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CSDS Working Paper No. 9

CENTRE FOR SOCIAL AND DEVELOPMENT STUDIES

UNIVERSITY OF NATAL DURBAN

RESEARCH ON PERCEPTIONS OF JUSTICE: INTERACTION BETWEEN STATE JUSTICE AND POPULAR JUSTICE

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PART 1: BETWEEN STATE LAW AND POPULAR JUSTICE

1.1 Introduction

In this study we attempted to find information about the different perceptions of justice that co-exist in South Africa. In particular, we focused on the African community, and how (according to our research hypothesis) the perspective of justice varies according to race, social class and residential location.

In addition we were intrigued by the interaction which exists between the state interest in defining and maintaining its sovereignty, the rule of law, and organic manifestations of justice that originate in the African communities themselves. As has been widely documented (Seekings 1992; Motshekga 1987), South Africa has experienced throughout its history a co-existence of different legal systems that define and maintain order. It is a tension between state legality and parallel - mostly community based - justice.

Also we have contextualised our research within the particular period of political transition that South Africa is experiencing. Many reforms to the system of justice in the country are currently discussed, but not many of them have taken into consideration the point of view of the community. Hence, throughout this study, we have tried to document the point of view of the community and its willingness to be involved in the dispensation of justice.

This process of transition also leads to new conceptualisations of justice. In the heyday of the people's revolt in South Africa in the mid-1980s, the members of the African community organised their own mechanisms for the dispensation of justice (e.g. people's courts) in a move to organise people's power. However, in this process of political transition that aim has varied and what we have found is a more pragmatic approach by the community members to interact with the state law and justice system. The community definitions of 'crime', for example, do not vary too much from those of the state. What does vary, in certain specific cases, is the process by which a 'crime' is solved, or the type of sentence related to it.

PART 2: THE LIMITS OF LAW IN SOUTH AFRICA

For many historical reasons South Africa's state law has been a contested terrain. The emergence of the modern nation-state in the country is linked to colonialism and its consolidation (in the 20th century), and is closely related to the disenfranchisement of the African, Coloured, and Indian populations. The formal creation of the apartheid regime in 1948 epitomises this process in which state law was used to provide not equality and justice, but inequality and injustice.

In this sense, for more than two-thirds of the population the state law has a different meaning. The African population, in particular, has suffered considerably because of the exclusionary mechanisms established through the (state) rule of law. For this vast sector of the population the state law does not equal justice.

Moreover, state institutions for the dispensation of justice (e.g. courts) do not reflect the diversity and needs of the South African population. For most of the African population the judicial system is alien to their history and culture; the proceedings are conducted in a foreign language which they do not clearly understand; the nature of the law (substantive and procedural) is strange to them; and legal resources (lawyers) are not available to this sector of the population (Nina 1992a; Motshekga 1987).

Therefore, for the African population (at least the target population of our research) the dispensation of justice through the state law has a limited scope. State justice is alien to the majority of African people and, since its consolidation in the nation-state, has not embodied a place where this vast sector of the population could find a solution to its problems. What remains is the need to constitute mechanisms of dispute resolution and dispensation of justice parallel to those of the state (Nina 1992b). Justice then becomes a divided and contested terrain in South Africa.

2.1 Non-State mechanisms of dispensation of justice

In the lase decade different mechanisms for the dispensation of justice and dispute resolution have arisen to substitute, or compensate, for the

inefficiencies of the state law and justice in South Africa. These mechanisms, however, have arisen outside the state realm. Here we will refer to a particular expression of those non-state mechanisms, as Alternative Dispute Resolution (ADR) mechanisms.

The philosophy behind ADR is that it provides firstly a mechanism for rapid solution of disputes at a low cost. Secondly, the parties concerned have more control over what constitutes controversies. Moreover, it has been argued that through ADR, the principle sustained in the formal court that the one who wins the case gets all, disappears. The different expressions of ADR which have emerged, whether negotiation, counselling, mediation or arbitration, incorporate the principles mentioned earlier.

However, it has been argued that ADR still operates within the state realm without questioning its authority (Abel 1982; Fitzpatrick 1988). In fact, it has also been stated that ADR serves to solve disputes at particular levels of society in which the state has no legitimacy or access (Fitzpatrick 1988).

