

3 Voice, Political Mobilisation and Repression under Jacob Zuma

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INTRODUCTION: THE LISTENING PRESIDENT

In their study on social movements, Donatella della Porta and Mario Diari advance the theoretical proposition that the greater the number of points of access to a decision-making system, the more open the system is, and the more open political and social movements are to moderating their actions and using institutional channels.¹ The extent to which a system is open or closed has been a central concern of political opportunity or political process perspectives,² as these contextual factors may create opportunities for or set limits on the ability of these movements to make and win demands.³ According to Sidney Tarrow, the components of the political opportunity structure include the degree of access to political institutions, the degree of stability or instability in political alignments, the availability and strategic posture of potential allies, and the extent of political conflict among and within the elite.⁴ McAdam has gone further and identifies the following factors as being crucial to the conception of political opportunities: increasing popular access to the system, the existence of divisions within the elite, the availability of elite allies and diminishing state repression.⁵

Open systems also adopt more tolerant attitudes towards dissent, including the regulation and policing of protest. In this regard, della Porta notes changes in protest policing since the 1960s, with policing styles shifting away from enforcement of the law to keeping the peace, and from 'crowd control' to 'crowd management'.⁶ More tolerant forms of policing, he argues, allows antagonists to engage in bargaining, which in turn encourages institutionalisation, as bargaining locks them into agreed courses of action. However, he also cautions that a more open system does not necessarily make for greater responsiveness to movement demands, as open systems are open to all, including movement opponents. With the advent

of democracy in South Africa, policing, including the policing of protests, was in theory brought into line with international policing standards.

However, during the Thabo Mbeki administration, there were signs of some of these democratic advances being reversed. This administration stands accused of centralising power and reacting with great hostility towards those whom Mbeki considered to be his political enemies. Independent social movements were subject to covert and overt forms of repression, with the prohibition of gatherings, coupled with police violence against protesters, becoming more apparent.⁷ The coming to power of President Jacob Zuma in 2009 promised to usher in a more open system, particularly for workers, the underemployed and the unemployed who had been marginalised by Mbeki's '1996 class project'.⁸ Certainly, early in Zuma's presidency, there were signs that his administration was serious about creating more points of access to the system, thereby de-escalating conflicts around public participation and service delivery questions, many of which had spilled over into protests. The shift in power in the African National Congress (ANC) also supposedly opened up more political space for policy debates that did not exist previously – and for greater influence by the ANC's Tripartite Alliance partners, the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP), although Adam Habib maintains that the tent-pole of the Mbeki administration – economic policy – was unlikely to change.⁹

The Mbeki administration also stands accused of having marginalised the ANC's other Alliance partners and even subordinating the party to the government.¹⁰ Since Zuma's ascent to power at the ANC's 2007 Polokwane conference, official SACP documents have been at pains to project Polokwane as a major step forward for revolutionary forces in the Alliance, in that it supposedly opened up spaces for a radicalisation of the National Democratic Revolution (NDR) and a reinstatement of the ANC's control over government.¹¹

Has the Zuma administration lived up to its original promise by ushering in a political opportunity structure that is more conducive to popular participation than it was under Mbeki? This chapter uses a series of case studies to explore this question, including the struggles against the unilateral reincorporation of municipalities into other provinces (in which members of the SACP played a prominent role), an examination of the Zuma administration's approach to dissent in the South African National Defence Force

(SANDF), and dissent in the build-up to and in relation to the 2010 FIFA World Cup.

ANTI-INCORPORATION STRUGGLES AND THE STATE OF DISSENT IN THE ALLIANCE

The event that put the episode of contention around the unilateral reincorporation of municipalities into motion occurred in 2005, when Parliament passed legislation to abolish cross-border municipalities by adjusting provincial boundaries to incorporate the affected areas into a single province. According to the Ministry of Justice, cross-border municipalities performed sub-optimally, mainly because different provincial laws applied for similar functions.¹² This move met with significant opposition in some municipalities, notably Khutsong (located in the Merafong City local municipality, Gauteng, but incorporated into the North-West Province), Matatiele¹³ (located in KwaZulu-Natal, but relocated to the Eastern Cape) and Moutse (located in Mpumalanga, but relocated to Limpopo). Other townships hit by demarcation disputes include Siyathemba (in Balfour), which fell into Gauteng, but now falls into Mpumalanga; and Baga Mothibi, which fell into the Northern Cape, but now falls into the North-West. In all these areas, significant numbers of residents wanted to be returned to their original provinces.

