Editorial

Governance and justice: Southern edition

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Given *South African Crime Quarterly*'s cross-disciplinary nature, and the fact that we accept article submissions on a rolling basis, we seldom have a collection of articles in a single issue that speaks clearly to a unifying theme. This edition is (happily) an exception. Each of the articles in the volume touches on questions of governance:[1] by addressing how we use and assess evidence-based research aimed at improving policing practice; looking at the role and performance of the Western Cape Police Ombudsman; examining how and where protests focused on weak or absent governance take place; and unpacking the latest version of the Traditional Courts Bill, which is before Parliament (after two previous failed attempts) and which aims to regulate the customary justice environment.

Perhaps the serendipity is the result of the prevailing South African political winds. In the months since Jacob Zuma's much-anticipated departure from the presidency, President Cyril Ramaphosa has raised concerns about the collapse of governance, arguing that the state's institutions are failing to deliver, and have consequently lost credibility and the trust of South Africa's people.[2] Eskom's virtual collapse, the impending revival of load shedding to stabilise the electricity supply grid, the Cape Town water crisis (and the crisis in governance that the water shortage has revealed), hospitals running short of medicine, books that are routinely not delivered at schools, junk ratings status, grounded SA Express flights, and haemorrhaging operating losses at South African Airways: there are certainly plenty of examples to support the president's position.

Political winds aside, I think that the thread that runs through this collection is also reflective of the sustained, and often vocal engagement by civil society and academia on questions of accountability and governance, and (given *SACQ*'s particular focus) how these intersect with criminal justice. To 'do' criminology and public policy in South Africa requires us to engage with how we regulate and hold systems to account, and while these questions are hardly new to the criminology space (having been asked by Northern theorists, for example, in respect of police brutality, corporate crime, corrections, prosecution, and discretion across the board from police to judges), they require, in South Africa, an honest engagement with history, space and justice in a way that is, I think, at once more proximal, but also fractured. We have to confront our own roles in crafting and evaluating policies and practices, think carefully about the ways that we criticise and/or sustain institutions, and own up to the ways in which we have (perhaps uncritically) imported wisdom from 'elsewhere' to try to speak to our own realities. The articles in this edition encourage us to think much more reflexively about what proper governance and accountability mean in the criminal justice environment, and how

we do research, and develop and reform the law and policy in ways that speak to engendering a new normal.

Kicking off with a focus on policing, Gareth Newham and Brian Rappert's article, *Policing for impact: Is South Africa ready for evidence-based policing?,* reflects on the ways in which research aimed at improving operations has realised its potential to shape policing in practice. Based on discussions that took place between the South African Police Service's (SAPS) National Research Division, the Institute for Security Studies, and academic and policing organisations based in the United Kingdom, the article documents a shift towards 'greater engagement and collaboration with partners external to the police on research and data', and argues for dedicated research partnerships that could 'better enrich SAPS exposure to new knowledge and interventions'. Newham and Rappert also underline the importance of establishing clear review standards against which research can be assessed before it is accepted by the SAPS, and for a formal, structured platform for profiling policing research from South Africa and across the African continent.

Moving on to police oversight, Lukas Muntingh reflects on the office of the Western Cape Police Ombudsman, and looks at its powers and performance since its inception. Established as one of a number of initiatives aimed at improving the monitoring and oversight of the police in the province in the wake of the Khayelitsha Commission's findings on the breakdown in the relationship between the SAPS and the community, Muntingh looks at the Ombudsman's somewhat 'modest beginnings' in executing its mandate. The Ombudsman is tasked with investigating complaints of police inefficiency, and must report on the outcome of these investigations and the recommendations it makes to the SAPS in terms of these complaints. Examining the Ombudsman's 2015/16 annual report, Muntingh finds that the body faces a number of challenges, including a 'tiny' budget, small staff, limited capacity to investigate, and low levels of confidence in its independence and effectiveness in addressing the poor policing and police–community relations that are evident in the province. Despite this, he concludes that the Ombudsman has the potential to improve this relationship if it has the political backing and support of the SAPS management to implement its recommendations.

Shifting focus slightly towards the public's pushback against inadequate governance, Lizette Lancaster presents data from the Institute for Security Studies' Protest and Public Violence Monitor (PPVM) in her article, *Unpacking discontent: Where and why protest happens in South Africa*. The PPVM aims to provide 'comprehensive coverage and mapping of all forms of protest, including industrial strike action as well as political and group conflict'. Adding to work on protest published in our two previous editions, Lancaster's piece discusses the frequency of protests between 2013 and 2017, and shows how the levels of protest are sensitive to provincial shifts and efforts to address service delivery concerns, as well as to seasonal shifts. The data shows that, contrary to prevailing public narratives, protests in this period have most often been related to industrial strike action, rather than service delivery concerns, and just over half (55%) have been classified as violent. Taken as a whole, the PPVM data shows how wide-ranging protest grievances are, and how geographically widespread they are. While most protests are indeed aimed at the state (particularly in respect of concerns about safety, education, employment and other broader socio-economic rights), a significant amount of protest is also aimed at the private sector.