Within the above discussion, ADR operates as an extension of the state law and mechanisms of dispensation of justice. ADR mechanisms do not question state authority but supplement it. However, within the realm of non-state mechanisms of dispensation of justice, we can also define a particular expression that operates with a great deal of autonomy from the state law and which also questions its authority. Here, we refer to expressions of popular justice.

2.2 Popular justice

Popular justice represents a particular expression of non-state legality, which co-exists parallel to state sovereignty over the rule of law. It is a social phenomenon that has been studied in other countries of the world and also in South Africa. Popular justice re-appropriates state definitions of order (ie crime definitions), modifying these definitions and establishing its own [popular] solutions to these problems.

Popular justice fundamentally operates within the realm of community organisation in the area of dispute resolution. Popular justice has been

examined in periods of political transition as a response given by the popular sectors against those institutions representing the ruling class (Santos 1982). It has also been studied in countries where there has been no political transition, but where the government has either no complete control over its territory (Santos 1977), or where state law and popular justice co-exist, supplementing each other's inefficiencies in providing justice (Baxi 1985).

This phenomenon has also been experienced in post independence Africa and in post revolutionary situations, for example Cuba, where mechanisms of popular justice were incorporated into the state legal system (Sachs and Welch 1990; Salas 1983). In both cases, the form and content of these structures reflect the emergence of a new period of political and legal dispensation.

However, in any of the above circumstances, popular justice emerges within a dialectical relationship with the state. The level of development and organisation of community structures for the dispensation of justice is determined by: economic factors, contradictions in social class, lack of legal resources, lack of legitimacy of the state judicial system, and inefficiency of the formal legal system in its daily operations. The level of development of organs of popular justice is continuously shaped by state interventions, either condoning or sanctioning these types of community based organs.

In addition to the tension with the state, popular justice, due to the fact that it stands outside the realm of the state and in defiance of the state sovereignty, requires a constant process of re-producing its legitimacy within the community (Nina 1993). The mechanisms of popular justice have to be modified and implemented in a form that has the consent of most, if not all, of the members of the community. If this community consent is not gained, then the organs of popular justice degenerate and state intervention and repression becomes imminent.

South Africa also has its own (rich) history of popular justice (Motshekga 1987). However, it is within the period of the 'people's revolt' during the mid 1980's, that popular justice developed a more systematic way of functioning (Nina 1993). The famous people's courts are part of this

process. However, this particular expression is only one of the many expressions of popular justice in the country (Nina 1993).

There are other expressions of popular justice that have gained less public report than the people's courts. For example, street committees of the civic organisations operating in the townships handle a large number of community disputes (Nina 1992a). The so-called 'people's marshals' are also active in crime prevention activities and in solving disputes among community residents.

In our research we investigated how these expressions of popular justice face the current period of political transition that the country is experiencing. Fundamentally, our interest was to understand the perceptions of justice by community dwellers, and the future of those expressions of popular justice. Different from other case studies around the world, the political transition of South Africa is quite unique, in that the process of a negotiated solution is defining many aspects of society, including popular justice.

Moreover, contrary to what the comparative literature on popular justice states concerning periods after political transitions, South Africa shows no clear intention to recognise and incorporate expression of popular justice into the judicial system of the 'new' society.[1] Nonetheless, as we will document in the next section, the community is willing to be included in the judicial system of the 'new' society and to retain control over certain social problems. The community, however, is keen to give back to the state, control over areas that have been appropriated by the community's structures of popular justice in the past.

PART 3: EMPIRICAL RESEARCH

3.1 Methodology

In our research we tried to understand how, during this period of transition in South Africa, the poorer African communities perceive the meaning of justice. It was our understanding that at present in South Africa, justice has a different value depending on where people, based on race and class, are located in the country. We also wanted to ascertain

whether a democratic South Africa would have to accommodate African practices for the dispensation of a system of justice, which does not have a Western origin, in order to be legitimate and acceptable to the whole population.

Our survey therefore, attempted to identify differences and commonalities in perceptions of justice among Africans residing in different areas, and currently subject to different legal jurisdictions. Two settlements, located on the periphery of the Greater Durban Metropolitan Region were chosen; Umlasi which falls under the jurisdiction of the homeland of KwaZulu, and Clermont which is in the province of Natal. Respondents were selected from both formal suburbs and shanty-towns within both townships. The research was undertaken during a three week period in November 1992. Checking and coding of data was undertaken during December 1992 and data validation in January 1993.

