention capacity is therefore feasible; however, it is only feasible through more effective regulation of the private security industry, failure of which could possibly hinder instead of help a crime prevention partnership. This analysis is similarly true for the SAPS, in terms of ensuring credibility and accountability. The main argument in this report is that salient shortcomings may persist in a narrow conception of which agents in society are responsible for policing and preventing crime in particular. The findings presented in this report suggest that an integrated domestic security provision that includes the role of the private security industry in support of the police could yield significant gains, but must be closely monitored and a premium placed on accountability and credibility of the partners of such a proposal.

The research findings are accurate representations of members of the private security industry, prominent representatives of private security industry agencies and PSIRA's management structures responsible for the core business of the Authority. The responses reveal that there are already ad hoc operations and working relationships with some members of the private security industry and the SAPS. The way these are executed and consequently their potential for a formal and effective partnership needs to be supported and steered by government, but after robust and transparent dialogue on this topic.

That being the case, the objective of this research is to be one of the initial avenues to foster the discourse and ultimately cultivate a new way of thinking about policing, and who the policing agents and providers of security in the South African society should be. The aim is to augment the idea that conceives of the police as the only guarantor of security, to one that refers to a body of people officially employed to maintain order and enforce regulations. Broadening the concept of policing and security providers would help to facilitate and enrich partnerships between the public police and the private security industry for enhanced crime prevention. Furthermore, reinforcing the skills and resources of public and private security agents will serve to benefit the citizens of South Africa through better control and prevention of crime.

It is envisioned that a crime prevention partnership would be successful if included in governmental policies dedicated to crime prevention through an accreditation scheme that would facilitate a crime prevention partnership for optimally trained, vetted and experienced members of the private security industry and

SAPS members. In essence, the private security industry elicits a portion of its legitimacy from the laws of the country, which have been instrumental in the industry's development, specialisation and growth. Indeed, the constitutional protection for property laws, neo-liberal policies espoused by government in favour of privatisation and significantly high crime statistics in the country propel the existence of private security service providers.

The proposal put forth is that crime prevention and control may be improved through a shift in the way people think about crime prevention, and who should represent policing and security provision in this country. It is argued here that both public police and private security agents form an essential component of the security architecture for the safeguarding of local communities in South Africa. Accordingly, through a formalised framework for an integrated use of these complementary skills, knowledge and experiences, policing and the provision of security and thus community safety can be markedly improved. It has been noted that, the police 'neither create order nor sustain it, [instead] they react to its episodic breakdown and seek to repair the resulting damage to security and trust' (Loader, 2011:451). Ownership by the State, an olive branch extended to the private security industry and reform of both public and private security agencies, is needed in order to facilitate the success of a crime prevention partnership and improved crime prevention and control in South Africa.

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## **1. Introduction**

The concept of security is old, but through history, it has been continuously contested. Such contestation has largely been positive because it has allowed those researching the subject to adopt an evolutionary approach that has allowed previously neglected actors to be integrated into the study of security. For instance, traditionally, and more so, among analysts of international relations, security was analysed within the context of the operation of the State because it was assumed that the State was the only agent for ensuring security. The works of Ullman and Buzan have shown that even non-military aspects of society constitute elements of security (Ullman, 1983; Buzan, 1991). Consequently, scholars in the fields of critical security studies, feminist security, and human security began to broaden the concept even further to allow individuals and communities to be referent objects. It is through this evolutionary conceptual process that research on security issues has been broadened to cover private and community security.

While there has been a very clear paradigm shift in the analysis of security provision (Baker, 2008; Singleton, 1988) and an impressive array of studies that have emerged, especially on the nexus between security and the role of the State (Holmquist, 2005; Ndlovu-Gatsheni, 2007; Sheehan, 2005), there are still grey areas in the research and general study of security. It appears that in countries with a high democratic deficit, such challenges are more pronounced. This is the case because in such countries, the question of security punctuates all analysis of security provisioning. Also, while at an international level there are numerous studies on security, the development of such studies has not been even. Swaziland is one of the countries in which research on different aspects of security is at an underdeveloped stage. It was only in 2007 that the first academic research on the Swazi security architecture emerged.

While the aforementioned neglect continues, the narrative of the Swazi security architecture remains incomplete. However, the demand for security has increased the demand for security provisioning, going beyond the capabilities of the State as an institution. This has witnessed a rapid entry of non-state security actors onto the scene, and this entry has complicated the discourse on who provides security, for whom and how? Notable among these non-state actors was the rapid growth in the number of private security companies (PSCs). While there is no dispute that security actors have grown beyond the confines of the State, that their purposes converge to the single goal of combating crime for Swaziland and other countries of southern Africa, and the extent to which they cooperate, collaborate, and form partnerships with the State in combating crime, remains very unclear and begs more authoritative research.

It was out of the realisation of the above that the South African Private Security Industry Regulatory Authority (PSIRA) embarked on research to interrogate the extent to which security actors have forged partnerships for more effective combating of crime. The purpose of the research in Swaziland, on which this report is based, is to interrogate the extent to which state and non-state security actors have constructed partnerships for effective crime prevention.

## **2. Methodology**

The research conducted was achieved through a combination of different research methods. For purposes of understanding the general Swazi security sector, desktop research was undertaken, yielding a wealth of information on when the Swazi private security sector was established and how it has developed over the years. Desktop research also provided invaluable information on how the Swazi security sector has evolved from a state-centric structure to one where even local communities have developed their own security structures and institutions. The second method that was employed was the qualitative research method in which unstructured interviews were carried out with certain members of Swazi society, especially those connected with the country's security sector. The sampling procedure adopted for identifying the individuals was purposive sampling. An interview guide constructed in the form of a questionnaire was used to collect information on different aspects of the Swazi security sector.

The research in Swaziland experienced some methodological limitations in that it was difficult to get information from the Swazi military. This is because, presently, there is much secrecy surrounding the Swazi military. The dominant view is that the military is not an institution for public debate, such that all issues concerning the army are not available for public scrutiny. The other limitation was that the smaller private security companies in the country were not forthcoming with information on certain matters. It was therefore impossible at times to get information on their structure and performance.

## **3. Country profile**

### ***3.1. Geography and population***

Swaziland is a small landlocked southern African country surrounded by South Africa on the south, west, and north, and with Mozambique on the east (Booth, 2000). In terms of geographical size, Swaziland is 17 703 square kilometres in area and is estimated to be about the same size as Wales and arguably the smallest country in the Southern Hemisphere. It is divided into four topographical and climatic areas ranging from 400 to 1 800 metres above sea level, each with its own unique characteristics. From the west, there is the mountainous Highveld that features



rivers, waterfalls and gorges. During the colonial period, Transvaal sheep farmers grazed their sheep there (Matsebula, 1972). It is followed by the Middleveld at a lower altitude; the Lowveld, which is the largest region covering about 40% of the country; and then the Lubombo Plateau. The activities of private security companies cut across these geographical regions. Regions such as the Middleveld and the Highveld, with a higher concentration of population and economic activities, tend to have a higher concentration of private security companies.

According to the 2007 Swaziland Population and Housing Census, the country has a population of about 1 018 449 (Population and Housing Census, 2007). A disaggregation of this figure by gender shows that there are 481 428 males and 537 021 females. The census report also indicates that the population is largely rural, as 793 156 (78%) Swazi reside in the rural areas, while 225 293 (22%) reside in urban areas. This spatial distribution of the country's population provides an indication of the concentration of private security companies. Most of their activities address the needs of only 22% of the population. According to the 2007 Swaziland Population and Housing Census, the regions of Manzini and Hhohho accommodate a large proportion of the population (see Table 1). Because they are the locations of the two largest cities of the country, they also enjoy a much larger concentration of private security companies.

**Table 1: Regional distribution of the Swazi population**

Region	Population
Manzini	319 530
Hhohho	282 734
Shiselweni	288 454
Lubombo	207 731
<b>Total</b>	<b>1 018 449</b>

Source: Swaziland 2007 Population and Housing Census

### **3.2. Brief history**

The modern Swazi state was in an embryonic stage at the beginning of the 19<sup>th</sup> century. Security issues were important even then as the new state developed in the neighbourhood of more powerful indigenous states. The 19<sup>th</sup> century was also an important historical period, as the forces of Western imperialism began to affect state architecture and bring a very strong change dynamic. As a result of the dynamism of imperialism, between 1902 and 1967, the country was governed by Britain under a very ambivalent status. It was never clear whether Swaziland was a colony, a protectorate, or a protected state. Despite such ambiguities, the country gained political independence in 1968. During the colonial period the basics of the Swazi security architecture were founded – the coercive state security machinery was created and the precursor of the private security industry

established. After independence the growth of private security companies was consolidated and expanded.

From 1973 to part of 2005, the country was governed without a constitution, and this period bequeathed to the country a legacy of a substantial democratic deficit. Such a deficit was not even addressed by the promulgation of a constitution in 2005. Although the Constitution provides for freedoms of assembly and association, the respect and guarantee of these freedoms remain very questionable. Swaziland's political landscape has the outward appearance of stability, while internally there is much tension and political contestation. The Swazi monarchy continues to rule supreme, and opposition political groupings are systematically squeezed out. The democratic deficit that is characteristic of the country informs security dynamics in many respects. It may even inform the structure and operations of private security companies.

The recent economic performance of the country has been less than satisfactory. This is partly shown by the fact that the overall real Gross Domestic Product (GDP) went down from 1.9% in 2010/11 to about 1.2% in 2011/12 (Swaziland Business Year Book, 2013). Even though this is a very crude measurement of a country's economic performance, it is an indication that all is not well. This low economic performance can be explained in different ways. Conventional wisdom posits that it is a result of fiscal problems allegedly induced by loss of revenue from the Southern African Customs Union (SACU); others have argued that it is a long-run problem associated with the country's democratic deficit. The only positive economic performance came from agriculture that grew by 8%. While there has been some improvement in agriculture, the same cannot be said of the tertiary sector that normally accounts for 51.2% of GDP. This sector went from 5.3% to 1.3%. Poor economic performance impacts significantly on security issues, especially on the increase in the level of crime.

Despite its numerous challenges, the country is not a conflict zone and is among the most peaceful African states, but the majority of the citizens live in poverty, especially those residing in the rural areas. Poor economic performance has direct relevance on security issues, as it leads to job losses, which can, in turn, lead to an increase in the level of crime. Furthermore, the economic security of individuals at community level is undermined, as some fail to be economically active. The country's constitution places issues of peace and security in the hands of the State and consequently government. This has been done through the creation of certain structures that are responsible for peace and security. The state police are responsible for peace and security at both state and community level. They monopolised this function for a long time until the formation of the Umbutfo Swaziland Defence Force (USDF) (Simelane, Kunene & Magongo, 2006).

The question of how effective state security actors are remains a subject of debate. State police annual reports indicate successes. They indicate that for the



last three years, cases reported were reduced from 44 334 in 2010 to 40 510 in 2012. However, broader developments indicate that the state police are not coping. For instance, the fact that communities in Swaziland have constructed their own community security structures is evidence that the state police are not reaching all the areas with their crime prevention strategies (Simelane, 2013). Also, the fact that over the years Swaziland has experienced a fast growth in the number of private security companies indicates a deficit in security provisioning by state police (Simelane, 2007). While all these issues raise concerns about the extent to which structures created by the State ensure peace and security, the overarching question is whose security is being considered? (Simelane, 2008).

#### **4. Swaziland security threats: real and perceived**

The issue of security threats to a state and society has evolved over time. Traditionally, the conception of threats was always in the context of external forces. Consequently, the militarisation of the State was seen as a security solution. This was very evident during the period of mercantilism when state power was measured through military power. However, over time, the whole concept of threats has been expanded to include a much wider range of issues that could constitute threats to a state.

Swaziland security threats are both perceived and real. One of the perceived threats concerns a possible invasion of the country by other countries. This was probably at the back of the minds of the Swazi leadership that established the Swaziland Umbutfo Defence Force. Looking at the terrain of international relations in the present century, it is very unlikely that such a threat will come true.

Another security threat revolves around the issue of regime security. Presently, there are no public expressions of issues of regime security. However, there is an indication that the Swazi leadership is constantly concerned with possibilities of internal revolts. The security scenarios that emerge out of this are diverse. There has been a drive by the monarchy to control the security forces. This scenario has been unveiled several times over the years, the most recent being in 2012 when the Swazi military was used against pro-democracy protesters (Simelane, 2013). Such a threat is sometimes projected as an issue of protecting the national interest.

Internal migration constitutes a real security threat for Swaziland. This is particularly the case with continuous internal movement of people from rural to urban areas. This process has a long history, and it has been intertwined with cross-border migration. This has become a serious security threat, as the State has not been able to cope with the demand for diverse services. State security has been overstretched and is incapable of handling the surge in crime associated with rural-urban migration.

Debatably, one of the major factors behind the fast development of the private security sector in the country is escalating crime that makes individual home owners and business individuals feel very insecure. According to state police reports, the most reported crimes in Swaziland are housebreaking and theft, stock theft, drug abuse, car hijacking, rape, armed robbery, murder, and culpable homicide. According to several police reports, such crimes are more pronounced in areas of in-migration. Research has shown that one of the reasons for the development of community security actors has been crime against women who remain in their homes in the absence of husbands who have taken up work in neighbouring South Africa and some areas of employment inside Swaziland (Simelane, 2013).

The security threats continue to rise because the state police are thin on the ground. The complement of the Royal Swaziland Police Force is currently 4 611 men and women. Evidence suggests that male state police officers outnumber female state police officers. This suggests that the police ratio to the Swazi population stands at 1:260. However, taking into account that there are some officers who are not operating because they are involved in administrative duties, the ratio may be higher. This indicates that it is extremely difficult for the state police to provide security for all, and this opens a gap for private security to fill. The number of private security personnel has risen much higher than that of state police. The ratio of public police to private security guards in the country is around 1:5.

