



Protesting To Be Heard

1. Introduction

A recent editorial in the Mail & Guardian¹ perhaps encapsulates best the nature of protest in South Africa:

“Protest is the stop-start rhythm and meter of a searing discontent in South Africa. As much as protest is a language in itself, it is also the punctuation of another language: the complex, layered language that is South African urban life. Protest clarifies what it means to be a human being in these spaces.”

It is often the complex and multi-layered nature of protest that is over-simplified by many South Africans, politicians, and often the media. Protests – especially those involving communities – are simply lumped together under the umbrella phrase ‘service delivery protest’ as if this description is enough to explain the expression of discontent.

In May this year, the Catholic Parliamentary Liaison Office, together with Justice and Peace Commissions of the Bishops' Conference and the Archdiocese of Johannesburg, hosted a roundtable discussion in Johannesburg aimed at understanding the nature of so-called ‘service delivery protests’. Dr Carin Runciman, who has researched and written extensively on the subject was the main speaker. Subsequently, in June, a second roundtable discussion on the same theme was held in Cape Town. Dr Runciman was joined on the panel by Mr Seana Nkhahle of the SA Local Government Association (SALGA).

This briefing paper will provide an overview of issue, based on these discussions.

2. What's in a Phrase?

In their 2015 report,² Peter Alexander, Carin Runciman and Boitumelo Maruping argue that the confusion about what constitutes ‘protests’ or ‘service delivery protests’ arises out of how the media, and often scholars, have interpreted and reported on the statistics provided by the South African Police Services (SAPS). They show, for example, that when the Minister reported on these figures to Parliament in 2012, he referred to ‘crowd management incidents’, dividing these between ‘peaceful’ and ‘unrest/violent’. According to the 2105 report, neither the SAPS annual reports, nor the SAPS Incident Registration Information System (IRIS), used the word ‘protest’ in its analysis of statistics.

Crowd-related incidents, as referred to by the SAPS, cannot, according to Carin Runciman, be equated with ‘protests’.³ Yet, this is what has caused the confusion, particularly when the media reported on the SAPS statistics and classified all the crowd-related incidents under the phrase ‘service delivery protests’

In order to make sense of the various categories of ‘crowd-related incidents’ and to avoid terming all of them ‘service delivery protests’, Dr Runciman and her colleagues suggest that it would make better sense to use the term ‘community protests’. This term would “identify protests in which collective demands are raised by a geographically

identified and defined community that frames its demands in support and/or defence of that particular geographical community". The term 'community protests' is better able to lay bare the complexities of issues that communities raise, and the dissatisfaction they express with the quality of democracy.

It is interesting to note that, while Dr Runciman and her colleagues found that the definition of 'gathering' in the Regulation of Gatherings Act 205 of 1993 ('RGA') adds to the confusion of how to define 'protests', SALGA found it helpful to "... apportion a description to protest action, no matter how problematic that definition appears". In a 2015 research report, SALGA argues that the definition in the RGA assisted them to limit these 'gatherings' which are "convened for the purpose of expressing dissent over the pace and quality of service delivery."⁴ However, Mr Nkhahle, referring to a roundtable SALGA hosted with the HSRC in 2016, noted that the criminalisation of protests through the irregular application of the RGA was highly problematic.⁵

3. Mining the Data

Over the last few years South Africans have been regularly reminded about the explosive rise in 'service delivery protests', with newspapers and Members of Parliament often quoting high figures for 'average protest incidents per day'. The figure that was usually bandied about was 30 'service delivery protests' per day. However, the data that Dr Runciman and her colleagues analysed tells a different story. Using their own definition of 'community protest', they analysed 156 000 lines of SAPS 'crowd incident' data between 1997 and 2013, and found:

- not all crowd incidents were protests
- on average there were 4 100 protests per year for 1997-2013, and at least 5 100 per year for 2010-13. This is on average 11 protest per day – far less than the 30 per day quoted
- these 'crowd incidents' or police-recorded protest (PRPs), measured per 100 000 people, were highest in the Northern Cape Province, followed by North West Province

- in most of the provinces the PRPs per 100 000 people spiked in 2005 and 2013
- almost all (84%) of the PRPs were peaceful (implying that the police did not intervene)
- almost half (46%) of the PRPs were labour related, with only 22% community (service delivery) related.

The insights gained by SALGA through its research and community engagements also pointed to the fact that media statistics on 'service delivery protests' are inaccurate. An interesting statistic in the SALGA research was that it pointed to young people, between the ages 18 and 35, as the biggest group participating in protests.⁶

4. Why Are Community Protests Happening?

According to Dr Runciman, research suggests that the underlying causes for the protests are multi-layered, with some factors playing a more persuasive role than others. What was made clear by Dr Runciman and Mr Nkhahle was that communities resort to protesting after they have had long and fruitless engagement with local government officials. Protesting was often an act of frustration borne out of not being heard.