The questionnaire/interview schedule identified in detail the awareness of a number of legal concepts and institutions among individual respondents. Issues covered during the interviews were: general perceptions of justice, specific issues regarding the criminal justice system, perceptions on constitutional matters, legal issues concerning contractual obligations, attitudes towards the law and family matters, and general knowledge with respect to housing matters.

The interview schedule was pilot tested and the majority of questions in the final version contained a large number of pre-coded answers. Nevertheless, every question allowed for an open-ended response.

Fifty interviews were conducted with a random sample of respondents selected from each area. Each area was stratified into persons residing in formal homes and those in informal shanty towns, with an even number of interviews undertaken within each stratum. Furthermore, an almost even number of both men (56 percent) and women was selected for interviewing.

Respondents had to be over the age of 16 and reside in the selected households. The average age of the respondents was 32, with the largest group (45 percent) being in the 21 to 30 years age category. Of the sample, 10 percent had less than five years of primary education, and 33

percent more than ten years of schooling. An even number of employed (34 percent) and unemployed actively seeking work (33 percent) adults was interviewed. Of the balance 20 percent were not economically active, and the rest were involved in full time study.

3.2 Symbols of justice

Respondents were asked whether the concept of justice was limited to the rule of law as exercised by the government, or was it something that could be created by communities. An identical number of respondents (46 percent) answered that it should be government created as answered that it should be community led. When asked to explain their responses all respondents who felt that the state should create and administer the law, saw this as the only way that justice could be delivered fairly to all citizens of the country. A majority from this group also felt that, if the state drew up and administered law and justice, the influence of 'strong personalities' in individual communities would be negated.

Furthermore, given the fractured nature of the South African society, it would be important that the future dispensation of justice be equally administered to all. A majority of respondents who favoured a community legislated and administered legal system, did so because they reasoned that this was the only way whereby their interests - with which they were familiar with - could be guaranteed. A small majority, 10 percent of all the respondents, felt that under no circumstances should the state be involved in the administration of certain laws in individual communities. A greater number of respondents in Clermont favoured a community rather than state led legal system.

Respondents were asked to list what organisation, authority, groups of people, or individuals are symbols of the judicial system. No limit was imposed on the number of responses allowed from individuals. Responses have been weighted and are listed below.

Table 1: What kind of symbols represent justice

Symbol	Response
Courts	72 %
Police	64 %
Civic associations	60 %
Lawyers	54 %
People's marshals	53 %
Judges	49 %
People's courts	37 %
Tribal authorities	32 %
Warlords	16 %
Other	13 %

Courts of law were ranked as being that institution which is the most symbolic by nearly three-quarters of the entire sample. The police received the second highest ranking, by just under two-thirds of the respondents. Interestingly, people's courts were only half as popular as state courts, in contrast to people's marshals who received a high ranking not too far behind a state administered police force. Qualitative information suggested that people's marshals were often more efficient than the police in catching people who broke the law, but that people's courts were often erratic in administering sentences.

Respondents were asked to state their perceptions of what a crime was. Half of the respondents felt that it was an act of wrong doing against other persons, and in some instances a group of people or organisations. The majority within the remaining half perceived a crime as an activity defined by the state as law-breaking, whilst a significant minority thought that it was an action which would not be condoned by the community of the person contravening the law. In two-thirds of the cases, however, respondents listed all three acts. One-third of all the respondents felt that there was a fundamental difference between what the state and what their communities defined as a crime. In qualifying their responses, a surprisingly low ten percent mentioned the difference between an apartheid state and a community that is supposedly run on democratic principles. The most common responses were that the state interests may differ from those of the community, that often the state is a monolithic

organisation that is detached from the constituents it should serve, and finally that the state may not have been voted into it's existence by the respondent's particular communities.

3.3 'Crimes' and law enforcement

With regard to the laws administered by the police and magistrates - just over two-thirds of the respondents felt that these were unfair, although one-third of these same respondents thought that this only applied in certain circumstances.

In order to better understand to which authority criminal or 'law-breaking' activities would preferably be reported, respondents were presented with a list of 'crimes' and asked to supply one preferred authority. Only those legal authorities that were cited by one-tenth or more of the respondents are listed in table 2.