Research carried out in Swaziland six years ago indicated that the state police and the armed forces are not able to address the security challenges in a satisfactory manner (Simelane, 2007). The situation appears to be worse at the moment, as the circumstances demanding security have become more pronounced and more complex. As a result, there has been a more intensive privatisation of security, a tendency that points to the continued growth in the demand for services provided by private security companies. Most security threats in Swaziland are internally generated.

The perceived threats in Swaziland are state-centric in that they are conceptualised in terms of regime security. They lead to an overconcentration of public security, dedicated to protecting the political interests of the institution of monarchy. They also lead to an increase in the number of people employed in the army and the police. The perceived threats do not have a direct impact on the development of the private security sector in Swaziland. Nevertheless, there is an observable impact in the sense that as the public security forces are overstretched, there has been a growing tendency to engage private security companies in the public domain, especially that section of the public domain that concerns the functioning of government. The public domain is increasingly becoming a viable market for private security companies. This is an observable and growing trend that continues to result in the growth of public security companies.



## 5. Development of the Swaziland security industry

The analysis of the development of the private security industry is plagued by conceptual ambiguities. While the concept of private is easily understood within the ethos of capitalism, it becomes less easy to understand when it is applied to issues of security. This is the case because conventional wisdom has it that private security is provided by organised companies for corporate organisations and individuals for profit. Nonetheless, there has also been the emergence of community non-state security actors whose purpose and nature is different from that of conventional private security companies. For purposes of better understanding the Swazi security architecture, this report will extend the discussion to community non-state security actors and will refer to them as quasi-private security actors.

The development of the Swazi private security industry began in the colonial period where there were indications of private security activity. It was, however, in the post-colonial period that the industry grew to higher levels of organisation. Such growth was due to internal factors that tended to transform the whole security architecture of the country. Among the most important factors was an increase in economic activity and the inability of the State to cope with security demands. During this period, the industry was consolidated and reorganised into formal companies. In 2007 there were about 50 private security companies, in 2013, they had increased to over 70. The areas of operation were in surveillance, intelligence and undercover activities, preventive activity, and investigation and detection. About 61% of the employees are working for only nine companies. In the manned sector, the dominant actors are Guard Alert, VIP Protection Services, and Buffalo Soldiers. The companies employ about 10 000 workers, but this figure should be used with caution as some private security companies refused to share information on the size of their establishments. Using the above estimate, the ratio of state police to private security employees is about 1:2.

The Swaziland private security industry is divided into three categories. The first category is that of companies providing physical or mechanical items such as security locks, safes, strong rooms, grills, shutters, security glass, anti-bandit screens, vehicle security etching, and cash bags. The leading companies in this category are Chubb Electronic Swaziland (Pty) Ltd and Swazitronix, which supply safes, vaults, security locks and doors. Despite the presence of these companies, a large number of security items are still imported from South Africa and to a limited extent Europe.

The second category of companies are the manufacturers and installers of security electrical or electronic devices such as intruder detection, alarms, control panels, CCTV, signalling apparatus, video motion detection, access control systems, security cameras, and cash-handling aids. At the moment, Sequire Retractable Barriers (Pty) Ltd is the only manufacturer of these items. The country has experienced a

proliferation of electronic systems in clubs, discos, shops, banks, residences and offices. The most lucrative sector of the industry is alarms, access control and CCTV because of tenders worth millions. The advent of such systems has inevitably led to the restructuring of security architecture in many facilities to enhance security.

For purposes of convenience and clarity, the installers can be divided into two sub-divisions. They include those that specialise in the installation of residential and commercial security gadgets such as alarms, CCTV, and access control systems. There are presently over 10 companies that specialise in installations. The oldest is Swazitronix (Pty) Ltd, followed by Radio Link (Pty) Ltd. Swazitronix specialises in the supply, installation, and servicing of integrated security services encompassing building management systems involving access control, CCTV surveillance, evacuation, fire and intrusion detection. The company was registered in 1988 and has been under the management of the current owners since May 1991 (see Annexure 1).

The second sub-division is the installers of vehicle tracking gadgets and fleet management systems. Under this division, there are five companies: V-Trac Investment, Cartrack, Tracker, Netstar, and Instrument and Control (Pty) Ltd. Based on the number of subscribers, the market leader is Netstar, as it is currently providing monitoring of 1 190 subscribers followed by Tracker/Radio Link, with 1 012 subscribers. Netstar is a subsidiary of the Altech Group, an international company with its head office in Midrand, South Africa, and offices in Botswana, Namibia, Swaziland, Zambia, Mozambique, Zimbabwe, and Ivory Coast. Out of the service providers mentioned, V-Trac and Instrument and Control (Pty) Ltd are independent companies. V-Trac uses products of Tramigo, a Finland company, although they are free to use any other system. Instrument and Control, on the other hand, uses VDO systems, as a sole distributor of the same in the country.

There is also Radio Security Link Ltd (Radio Link) which was formed in 1989 and acquired by Secure Holdings in 1991. Other members of the Secure Holdings group include Guard Alert Security Services (Pty) Ltd and Cash Security Services (Pty) Ltd. Originally a Guard and Alarm company, for more than 20 years, Radio Security Link has focused on alarm installation and monitoring, and complementary activities including access control and CCTV installation.

The Swazi-based installers compete with South African-based companies. This is another indication that this is a lucrative sector in addition to the tenders worth millions awarded by both the private sector and government. The South African-based companies have a competitive advantage over the Swazi-based companies in terms of cost and experience, however, they experience challenges in the area of after-sales service. The Swazi-based companies import most of their systems from South Africa; consequently, their prices are much higher as compared to the South African-based companies (Nxumalo, 2013).



In addition to the above-mentioned companies, there are 11 PSCs that do installation to augment their core business of providing guarding services. These are VIP Protection Services, Buffalo Soldiers, Awesome Security, Phoenix Security, 4Him Security, Stealth Security, Gridlock Security, Swaziland Lumber Security Services, One-to-One Emergency Services, Anped Security Services, and Swaziland Security Guards. These companies mainly install intruder detection systems which they also monitor. Based on the number of systems they are currently monitoring, it seems the market leader is VIP Protection Services, as it currently monitors 195 clients (see Annexure 4).

The last category of private security companies are those that provide what Johnson (1992) refers to as manned (and womanned) services. These include static or patrol guarding services, cash transportation (bank collection and wage packaging), key holding and responding to alarms, alarm monitoring, CCTV, and audio surveillance remote monitoring. The manned/womanned security category accounts for 98% of the total man/womanpower absorbed in the private security industry. These include proprietary security guards and those employed by private security companies. There are about 20 companies that have in-house security, employing about 550 staff or 6% of the manned/womanned security labour force in the country. These companies are in different industries, with the Swaziland Civil Aviation Authority employing the highest number of proprietary guards.

It seems to be a norm that the proprietary guards enjoy a better status compared to the guards of the PSCs because the operations of the proprietary guards are supported by legislation which affords them better privileges. For instance, the Civil Aviation Authority (Security) Regulations, 2011, promulgated in terms of Section 104 of the Civil Aviation Authority Act of 2009 establishes a Civil Aviation Security and Regulatory Division with vast powers in order to ensure safety and security in the operations of the Aviation Authority. The powers of the aviation security officers include, *inter alia*, unobstructed access at all times to an aircraft and premises of an operator within the country for the purpose of inspecting security operations or to carry out security inspections and surveys, safety and security audits and testing functions.

The manned/womanned services sector also includes cash transportation. There are six players in this sector, namely, Cash Security Services, Fidelity, VIP Protection Services, Swaziland Security Guards (Pty) Ltd, Swaziland Lumber Security Services (Pty) Ltd, and Stealth Security Services (Pty) Ltd. The leader in this sector is Cash Security Services (Pty) Ltd. This market leader in this sector is a sister company of Guard Alert Security Services and Radio Link (Pty) Ltd under Secure Holdings. It prides itself on having been in the industry for over 20 years with a fleet of 17 specialised armoured vehicles manned by a staff of 51. Its crew comprises people with a police or military training background.

In the entire private security industry of the country, it is in the manned/womanned services sector, especially the guarding sector, where work conditions are poorest. There is widespread sexual abuse; exposure to harsh weather conditions; 12 hour shifts that are not commensurate with the salaries; work for some months without rest; always being the first suspects when there is no one to be blamed for a crime committed in their area of responsibility; alienation from their families, as they hardly find time to spend with their spouses and children; insufficient sleep because at times some get home as late as midnight and need to wake up three hours later to prepare for duty; provident fund subscriptions that are not deducted; and some employers that do not remit such deductions to the appropriate institutions (Sukati, 2013). The plight of the security guards has not gone unnoticed by the Ministry of Labour and Social Security, as will be shown under the control and regulation section in this report.

The guarding sector is both ineffective and inefficient because companies compete on costs, not on differentiation. They win guard contracts by undercutting their competitors. This kind of practice has a detrimental effect in the long run, as companies end up offering wages below the minimum wage and offering substandard services. There is no private security company in Swaziland that offers wages that are above the stated minimum wage. Although some companies offer performance bonuses in addition to the basic remuneration, the use of pricing as the major determining factor in awarding contracts also negatively affects the standard of security, as clients end up getting what they paid for – substandard service. It is a common practice for companies not to have enough staff on duty, staff not wearing proper uniform and protective clothing, and guards engaged in dishonest acts while in their area of responsibility because employers do not conduct strict screening procedures. In the absence of a centralised database of security guards, this is bound to happen.

The practice of price cutting has also pushed down the profit margins to as low as 2% at times. Because of this low-profit margin, in an interview on 5 November 2013 in Mbabane with Peter Drummond who is one of the directors of Cash Security Services, he said, “It is more like we are in a social responsibility programme, not in business. In one of our board meetings we asked ourselves why are we not closing down the guarding aspect and concentrating on the other sectors, but because of the number of people it has been difficult to take that route.”

All the private security companies in Swaziland are not big enough to have subsidiaries operating outside the country. The only exception is Fidelity, which is a subsidiary of a South African company and commands 7% of the market share. In terms of market share, it is smaller than VIP Protection Services, which has 17% of the market share and Guard Alert Security (Pty) Ltd, which has 14% of the market share.



Almost all the private security companies in Swaziland operate in the urban areas or in rural areas where there are industrial establishments. The majority of them are found in the Mbabane-Manzini corridor, which is at the same time the most economically advanced area of the country. This is an indication that private security companies are predominantly capitalist establishments that are at the service of individuals or groups who have the money to hire them.

There are no specific regulations for private security companies, but they are established in terms of the Companies Act and get trading licences in terms of the Trading Licences Order No. 20 of 1975. Because of this reason, it is very difficult to ascertain with certainty the number of private security companies in Swaziland. The licences do not restrict them in terms of geographical area but only in terms of the kind of work they do.

Presently, business people can establish private security companies whenever they want. In fact, the only conditions they have to satisfy are those related to the establishment of companies as stipulated by the laws of the country. There is no process of screening, and it does not appear that there is a system for monitoring their operations. It is only when they have violated some of the country's laws that they are brought to book. This appears to be a very unstable situation, especially when it comes to the protection of citizens who are employed by the private security companies. At the same time, the companies themselves cannot be blamed for such a situation, as it is the responsibility of the State to construct and implement vetting or screening policies.

Owners of private security companies have not been totally against the unionisation of workers. At present, there is a union of employees of private security companies that has been in existence for some time. Nevertheless, information from some office bearers in the union indicates that it has not been functioning well. This has not been due to employer intransigence, but because many employees did not register with the union. The failure of the union to work well is a disadvantage for both the employers and employees, but more so for the employees.

The issue of transparency about their operations is not uniform. Through fieldwork for this research, it came to light that the more established and bigger private security companies were more willing to share information about themselves and their operations. In contrast, the small companies were reluctant to provide information about their operations. The situation was even worse for those companies engaged in game ranging. Their lack of cooperation was justified with arguments of security sensitivity. This made it very difficult to create a general picture on most issues. In some instances, the bigger picture was established through estimates from the information provided by the main private security actors.

Research on the development of the Swazi private security industry shows that the industry has witnessed extensive growth, and such growth is continuing.

The research also indicated that in terms of extent, the private security industry is moving towards larger-than-the-State security structures. This leads to the conclusion that the private security industry is a real factor in the provisioning of security in Swaziland and cannot be simply wished away. This demonstrates that the State needs to be proactive in dealing with the governance of the private security sector in order to maximise its benefits to the economy and society.

## **6. Drivers for the growth of the Swaziland security industry**

The issue of the factors behind the development of the private security sector in any country remains a debatable one. This is the case because different researchers are bound to put emphasis on different factors. Much as the Swaziland situation has its own peculiarities, the country still shares common factors with other countries of the world. The development of the private security sector has been founded on several economic and political considerations. Consequently, different scholars have interrogated the reasons behind the development of PSCs in different parts of the world.

The marketisation and commodification of the public good in the form of the 'privatisation revolution' has played a crucial role in the worldwide growth of the private security sector (O'Brien, 1998). This has gone hand in hand with the principle of globalisation in which it is believed that privatisation can maximise the efficiency and effectiveness of states through comparative advantage and competition. It symbolises a belief in the superiority of the marketplace over government in the provision of services. The main result of this has been an upsurge in outsourcing of service provision by the State such that services that were traditionally provided by the State are now performed by private companies. Some State institutions have turned to the private sector for their security requirements. The analysis of the drivers of the growth of private security companies in Swaziland is informed by these broad arguments, but also largely anchored in the realities of the country.

There are several factors behind the growth of PSCs, but they also tend to revolve around economic and political issues. In both the colonial and post-colonial periods, economic and political relations have always been at the root of the growth of the private security sector in Swaziland. Politically, the growth is spearheaded by the tendency to concentrate security measures on protecting the interests of the leadership. As mentioned above, this tends to overstretch the state security resource, and consequently leaves room for private security companies to play a role.