Many residents considered the unilateral incorporation of the affected municipalities into different provinces to be the ultimate insult in a democracy, as decisions about their location that had profound implications for their ability to access government and services were simply imposed on them; small wonder that Trevor Ngwane has termed these unilateral reincorporations 'a kind of forced removal by pencil'.¹⁴ The reasons for the resistance to these imposed changes were similar in all these areas, namely, unhappiness with levels of service delivery in the provinces into which the areas were relocated and concerns about the distances involved in accessing provincial services from these provinces. Residents also complained about the government's failure to consult with them over its decision to relocate the affected municipalities.¹⁵ The SACP and its youth wing, the Young Communist League, played a key role in these struggles.¹⁶

The mass resistance to incorporation in Khutsong was fierce and included a local government election boycott, school boycotts and the barricading of streets, and at times the struggle became

violent, shops were looted and official buildings burnt down. Protesters also burnt their ANC membership cards and T-shirts bearing Mbeki's picture.¹⁷ After this long and bitter struggle, the ANC eventually conceded to residents' demands and returned the area to Gauteng Province.

Significantly, the ANC did not concede Matatiele and Moutse, although views-testing exercises were conducted in both areas, and according to the SACP secretary in Moutse, Seun Mogotji, and COSATU and SACP member Zamecibo Mjobe, the majority of those who voted favoured reincorporation back into their original provinces.¹⁸ Mothiba Ramphisa, the chairperson of the Moutse Demarcation Forum, also suggested that the ANC's lack of seriousness on the Moutse question was because 'Khutsong was burning more than Moutse and Matatiele'; furthermore, the areas are rural, while Khutsong is more urbanised, and the ANC's decision betrayed an urban bias.¹⁹ Mjobe and Mogotji alleged that local politicians and businesspeople had developed vested interests in remaining in their new provinces, leading to pressure on the ANC leadership to let the status quo remain: according to Mogotji, 'the politics of the moment is the politics of the stomach, not the politics of principle'.²⁰

The ability of protesters to trigger a search for new policy is also an indicator of the openness and responsiveness of the political opportunity structure.²¹ The demarcation struggles triggered a search for policy alternatives by the ANC under Zuma, as the shift in power in the ANC created political opportunities for a reconsideration of the matter. Shortly before the 2009 national elections the government engaged in consultations with affected communities and a cabinet statement at the time noted that further consultation was needed to make a final decision on the matter.²²

Zuma's ascent to power also impacted on relationships between protesters and the police in some of the affected areas. According to Mjobe:

Before [Polokwane] they [the Eastern Cape police] were harassing people, and as they were beating ordinary people like hawkers, so the police took sides, but as we continued with our struggle, our mass actions were never violent up to the present moment. The police do understand. They were sent to harass ... and intimidate people so that they will be less visible in these actions, but we have been making follow-up on incidents where people have been beaten and killed. In 2006 to 2008 there were sporadic

occasions where ... police who have been planted to control borders were also harassing people in town and villages. We are now interrogating them ... and cases are fading away day by day. Police ... in this Zuma era do not feel the same the way that they did under Mbeki. The SACP and COSATU are in the Alliance, and the police are members of POPCRU [Police and Prisons Civil Rights Union], and are COSATU shop stewards. Zuma is a person who is regarded as having a class bias [towards the working class] and they [the Zuma administration] do this kind of education to them [the police].²³

Mjobe felt that the Zuma administration has been more open and responsive on the demarcation disputes, which became evident when the 2007 Polokwane conference reopened the matter and directed the ANC to find a political solution to the disputes; this resolution has opened political spaces that did not exist during Mbeki's term of office. However, Mjobe expressed concern at the amount of time being taken to release the results of the views-testing exercise, noting that 'people are asking, is this another Zimbabwe?'²⁴