Table 2: Legal authority that 'crimes' would be reported to

Crime	Police (SAP) (KZG)	ANC Branch (Local)	Civics/ People's Court	Youth Mar-shals	Family N'bours Church
Shooting	75%	11%	08%	06%	-
Murder	73%	13%	04%	06%	04%
Rape	71%	13%	07%	09%	-
Robbery	68%	12%	10%	07%	03%
Burglary	65%	12%	12%	08%	03%
Theft	59%	14%	14%	10%	03%
Stabbing	49%	15%	25%	08%	03%
Physical assault	27%	16%	25%	20%	12%
Witchcraft	03%	17%	30%	09%	41%
Domestic violence	06%	15%	17%	03%	59%

Except for witchcraft and domestic violence, the police were cited as the organisation preferred to deal with the various crimes. Respondents differentiated between the two types of police force operating in the Greater Durban area. There was very little difference in response between those choosing one or the other, except in the case of murder, rape and shooting. In these instances, nearly twice as many respondents

differentiated in favour of the South African Police as opposed to the KwaZulu Police.

In general respondents felt that they would rely on the police when there was a danger of mortal injury; but 70 percent of all the respondents argued strongly that, in tandem to being reliant on the police, communities themselves should be organised for their own protection. The majority of community protection squad proponents felt that only a community protection unit was effective enough to act as a first defence against attacks by criminals. There was, however, an inclination to see the community protection units working in tandem with the national police force. It was also mentioned that a community protection unit would act as an impetus to employment creation, albeit on a small scale.

In distinguishing between family and neighbours with respect to domestic violence, two and-a-half as many respondents indicated neighbours rather than family. Very few of the women answering this question felt that family should deal with domestic violence; they preferred either the church, or neighbours, or social workers, or civics or the ANC local branch to deal with the case. Men and women felt that the police were not equipped to handle domestic violence, and when such instances had previously occurred, police response could not be relied upon.

Just over half of the respondents felt that people's courts, or similar community institutions, should be maintained in a future society. Of those that argued for this, two-fifths qualified their responses by stating that the jurisdiction of the people's courts should be limited to petty crime or 'non-blood-related matters'. Both those favouring the retention and those against the retention of these structures, emphasised the lack of formal training of people involved with these institutions.

The majority within the pro faction felt that, with training, the people's courts should be maintained, while the anti respondents were adamant that they should be phased out in a future society. Nevertheless, one-third of the anti faction, as well as all the pro people's court respondents, felt strongly about the fact that the community should, particularly in the restructuring phase of our society, have a more active role in the dispensation of justice.

Most respondents felt that if people's courts were formalised, they should either act as an extension of the magistrate's court or be similar to circuit courts as found in some rural areas. There was a stronger support for the retention of people's courts among residents of Natal than among those in KwaZulu, but little difference between people living in shanty towns and those living in formal townships. Marginally more men than women were in favour of people's courts, the women often arguing that sexual discrimination was not uncommon.

Generally, respondents chose an authority because it was perceived firstly as being the most effective, and secondly, as being able to exert the greatest pressure. A purely pragmatic reason was that such authority was the nearest to where the respondent resided.

3.4 State and the community

In continuing with the same topic, respondents were asked whether they felt that the community would be able to assess and resolve a number of 'crimes' with a greater degree of insight than the government. Interestingly the results of this kind of questioning were somewhat different from those just discussed. A majority of respondents felt that the state was better equipped than community led institutions to handle most crimes.

Table 3: Who can best assess and resolve the following 'crimes'

Authority	State	Community
Shooting	77%	23%
Murder	73%	27%
Rape	69%	31%
Burglary	67%	33%
Robbery	67%	33%
Stabbing	62%	38%
Theft	55%	45%
Physical assault	30%	70%
Domestic Violence	19%	81%
Witchcraft	15%	85%

From table 3 it can be seen that, with the exception of physical assault, domestic violence and witchcraft, issues which respondents felt the communities themselves were best equipped to assess and resolve - the state was in all other matters perceived as being the best placed institution. Current community structures were perceived as being manned by improperly trained people and in many instances by youths who practised with excessive zeal at times.

In terms of retaining community courts, respondents felt that these should work along a jury system (25 percent), community judges (25 percent) and community mediation structures (25 percent). The balance did not respond to this question. Certainly four-fifths of the respondents argued strongly that their community had a right to have a say in a new justice network, and that they should not be marginalised by the state.