The Swazi economy experienced a fundamental transformation after the Second World War. This was a product of intensive capitalisation of the economy through British and South African capital (Booth, 1983; Simelane, 2004). As a result of capital investment, numerous industries were established mainly in the areas of mining and agro-industries (Crush, 1979). Such a development continued into the post-colonial period as more and more industries were developed in different



parts of the country. From 1968, the management of the growing Swazi economy was taken over by the indigenous leadership that was a mixture of traditionalists and the middle class under the leadership of the monarchy (Macmillan, 1983).

Security began to be confined to the protection of the economic interests of the monarchy and the middle class (Simelane, 2006). The growth of the economy imposed unprecedented security demands on the State, and this was made worse by the ascendance of social classes that also imposed further security demands on the State. The paradox was that the State was no longer able to adequately provide protection to all economic enterprises. It could not provide security to rural dwellers who by the beginning of the post-colonial period made up more than 70% of the Swazi population (Fair, Murdoch & Jones, 1969).

The growth of the private security sector in Swaziland derives its character from the economic disparities that accompanied the growth of the Swazi economy. Economic growth significantly contributed to the affluence of the royal family and the middle class (Fransman, 1978). Economic disparities reached high levels as poverty became more entrenched, while the rich became richer (Times of Swaziland, 2005). It is also estimated that about 69% of the Swazi population lives below the poverty line. About 400 000 (about 40%) Swazis depend on food handouts. Research has also shown that 20% of Swazis control about 54% of the country's wealth, while the poor control only 4.3%. Swaziland is therefore a country of huge economic inequalities. Security has come to mean protecting the economic interests of the rich, and the development of the private security industry addresses this goal. The poor majority remain outside the operation of private security companies, and they remain vulnerable to many security threats. The private security companies have therefore become synonymous with the rich whose interests drive them.

The development of the private security sector in Swaziland has a great deal to do with the desire of individuals to ensure personal safety and that of their families and properties. From the time of colonialism to the independence period, Swaziland has experienced crimes of different magnitudes. These crimes have occurred at a personal level and also at the level of economic enterprises. The crime level has gone up as a result of easy access to firearms that are used to rob families and economic enterprises. The increase in the crime rate has expanded the market for private security companies. Individuals are compelled to find means to protect their homes and their businesses. Local and foreign companies are compelled to hire security companies to protect their operations and premises. In the same breath, foreign missions in Swaziland are compelled to hire private security companies to protect themselves against all security threats including crime. As a result of the escalation of crime, Swaziland has developed a strong market for private security services.

Swaziland provides an unfortunate environment for the development of crime as the majority of its citizens live in abject poverty and they witness the affluence of the few rich on a daily basis; the country has an unemployment rate of about

40%. Crime has become a weapon of the poor in an attempt to realise economic equality. The response of the rich has been a heavy reliance on private security companies, as the police are overstretched and are not up to the task.

Since 1968, the Swazi state weakened and that led to its inability to discharge its obligation of being a protective shield for its citizens. The State had no capacity to effectively deal with the security concerns of the citizens in both rural and urban areas. The State's diminished capacity to deliver on its promise of security has been justified by some commentators. While it is true that the responsibilities of the State have expanded, some observers feel that the Swazi state is failing to protect the economic interests of the majority of its citizens in the rural areas. Because of its weakness, and because security demands have dwarfed state security institutions, the Swazi state is clearly neglecting its responsibilities in terms of security provisioning. Some commentators have observed, "The private provision of security and military services challenges conventional assumptions about the roles of the nation state as the main protagonist in military affairs and as the guarantor of physical security for its citizens" (Holmquist, 2005:1). This is true of the Swazi state today.

The relationship between the Swaziland Government and private security companies has been good. This has been the case since the early days of the growth of private security companies. There has never been any indication of conflict or tension between the two. This is indicated by the fact that the government has continued to employ private security companies to guard its own establishments, as there are not enough state police to perform all the security functions of the State. Although no authoritative research has been conducted in this area, anecdotal evidence indicates that all government ministries have employed security companies for protection services. This has extended to schools in different parts of the country that are guarded by private security companies. The only area that has not been penetrated by private security companies has been the guarding services of the royal family, as they still rely on military personnel. The government recognises the private security providers as important stakeholders in the war against crime. This is indicated by the government's reliance on private security companies to provide security to offices and facilities such as hospitals.

Privatisation of some government functions also cemented the relationship between the government and private security companies. A good example is the collapse of the Income Tax and Immigration government departments and the establishment of the Swaziland Revenue Authority to take over their functions. This Authority has engaged private security guards to provide security at the various border gates and posts and their offices.

The question of the cooperation between the State and private security companies can be a source of concern. It appears that such cooperation contributes to the violation of the human rights of citizens. Rumours have circulated that some private security companies have been employed to suppress trade union action in



different parts of the country. In different periods of labour unrest, there have been claims that the State, to augment its police force, has employed private security companies to do its dirty work.

Considering the limitations of the Swazi state and state police, private security companies will always be needed in Swaziland. This is particularly the case because as the economy of the country continues to grow, the demand for security in excess of state capacity will always grow. It is also very reasonable to conclude that as the demand grows, more private security companies will be established to satisfy the supply end of the equation. It is doubtful whether the Swazi business community and the Swazi economy will survive without private security companies.

Currently, no serious concerns have been raised against the private security companies in Swaziland. This derives from certain circumstances. First, Swaziland has not experienced serious social divisions and conflict that would force private security companies to take sides. Also, up to now, the Swazi state has been very cautious in terms of involving private security companies in political conflicts. Again, this may be because up to now, the country has not experienced serious political conflict. However, there have been some concerns about the involvement of employees of the security companies in crime. Anecdotal evidence indicates that in many cases of break-ins into business establishments, the guarding personnel played a part. It also indicates that in many money-in-transit heists, an employee of security companies was implicated.

## **7. The Swaziland private security industry and the provision of services**

The development of the Swazi private security industry was a response to the security needs of some sections of the Swazi population. It was to satisfy an existing market, and for this reason, the services provided will always be determined by what the market needs. The services provided by private security companies can be divided into four broad categories, namely, guarding and protection; surveillance, intelligence and undercover; preventive activity; and investigation and detection.

Most private security companies in Swaziland are engaged in the business of guarding and protection of property and persons. Duties include the protection of industrial, commercial, and retail premises by static uniformed security guards and a very small percentage of personal protection services, normally referred to as 'bodyguarding'. There are only two companies that provide the services of personal protection service. The first is Gridlock Security (Pty) Ltd. It offers this kind of service to the managing director of Salgaocar Swaziland, a company involved in mining of iron ore in the country. The second one is a small company, Kwekwe Security (Pty) Ltd, that is usually engaged when there are music festivals in the country to provide personal protection services to outside artists.

The social and economic position of Kwekwe Security (Pty) Ltd and activities for which the services of bodyguards are utilised may indicate that this kind of service is associated with prestige, more than anything else; hence, its demand in Swaziland is very low. Those companies that offer this kind of service rely on people with a military or police training background. For instance, when the managing director of Salgaocar Swaziland is in the country, it becomes the sole responsibility of the managing director of Gridlock to escort him because he is a former police officer. The managing director of Kwekwe also has a military background gained from services in the army of Zimbabwe.

Another area of guarding and protection relates to the protection of wildlife. The country has two major players, four small players and one PSC of game rangers. The major players are The Game Parks (Mkhaya, Mlilwane and Hlane game parks) and Swaziland National Trust Commission (Mlawula, Magadzavane, Malolotja, Mantenga and Orion game parks). The small players are Nisela, Phophonyane, Embuluzi and Tshaneni game reserves.

The category of preventive activity involves private policing, which has increased the emphasis on proactive rather than reactive modes of intervention, aiming to intervene before crime is committed. The preventive role of the private security actors is typically referred to as 'loss prevention' in terms of which the role players acknowledge that their principal concern is the protection of their clients' assets. The industry's commitment to loss prevention is well illustrated in the case of risk management. Risk management is concerned with anticipating risks, planning for avoidance of risks whenever possible and, where it is not possible, shifting risks to another, for instance, to an insurance company (Johnson, 1990).

There are two companies that specialise in risk management. These are Kosi Capital (Pty) Ltd and AON Insurance Brokers. The former specialises in enterprise-wide risk management, whereas the latter on insurance risks. In an interview on 28 October 2013 in Mbabane with Thembinkosi Dude, it was highlighted that one of the factors that may cause few Swazi companies to participate in this sector is that some people tend to draw an artificial line between risk management and security instead of treating the former as the governing body and the latter as a branch of the former, although security, as a concept, has a long history.

Another factor as regards the low participation of Swazi companies in risk management might be that the first PSCs were formed by ex-police or military men, who are mainly concerned with their area of speciality of crime prevention, where the emphasis was visibility of security guards as a mitigating factor. The private security guards were considered a substitute to the state police who could not meet the demand for a visible uniformed police presence on the streets. This mindset has robbed the industry of a risk management approach, where its primary concern should be one of loss prevention and offering an array of loss prevention



strategies such as physical security, information security, business continuity management, disaster recovery planning, and safety and health programmes.

In Swaziland, another area into which private security shows signs of expanding is the policing of transport facilities. These include the railway stations and airline facilities. The Swaziland Railway Company has engaged two small private security firms that have deployed their personnel both to man the trains and their facilities. The Swaziland Civil Aviation Authority has an in-house security force of over 90 people that has statutory powers to search airline passengers and their luggage (Civil Aviation Authority (Security) Regulations of 2011).

Furthermore, another activity under preventative measures is that of alarm or emergency response. Private security companies have taken over first response to intruder alarm calls, with the police only being notified when someone has actually broken into a building to take appropriate steps in order to effectively prosecute the offender.

Despite the industry's preoccupation with loss prevention, there are elements of reaction once preventative measures have been compromised. As reactive measures, the private security providers carry out some preliminary investigations if crime has been committed in their areas of responsibility. Insurance companies and banks have recruited people with police backgrounds to investigate internal insurance and fraud cases. In part, this is due to the inability of the state police to keep up with the sophisticated techniques employed by those engaged in large-scale fraud. The other reason for the privatisation of fraud investigation, of course, is the fact that incidents remain private, thus mitigating the loss of reputation if such incidents were to be publicised. Banks, in particular, do not readily report fraud cases to the police because they feel that exposure of the occurrence of crime might threaten public confidence in their operations.

In addition to private security providers performing investigations as a reactive measure, there are organisations and individuals (self-employed) who specialise in investigations. It is very difficult to ascertain the number of private investigators in the country with certainty. However, research has identified five private investigators operating in the country. Their activities include tracing missing persons, process serving, undercover work, vetting prospective employees, insurance claims, debt collection, bailiff work (hence some are appointed as deputy sheriffs), and, to a lesser extent nowadays, matrimonial work involving the investigation of unfaithfulness in matrimonial affairs. The sector's strong links with the police force are inevitable given the problem of 'moonlighting' and the fact that private investigation is a common second career for retired police officers. The investigation aspect is dominated by Huntsip (Pty) Ltd, which is oldest in the field.

If one considers the array of services provided by the PSCs, it may be assumed that the PSCs in Swaziland provide rigorous training to empower their employees for the different activities. In practice, that is not the case, as people are hired off the street, given uniforms and deployed at a post to provide security. This works well for most clients who award tenders based on cost instead of the quality of service. The problem here is the fact that there is no regulatory framework that stipulates the minimum education requirements for employees of private security companies. This is despite good practice experience in other parts of the world that stipulates minimum education requirements.

The private security industry, especially the guarding sector, offers no upward mobility to its employees. A guard will remain a guard for the rest of his/her working life in the company. In the absence of standardised training, a guard will always be treated as a novice irrespective of the fact that he/she might have been in the industry for a long time. This is the case because when he/she moves from one company to another, he/she has to undergo the same training because the other company does not recognise the training and experience he/she would have acquired from his/her previous employer. For instance, Guard Alert offers a basic training course which includes introduction to security, discipline, hygiene, communications, access control, patrols and searching, legal aspects of arrest and search, fire, and first aid. Fidelity uses the South African grading system that also covers the topics covered in Guard Alert's basic course. However, when a guard moves from Guard Alert to Fidelity or the other way around, he/she has to undergo the same training before being deployed. A few private security companies that operate in Swaziland are easily identified. Most however, especially the smaller companies, operate in a hidden way; they are unregistered, do not have identifiable offices, and their employees do not wear uniforms.

Research revealed that private security companies in Swaziland offer a range of activities. The major difference between the companies is always one of concentration or specialisation. Nonetheless, the general practice is that the majority of them attempt to cover most aspects of security. The research did not bring out any evidence of enforced or compulsory specialisation. The market for the Swaziland private security sector is both private and public. Government departments and institutions employ private security companies for different services depending on their expertise.

## **8. Effects of the privatisation of security on human rights: vulnerable groups, women and children**

There has always been a concern over the operation of PSCs when it comes to the subject of human rights. The main concern has been that in their operations, PSCs have little regard for human rights or have been used by repressive regimes who desire to entrench their authority irrespective of how that process violates the rights



of individuals or groups (Hansen, 2008; Buur, 2008). It is important to note that in most instances, the nexus between private security companies and human rights violation is usually not an aberration but is the product of existing socio-political configurations. Consequently, an analysis of the privatisation of security and human rights in Swaziland should be undertaken within the context of existing local conditions.

The Constitution of Swaziland embraces some fundamental human rights and freedoms that are applicable to all vulnerable groups and minorities in the country. Section 14 of the Constitution guarantees these fundamental rights and freedoms (Swaziland Constitution, 2005). However, there is a challenge in upholding some of these fundamental rights and freedoms (Bureau of Democracy, Human Rights and Labour, 2012). Women and children are sometimes victims of these challenges.

There are numerous reports of sexual harassment in the workplace that have gone unpunished. In an interview on 20 January 2014 in Mbabane with Frank Mncina, the Secretary General of Swaziland Amalgamated Trade Union, he mentioned,

We are aware of sexual harassment going on within the security industry on women by male supervisors. It has been reported to us a number of times and we have raised it in other forums where some companies have unionised employees. Some supervisors dangle contracts to hire females on condition that they have sex with them. Where an employee agrees she will be subjected to the very ill-treatment of having to have sex with the manager before the contract can be renewed. We call this kind of process a 'carpet interview' which has become the norm. If a female security guard does not wish to be stationed in unfavourable working conditions, she is forced to have sex with her boss or risk being fired. If you give into those sexual advances you get to be posted to flexible workstations.