Addressing the regulation of customary justice, Fatima Osman's article, *Third time a charm? The Traditional Courts Bill 2017*, looks at the latest version of the Bill and asks whether it sufficiently addresses the fundamental objections to previous versions, and the public outcry and sustained

pressure from civil society organisations that ultimately scuppered its passage. Osman finds that these concerns – largely centred around the gender composition of the courts and women's participation in dispute resolution processes, the centralisation of power in traditional leaders, and the professionalisation of courts – have been attended to in some measure in the new Bill, but that critical issues warrant further attention. She argues that the 2017 Bill still defines traditional courts based on apartheid-era geographical boundaries, and effectively locks claimants into the traditional justice system by preventing them from seeking resolution elsewhere when they fear an unjust outcome. The Bill bars the use of legal representation in an effort to keep proceedings simple and flexible, but Osman points out that this may be 'exploited by powerful parties to achieve a favourable outcome', particularly since the Bill doesn't make it clear that criminal cases are excluded from the traditional courts' jurisdiction. She concludes that with further amendments, the Bill may find support among its key constituencies, 'paving the way for long-awaited legislation that regulates the traditional justice system in South Africa'.

Bill Dixon reviews two books for this issue of *SACQ*: Andrew Faull's ethnography about the working lives and professional identities of the SAPS members entitled *Police work and identity: a South African ethnography*; and Sindiso Mnisi Weeks's in-depth exploration of what she terms 'vernacular dispute management forums' in Msinga in rural KwaZulu-Natal, called *Access to justice and human security: cultural contradictions in rural South Africa*. Admitting at the start of the review that there appears, at first glance, to be little commonality between books on police work and on dispute resolution in rural settings, Dixon goes on to show how the two studies are concerned with similar questions, namely how our society (perhaps more accurately, our societies) deals with troublesome behaviour, how some problems become 'crimes' (while others do not), and how institutions (both formal and informal) respond. Dixon hails both as 'excellent new books' by a 'rising generation of young South African scholars [who are] ready, waiting and more than capable of taking the study of crime, justice and security forward'.

In our 'On the Record' feature I discuss the in-the-field realities of doing a randomised household survey with Ncedo Mngqibisa and Guy Lamb from the Safety and Violence Initiative at the University of Cape Town. Their project, which interviewed young people between the ages of 12 and 18 in Gugulethu and Manenberg about deviance and youth resilience, is an instructive illustration of the difficulties of doing research in complicated spaces. Ncedo and Guy talk honestly in the interview about their experiences with negotiating access in Gugulethu, confronting the complexities of (unexpectedly) divided spaces, the transferability of random household sample selection techniques to informal housing spaces, safety challenges and the difficulties of doing research in over-researched spaces where the benefits of participation are not immediately clear to potential interviewees. Their experience raises important questions about the compromises that we make in trying to research in these kinds of spaces, and the impact of these choices on the quality of the data that results.

To close off this editorial, I would like to draw readers' attention to a call for papers for our December 2018 Special Edition of *SACQ*, entitled 'Decolonising Prison'. The special edition, which will be guest edited by Nontsasa Nako from the University of Johannesburg, will explore the impediments to social justice advancement towards real prison reform globally. In thinking of prison along decolonisation terms, the special edition is interested in questions of how penitentiary systems endure; how they live past colonial independence and survive transitional justice mechanisms. How might societies

like South Africa that have reinvented themselves as democracies reimagine crime and punishment? How can prison conditions be improved in ways that meet some global standards without sacrificing local conditions? How can crime and punishment be de-linked from class and race so that poverty is not criminalised? If decolonisation is centrally about how knowledge is understood and produced, what other knowledges about crime and punishment can be brought to the forefront?

The deadline for submitting abstracts of one page or less is 15 July 2018, and full papers (between 3 000 and 6 000 words, including end notes) will be due on 15 September 2018.

The full call for papers can be viewed on the *SACQ* website (https://journals.assaf.org.za/sacq).

Notes

1 My thanks to Diane Jefthas, who first pointed this commonality out to me and whose conversations on the couch are not only frequently the kernel of boundary-busting ideas but also keep us all honest and on track.

2 Most recently at the Kgalema Motlanthe Foundation's inaugural inclusive growth conference held on 15 June 2018 in the Drakensberg (see, for example, C Manyathela, Ramaphosa concerned about 'collapse of governance, *EWN*, 15 June 2018, http://ewn.co.za/2018/06/16/ramaphosa-concerned-about-collapse-of-governance [accessed 20 June 2018]).