In a more recent struggle, the Baga Mothibi community has also chosen the non-violent direct action route, combined with making submissions to formal structures like the Municipal Demarcation Board. SACP activist Masego Khumalo described this mode of resistance as the 'civilised route', which he felt was the most appropriate technique of protest for a 'listening government'.²⁵ Moutse's struggle has been waged in various ways using at various stages negotiating strategies, a Constitutional Court challenge and direct action (violent and non-violent). Unlike in the other areas, eleven SACP members in Moutse decided to run as independent candidates in the 2006 local government elections, including Mothiba Ramphisa, who mobilised the community to resist the re-incorporation. At the time, the SACP's Limpopo branch threatened to terminate the membership of all who opted to stand as independent candidates, because their stance conflicted with the SACP's decision to support the ANC in the elections.²⁶

The ANC won the ward that Ramphisa contested in 2006 (Ward 7 in Greater Groblersdal), and the next year the SACP in Moutse supported Mbeki's replacement by Zuma. But in a significant turnaround of sentiment on the part of the community in the by-election held in May 2010, Ramphisa ran against the ANC councillor and won the ward, indicating that the ANC was rapidly losing electoral support owing to its failure to resolve the Moutse

situation. The ANC subsequently expelled Ramphisa as a member, sending him a letter of expulsion in June without even calling him to a disciplinary hearing. However, in spite of its earlier threats to expel independent candidates, the SACP has 'managed to close one eye and look with the other eye',²⁷ suggesting that the party had recognised that mass support for the anti-incorporation struggles had contributed significantly to its growth in support in the affected areas²⁸ and that it would be shooting itself in the foot by alienating this support.

The police's conduct in the Moutse struggle confirms the Maratiele experience that when the police are external to a community and its struggles, then the chances of them being manipulated politically are higher. The SACP in Moutse has alleged a spate of assaults, and cases of intimidation, harassment and wrongful arrests by the Limpopo police 'aimed at members of the community who hold different political views than those of police officials'.²⁹ SACP district secretary Seun Mogotji has been arrested several times for inciting public violence, but these cases have been dropped. He claims that he has been denied bail for no good reason. According to Mogotji, '[t]he police punish before they prosecute. This is becoming a police state. If the government must be criticised, they must be criticised within the framework of the government. Illiterate people are being brainwashed.'³⁰ Unlike Mjobe, Mogotji felt that the police had become even more authoritarian under the Zuma administration. He attributed this growing authoritarianism in the South African Police Service (SAPS) to the ANC Youth League backgrounds of Minister of Police Nathi Mthethwa and the then Deputy Minister of Police, Fikile Mbalula, and to the League's hostility to the SACP.³¹ Ramphisa noted that the most violent police came from outside the Moutse area.³²

For the SACP in Moutse, formal negotiations with the ANC have not yet yielded fruit. With respect to Balfour, the ANC responded speedily when the first protests, which turned violent, took place in 2009. Another wave of protests swept across Balfour in February 2010.³³ In the wake of the protests, Deputy Minister Malusi Gigaba held a series of meetings in Balfour to discuss the community's grievances, followed by a surprise visit by Zuma.³⁴ But the demarcation disputes still remain unresolved.

Since the ANC conceded Khutsong, the activists interviewed have adopted a tactical rather than a principled stance towards the use of violence if the Zuma administration does not accede to their demands. According to Khumalo:

Our route has been to follow procedure. We have never had any violence. People who get into a march and start to do these things [violent acts], we then call the police if they do these things, but in future we won't stop people from going this route. The government will listen only when tyres and councillors' houses are burnt. [They] have fooled us into believing that this is a government that listens. The civilised route has not worked. People only listen when we burn tyres.³⁵

According to the SACP in Matatielle, many are bitter about the fact that the ANC has conceded Khutsong, where residents used violence to achieve their objectives, while Matatielle, which has used non-violent means, has been ignored. Mjobe stated, '[t]he nature of our struggle being non-violent is being taken advantage of. [The] people of Matatielle will have to choose whatever strategy we need to get our way. We are capable of being violent, but have decided to use the correct legal means.'³⁶ But more radical forms of direct action are not the only strategies being pursued. SACP activists in Moutse formed a political party, called the Mpumalanga Party, which fielded independent candidates during the 2011 local government elections. According to Ramphisa, party members were willing to risk dismissal from the party, because 'the movement must listen to the people'.³⁷