As much as the rights of persons with disabilities are enshrined in the Constitution, only one security firm (Buffalo Soldiers) has reported having employed people with disabilities. The small number of people with disabilities in the industry suggests that such people are discriminated against. This state of affairs is made worse by government's failure to enact laws to prohibit discrimination against persons with disabilities in employment.

There are indications of violations of the rights and freedoms enshrined in the Constitution in the security industry. However, compared to other countries of the world, PSCs in Swaziland as entities do not appear to have a high instance of violation of human rights. There is no doubt that from time to time a security guard may violate people's rights, but the companies themselves seem to be marginally involved. The reasons behind this are actually not very hard to identify. The main one has to do with the fact that the integration of private security companies in the political activities of the State is presently very minimal.

Present research does not indicate that PSCs in Swaziland impact negatively upon women and children. It appears that the companies play no defined role affecting women and children except in those instances where individuals have committed

some crime in the sphere of operation of private security companies. Even in these cases, evidence suggests that the general pattern is that these companies deal with such crime in accordance with the laws of the country. Be that as it may, there have been incidents where employees of private security companies have acted in an abusive manner to members of the public irrespective of whether they are women or children. For instance, violent action against individuals suspected of committing crimes has been observed.

While the foregoing information may be true, the actions of private security companies in the country sometimes raise human rights concerns. According to principles of liberal democracy, the right to self and family reproduction is fundamental. Private security companies in Swaziland are notorious for paying low wages which prevents employees from constructing a decent living for themselves and their families. These low wages perpetuate poverty and may also lead to social ills that undermine the security of those concerned and society at large. The private security companies are also notorious for providing sub-standard working conditions. Once again, this may be considered to be a violation of human rights.

PSCs in the country employ both men and women, and the duties they carry out are largely the same. However, women constitute only about 15% of the total workforce of the companies. It is presently not clear if women are treated equally with men in the workplaces of private security companies. There have been no incidents of abuse of female employees that have come to the attention of the public. Considering the issue in the context of general Swazi society, it is very possible that acts of discrimination and abuse against women have been committed but they have not been reported. Although child labour is rife in Swaziland (Simelane, 1998), there are no reports of children in the employ of private security companies. This is possibly the case because the companies have access to plenty of adult workers that they can control and pay low wages.

At the moment, the Swazi media, the Human Rights Commission, and non-governmental organisations have not reported any violation of human rights against women and children at the hands of private security companies as corporate bodies. Most of the reports from these structures have concentrated on violations by the State, especially state security forces. Generally, therefore, the Swazi private security industry does not have a bad record of abusing the human rights of women and children, or vulnerable groups of different kinds.

## **9. Advantages and disadvantages of the private security industry in Swaziland**

From a historical point of view, the development of the private security industry has been attended by both positive and negative elements. As a result, the industry can be analysed in terms of advantages it offers those who employ them while at the same time containing certain disadvantages.



Private security companies have improved access to security for those who have the money to hire them. This has happened at both the personal level and at the level of business enterprises. At the moment, it is easy to employ the services of private security companies for one's security. In this manner, the private security companies have made many people feel safe and can follow their pursuits for the betterment of the country.

The PSCs have filled the security void created by the failure of state security forces. Over the years, state security has become overstretched resulting in failure to provide security for all. This has been compounded by the unreliability of state police, as they have increasingly been involved in crime themselves. Private security companies have expanded security options beyond the limits of state security provisioning. They have reached a market that was increasingly becoming too big for state police.

Private security companies have made a significant contribution to the expansion of economic activity. Almost all economic establishments and enterprises in Swaziland are protected by private security companies. The increase in the GDP of the country is highly dependent on the security of business enterprises, and this would not have been possible without the presence and operation of private security companies. Even agricultural enterprises are able to meet their quotas in the international market because their produce is protected by private security companies. If it were not for the presence of private security companies, the economy of the country would be affected by widespread criminal activity, which would undermine its growth.

Private security companies have contributed to the reduction of crime through the many services they provide to individuals and the business community. Between 2010 and 2012, police reports indicated that because of the partnership between state police and private security companies, many of the major crimes in the country had been reduced. Crimes of domestic violence, murder and culpable homicide, housebreaking and theft, car theft, and car hijacking have been reduced because state police and private security companies have been able to work together towards crime prevention. As a result, many citizens of the country are able to live in an environment of reduced crime. There is no doubt that private security companies can make an even more significant contribution to crime prevention and reduction, as there are already visible indicators of positive contribution.

Private security companies have significantly contributed to the reduction of the rate of unemployment in the country. Such a contribution has been most notable in the last decade where the Swazi economy has not been able to open more job opportunities. This has been especially the case with high school leavers whose absorption into the country's workforce has been stagnant, if not declining. The more than 70 private security companies that have been established in the country up to now have created jobs for a large number of young people. The creation of job opportunities has not been limited to young people but extended even to older people. The contribution of the companies to employment has also been

made significant by the fact that they have also offered jobs to women. While the number of women employed by these companies is still low, there is evidence that the companies have contributed to breaking down patriarchal barriers and ventured into employing women.

While several advantages offered by the presence of private security companies can be outlined, there are also numerous disadvantages that can be raised. The presence of private security companies has fulfilled the neoliberal dream of rolling back the State. The privatisation of security has allowed the State to avoid its traditional responsibility of providing security to the citizens. There has been a gradual but consistent tendency to commercialised security out of the arena of the State. For some, this is a welcome development because the State is sometimes characterised as an inefficient and ineffective institution. However, the privatisation of security has tended to crowd out the public security architecture. The commodification of public security that comes with the growth of private security companies may not be a positive development for ordinary citizens.

While private security companies can be praised for increasing job opportunities, they are guilty of offering very low wages. These low wages are sometimes justified in terms of low skills capacity of those employed. The low wages are a huge disadvantage to the recipients who cannot redeem themselves from poverty through them. Historically, wages and savings have played a very important role in capital formation and investment. These ingredients of economic growth and possible development are not possible due to the low wages paid by Swazi private security companies. They only perpetuate levels of exploitation that have been characteristic of the private ethos of capitalism.

Another disadvantage of private security companies in Swaziland is that they fail to lead to social cohesion. This is the case because private security companies are exclusive. As market-driven entities, their services can only be accessed by those who have the capacity to afford them. In other words, they are class-specific and cannot be relied upon to serve all sections of a country's population. This discriminatory characteristic can hardly serve countries well, especially African countries, as they have been subjected to numerous divisive elements in their histories. Private security companies have marginalised the majority of the indigenous population in Swaziland.

In the case of Swaziland, private security companies are a huge disadvantage because they are not controlled by any regulations. It is an unregulated industry, and this can become a huge problem when the companies become a law unto themselves. When such a development takes place, the companies become a security threat to individuals and citizens at large. This condition is not caused by the companies themselves, but it is an environment that allows them to become dangerous to the citizens.



Another disadvantage is that private security companies are a window for possible undermining of democratic principles. This is the case because the only value system that guides their operations is money. It does not appear that they are guided by values of preserving humanity or protecting the human rights of individuals. If a dictator can pay them to violate democratic principles and force citizens to acquiesce, they can readily do so. They can intervene in political disputes on the side of the paymaster despite the immorality of the action. They have the propensity to prop up undemocratic regimes only on the promise of payment. In this manner, private security companies are potentially a huge danger to society. Even in instances where they are regulated, they do proceed to commit atrocities against humanity. In the case of Swaziland, this disadvantage has not yet played itself out, but the potential is there because the country has an observable democratic deficit.

The use of private security companies has impacted on different aspects of the country. For instance, it has impacted on the public security services. To a large extent, its impact on public security services has been positive. PSCs have expanded public security services beyond the capabilities of the Swazi state. In fact, it is doubtful if the present services outlined above would have been available to the Swazi public if private security companies were not available.

When it comes to the impact of the private security companies on crime levels, the evidence is not very conclusive. It is very difficult to quantify the extent to which the private security industry has impacted on crime levels because interviews with members of the state police and public personnel could not come up with the necessary statistics to demonstrate the impact. For instance, in an interview on 23 November 2013 at Manzini Police Station, Ndabazewe Ngwenya, a police officer, responded to the question on the impact as follows:

Up to now, no person can tell in quantifiable form the extent to which private security companies have impacted on crime levels. This is because we have failed to put in place a system of identifying, in record form, arrests that have been due to the actions of private security company personnel. There are many such arrests but they have not been recorded as such. Maybe this is because private security personnel report crime rather than make arrests. Maybe we should begin a system of disaggregating the reported crimes in terms of who reported them. I am therefore not able to answer your question constructively.

When asked the same question, Albert Smith, a director in one of the private security companies, in an interview on 23 November 2013 in Manzini said:

Although I do not have the figures to prove what I am saying, private security companies have played a very important role in the reduction of poverty in this country. Our strength has been at the preventive level, and less so in making arrests. The physical presence of private security personnel in most public and private establishments has

been a huge deterring factor in reducing crime. At the moment, our main weakness is that we have not been able to make a systematic analysis of how many crime activities were reported before private security companies were engaged, and how many were reported after. Most of us do not have the resources to do so, and it also appears that our clients do not either. However, even though I cannot provide you with the evidence you want, I can assure you that private security companies have made a huge impact in the reduction of crime in the country.

Despite the absence of statistical data, the extent to which PSCs have provided protection to private and public establishments is indicative of a positive impact on crime prevention. In fact, almost the whole economic establishment in Swaziland is dependent on the services of private security companies. It can be submitted that if there has been a reduction of crime in Swaziland, part of the credit should go to private security companies, although it may not be possible to quantify the extent. This is particularly the case at the level of prevention because private security companies have provided security protection to both private and public establishments. The reality of the situation is that even the Swazi state relies on private security companies for prevention of crime in its establishment. The companies have much to improve in their operations in providing security, but their contribution to the prevention of crime and lowering levels of crime in the country has been very significant.

The contribution of the PSCs to public safety is debatable. As already indicated, the services offered by private security companies are not available to 70% of the Swazi population. These are the poor and marginalised who reside mainly in the rural areas. This is because the private security industry is largely defined by the commercialisation of security that is usually beyond the means of the majority of the citizens. The reality of the private security industry in Swaziland is that it is not focused on general public safety. It usually provides safety to the public when there are national functions organised by the State. Whatever protection members of the general public receive from private security companies, it is not direct, but circumstantial or by association.

It is on the economy of the country that the impact of the public security industry has been felt. As pointed out already, the development of the Swazi private security industry has been associated with development in the Swazi economy. The security of the Swazi economy is in the hands of private security companies. All the premises of private firms are protected by private security companies. The movement of cash between different points in the country is largely in the hands of private security companies. In fact, the whole private security architecture in Swaziland is constructed around economic dynamics.

The private security industry has had only a marginal effect on poverty levels. The contribution of the industry has been through wages paid to workers. However, there have been complaints that the wages in the private security sector are very



low. It is possible that the low wages are due to the fact that most of the people employed in the private security industry are not skilled and not educated. In the final analysis, the private security industry has had very little impact on the reduction of poverty levels in the country.

The growth of the private security industry has benefitted many sections of Swazi society. There is no doubt that the Swaziland government itself has benefitted immensely from the presence of private security companies. Evidence of this is the fact that many government establishments are protected day and night by personnel from the private security industry. Even the orderly performance of some government offices hinge on the services provided by private security companies. Private security personnel monitor public visits to government offices to ensure that there is order, and the officers are able to conduct public business in an orderly fashion. As much as there is no evidence of a statement from the Swaziland government expressing or acknowledging the benefits it receives from the operations of private security companies, the extent to which government has contracted these companies for certain services indicates acknowledgement. Government is fully aware that the state security forces are overstretched and thin on the ground and cannot cope with the ever-increasing demand for security. The private security companies have relieved the State of the huge burden of security provisioning, and there is ample evidence to demonstrate this.

No study has been conducted to determine the general feeling in the country about the presence of the industry. The conclusions and assertions that can be made can only be based on anecdotal evidence. Up to this point, there has been no expressed complaint against the presence of the industry from the citizens. This may largely be because, to a large extent, private security companies in Swaziland have been able to restrict their activities to security provisioning and not venturing into the arena of perpetrating violence against the citizens. It therefore appears that the citizens of Swaziland are still happy with the presence of private security companies in the country. This is partly the case because as the citizens interact with different establishments where private security companies operate, they, by extension, feel protected, as they can conduct their businesses freely. As much as this positive image is portrayed, there is still a need for more authoritative research into this issue.

## **10. Partnerships between state police and private security companies**

Like many jurisdictions, Swaziland has experienced an increasing complexity of crime control as indicated by the emergence of other actors in the policing arena, thus producing a shift from the traditional state police monopoly. Such

plural policing is productive and synergic only if some form of cooperation or partnerships between the role players are established and maintained. Since state police officers and private security officers are the most common representatives of the 'plural police family', it is imperative that there should be some kind of a relationship between both the state police and private security personnel and the organisations to which they belong. It is illogical to have two organisations, operating in different spheres, where the state police perceive themselves as the only institution established and dedicated to the provision of security, public order and legality, while private security is first and foremost an economic activity only concerned with profit maximisation (Sotlar & Mesko, 2009).

Partnerships between state law enforcement agencies and private security providers have become a popular phenomenon in many countries. In some jurisdictions, this is so common that some practitioners have termed them "P3 network", which refers to a public-private partnership network (The Law Enforcement-Private Security Consortium, 2009). Generally speaking, the attitude of the state police in Swaziland is 'to protect and serve', while that of the private security providers is 'to protect and make profit'; hence, their relationships take different forms and shapes because of the intersection of protecting life and property although with different emphasis and latitudes.