Respondents were asked a series of questions as to which authority had the right to enforce the law and protect the people. The responses are listed in table 4.

Over four-fifths of all the respondents, men and women (and from the various settlements) argued that the police, lawyers, magistrates and the formal courts are legal authorities that have the right to enforce the law

Table 4: Legal authority having right to enforce the law and protect people

Authority	Has right	Has no right
Police	84%	16%
Lawyers	83%	17%
Magistrates/Courts	81%	19%
Civic associations	70%	30%
Tribal authorities	64%	36%
People's courts	58%	42%
Warlords	11%	88%

and protect people. Most of the respondents however emphasised that these institutions needed to be purged of their 'apartheid' legacy and be restructured democratically. About two-thirds of the respondents felt that

civic associations and tribal authorities had a legal right to enforce law and order. Just over half of all the people felt the same about people's courts, however, respondents in Clermont and men generally were biased. A surprising one-tenth of respondents felt that warlords had a right to enforce law and protect people.

3.5 On sentencing

In an attempt to gauge popular feeling about types of sentences that should be imposed on people committing certain crimes, respondents were asked what the appropriate sentence would be for those crimes. However, prior to doing this respondents were asked to describe what a prison was and who, out of the overall population, was most likely to be sent to a prison for committing a crime. A vast majority of respondents described a prison as a place where criminals are sent in order to serve a sentence. It was felt that the African working class men (66 percent) and women (55 percent) were more likely to go to prison than coloured working class men (50 percent) and women (40 percent), or Asian working class men (35 percent) and women (30 percent), and finally White working class men (34 percent) and women (26 percent).

Figures for business persons followed a similar pattern, but the likelihood of such persons going to prison was lower overall when compared with the figures for working class persons. Figures cited were: African businessmen (56 percent), women (43 percent); Coloured businessmen (30 percent), women (26 percent); Asian businessmen (35 percent), women (28 percent); and finally White businessmen (29 percent), women (26 percent).

On the other hand, the likelihood of an unemployed person being imprisoned was much higher than that of an economically active person. African unemployed men were cited at (89 percent) and women (82 percent); Coloured unemployed men (86 percent), women (66 percent); Asian unemployed men (72 percent), women (53 percent); and finally White unemployed men (66 percent), women (54 percent).

In all the combinations mentioned it was felt that if the criminal was an African, he was almost twice as likely to be sent to prison than if he were a White. More respondents from shanty towns than from townships felt

that the difference in likelihood was much greater. Coloureds and Asians were also perceived as being more likely to be sent to prison than Whites. However, the gap between these groups was not as great, indeed in some instances the gap between Whites and Asians was minuscule.

From table 5, two-thirds of all respondents favoured the retention of the death sentence for people found guilty of shooting, stabbing, murder, and rape. There was no difference between respondents from the different areas, nor between men and women.

With regards to physical assault and domestic violence, the majority of women felt that a jail sentence was more appropriate than a fine or community work, which was favoured by men. Qualitative responses suggested that ordinary folk were tired of crime-related deaths, and it was necessary to impose a death sentence to act as a deterrent.

Table 5: Appropriate sentence for selected 'crimes'

Crime	Death Sentence	Jail Sentence	Monetary Fine	Commu-nity work
Shooting	68%	27%	05%	-
Stabbing	68%	20%	12%	-
Murder	67%	30%	-	03%
Rape	60%	29%	-	01%
Witchcraft	34%	31%	-	35%
Burglary	-	80%	-	20%
Theft	-	70%	11%	19%
Robbery	-	83%	01%	16%
Physical assault	-	48%	28%	24%
Domestic violence	-	24%	30%	46%

3.6 Domestic violence

Respondents were asked whether the community should actively participate in solving domestic disputes. Two thirds of the respondents were emphatic that it should not, whilst one-quarter argued that it should

participate but only in certain circumstances, particularly where an individual family dispute had a negative impact either on other members of the community or the community at large. Respondents qualified their responses by arguing that a community court was more likely to be influenced by one or more family members than an independent outside arbitrator or court would be.

Many felt that domestic disputes should be handled by trained social workers and not by an untrained community court, nor for that matter by the police, who were most likely to be biased towards a male member of the family should the dispute involve persons of different sexes. Nevertheless, 40 percent the respondents felt that the community could play a major role in 'giving advice' to troubled families, and should be active in doing so. Finally respondents were asked to specify which agency or group of people they thought should intervene in domestic disputes. Responses from men and from women varied considerably and these are therefore listed separately. There were no significant differences between settlement types.