Within the realm of contentious politics, McAdam et al. have drawn a distinction between contained contention and transgressive contention: the former refers to those cases of contention in which actors use well-established means of claim making, while the latter consists of episodic, public, collective interaction between claim makers and decision makers where innovative collective action is used, adopting means that are either unprecedented or forbidden in terms of the existing rules of engagement.³⁸ Khutsong, Matatielle and Moutse all attempted contained contention at first, using litigation to have the unilateral decision to incorporate the areas into different provinces reversed, but apart from an initial victory in the case of Matatielle, the Constitutional Court indicated its preference for a political solution to the problem, which has thrown the ball back into the court of political contention. However, a political solution has not yet been forthcoming. This has been a key factor in the escalation of protest action, and increasingly the activists leading these struggles have become sceptical about the possibility of non-violent protest action yielding the necessary results, signalling a shift in approach away from contained contention and

towards transgressive contention. The Khutsong victory has raised expectations by protesters that their efforts will yield the desired results if the struggle is pursued 'by any means necessary', which in turn will encourage them to escalate their protests.³⁹

What is clear from the above account is that these struggles are escalating and are nowhere near the top of their cycle. The communities affected by demarcation disputes are highly mobilised. Furthermore, protest action in the affected areas is being radicalised and a strong sense has developed that more conventional forms of protest do not work, but there is no evidence of a revolutionary break with ANC politics. However, one major variable is the SACP leadership's likely response to the growing tensions between the party's own grassroots constituency and the ANC. If the SACP does not bow to ANC pressure and put a lid on these struggles, then the activists may be emboldened to leave the SACP and part ways with the Alliance, which in turn could open up space for more independent socialist politics. The demarcation struggles give an insight into the complex world of inter-Alliance politics, and specifically whether spaces for dissent within the Alliance have widened or narrowed under the Zuma administration.

RISE OF THE BLANKET BAN ON PROTESTS

Gatherings in South Africa are regulated in terms of the Regulation of Gatherings Act, which requires groups of 16 or more people who wish to hold a public gathering to notify the relevant local authority of their intention to do so. While SAPS must be consulted about gatherings, final decision making rests with the local authority. Furthermore, it is also clear that prohibitions must be preceded by a procedure set out in the Act, which involves negotiations with the convenor on likely threats to public safety and disruption of vehicular traffic. There is no provision in the Act for a blanket ban on gatherings; each case must be taken on its individual merits.

Yet in spite of clear conditions under which the right to assembly, demonstration and picket can be limited and even suspended, under the Zuma administration evidence has emerged of blanket bans in the run-up to and during the FIFA World Cup, which was hosted by South Africa from 11 June to 11 July 2010. Before the event, the South African government was particularly concerned about its international image in the wake of xenophobic attacks, service delivery protests and ongoing reports about crime, which raised question marks about the country's stability.⁴⁰ These events

precipitated government attempts to project an image of stability in the country by preventing protest action through a series of unlawful blanket bans on the right to protest.

The one incident that caused particular concern in spin-doctor circles as it was beamed across the globe, involved members of the South African National Defence Union (SANDU), which organises soldiers in the SANDE, who had notified the Pretoria City Council of their intention to march to the seat of government at the Union Buildings in Pretoria on 26 August 2009. The protesters intended to hand a memorandum to Zuma, who is also commander-in-chief of the armed forces, about working conditions in the military. Under apartheid, unions were banned in the military, but SANDU petitioned the Constitutional Court in 1999 to have the section of the Act that banned unions declared unconstitutional. It won the case, and with it recognition that military personnel have a right to organise into trade unions and engage in acts of public protest.⁴¹ However, by March 2008 relations between the unions and the Department of Defence had broken down and morale among the majority of soldiers was reportedly very low.⁴² By July 2008 SANDU's patience had reached breaking point and it threatened an armed siege of the military's headquarters if its demands were not met. This long history of frustration led to the march on the Union Buildings in August 2009.

The march was prohibited by the Pretoria metro police after it was initially approved, and an application by the union to the North Gauteng High Court to compel the SANDF to grant its members leave to attend the march was dismissed on the basis that the police's u-turn on authorisation made the SANDU application moot. It is important to note that the merits of the police's prohibition were not canvassed in the court proceedings, which was unfortunate because – according to the SANDU general secretary, Pikkie Greef – the grounds for prohibition were questionable.⁴³ According to the official version of events, the march turned violent when some protesters stormed the lawns of the Union Building by scaling the perimeter fence. These actions led to pitched battles between protesters and the police.⁴⁴ The government's reaction was swift. Minister of Defence Lindiwe Sisulu condemned the involvement of SANDF members in an illegal march and dismissed the soldiers thought to have taken part in the march, but the dismissal was later overturned on appeal.⁴⁵

The union's version of events differs in significant ways from the official account, as it maintains that there was, in fact, no march.