Public-private partnerships exist in different forms. They may be formal or informal, open to all or limited to approved members, dues charging, or free. Partnerships for crime prevention can take different forms (The Law Enforcement-Private Security Consortium, 2009; Johnston, 1990). Some of the notable forms revolve around organisational structure, specificity of purpose, leadership source, funding, and the nature of relations between the police and the private security.

In terms of organisational structure, partnerships may be non-formal, written commitment, reliance on structure of a related organisation, non-profit making, and task team membership. In the case of Swaziland, the relationship between the state police and private security practitioners is a mixture of formal and informal. There is a common understanding of cooperation whereby the state police invite the security companies to discuss different issues. This is usually during the festive season and when there will be big gatherings where the security actors share strategies of crime prevention. These forums also incorporate other stakeholders such as the commercial banks, depending on the topic of the day. The commercial banks are involved in issues touching on cash-in-transit and ATM fraud and/or scams.

The security companies have the leeway to have direct relationships with specific police officers. For example, Mr Malcolm Barlow-Jones, the Managing Director of Fidelity, said in an interview in 2013 that if there is a topic he wants to cover, he simply calls Thembinkosi Dlamini, a police officer assigned by the National Commissioner of Police to escort their cash-in-transit vehicles to come to their



premises and address his staff and also to take them for shooting sessions. The relationship with this police officer is so strong that the police even avail themselves on Sundays during their own spare time. This kind of sacrifice is appreciated even by the police authorities.

What is also important to note in their relationship is that the PSCs do not pay for the services provided by the police. However, this works to their disadvantage in certain areas. For instance, the cash-in-transit operators have to queue for the limited number of police assigned to escort them. The delays that are caused by the limited resources negatively affect their daily schedules. The fact that PSCs do not pay for the service shows how committed the police are to ensuring that the country is safe and secure.

The police also have formal relationships with other private security providers. By formal partnerships, reference is made to written commitments establishing parameters of control. One example is a memorandum of understanding (MoU) between the state police and the Central Bank of Swaziland signed on 16 May 2012. In terms of this agreement, *inter alia*, the Bank has a dedicated armoured vehicle worth over a million Emalangeni that is fitted with police equipment and only used by the police when conducting the Bank's cash-in-transit operations. This is a partnership and at the same time it can be considered as a form of outsourcing.

There are different forms of partnerships manifested through the operations of the state police and private security companies. Some of these come in the form of reliance on structures of either party. The security companies, for example, rely on the police for vetting their staff. The security companies also avail their technological systems to help the police to crack down on some crime. For example, some car tracking devices of some private security companies such as Tracker are installed in some police vehicles to facilitate tracking of stolen vehicles by the police. These structural linkages and collaboration indicate partnerships aimed at combating crime.

Partnerships also come in the form of task teams. It is common to have the police being members of task teams. For example, the National Commissioner of Police assigned two police officers to be members of a technical task team established by Swaziland Standards Authority, a body responsible for establishing standards in the country, which was responsible for establishing Swaziland National Standard Private Security Services – Requirements (SZNS 024:2012). In these task teams, members of the state police and personnel from private security companies work together towards the common goal of fighting crime.

In terms of their degree of focus in addressing crime and other problems, state and private security partnerships tend to fall into three groups, namely, multipurpose, single purpose, and evolution to multipurpose. Multipurpose partnership addresses several security and public safety issues. Single purpose partnerships may be established to address a single issue and keep on focusing on that issue alone. Under this type, there is the Fraud Liaison Committee established by all the players

in the banking sector and the police to share information on fraud. The commercial banks and the Central Bank of Swaziland are represented by officials who are instrumental in the investigation of fraud and related cases in their respective place of employment. In the case of evolving partnerships, there is specificity of purpose that can be seen in partnerships that originally addressed a particular concern, but created relationships that proved useful in solving a range of problems.

Leadership is another characteristic that varies from one partnership to another. Leadership in this context refers primarily to the task of setting the partnership's agenda or representing the partnership before other groups. There are three options of leadership of partnerships, namely, law enforcement leadership, joint leadership by law enforcement and private security, and private security leadership. Law enforcement leadership is common in the country because the main activity is the sharing of crime-related information. The police leadership can be viewed as a function of the department's ability to provide funds and meet space, staffing, and other resource requirements. Joint leadership is common although it perfectly exhibits the nature of the organisation as a partnership. In such leadership, leaders are elected at regular intervals and could come from either the police or private security. The Crime Prevention Councils and Committees embrace private security leadership.

When it comes to funding, for any partnership to execute its responsibilities, resources such as finance are needed. Either partners purchase them, or members or outside benefactors donate them. Most of the partnerships are funded by the state police, as they provide meeting spaces and refreshments. Some are funded by private security providers. For instance, the Central Bank provides the necessary resources such as meeting space and refreshments.

Partnership or cooperation between the state police and the private security providers can further be dissected by analysing interpersonal and inter-institutional relations of the two groups of security professionals. Johnston (1990) posits that the relations between the two groups can be dissected into interpersonal relations between the police officers and security officers, common operations, exchange of favours, and outsourcing of security functions to the private security companies as is shortly discussed.

Interpersonal relations between state police officers and private security officers have shaped the nature of partnerships. Many retired police officers join or establish private security companies. Some, in search of greener pastures, quit the police force and join the private security providers. The latter is more common with in-house security. Almost all the proprietary security is staffed with ex-police officers. This kind of scenario makes it easier for a good working relationship between the police and the private security providers to exist because they usually know one another on a personal level. Anecdotal evidence indicates that some police officers in their personal capacity are engaged by the private security companies



for specific assignments. However, this kind of behaviour is not encouraged by the National Commissioner because there is an element of abuse of power, as such police officers do so for their personal benefit while using their official capacity and official resources.

Common operations of the police and private security in Swaziland present opportunities for closer contact between the two groups. In most cases, the two groups work together in sporting, cultural or musical events because it is impracticable that the police can provide security in all events due to limited resources. In order to augment the effort of the police, it has become a norm for organisers of such events to contract private security officers to work alongside the police. The same applies to organisations that have their in-house security such as the Central Bank of Swaziland and the Swaziland Civil and Aviation Authority where one finds the police and the proprietary security officers working hand in hand.

The police and private security companies practically exchange various favours. There is a flow of relevant information between the two parties. For instance, the private security companies screen their employees by getting criminal records from the police and private security also shares information with the police on issues of crime to assist the police in their own investigations. Depending on the intensity of their relations, sometimes the police share intelligent information with the private security, especially on possible crime risks, so that the latter may strengthen their operations to ward off any attack. It has become a norm for the police to offer some training to the private security staff in areas of crime prevention and firearms, among other things. In a nutshell, it can be said that the relationship between the two parties is of mutual benefit and is founded on respect for each other.

It has become accepted practice for the Government of Swaziland to engage PSCs to provide security services on its premises. The services outsourced from the private security companies are guarding and installation of electronic security gadgets. The Government Senior Security Officer under the Prime Minister's Office issues a call for expression of interest for the supply of security services to the Swaziland government annually, through which potential vendors are shortlisted to supply security services to government ministries and departments. Once vendors have been shortlisted, they are then invited during that financial year to submit tenders for the provision of security for a specific category they are eligible and qualified for. Tenders are issued to shortlisted firms to obtain competitive prices. This means that government ministries and departments are obliged to engage only the shortlisted security providers for their security needs.

The trend to contract out security services has also been seen in parastatals such as Small Enterprises Development Corporation (SEDCO), Central Bank of Swaziland, Komati Basin Water Authority (KOBWA), Swaziland Electricity Company,

Swaziland Water Services and Sewerage Corporation, to mention just a few. Non-governmental organisations such as World Vision, have also followed the trend. Embassies also depend on PSCs for their security to augment the efforts of the state police.

There has also been the development of quasi-private security actors in the form of community security actors (*Community Police/Emaphoyisa Emmango*) that have joined the nexus of partnership construction. They are referred to as quasi-private because they are a hybrid of private security, as they are outside the realm of state security but anchored on group initiatives in the community. The development of community security actors expanded the possibilities of constructing partnerships for crime prevention between state security, private security companies, and community security actors. There have been more concrete developments towards developing partnerships between state police and community security actors. This was clearly seen in the promotion of the Crime Prevention Bill of 2010 whose main aim was the promotion and coordination of crime prevention in Swaziland.

Much as the Bill carries the assumption of establishing *Community Police/Emaphoyisa Emmango*, this structure has been in existence in peri-urban and rural communities for a very long time. This Bill clearly expresses the intention of forming a partnership with *Community Police/Emaphoyisa Emmango* for purposes of preventing crime. Part IV of the Bill outlines some of the issues pertinent to this partnership. This was an important development because for a long time, the community security actors were not willing to collaborate with state police whom they accused of being in cahoots with criminals. The main challenge faced by the construction of this partnership is that the Bill has up to now not been passed as an Act of Parliament. It is not clear why the Minister responsible for the police has not pushed this Bill to be made law. As long as it remains a Bill, the envisaged partnership between the state police and the community police remains unanchored in law.

According to reports compiled by the state police, the partnership between state police and private security companies has yielded positive results in terms of crime reduction. This conclusion was arrived at through an analysis of the occurrence of certain crimes in the period 2010-2012. As a result of this partnership, it was reported, "The overall crime rate was reduced over the period under review by -4.6%" (Royal Swaziland Police, 2013:2). It was also reported that prioritised crimes such as armed robbery, car theft, housebreaking and theft, stock theft, and car hijacking were reduced by 4% in the period under consideration (Royal Swaziland Police, 2013:3). For instance, a total of 109 cases of armed robbery were reported in 2012 compared to 218 in 2011. Between 2011 and 2012, reported housebreaking and theft cases were reduced by 5.4%. Available statistical information indicates that positive results have been reported in the partnership between state police and the private security sector.



## 11. Regulating the private security industry

There are no specific regulations for private security companies in Swaziland, and like all other legal entities, they come into existence in terms of the Companies Act and get trading licences in terms of the Trading Licences Order No. 20 of 1975. However, the Registrar of Companies indicates that there are over 70 companies that are registered as PSCs. Although there is no regulation or policy framework relating to the legal and procedural operations of PSCs, these entities are expected to comply with certain statutory provisions that relate to general employment issues. These include the Occupational Safety and Health Act of 2001, the Employment Act of 1980, the Wages Act of 1964, and the Workmen's Compensation Act of 1983.

PSCs are under an obligation, *inter alia*, to provide safety measures to prevent or minimise harm to employees, for example, by installing safety equipment, providing protective devices, and exercising proper supervision. This common law obligation is ratified by Section 9 of the Occupational Safety and Health Act, which provides that an employer has to put in place a systematic and functional way of identifying, evaluating and controlling hazards in the workplace, provide free of charge adequate and appropriate personal protective appliances, equipment and clothing to mitigate exposure to safety and health risks in the workplace, and further ensure that employees are appropriately trained and instructed such that they perform their duties in such a way as to avoid any danger or risk.

It is however a well-known fact that most security guards are not issued with appropriate personal appliances or equipment. According to Frank Mncina, Secretary General of Swaziland Amalgamated Trade Union (SATU), in an interview on 20 January 2014 in Mbabane, security guards are not issued with the general aids for security and this makes them vulnerable. Some are even forced to pay for the protective clothing (Sukati, 2013).

The Office of the Commissioner of Labour and employers are not in agreement as to what constitutes protective clothing. The employers are of the view that they are entitled to deduct a certain amount of money from the salaries of employees for uniform, which they keep and pay back on submission of the issued uniform by the employee. Their argument is that a uniform is not protective clothing. On the other hand, the Office of the Commissioner of Labour is of the view that everything worn by a security guard is protective clothing; therefore, they have to be given the uniform free of charge.

In a nutshell, there are no systematic ways of identifying, evaluating and controlling hazards in the workplace in the security industry. Employers take contracts without any regard to safety issues. This point is illustrated by an unfortunate incident

where a cash-in-transit operator was gunned down during a heist at Mbabane Swazi Plaza on 23 September 2013. It is alleged that the operators had to travel about 200 metres from the Corporate Place Building carrying boxes of money along the corridors where there were throngs of people.

This incident raises several pertinent issues such as the availability or non-availability of standard operating procedures, proper firearms for this kind of operation because if the operators were to fight back in such busy areas, there could have been many casualties. Another issue raised is whether the riskiness of this kind of operation was considered by the banks and their regulator, the Central Bank, when deciding to operate in this place. An additional issue arising is whether they were actually armed because one guard confided to the researcher the fact that in one of the companies involved in cash-in-transit operations, security guards who have not been trained in weapon handling are assigned to escort duties without being issued with live ammunition and to the use of boxes instead of technologically sophisticated cross-pavement protective devices.

It is a common fact that most security guards are paid way below the stipulated amount, which is E71.88 per shift or E1 868.88 per month (as per the Regulation of Wages (Security Services Industry) Order of 2014). One security guard is reported to have said that he had been a security guard for the past five years. In all three companies that he had worked for, he had never earned anything above E1 000 per month (Sukati, 2013). Even the stipulated minimum wage is very small, especially when compared with the number of hours they are supposed to work (72 hours per week). This amount is small even when compared with the average manual worker's wage. It is therefore understandable why the industry has a high labour turnover.

In terms of the Workmen's Compensation Act of 1983, particularly Section 25, the PSCs have an obligation to have valid insurance cover to compensate employees whose safety and health may be negatively affected while in the course of duty. The latest report of the Office of the Commissioner of Labour indicates that over 90% of PSCs do not have any cover in terms of the Act.

Violations under the Employment Act of 1980 (as amended) include employees not having signed written particulars of employment form (Section 22); procedural unfairness on termination of contracts of engagement (Section 33); employees not paid all their benefits on sale of business (Section 3bis); notice of redundancies not given (Section 40); security guards paid their wages way after month end (Section 47); employers making unlawful deductions from their employees' wages (Section 56); employees not being issued with pay slips (Section 61); no security of wages (Section 62); employees not being given paid vacation leave



(Section 121); employees not being paid for medical leave days (Section 129); no provision of first-aid equipment for the treatment of accidents (Section 150); and most PSCs not keeping records of their employees and wages register (Section 151). Sadly, the Employment Act does not appear to be effective in regulating the salaries of the employees of PSCs.

