

TOWARDS A THIRD PHASE OF REGULATION

Re-imagining private security in South Africa*

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With the legislative review of police oversight currently taking place in South Africa, now is a good time to reflect on the regulation of the private security industry. This article does so by focusing on three challenges to the current private security regulatory systems: the increased pluralisation of policing within public spaces; the operation of hidden sectors within the industry; and the nature of criminal abuses perpetuated by the industry. We do this to demonstrate the need for a re-imagining of what regulation, especially state regulation, of this industry should entail. The aim of the article is not to review the current legislation or to identify gaps and propose means of filling those gaps, but rather to reflect on the underlying premises informing the legislation and propose a shift in thinking. We do this by briefly identifying two phases of state regulation in South Africa, implemented before and after the change to a new democratic dispensation, and suggest that we are now entering a third phase of regulation. We conclude with suggestions as to what this third phase may entail.

THE NATURE OF PRIVATE SECURITY IN SOUTH AFRICA

The private security industry in South Africa is of interest to academics and policy-makers the world over, for a variety of reasons. It is believed to be the largest in the world in terms of its contrib-

ution to the country's GDP (Gross Domestic Product) – approximately 2% of the total GDP of the country – and had an estimated annual turnover of approximately R40 billion in 2007 and R50 billion in 2008.¹ The industry has grown exponentially for the past few decades, both in terms of numbers of guards and numbers of companies (Figures 1 and 2).²

A significant proportion of the industry is armed – which is not necessarily the case in other countries (for instance Sierra Leone and Nigeria).³ Arguably, the guarding staff of private security companies in South Africa are confronted with violent situations that private security guards in many other countries would never have to confront, at least not on a regular basis. The

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