Soldiers arrived in the morning assuming that the march was going ahead and were then told that it had been prohibited. As Greef attempted to inform the crowd, a protester threw a stone at the Casspir (an armoured vehicle used by police) on which he was standing, which triggered a violent reaction by the police. According to Greef, police then cornered some soldiers in an enclosure in the grounds of the Union Buildings and shot them at point-blank range with rubber bullets. The soldiers scaled the perimeter fence to escape; so they were not trying to climb into the Union Buildings grounds, but to climb out. The presidency then used the 'march' as a pretext to ban all marches to the Union Buildings, although it subsequently denied the existence of such ban.⁴⁶

Further marches by military personnel were also banned, which implied that a de facto ban on marches by military personnel was in force.⁴⁷ In the aftermath of the Union Buildings protest, the ANC National Executive Committee took a decision that the military must be deunionised in the interests of national security, in spite of the 1999 Constitutional Court ruling, and it has also indicated that it may seek a constitutional amendment preventing the unionisation of the military.

Military personnel are not the only ones to have experienced a blanket ban on protests. In February and March 2010, protests erupted in Gauteng, especially in Orange Farm, south of Johannesburg; in Sebokeng and Sharpeville in the Vaal area; and in Mamelodi and Soshanguve in Tshwane. In Orange Farm, protesters burned tyres, pelted the police with stones and blocked the Golden Highway with rocks.⁴⁸ In Sebokeng, residents marched over poor service delivery, barricading roads and the railway line,⁴⁹ and similar incidents repeated themselves throughout Gauteng. In March, evidence surfaced of a blanket ban on marches in Gauteng. The Concerned Residents of Sharpeville notified the Emfuleni local municipality of its intention to stage a demonstration on 12 March 2010. In response, the chief of traffic and security responded: 'The MEC [member of the executive council] for Gauteng Community Safety, has instructed that no permission for marches in Gauteng should be granted until further notice. This instruction is given by the MEC due to the volatile situation in the townships.'⁵⁰ Then in April a march planned by the Public and Allied Workers' Union of South Africa in Vanderbijl Park for 5 May was banned. In spite of the fact that the Vaal was off the beaten track in relation to the World Cup, the banning took place in response to a directive sent on April 29 by the Sebokeng SAPS Cluster to the station commanders

of all police stations in the cluster, which reads as follows: 'By the directive of the Sebokeng Cluster, Major General DS de Lange, you are hereby informed that no authorization must be given for marches until the end of the World Cup 2010.'⁵¹ This directive was issued despite the fact that no provision exists in the Regulation of Gatherings Act for SAPS to usurp the decision-making powers of local authorities around gatherings and none exists for a blanket ban on gatherings.

Then in May more evidence emerged of a directive having been issued by SAPS to a number of municipalities not to allow marches for the duration of the 2010 World Cup. This ban came to light when a civil society march for quality public education, scheduled to take place on 10 June to Constitution Hill in Braamfontein, was banned.⁵² In a telephonic survey of the municipalities hosting World Cup matches, most revealed that a blanket ban on gatherings was in force for the duration of the tournament. According to the Rustenberg municipality, 'gatherings are closed for the World Cup'. SAPS told the Mbombela municipality that it was not going to allow gatherings during the World Cup. The Cape Town City Council claimed that it continued to accept applications for marches, but indicated that it 'may be a problem' during the World Cup period. According to the Nelson Mandela Bay, Ethekwini and Mangaung municipalities, the police would not allow gatherings over the World Cup period. The Polokwane municipality indicated that it was unlikely to approve gatherings during the World Cup.⁵³ According to Johannesburg metro police, the police did not have the capacity to regulate marches and the World Cup simultaneously.