In an attempt to close the gap caused by absence of a regulatory framework for the security industry and the weakness of statutory laws to regulate the industry, two initiatives have been put in place. The first one came from the founders of certain small PSCs. It was some kind of self-regulation through the formation of the Security Industry Association of Swaziland in 2012. Its two main aims were to regulate the business activities of the providers of private security and regulate standards of service delivery, including training of security personnel.

The effectiveness of this association is a source of concern for most people engaged in the private security industry in the country. The association is somehow made ineffective by the fact that membership is not compulsory, and this leaves out a number of companies that are not under the regulation of the association. It appears that at the beginning, the founders of the association expected the government to issue a directive compelling all the private security companies to be members. This did not happen, and at the moment, the association does not even have an office. Its members hold their meetings in the offices of one of the companies, and this has proved to be a major challenge. It appears that the association will continue to face challenges in terms of membership because it has a very high indigenisation tone while the majority of private security companies in the country are South African. At present, the association has remained very ineffective.

The second attempt was the promulgation of Private Security Services – Requirements by the Swaziland Standards Authority in 2012. This Standard provides the minimum requirements for the provision of private security services in the country. Among others, the Standard provides guidelines on risk management methodology; policies and procedures for performing reference enquiries, verification of qualifications, credit and criminal history checks; requirement on issuance of uniform and personal protective clothing by employer and, in a way, addresses the debate whether an employer is obliged to issue a uniform in terms of the law; use of appropriate vehicles; and most importantly, provisions on personnel empowerment to ensure effective service delivery. The last proviso entails that employees and/or other persons undertaking security work should only be engaged in duties consistent with their qualifications and training. According to this Standard, the training programme should be comprehensive and cover many essential issues.

Most of the private providers of private security companies have not embraced the Standard. The reason behind this is that the Standard requires a substantial

overhaul of the private security sector in the country. For instance, its training requirements are a major shift from what is happening at the moment, and it is doubtful if private security company owners will be willing to invest in it. Another problem is that some service providers are not even aware of the existence of such a framework. There is much effort needed in popularising the framework, and it is hoped that in the absence of a legal framework, the Standard may engender a certain degree of professionalism in the private security industry.

## **12. Private security companies, the use of firearms, and wearing of uniforms in Swaziland**

The issue of the use of firearms by the personnel of private security companies has remained a contentious issue, and its development has not been even. It is even more contentious in circumstances where the State is not in control of the private security industry. There is always danger that the firearms may be misused.

It was indicated that the services of the security industry can be narrowed down to four categories, namely, guarding and protection; surveillance, intelligence and undercover; preventative activity; and investigation and detection. This section seeks to deal with two issues: the use of firearms and uniform by the private security providers in the country. The main issue here is whether the security companies are allowed, in terms of the laws of the land, to use firearms and wear a uniform while carrying out their activities. In many instances, the security of the State or that of the regime in power is taken seriously in considering access or owning firearms.

From a general point of view, the acquisition and usage of firearms and ammunition is regulated and controlled by the Arms and Ammunition Act of 1964. According to Section 10 of this statute, any person, either natural or juristic, who desires to acquire any firearm or ammunition should make an application to the Licensing Officer through the nearest police station where the National Commissioner of Police has designated the Station Officers of the different police stations to serve as intermediaries between the applicants and the Licensing Officer. The Station Officer accepts applications, makes his/her own recommendations and forwards the applications to the Regional Commander of the region and thereafter to the Licensing Officer, who is based at Police Head Office in Mbabane. The decision by the Licensing Officer, whether to grant or refuse permit, is communicated to the applicant through the Station Officer. This means that if a security company wants to own firearms, it must go through this process as well.

Juristic persons may own firearms, but they will be used by people on behalf of the company, hence the Act also deals with possession and usage of firearms to close any possible gap in the administration of control and regulation of firearms



and ammunition. Section 9 of the Act states that no person shall be in possession of a firearm or ammunition unless he/she is permitted to possess it under the Act. This means that companies have to follow certain procedures in order to acquire firearms and ammunition, and their staff also need to adhere to certain legalities in order to use the company firearms and ammunition. In terms of Section 11(4), the employee must be above the age of 18 years because this subsection disqualifies a person under the age of 18 years from owning or possessing a firearm. Subsection 6 of the Act states that private security officers may be granted temporary permits to possess company's firearms and ammunition in their official capacity.

The above legalities seem to be more of use to those security providers who are engaged in cash-in-transit services. This is justified because, from a risk-based approach, the cash-in-transit operators are exposed to higher risk as compared to the normal guarding services providers. Since heists are committed by fully armed thugs, it is imperative that the security officers engaged in such dangerous activities be well equipped to return fire with fire. The need to possess firearms by the cash-in-transit guards can further be justified by the increase of heists experienced in the country. In 2013, the print media reported two incidents where cash-in-transit operators were gunned down while in the line of duty.

Officers who deal with cash-in-transit are permitted to possess and use shotguns and handguns such as revolvers and 9mm pistols in their course of duty. When one takes into account the kind of attacks targeting the cash-in-transit operators, the shotguns are not suitable. The heists now take place in busy streets, and if the guards may open fire using their shotguns, many people may be injured or even killed. When interviewed on 22 January 2014, Mr Malcolm Barlow-Jones, sharing the same sentiments, stated that cross-pavement operations are becoming more targeted by robbers while the operators can not shoot freely in the streets because of the throngs of people and risk shooting innocent people and be held up for murder. As service providers, they are now considering changing their shotguns to handguns because of these challenges. The handguns are easier to manipulate than any other type when taking into account that their people have to carry the boxes of money with one hand while the other hand is on the handgun. He further lamented the fact that they do not have the latitude to deploy more people such that they may have others to cordon the area while others are doing other necessary manoeuvres.

In practice, these officers are issued with firearms and ammunition when they assume their duties on a daily basis. This entails that the private security companies discharge the obligation of taking all reasonable precautions to ensure that their firearms and ammunition do not get lost or stolen or become available to a person not lawfully entitled to possess them. In carrying out this obligation, the companies have firearm registers wherein the issuance and receipts of firearms and ammunition are registered. The registers are occasionally inspected by the

police from the Firearm Registry, who are more interested in the adherence to the Act by the licensees. However, there has been an incident where firearms of a particular security company were reported stolen from their offices, which shows that there is always a need to step up security of firearms to avoid arming the wrong people for the wrong reason.

Static guards are not allowed to use firearms. This practice is supported by all stakeholders because if all guards were issued with firearms, the risk of many firearms being in the hands of the wrong people would increase. The only exception to the golden rule relates to proprietary security officers and game rangers. Organisations such as the Central Bank of Swaziland, Royal Swaziland Sugar Association and Tambankulu Estate allow their guards to carry and use firearms in executing their official duties.

The permission given to game rangers to carry firearms is guided by the Game Act of 1991. In terms of this Act, game parks are permitted to own semi-automatic rifles such as LM5. This type of firearm has a similar range to those used by the state armed forces. There has been an outcry against the Act, which allows game rangers to arrest without a warrant any person suspected on reasonable grounds of having been poaching on a reserve. In the process of effecting an arrest, the game rangers may and have been reported to have shot to death suspected poachers and could not be prosecuted for murder (Nsibandze, 2014).

The issuance of uniforms to the security officers is governed by the Occupational Safety and Health Act of 2001 and the Regulation Wages (Security Services Industry) Order. In terms of the former, employers should provide employees with personal protective clothing to mitigate exposure of employees to specific work-related risks. This is in line with the Regulation Wages (Security Services Industry) Order, which specifies that employees should be provided with boots or shoes, whistle, club, torch, and depending on the weather conditions, may also be issued with hats and raincoats.

The bone of contention between the Office of Labour Commissioner and the security companies is whether the word 'uniform' is synonymous with 'personal protective equipment'. The security companies believe they may provide both uniform and/or protective clothing but deduct a certain amount from the employee's salary as uniform deposit which would be paid back when the employee submits the uniform or protective clothing on termination of contract of employment. However, the Office of Labour Commissioner insists that as long as what is issued to the employee has a company logo, it should be free of charge and the companies should not deduct anything from the salaries of employees as uniform deposit.



When interviewed on 22 January 2014, in Matsapha, Mr Malcolm Barlow-Jones stated that the interpretation of the Office of Labour Commissioner of this issue works against the security companies and the public at large. Having paid nothing for the uniform, the security officers are not compelled to bring back the uniform on termination of their contracts of engagement. Consequently, it is possible that a person may have a number of uniforms from different companies which may be used in committing a crime under the disguise of a security practitioner of a particular company. This risk is exacerbated by the fact that there is no law in the country which obliges security officers to carry some kind of identity card while on duty. With that said, there is no other means of identifying a security practitioner other than through what he/she wears.

When it comes to firearms and uniforms for private security companies in Swaziland, the whole terrain is contested. In the case of firearms, the terrain is still uneven despite the fact that differences are based on certain Acts which are still effective in the country. Such contestation is not unique to Swaziland, as international experience has shown that even in developed countries there are still debates over the issue. As pointed out above, the issue of state and regime security has informed most of the debate. When it comes to uniforms for security companies, the debate is still evident. In the majority of cases, the debate is not just who should pay for what, but how the issue of uniforms for private security companies interfaces with uniforms for state security actors. This debate has not manifested itself in Swaziland because the State has been lax over the matter. International practice has shown that there is a very good case for regulating the type of uniforms worn by private security companies. Such regulation has come to be very important in consideration of accountability.

### **13. Limitations and inconsistencies of the private security industry**

The Swaziland private security industry has developed at a very fast rate in the urban areas and industrial centres. This development has been a product of the demand for security for the majority of economic establishments. Research has shown that while the growth has been impressive, there is still much room for improvement in several aspects.

Even though the private security industry has developed under a free-market framework, its regulatory framework remains very weak and poor. The Swazi state and all those concerned with the operation of the industry have not done much to regulate the industry. This gap has been observed over a long period of time, but very little has been done to address the situation. Presently, the Swazi state appears to hope that PSCs will be regulated through general national statutory

laws such as those pertaining to the establishment of companies and labour laws. This is despite the fact that best practice has indicated that there is a need for well-established regulatory approaches for PSCs and their activities. This is particularly the case where democratic concerns are extended to the activities of private security companies. Countries such as Canada and Australia have even gone to the extent of regulating the terms used in the private security industry. This is a gap that needs to be addressed, and failure to establish a regulatory framework for the country may be viewed as an indication of a democratic deficit.

Another gap that exists within the private security industry is poor training of personnel. Evidence indicates that the personnel of the private security industry are poorly chosen and poorly trained (if at all). This could be partly because private security companies who contract with clients are paid very little for their services. Usually, selection of these companies for service is based on cost rather than their experience and professionalism. The issue of training is so crucial that in countries such as Australia, all persons performing security activities are required to undertake a course on professional development. This assists in regulating the educational standards and knowledge base. In the Swaziland situation, there is no stipulation of a minimum educational requirement for people to be employed in the private security industry. This has resulted in situations where the guards that are employed are just picked from the street with no reference to their educational achievements. Such a situation creates challenges for the employees and the PSCs.

There is still a gap in the creation of partnerships for crime prevention. While there seems to be a general understanding that state police should be in partnership with private security companies to prevent crime, this remains informal and not enshrined in robust legal or formalised agreements. What is considered as formal at the moment are simple agreements that are largely gentlemen's agreements and are not binding. Most of them are simply for convenience for the state police or the private security companies. This general understanding first came to the forefront when the Royal Swaziland Police developed the *Crime Prevention Strategic Plan*.

The aforementioned plan came out of a realisation that the state police were losing the battle against crime, and the feeling was that crime prevention was not being successful because there was no strategic plan. The plan was therefore the first step towards partnership building but was flawed from the very beginning. The main limitation of the initiative was that it was conceptualised largely through the operations of state security practitioners. It was not strategic because it did not integrate all the elements involved in security provisioning and crime prevention. It was therefore a good initiative that failed to build partnerships with all players in the industry. Nevertheless, the mission statement does indicate a desire for constructing partnerships as it states, "The Royal Swaziland Police is responsible for



upholding the rule of law fairly and firmly, and ensuring the safety of communities in partnership with all stakeholders, through prevention of crime, protection of life and property, preservation of public peace and order, detection of crime and bringing offenders to justice" (The Crime Prevention Strategic Plan, 8). The construction of partnerships remains operational rather than cemented in informal legal agreements. The most observable gap here is a transition from theoretical assumptions to practical construction of partnerships. These practical and formal partnerships are needed for the benefit of society at large and for support of the state police in fighting against crime.

### **13. Conclusion**

The development of the Swazi private security industry has been very evolutionary in nature, and such evolution can be associated with changes in the Swazi economy over time. There are some indications to suggest that private security in the country was first established by colonial officials and white settlers who were to a large extent motivated by some negative attitudes towards the indigenous Swazi, particularly as far as crime was concerned. It is therefore easy to conclude that the genesis of private security is located in the colonial period and the white population may be a reflection of people's shallow knowledge of what was happening in the period just before the imposition of British colonial rule. Whatever may have been the situation, private security at this time was very informal and unorganised, and therefore, there were no security companies to speak of.

It was, however, during the post-independence period, especially in the 1980s, that formalised security companies began to appear. Their growth during this period was anchored on three related conditions. These were increased economic activity, an increase in the demand for security services, and the increasing failure of the state police to provide security to individuals and corporate establishments in the country. It was therefore developments at the social and economic levels that provided the impetus for the growth of private security companies in Swaziland. The state security structures were on the retreat, not for ideological reasons, but because of failure to cope with demand for security as a result of increasing levels of crime.