While patronage politics were often thought to be a major cause of protests, Dr Runciman argues that both qualitative and quantitative evidence suggests that this is so in only a minority of cases. She argues that "even when protests are led by ANC members or factional interests, this does not mean there are not also genuine community grievances."

While patronage politics might not always be such a major contributing factor, politics is certainly at the heart of much community protest. The perception that 'nothing has changed since 1994' still persist with many, and they lay the blame for their lack of services and poor quality of services at the door of politicians. This was best summed up by one of the participants at the roundtable when she noted:

"This democracy is like the word sugar written on your hand. When you ask for sugar and someone writes the word 'sugar' on your hand.

‘Sugar’ is there on your hand but when you lick this ‘sugar’ written on your hand, there is no taste.”

Other participants argued that communities take to the streets because those who govern in municipalities have failed to respond to the needs of the communities, despite processes like the adoption of an Integrated Development Plan (IDP). The Local Government: Municipal Systems Act 32 of 2000 obliges municipalities to create channels for communities to participate in local government decision-making. Thus, together with the municipal government, the communities, through representation on ward committees, are supposed to decide what is best for them. However, what became evident during the roundtable discussion was that the “system was broken”, because the consultation process was nothing more than a ‘tick-box’ exercise for officials. Participants also highlighted that councillors were inaccessible and that they tended to be more involved in their party political work than in serving their communities.

In its 2015 research report, SALGA recommends that public participation processes must be improved “so that communities are engaged in their own development”. The present lack of accountability, which is one cause of protests, was echoed in the research by Dr Runciman. One of the interviewees in her research noted that “there are people that say, you have the freedom to assemble, you have the freedom to speak and so on, but when [you] speak and people don’t listen to you, you also have freedom to be listened to. But how do you say I’m free to speak and there is no-one listening to me? That is not democracy at its best.”⁷

This cocktail of factors – a lack of accountability; the perception that democracy is failing; patronage politics – are not the only causes of community protests. The problem is further exacerbated by the crises in local government and the economic hardships in communities. Municipalities raise most of their revenue for service delivery within their local tax bases. However, with high unemployment, that tax base is relatively small. SALGA recommends in its 2015 research report that municipalities “be assisted to improve debt collection systems to ensure that private individuals, private businesses and government departments pay their fair share of service delivery costs.”

The budget crises are further compounded by the reliance of municipalities on consultants, cadre deployment, and corruption.⁸ In a 2016 report by the Auditor-General on municipalities, he lamented the fact that spending on consultancy fees increased to R892 million in 2014-2015. It must surely be asked how much of this expenditure is really necessary; and how much is effectively being diverted away from the delivery of services.

5. Can Community Protests Be Prevented?

While there is an agreement that the causes of community protests are complex, participants at the roundtables believed that the solutions are simple. All that the local government must do is to listen to what communities say they need; and respond timeously.

According to the SALGA, municipalities have identified strategies which, they believe, could reduce the wave of protests. These are:⁸

- ward councillors should work more professionally and attentively
- communities should participate more in council decision-making
- local government must have additional human and monetary resources from national government to address backlogs
- promises made by elected representatives must be kept
- local economic development strategies should be aligned to the needs of the economy
- police should use less force to control crowds (however some municipalities indicated the opposite – police should use more force)

While the aforementioned are suggestions by the municipalities, some of them dovetail with what was suggested by roundtable participants and other commentators, including Dr Runciman and her colleagues.

6. Conclusion

Protests have always been part of the South African socio-political landscape, but perhaps there was an expectation that they would be less of a feature post 1994. However, they continue, and this fact is indicative of the frustrations of many on the democratic fringes. Communities feel that they are only listened to if they protest. Democracy, they feel, is beyond them and only

within the reach of the rich who never have to complain about a lack of services being delivered to their homes. In the end, all the poor are asking is to be talked to, and not just talked about.

Kenny Pasensie
Researcher

¹ Mail & Guardian Online (2017): *Protest show that nothing has changed*

² *South African Police Service (SAPS) data on crowd incidents: A preliminary analysis*, Social Change Research Unit, University of Johannesburg, 2015.

³ CPLO roundtable (2017): *Community Protests: A means to make local government listen?*

⁴ Justin Steyn (2015): *Community Protest: Local Government Perceptions*.

⁵ Seana Nkhahle (2017): *Community Protests*. Presentation at CPLO roundtable, 27 June 2017.

⁶ *Ibid*

⁷ Carin Runciman CPLO roundtable presentation

⁸ Seana Nkhahle CPLO roundtable presentation

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