SAPS's attempt to usurp municipalities' decision making about gatherings implied that protest action over the World Cup period was seen as a national security threat rather than a traffic management concern. SAPS's usurpation of local authorities' role in relation to gatherings needs to be set in a larger context. There are signs that the Zuma administration is rethinking SAPS's identity and even its very role in society. In 2009 the then Deputy Minister of Police, Fikile Mbalula, said that he wanted the police transformed into a paramilitary force with military ranks and discipline, which effectively meant a reversion to an apartheid-era conceptualisation of the police, and the Minister of Police, Nathi Mthethwa, argued to cabinet that the reintroduction of military ranks would herald a return of discipline and 'command and control' aspects that 'flew out of the window' when the police demilitarised at the end of apartheid.⁵⁴ Then in April 2010 the government announced

that it intended to introduce a military ranking system into the police and revert to the apartheid-era name of the South African Police Force, signalling a deeper intent to bring back the culture of military discipline that existed under apartheid. According to Minister Mthethwa, this shift was informed by a new seriousness in fighting crime and should be accompanied by changes in 'attitude, thinking and operational duties' on the part of the police. The shift was also accompanied by attempts to amend the Criminal Procedures Act to enhance the police's power to use lethal force when arresting suspected criminals. Cabinet approved these amendments in September 2010.⁵⁵

This shift is dangerous, because it threatens to reverse some of the transformation gains where the police's role was reconceptualised as being an accessible service to the community rather than being enforcers of discipline, aloof from the community they claimed to serve.⁵⁶ The dangers of this approach have been pointed out by the COSATU-affiliated POPCRU, which claimed that it had not been consulted about the change. The union opposed the militarisation of the police on the grounds that it promotes the perception that the police are a military by another name. A military culture, it argued, fostered a policing culture where lower-ranking officers were required to follow orders blindly, even if the orders were not in the interests of the community they claimed to serve, which could quickly lead to a culture of brutalisation, whereas a culture of empathetic and locally rooted policing was much more appropriate.⁵⁷ The accounts of the anti-incorporation activists in Moutse, Matatiele and Baga Mothibi related earlier in this chapter point to the benefits of a locally rooted police force and the tendency towards brutality of those police not rooted in the communities they police. If the militarisation of the police fuels alienation from communities, then police brutality against activists could intensify too.

CONCLUSION: THE JANUS FACE OF THE ZUMA ADMINISTRATION

What is the democratic content of Jacob Zuma's rule? Has he distinguished himself from the Mbeki administration by creating more political opportunities for grievances to be heard and responded to? With respect to the anti-incorporation protests, a clear shift in the political opportunity structure has been created by the political conflict within the ruling elite and Zuma winning the upper hand. Under Mbeki's watch, a non-negotiable decision was

imposed on the abolition of cross-border municipalities – one that the ‘new’ ANC has demonstrated willingness to review.

There is evidence of some police brutality in the anti-incorporation protests, but the most tolerant forms of policing occur when there is police knowledge about the conditions that have given rise to the protests and a dynamic variable in the political opportunity structure, because it concerns police perception of external reality.⁵⁸ In contrast, police who are not unionised or who are external to the communities they police appear to be more open to political manipulation by pro-incorporation elements in the ANC and also exhibit more violent behaviour.

However, there is no clear indication yet that these political opportunities are yielding fruit. As Eisinger points out, formal political structures may exist for wielding influence, but if the political system is not responsive to the demands made, then the structure cannot be said to be a fully open one.⁵⁹ While the Zuma administration is listening to protesters, there is no evidence yet that it is hearing what they have to say. Activists are starting to suspect that the newly created points of access to the decision-making system may be designed to deflect oppositional voices rather than consider their demands seriously.

The Zuma administration fares less well with regard to protecting the labour and civil rights of the military. In an eerie echo of the past, it has demonstrated the sort of repressive attitude that characterised the Mbeki administration towards protests in the Vaal and threatened protests during the 2010 World Cup. The Zuma administration seems to be even more intolerant of basic rights in the military than the Mbeki administration, leading to an escalation of conflict to the point where the military has become a pressure cooker of frustration waiting to blow. The ANC’s intention to deunionise the military, coupled with grievances being deflected into a structure controlled by the minister, carries significant risks for the party. Repressive responses to protests on the part of the state can have one of two effects: they can discourage protest action or they can lead to an escalation of protest action. The latter is more likely to occur when attempts are made by the state to shut down legal avenues for protest,⁶⁰ resulting in ‘injustice frames’ developing around the actions of the state. The risk that the ANC faces in pursuing its intention to close down the few democratic spaces that exist in the military is instability – and possible mutiny – in the SANDEF.