The research conducted in Swaziland indicates that the security threats that have contributed to the growth of private security companies are largely economic. The issue has been economic security rather than threats arising from outside. Therefore, politics has made an insignificant contribution to the development and shaping of the private security architecture in Swaziland. Consequently, the Swazi private security industry has had very little involvement in the political affairs of the country. This is particularly the case if compared to what has been happening in some African countries and other regions of the world. Largely

because of the nature of their evolution, based on economic threats, the Swazi private security companies have no history of committing political atrocities or violating the political rights of the citizens.

The report on Swaziland has shown that the private security industry in Swaziland provides a range of services to the Swazi community but is dominated by the guarding sector. This is especially the case with the business community that is eager to protect their establishments against different acts of crime. It is therefore important to note that the services provided by private security companies in Swaziland are class-relevant, as they are available to those who command higher financial resources. The reality of this situation is that the services of private security companies are consumed by only about 30% of the Swazi population. The special distribution of the services is such that they are available mostly in the urban areas while most of the rural areas remain outside the operations of private security companies. Such issues give character to the political economy of the private security industry in Swaziland. The Government of Swaziland is one of the leading contractors of private security companies. PSCs are employed to guard many buildings of the State. Through the Government, the Swazi monarchy has also tapped into the numerous services provided by private security companies. The professionalism of these companies is questionable, but they have contributed to preventing crime in the country. However, due to lack of statistics, it is very difficult to quantify this claim.

Research conducted in some African countries has shown that private security companies have immensely contributed to the violation of human rights. This is probably the case because in some countries the operations of private security companies are interwoven into the politics of the countries. Evidence indicates that Swazi private security companies are not high on the violation of human rights. There is, for instance, no evidence of the employment of private security personnel in perpetrating violence against citizens. Nonetheless, individual security guards have been involved in acts tantamount to the violation of the rights of some people. For instance, there are reports of people who have been beaten by employees of private security companies on suspicion of having committed certain crimes. In some instances, they have been implicated in cases of rape.

An analysis of the private security industry in Swaziland shows that it is characterised by both positive and negative dynamics. This points to the fact that private security companies or the industry as a whole can provide a country with progressive dynamics, while at the same time containing certain aspects which do contribute positively to the transformation of societies. However, it should be noted that from an economic or business point of view, there are many positives that come from private security companies. They protect businesses and allow economic activities to take place in a close to free environment. Also, at the level of crime prevention, there have been positive developments that have contributed to



human security. Be that as it may, this advantage is limited by the fact that the services of the companies have not extended to the rural communities.

When it comes to the construction of partnerships for purposes of preventing crime, the terrain is still very unclear. This is the case because what may be called partnerships between the private security industry and public security actors, particularly the state police, are simply acknowledgements of each other's existence. It is more a matter of functional cooperation whenever necessary. There is no indication of the existence of concrete frameworks of partnership. Although security imperatives dictate that partnerships are the best way to go at this juncture, the state police still conceptualise crime prevention as their monopoly. There is no evidence of formal agreements, and all forms of cooperation are *ad hoc*. Outsourcing of services by establishments is widespread. This is usually the case because of lack of capacity in some of the establishments that make them not be able to adopt the in-house approach to security provisioning. The Swazi state is probably the largest outsourcing institution, and that speaks volumes about the capacity of state police in handling security matters. Where the state police have attempted to forge formalised partnerships is where it deals with community security actors. Formalisation in this case is indicated by the development of the Crime Prevention Bill of 2010.

Swaziland still has a huge deficit in the regulation of the operations of the private security industry. The report has indicated that in Swaziland, the private security industry is almost completely unregulated. Instead, the government hopes that the industry will be regulated by the general laws of the country that deal with the establishment of companies and relations in the workplace. The private security industry is so complex and, at times, vulnerable to many abuses, that it needs specific rules and regulations to guide its operation. It is not enough to regulate the industry through general laws. For instance, if poorly regulated, the identity of private security personnel can be mistaken for that of the state police. This is what has made some countries such as Canada regulate the colour of the uniform of private security personnel, together with the emblem attached to their uniform. Non-regulation of the activities of private security companies is bad for the State and citizens.

The report has outlined the gaps and challenges in the analysis of the private security industry in Swaziland. Most of the gaps identified in this section have much to do with the relationship between the State and private security companies. These include the general failure to create a platform for building formal partnerships between all actors involved in the security industry. While *ad hoc* partnerships have been created, their sustainability is questionable and may compromise crime prevention initiatives. Formal partnerships are also very important for purposes of accountability. All *ad hoc* formations are very difficult to judge on accountability, and that compromises the principle of security provisioning with responsibility.

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## **Annexure 1**

### **SWAZITRONIX (PTY) LTD**

Swazitronix is a Matsapha-based company specialising in the supply, installation, and servicing of integrated security services encompassing building management systems involving access control, CCTV surveillance, evacuation, fire and intrusion detection.

The company was registered on 18 March 1988 (Registration No. 88 of 1988) and has been under the management of the current owners since May 1991.

Its clientele includes, but is not restricted to:

- His Majesty's Royal Residence, Engabezweni
- Her Majesty's Royal Residence, Ebhuleni
- The American Embassy
- The British High Commission
- Cadbury (Pty) Ltd
- Coca Cola Swaziland (Conco Limited)
- The German Embassy
- The European Union
- Central Bank of Swaziland
- Nedbank (Swaziland) Limited
- Standard Bank Swaziland Limited
- First National Bank Limited
- Swaziland Development & Savings Bank
- The City Council of Mbabane
- The City Council of Manzini
- MTN Swaziland Ltd
- Nampak (Swaziland) Ltd
- Swaziland Meat Industries
- Illovo Ubombo Sugar
- Royal Swaziland Sugar Corporation
- Swaziland Beverages Limited
- Swaziland Posts & Telecommunications Corporation
- Swaziland Electricity Board
- Swaziland National Provident Fund
- Swaziland Royal Insurance Company
- Swaziland Sugar Association
- Swaziland Water Services Corporation
- Tibiyo Taka Ngwane.

## ***Expertise***

Swazitronix employs an experienced and highly qualified team of technicians, with expertise covering all facets of access control and electronic security. The focus is on the supply and installation of:

1. **Access control**
  - Blick, Impro, Softcon, Niagara Tridium, Babylon and Lattice Proximity and Biometric Equipment with Full Report Writing and Anti-Passback function
2. **Alarm systems**
3. **Anti-bandit doors**
4. **Digital CCTV surveillance systems**
5. **Metal detectors**
  - Walk-through and hand-held
6. **Revenue parking**
  - Automatic traffic barriers
  - Ticket dispensers
7. **Safes**
  - Supply of safes and vaults
  - Time delay locks and seismic detectors
8. **Security access doors**
  - Anti-bandit doors, level 2 and 3
  - Interlocking mantraps
  - Automated sliding doors
9. **Speed gates**
10. **Turnstiles**
  - Industrial full height and waist height
  - Glass waist height
11. **Trellidor security barriers – exclusive distributor for Swaziland**
12. **Rapiscan X-ray machines – exclusive distributor for Swaziland**

## ***Site References***

**MTN Head Office, Ezulwini Valley** – Recently completed the supply and installation of a full electronic security solution, including CCTV, access control, X-ray machines and intruder detection, all managed from a control room. MTN's remote sites at Sidwashini, Manzini, Matsapha and Phutfumani Building are monitored and controlled from Head Office via LAN networking and include CCTV surveillance of the remote sites.

**Central Bank, Head Office, Mbabane** – In a joint venture with Engineered System Solutions (ESS) from South Africa, Swazitronix recently embarked on the revamp of the entire security system for Central Bank's Head Office, including CCTV, access control, fire detection and evacuation.



**Nedcor** – The installation of the entire security system for Nedbank’s Head Office in Mbabane, as well as the entire branch network including access control and digital CCTV surveillance.

**Nedbank, Corporate Place** – Was responsible for the move of the Main Branch to Corporate Place in Mbabane and supplied and installed CCTV, access control, and intruder detection systems.

**First National Bank** – Access control for Head Office and branches.

**Standard Bank Swaziland Limited** – Access control for its Head Office incorporating 20 doors with full report writing capability. Digital CCTV surveillance of all branches.

**Standard Bank Cash Centre, Matsapha** – Through a JV, Swazitronix installed a fully integrated security system, including 72 cameras, 12 biometric controlled doors, and intrusion and fire detection, all controlled from a manned control room.

**Standard Bank, Corporate Place** – Recently completed the supply and installation of the full electronic security needs for the bank, including 73 CCTV cameras, biometric access control of 18 doors, and an intruder detection system all managed from a control room.

**Happy Valley Resorts & Casino** – The installation of access control for the new casino, including automatic traffic barriers at the main entrance and into VIP and residence parking.

**Manzini City Council** – Card reader access control for their offices.

**Swazi Plaza Properties** – Fully automated revenue-parking system including CCTV surveillance.

**Tibiyo Offices, Johnson Street, Mbabane** – Parking and pedestrian access control, including control of the lift and office doors.

**Swaziland Development & Savings Bank** – A full 29-door access control system covering the Engungwini and Mlunguziwendlovu Buildings (Head Office), including CCTV surveillance.

**Swaziland Electricity Company** – Access control system involving 36 doors and digital CCTV surveillance.

**Swaziland Beverages** – Full access control system with time and attendance software linked to their payroll system. Also CCTV coverage of production, vehicle loading, accounts, stores and main gate.

**Swaziland Building Society** – Recently completed the access control and CCTV requirements for Head Office, Mbabane involving 14 doors (biometric and card reader) and 26 cameras.

**Swaziland National Provident Fund** – Full access control of their Head Office in Manzini.

**Swaziland Posts and Telecommunications** – The installation of a full access control system for the SPTC Head Office and telephone exchange.

**Swaziland Royal Insurance Company** – Full access control, including vehicle traffic barriers.

**Swaziland Examinations Council** – A full access control and CCTV surveillance system at the Head Office in Ezulwini.

**Ngwane Mills** – Turnstile access control for their workforce, linked to the payroll system.

**Swaziland Water Services Corporation** – Staff and vehicle access control of the Ezulwini Head Office, including alarm and digital CCTV surveillance.

**University of Swaziland** – Installation of the full access control requirements for the Kwaluseni campus, and high-speed surveillance cameras covering the examination halls at Luyengo campus.

### ***Current Projects***

**Sikhuphe Airport** – Swazitronix, in a joint venture with South African company Landis & Staefa, is responsible for the installation of the entire security system for the new airport, including access control, CCTV, fire detection, intruder detection, and evacuation all controlled from a centralised building management system.

Swazitronix is also supplying and installing all roller shutter doors and automatic sliding door systems at the airport.

As the Swaziland distributor for Rapiscan Security Screening Equipment (X-ray machines), Swazitronix is responsible for all the new equipment for the airport.

**Swaziland Revenue Authority** – The supply and installation of the Head Office integrated security systems, including access control, CCTV surveillance and intrusion detection.



## **Annexure 2**

### ***Radio Link Ltd***

Radio Security Link Ltd (Radio Link) was formed in 1989 and acquired by Secure Holdings in 1991. Other members of the Secure Holdings group include Guard Alert Security Services (Pty) Ltd and Cash Security Services (Pty) Ltd.

Originally a Guard and Alarm company, for more than 20 years Radio Link has focused on Alarm installation and monitoring, and complementary activities including Access Control and CCTV installation.

Alarm monitoring and reaction services are operated from control rooms in Mbabane, Manzini, Matsapha and Nhlangano.

Since 2001, Radio link has been the agent for Tracker Stolen Vehicle Recovery and Fleet Management systems in Swaziland.

Services/products offered include:

- Market-leading access control systems, including IMPRO and PROXNET allowing PC-based management control, integration with time-managed control systems and integrated salary packages
- Analogue and digital IP CCTV systems
- Security alarm installations
  - Wired and wireless systems
- 24-hour alarm monitoring and reaction with vehicles equipped with state-of-the-art RF, GPS, GPRS and GSM technology for faster reactions to any emergency
- Accredited DStv installer
  - Residential and commercial installations
  - HD and XtraView
  - Installation training.

## **Annexure 3**

### **Netstar Swaziland**



## **History**

### **Background**

GKR Netstar Swaziland was started in January 2011 to resume the rendering of services from Netstar Swaziland. One of the key objectives was to reinstate the services that all Netstar Swaziland clients enjoyed. This exercise required the removal, refurbishment and sim swop of the tracking/fleet management device. This process has been successfully completed with more than 900 clients over the past year.

### **Business Address:**

Unit E3, Printpak Square, Sheffield Road, Industrial Site, mbabane – 24040946/76723325.

### **Previous/Ongoing Contracts**

World Vision, SWADE, Parmalat Swd, Swazi Observer, Logico.

### **Altech Netstar – Combined Profile**

- Subsidiary of Altech Group
- Winner of Technology Top 100 Minister’s Award for Excellence in 2007
- National footprint includes:
  - Head Office in Midrand, 14 Regional Offices
  - Over 115 Fitment Centres countrywide in Southern Africa: Botswana, Namibia, Swaziland, Zambia, Mozambique, Zimbabwe and Ivory Coast
- 800 employees
- Subscriber base over 486 000 (+550 000) units
- 24/7 Operation Centre and after hours Technical Support
- Eight 24/7 Control Centres within South Africa and four in Southern Africa



- Dedicated Ground Recovery Teams
- Largest Air Recovery Service – 36 aircraft and 12 airfields
- Recovered in excess of 40 000 vehicles, estimated value of E5 billion
- Average recovery time of 47 minutes
- Over 2 800 arrests made.

### ***Altech Netstar – Swaziland***

- 10 employees
- Subscriber base over 1 150 units (from March 2011)
- 24/7 Operation Centre
- Dedicated Ground Recovery Teams
- Dedicated Air Recovery – Matsapha Airport
- Latest GPRS enabled Hi Site.