Table 6: Agency to intervene in domestic disputes

Domestic dispute	Relative/ Friend		Social Workers		Police	
	m	w	m	w	m	w
Arguments	39%	20%	17%	20%	01%	03%
Wife beating	36%	21%	09%	25%	02%	07%
Child beating	30%	25%	12%	22%	03%	08%
Marital rape	40%	06%	12%	31%	01%	20%
Child rape	07%	04%	15%	19%	24%	31%
Alcoholism/drug abuse	16%	16%	25%	27%	03%	03%

From the above table it is evident that women were inclined more towards outside intervention than towards internal attempts to deal with domestic disputes. Only in the case of alcoholism and drug abuse and child rape were men and women similar in their thinking with regard to dispute resolution. Questions on husband battering were attempted during the pilot test but were not successful.

Of interest is the fact that people's courts were not mentioned as being an agency that could intervene in domestic disputes. A series of probe questions ascertained that only in one-tenth of the cases were people confident that a people's court could deliver the correct verdict. In those areas where people's courts were currently in existence, the reluctance to use a people's court was much greater because of the severity of punishments previously administered. The lack of training of people's court officials, along with the current lack of accountability of these courts to higher authority, has had a negative effect on the populace in the townships at large.

3.7 The constitution

Finally, respondents were asked a series of questions with regard to their perceptions of what constitutes a constitution. Just over half of all the respondents described a constitution as being a document of laws which govern the population of a country. A third of the respondents did not know what it was, and from the rest, the most common response was that it was a document of human rights. Of those that could answer the question: 'Why does a country need a constitution?', half said that without one there would be no guidelines by which to 'run' a country. Other respondents stated that a constitution creates harmony among all the citizens of a country, and that without a constitution the common people would not have any legal protection. Interestingly, one-third of all respondents knew what a Bill of Rights was. Of those that did, only half could describe at least three salient parts of it.

There was a strong debate about who should draft a future constitution in South Africa. Just over half of the respondents felt that only political parties democratically voted into a parliament should have the right to draft a constitution. The rest of the respondents argued that extra-parliamentary organisations, including community representations, should be involved along with parliamentary political parties in drafting a new constitution. Nevertheless, nearly two-thirds of the respondents who answered to this particular question argued strongly that the president of the new democratic South Africa should be the person to ratify the final constitution. This support was drawn from all those who felt that only parliamentary organisations rather than of a more representative group should devise the new constitution.

PART 4: SUMMARY AND CONCLUSION

The community perceptions analysed in this report suggest that, in the process of the dispensation of social justice, the state has no monolithic authority. The communities researched offered concrete information on how state law and popular justice interact. The data define the border (e.g. jurisdiction) between the state institutions of justice and those organic mechanisms of dispute resolution and social control in the communities.

As table 1 stated, for 72 percent of the interviewed the state courts symbolised justice: but, and of particular importance, there was also a 60 percent response stating that the civic associations also symbolise justice. These statistics are relevant today during a period of political transition, and they should indicate to policy makers and state functionaries, that any reform within the judicial system should take into consideration the community perceptions of justice. In fact, the communities want to continue their involvement in the dispensation of justice, but in a more regulated form: either as members of a jury, or as judges of community courts and community structures of mediation.

Furthermore, the community interest to participate in the dispensation of justice is not unlimited. The communities examined (as stated in Table 3) state very clearly their capacity to deal with certain matters and their limitations in dealing with other matters. In other words, community involvement in the dispensation of justice is within a limited jurisdiction.

Finally, in the (re)making of justice in South Africa, the information provided in this report should be taken into consideration. Justice, as the past and current history of South Africa suggests, is not limited to the state. However, as the communities themselves suggested, their participation in the dispensation of justice in the future society should be limited and regulated by the government. But in those areas where the community has the capacity to deal with a problem, their right to participate should not be eliminated.

NOTES

1 In May 1993, at a conference held in Port Elizabeth the South African National Civic Organisation (SANCO) of the Eastern Cape region, presented a proposal on community courts. The proposal aims to formalise and move beyond the people's courts by creating community courts linked to the judicial system of the 'new' South Africa. The proposal is under review for its final version before SANCO decides how to implement it.

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