The Zuma administration is showing growing signs of an obsession with the need to protect national security, which suggests

that the security cluster occupies a central place in the administration and that tight control of this cluster is a priority. A twin process appears to be taking place in the security cluster, where the police are militarised, while the military is subject to increasingly tight forms of control: both suggest a de-democratisation of the few democratic spaces that do exist in the security cluster and that are essential to check any attempts at overt political manipulation of this cluster. A combination of these factors increases the chances of the sorts of abuse of security apparatuses that occurred under Mbeki.⁶¹

How does one explain the paradox of a political administration characterised by a combination of increasing openness and growing repression? A recurring argument in political process theory is that a curvilinear relationship exists between protest and the political opportunity structure; that is, protest occurs when systems are moderately repressive, but still fairly open. This is because claimants are not strong enough to win their claims through more conventional means, but neither are they repressed to the point where they cannot make claims at all. Conversely, protest tapers off when systems become either more open or more closed.⁶² Yet a polity that provides openness to one kind of participation may be closed to others.⁶³ Furthermore, protests are more likely to occur in a system that is opening up and becoming more responsive to demands, as protesters come to the realisation that the system may be vulnerable to challenge, but may become impatient with the pace of change. Put more precisely, moderately repressive political systems allow for the broad articulation of demands, but do not accede readily to them.⁶⁴

Regan and Henderson argue that the extent of repression is determined by the nature of the threat the government is facing rather than the type of regime and that semi-democracies are more likely to face serious threats, especially if the threat is potentially destabilising. If the threat is not viewed in this way, repression is unlikely. Non-threatening demands are those that are channelled into the formal debate with relative ease. But generally, in semi-democracies, the institutional infrastructure is usually not sufficiently developed to effectively channel the demands of opposition into the political arena.⁶⁵ These arguments suggest that states that lie ‘in the middle’ of the democracy spectrum are more likely to experience protests, but they are more likely to experience repression too.

These theoretical insights are useful in explaining why the South African government responded with more openness towards the anti-incorporation struggles and yet with such hostility to the military’s

attempts to retain basic labour rights and democratic practices, and to the threat of protest during the World Cup: the Zuma administration's responses are shaped by the nature of the threat to its continued existence. While the anti-incorporation protests could be considered 'friendly fire', threats to the centralisation of power in the security cluster would strike at the heart of Zuma's power base, hence the need to institutionalise his administration's hegemony over this cluster. However, there is a strong possibility that the government will become a great deal less tolerant of the anti-incorporation struggles if the struggles escalate and demonstrators begin to compete for formal political power. Threats will amplify as the state is increasingly unable to cater for its citizens,⁶⁶ and as more people realise that Zuma's purported openness is not changing lives, protests may well escalate and the extent of the anger expressed in these protests may be in proportion to the degree of expectation that his 'regime change' created among ANC supporters. To the extent that these protests constitute a real threat to the current status quo, they may well experience the true repressive potential of Zuma's security cluster, and Mbeki's 'celebrated' intolerance may pale into insignificance.

NOTES

1. Donatella della Porta and Mario Diani, *Social Movements: An Introduction*, Oxford: Blackwell, 1999, p. 225.
2. For the purposes of this chapter, I use Kishelt's definition of political opportunity structure as 'specific configurations of resources, institutional arrangements and historical precedents for social mobilisation, which facilitate the development of protest movements in some instances and constrain them in others'. See H. Kishelt, 'Political opportunity structures and political protest: Anti-nuclear movements in four democracies', *British Journal of Political Studies*, No. 16 (1986), p. 58.
3. P. Eisinger, 'The conditions of protest behaviour in American cities', *American Political Science Review*, Vol. 67, No. 1 (1973), pp. 11–12; Kishelt, 'Political opportunity structures'.
4. Sidney Tarrow in Donatella della Porta, 'The policing of protest', *African Studies*, Vol. 56, No. 1 (1997), p. 98.
5. D. McAdam, 'Political opportunities: Conceptual origins, current problems, future directions', in D. McAdam, S. Tarrow and C. Tilly, *Dynamics of Contentious Politics*, Cambridge: Cambridge University Press, 2001, pp. 23–40.
6. Della Porta, 'The policing of protest'; see also Della Porta and Diani, *Social Movements*; D. Meyer, 'The South African experience in dealing with communal violence', *African Security Review*, Vol. 8, No. 1 (1999); B. Omar, 'Crowd control: Can our public order police still deliver?', *SA Crime Quarterly*, No. 15 (March 2006), p. 8; B. Omar, *SAPS's Costly Restructuring: A Review of*