*Sabelo Gumedze*

### 1. The need for partnerships

Writing from a criminologist perspective, Stenning (2009) argues that “[t]he increased public/private blurring, whereby certain state functions are delegated to private actors, requires the creation and adoption of more ‘efficient accountability mechanisms’.” In as much as accountability mechanisms are critical to ensuring that the private security sector is kept in check, the research findings in this monograph point to the need for the establishment and strengthening of partnerships between the state and private security sector in the fight against crime. Mindful of the fact that the establishment and strengthening of such partnerships is not the only solution to crime, the research findings show that the contributory factor of such partnerships cannot be overemphasised. This stems from the fact that individuals and businesses alike more often than not turn to the private security sector, especially where the state is unable to address the challenges associated with insecurity.

The existence of a mixed economy of security personnel points to the need for a rethink in terms of approach. This mixed economy incorporates a wide range of security actors, namely, police officers, community police, local police, neighbourhood watch wardens, private security guards and volunteers, among others. The reality today is that crime prevention cannot be left to the police alone. The so-called ‘foot soldiers’ in the private security sector not only require recognition, but they have become important players, who are heavily relied upon by those who can afford to pay for their services. There is no doubt that their contribution to crime prevention remains critical in any society.

### 2. Key issues and research question

Through this study, four key issues have been addressed. First, the role, trends and extent of the public police and private security sector in the prevention of crime in Botswana, Namibia, South Africa and Swaziland. Second, the legitimacy and accountability of the various security actors involved in crime prevention, such as state security agents, private security sector, community police and civil society. Third, the extent to which Botswana, Namibia, South Africa and Swaziland have realised and appreciated the role played by the private security sector (as non-state actors), and the establishment and/or nurturing of partnerships between state institutions and non-state actors, particularly private security companies, in crime prevention strategies, taking into account the gender perspective. Fourth, the extent to which these countries have effectively implemented crime prevention strategies/policies (including their reform) in order to ensure the security of its citizens (both poor and rich).



These four key issues have been addressed with the following research question in mind:

Based on the role played by the private security sector, that is, private security companies in the southern African region, to what extent can crime prevention between the State and the private security sector effectively prevent crime in Botswana, Namibia, South Africa and Swaziland?

The findings of this study are summarised below in chronological order.

### **3. The role of and trends in the public and private security sectors in preventing crime**

The study found evidence that in more developed countries, such as in South Africa, where the statistics are arguably more reliable, private security officers outnumber the police almost three-fold. Whilst this cannot be said with certainty for the other countries, due to the lack of official statistics, the South African trend should be a cause for concern, as the police are seemingly not coping with the ever-increasing population that is faced with social ills, such as crime. This, in itself, requires an appreciation of the role played by the private security industry in the prevention of crime.

The lack of statistical data for the private security sector in some of the countries also points to the need for the establishment of regulatory bodies specifically mandated to regulate and control the private security sector. The estimates given on the number of private security officers show that it is a growing sector with immense potential to take up the challenges in the security space, especially with new technological advancement. The range of products offered by this sector are sometimes more sophisticated to those that are used by the police in the fight against crime. This again supports the need for the establishment of partnerships between the state and the private security sector in crime prevention initiatives.

### **4. The legitimacy and accountability of security actors in crime prevention**

The legitimacy and accountability of the security actors in crime prevention varies. Legitimacy, in this context, refers to the value whereby the private security industry is recognised and accepted as right and proper by the state in question. Accountability, in this context, refers to the process of the private security sector being called to account for their actions. As far as the private security sector is concerned, (being the main focus of the study), where there is an effective regulatory framework, such as in the case of South Africa, the industry's legitimacy is more present (comparatively speaking). In a country such as Namibia, where the

regulatory framework is there but not in force, the legitimacy is not as profound. In the case of Botswana, where the regulatory framework is in existence, though insufficient, the legitimacy is lukewarm. In the case of Swaziland, where there is no regulatory framework (including a regulatory authority, body or controller for that matter), the legitimacy of the private security sector is minimal.

The study shows that in general terms the more legitimate the private security sector is, the more accountable it will be to be considered by the state in crime prevention initiatives. This, however, does not mean that there are no 'bad apples' within these legitimate sectors. The issue of legitimacy and accountability is also linked to the professionalism, quality and standing of the private security sector. The study also reveals that the more professional the private security sector is, the more legitimate and accountable it will be. The same applies to the quality of service and standing of the sector. It cannot be said that the professionalism, quality and standing of the private security sector in some of the countries studied necessitates partnerships with state in crime prevention.

The study reveals that in as much as the private security sector is one that is formidable in all these countries, to a large extent it generally remains unprofessional. The entry level of private security officers into this sector is very low. While in some countries certain training is required (though not as intense), in others no training is required whatsoever. This presents a dilemma in the states' willingness to partner with a sector with untrained officers in crime prevention initiatives. Again, the study highlights the need for states to professionalise (or facilitate the professionalisation of) this important sector.

## **5. The realisation and appreciation of the role played by the private security sector**

The study shows that the majority of private security company owners are former public security personnel. The wealth of knowledge these owners amassed whilst in the public security sector is therefore transferred to the private security sector. This creates a greater opportunity for the private and public sector to collaborate in crime prevention initiatives, as the individuals concerned are usually known to each other. Such partnerships, however, remain *ad hoc* in that relations between the police and private security are more often than not dependent on informal networks, particularly where the security managers (including owners) previously worked in the police. The realisation and appreciation of the role played by the private security sector, therefore, depends solely on individuals. At the state or official level, such realisation and appreciation is not formalised. This is the main challenge faced by the states which is largely informed by the fact that the 'unprofessional' security providers pose a security threat. For this reason, these private security providers cannot be included in crime prevention initiatives. In most instances, the



approach by states is that the private security sector should be strictly regulated and controlled as it poses a threat to national security. This approach, however, overlooks the positive role the private sector plays in providing security services to a segment of society. It is also a sector which contributes towards the employment of a considerable number of people.

The realisation and appreciation of the role of the private security sector needs to be unpacked. In fact, the study shows that for any viable partnership and/or collaboration to take place between the state and private security sector, this realisation and appreciation of the private sector's role must exist. As long as the police remain adamant that the private security sector is part of the problem and not the solution, collaboration and/or partnerships between them will remain a pipe dream. The study shows that in all these countries studied, the policies on crime prevention (if existing) do not include the private security sector. This is always a missed opportunity on the part of states, as the sector is already in the field of security and arguably ready to assist in crime prevention initiatives.

The absence of effective regulatory frameworks also poses a serious challenge in so far as improving the professionalism, quality and standing of the private security sector. This consequently negates any call for the establishment of partnerships for crime prevention with a sector that is unregulated or not effectively regulated as the case may be. The study shows that there is still a long way to go towards the establishment (in some states) and/or nurturing of partnerships between the state and private security in crime prevention strategies. Currently, the private security sector is not considered, at least on paper, to be an actor to be relied upon in so far as the fight against crime is concerned. There is therefore a need for the creation of channels for the police and private security to engage in more productive relations and enhance cooperation in crime prevention initiatives. Such channels could be the development of crime prevention policies that include the private security sector, taking into account gender perspectives.

In so far as the gender perspective is concerned, the study found no trace of adherence to the United Nations Platform of Action of 1995 (para. 123), which states that in addressing violence against women, governments and other actors should promote an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis may be made of their impact on women and men respectively. The study showed that the ratio of women to men in the private security sector is not balanced. This results from the fact that the existing regulatory frameworks and policies relating to the private security sector do not adequately address the issue of gender. This will no doubt affect any initiatives aimed at preventing crime.

## 6. The implementation of crime prevention strategies/policies

The study revealed that crime prevention strategies and policies do exist. However, in all the countries studied, these strategies and policies overlook the private security sector. The focus seems to be on community policing as opposed to inclusive policing, which includes the so-called 'foot soldiers in the private security field'.

In the case of Botswana, the broader crime prevention strategy was developed involving the entire community, which resulted in the formation of crime prevention committees. This was mainly to close the gap between the police and the public, particularly on information sharing. It eventually led to the establishment of the National Crime Prevention Coordinating Unit, which falls under the Criminal investigations Department. This department coordinates crime prevention initiatives throughout Botswana, whilst the mandate of the unit ranges from coordination, internal awareness, monitoring and evaluation of crime prevention activities, crime audits, public education, and advising senior management on crime prevention policy matters, to generally promoting active participation by the unit in crime prevention initiatives. This unit however, remains silent on the role of the private security sector. Nevertheless, a number of crime prevention initiatives were introduced as soon as the National Crime Prevention Coordinating Unit was established.

In the case of Namibia, the Namibian Police Force recognises the fact that it cannot effectively carry out its mandated duties without the assistance of other government institutions, the business community as well as individual citizens. The concept of community policing is aimed at promoting active partnerships between the public and the police. The focus, therefore, is on both the public and the police. Yet the Crime Prevention Strategy of the Namibian Police Force (2011–2014) remains silent on the role of the private security sector, and the actors who are recognised as collaborators are NGOs, stakeholders, religious institutions/groups, traditional leaders, community-based groups, the public sector, the business sector, the media, women's groups, and anyone who forms part of the society. Whilst the private security sector can identify with some of these role players, they are not expressly included. The implementation of the crime prevention strategy could be greatly enhanced with the specific inclusion of the private security sector.

In the case of South Africa, there is the Policy for Establishment of Community Safety Forums (CSFs), which emanated from the requirements outlined in the National Prevention Strategy of 1996 and the 1998 White Paper on Safety and Security. The CSFs are based on the premise that increased cooperation and interaction would improve the functioning and deliberations within the local criminal justice system and the delivery of crime prevention projects. The policy makes a clear distinction between the CSF and the Community Policing Forum



(CPF) concepts. The CSFs are meant to facilitate the delivery of a multi-sectoral governmental approach on safety in local communities and is distinguished from the CPF through its jurisdiction and tasks. The CPF, on the other hand, is a legal community structure established in terms of the South African Police Service Act, and is mandated to facilitate community-police relations within a specific police station precinct (police station boundary). It serves as the mouthpiece of the community with the police and *vice versa* on policing matters and other relevant safety issues.

In terms of the policy for establishing community safety forums, the member of the executive council responsible for policing shall, in consultation with the mayor(s), establish a csf that is broadly representative of local community structures and organs of state, to be located and operate within the metropolitan, district and local municipal boundaries. The policy states that the civil society or organised local communities that form part of CSF must include at least existing CPF; non-governmental organisations working in relevant functional areas (e.g. In respect of child protection, victim support, restorative justice or economic empowerment); faith-based organisations; ward councilors as *ex-officio* members; organisations representing the interests of specific groups like women's formations; traditional leaders; business sector; and other organised community structures such as military veterans. Whilst the private security sector can identify with some of these role players, it is not expressly mentioned. In terms of the policy, municipalities and provincial secretariats (of police) are regarded as the key role players (implementing agents) to guide and facilitate community safety initiatives at local level.

In the case of Swaziland, there is a Crime Prevention Unit within the Royal Swaziland Police Service which works towards closing the gap between the police, community and the nation at large by conducting campaigns and training the community on the importance of partnerships and cooperation in the fight against crime. The crime prevention strategies include the establishment of neighbourhood watch schemes and campaigns aimed at crime prevention targeting localities, schools, centres, other security agencies, clinics, the business community, churches and financial institutions. Other activities include radio programmes aimed at conscientising the public on crime prevention. One of the downsides is that, Swaziland does not seem to have a policy document on crime prevention which is accessible to the public. The express inclusion of the private security sector is not mentioned in the existing strategies. This, however, does not mean that the private security sector is excluded from such programmes.

The study also highlighted the existence of the Crime Prevention Bill of 2010, which opens a window of opportunity for the express inclusion of the private security sector as an important role player in crime prevention initiatives. Currently, the Bill only makes mention of the formation of partnerships between the police and community police for purposes of preventing crime. The importance of considering the private security sector is important. The non-inclusion of the private security sector

may be due to the absence of a regulatory framework for the sector in Swaziland. A sector, which does not arguably enjoy legitimacy, as is the current situation in Swaziland, cannot be seen as an important role player in crime prevention. The study revealed the importance of addressing the huge deficit in the regulation of the operations of the private security sector, before any consideration of its involvement in crime prevention partnerships can even be discussed.

## 7. Conclusion

This study has revealed that it is no longer realistic to consider the provision of security as the sole preserve of the police. The private security actors have 'invaded' the security space, not necessarily for purposes of usurping the mandate of the police, but as a result of a constant demand for safety and security on the part of those who can afford to pay for such services. The use of private security leads to the notion of 'double taxation', whereby citizens pay tax for the public police (through the compulsory income tax) and also pay for private security services. The fact that the private security actors are now complementing the work of the police points to the need for their consideration in crime prevention initiatives.

The (mis)perception that all private security officers are rouge, sometimes without any supporting evidence, is not only reckless but also clouds the debate on the role they play in crime prevention. This does not mean that the private security sector is always professional, ethical and trustworthy. Just like in the case of the police, there are also rouge elements, which taint the work of the private security providers. As in the case of the police, systems should be put in place for ensuring that members of the private security sector are beyond reproach in so far as their work is concerned. One way of addressing this problem is to ensure that the sector is professionalised and that its regulatory framework is effective. Moreover, it is important that regulatory frameworks are implemented through effective and efficient mechanisms. While some states are much advanced in terms of their regulatory regimes, some are still lagging behind. A sector that is unregulated or ineffectively regulated, cannot be a viable partner, particularly with the state, in crime prevention.

Having analysed the private and police sectors in the various countries, there is room for the establishment of partnerships between the state and private security providers as a means of addressing crime. There is a need to develop or even amend policies or laws on crime prevention in such a way that the role of the private security sector is recognised, nurtured and included in crime prevention partnerships and strategies.

That the private security sector has become a force to be reckoned with is no longer in doubt, and states must consider taking advantage of their presence in the security field, particularly in crime prevention. Embracing this sector extends to bringing it on board in terms of addressing crime, that is, at the level of the state. After all, security from the threat and reality of violence remains critical to people in most developing countries such as the ones presented in this publication.











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