- Public Order Policing Capacity*, Institute for Security Studies Monograph, No. 138, Pretoria: ISS, October 2007.
7. Jane Duncan, 'Thabo Mbeki and dissent', in D. Glaser (ed.), *Thabo Mbeki's World*, Johannesburg: Wits University Press, 2010, pp. 105–27.
 8. According to the general secretary of the SACP, Blade Nzimande, 'since 1996 (perhaps even prior to that) a particular class project has consolidated itself and has become dominant in our movement and the state, spreading its influence to other layers of society, including sections of the media. This class project is a combination of certain objective processes of class formation in a democratic South Africa, and of deliberate policy choices followed by the government and capital, especially since the adoption of GEAR [the Growth, Employment and Redistribution programme] in 1996. The central economic thrust of the class project has been to seek to restore capitalist profitability after the capitalist crises of the last 10 years of the apartheid era, as a basis for addressing the massive developmental challenges in our country.' See Blade Nzimande, 'The class question in consolidating the faultline in the National Democratic Revolution', *Umsenzisi Online*, Vol. 5, No. 57 (7 June 2006), p. 1, www.sacp.org.za/main.php?ID=1858 (accessed 2 November 2011).
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 12. J. de Lange, 'The second reading: Constitution Twelfth Amendment Bill', National Assembly speech, 15 November 2005, www.justice.gov.za/m_speeches/sp2005/2005_11_15_secondreading.htm (accessed 4 November 2010).
 13. It should be noted that members of the Matatiele community have disputed whether the municipality was in fact a cross-border municipality.
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 15. J. Kirshner and C. Phokela, *Khutsong and Xenophobic Violence: Exploring the Case of the Dog that Didn't Bark*, research report commissioned by Atlantic Philanthropies, Johannesburg: Centre for Sociological Research, University of Johannesburg, 2010, p. 9.
 16. *Ibid.*, p. 10; S. Johnstone and A. Bernstein, *Voices of Anger: Protest and Conflict in Two Municipalities*, Johannesburg: Centre for Development and Enterprise, 2007, p. 33.
 17. Kirshner and Phokela, *Khutsong and Xenophobic Violence*, p. 8.
 18. Telephone interviews with Seun Mogotji and Zamecibo Mjobe, 15 October and 21 October 2010, respectively.
 19. Telephone interview with Mthiba Ramphisa, 20 October 2010. Ramphisa was a member of both the SACP and the ANC (see below), as well as being chairperson of the Moutse Dermarcation Forum, in which SACP members were active, but the forum was independent of the party and was a broad community front.
 20. Interview with Mogotji.

21. Kitzelt, 'Political opportunity structures', p. 84.
22. J. Maseko, 'Transcript of post-cabinet briefing', 10 September 2009, www.gcis.gov.za/newsroom/releases/cabstate/2009/090909_transcript.htm (accessed 2 November 2011).
23. Interview with Mjobe.
24. *Ibid.*
25. Telephone interview with Masego Khumalo, 22 October 2010.
26. R. Tabane, 'Khutsong, my personal hell', *Mail & Guardian*, 24 February 2006, <http://amadliandawonye.wikispaces.com/Khutsong,+R+Rapule+Tabane,+M+and+G,+plus+Mrshali,+S+at> (accessed 2 November 2011).
27. Interview with Ramphisa.
28. According to Ramphisa (*ibid.*), 'everyone has become a member of the SACP in the area'. Kirshner and Phokela cite a *Sunday Times* report claiming that Khutsong has the largest SACP branch in the country; see Kirshner and Phokela, *Khutsong and Xenophobic Violence*, p. 20.
29. Interview with Mogotji.
30. *Ibid.*
31. *Ibid.*
32. *Ibid.*; interview with Ramphisa.
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62 CONTESTING TRANSFORMATION

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