

**Marginalisation as a source of insecurity: securitising service delivery  
protests in South Africa**

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## Abstract

A fundamental principle that governs national security in democratic South Africa is that it must ‘*reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life*’. In both frequency and intensity, the country continues to contend with rising levels of public protests. The frustrations that breed discontent have their roots in marginalisation that results from economic, social and political conditions. These issues find expression through protests over the failures of governance, especially the slow pace of delivery or non-provision of essential public services. A growing trend is how these kinds of protests are descending into violence, with destructive and obstructive conduct. While the state must encourage democratic forms of political participation, the expression of dissent by citizens through protests is increasingly met with excessive force. This points to increasing tensions regarding the right to democratic participation and the maintenance of law and order. This research investigates the extent to which service delivery protests constitute a threat to ‘security’ in South Africa. The research contextualises the causes and the implications of the problem within the theoretical understanding of security, particularly the purview of national security, human security and securitisation as analytical tools. The study puts forward proposals for mechanisms which could contribute towards improving approaches to security and its underlying conditions.

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## Chapter 1: Introduction

### 1.1. Identification of the research theme

This research will investigate marginalisation as a source of insecurity, particularly how it threatens the welfare of the population and stability within South Africa. It focuses on the phenomenon of service delivery protests and asks whether securitisation is an appropriate response. Security can be understood as the ‘pursuit of freedom’ from that which causes ‘anxiety’, that which is threatening, harmful, fearful and dangerous for both states and populations (Buzan 1991a: 432). Threats are high-level challenges that can have negative consequences (Hough & Du Plessis 2000: 43). The end of the Cold War saw the emergence of a broader conception of what gets considered as a threat to security. Before this, there was an emphasis on external military challenges towards the state (Peoples & Vaughan-Williams 2015: 120). While remnants of this logic persist in the form of military build-ups and nuclear proliferation, presently, these only represent one danger amongst many.

In the present day, security threats emanate from multiple sources, for example, issues of low politics such as climate change and transnational organised crime have gained increased traction as immediate security challenges (Snyder 2012: 48). There are threats which stem from the interconnectedness of the global economy. For instance, systematic shocks result in financial downturns and perpetuate the problems of chronic underdevelopment, poverty and inequality for many states which remain vulnerable. Such threats have become complicated, acquire a transnational dimension and increasingly shape strategic concerns and influence the policy agenda of states by impacting local, national and global security (Baylis, Wirtz & Grey 2013: 324). It has become clear that it is not only the continued existence of the state that is under threat but also the lives, welfare and freedom of populations.

There is a distinction between external and internal threats to security. Given how most of the above-described issues emanate beyond the borders of one specific state, they fall within the external realm. Internal threats, in contrast, originate within the boundaries of a particular state (Louw 1978: 11). Significant amongst these is marginalisation, which is the social phenomenon where specific groups within society contend with the daily experience of feeling excluded. It is primarily due to the workings of various socio-economic and political factors that lead to unequal and differential treatment of specific subsections. For these outliers whose needs are accorded lesser importance, this results in the limited enjoyment of various rights and entitlements and most frequently becomes the breeding ground for social unrest and fragility.



Marginalisation, as it manifests in South Africa, is an emerging threat which constitutes a challenge to stability and security. According to Levy, Hirsch & Woolard (2015: 5), it is driven primarily by alarmingly high levels of inequality, unemployment and poverty. Historically, the challenges are the result of the legacy of the Apartheid past, particularly the logic of separate development, which resulted in profoundly different economic, spatial and social structures (Alden 1996: 5). Since the advent of democracy, to date, the challenges are the result of the failure to achieve broader economic redistribution and societal transformation towards more inclusive development (Powell, O'Donovan & Visser 2016: 3). In contemporary times, these challenges are compounded by factors such as persistent failures in governance that stem from issues such as lack of capacity, mismanagement and corruption (Mahlobo, 2016). By consequently fuelling exclusion, the volatile mix of socio-economic and political challenges is a catalyst to domestic instability, readily seen through the frequent occurrence of disruptive and violent protests over the delivery of essential services.

There has been a growing wave of service delivery protests in democratic South Africa. These have become somewhat of a defining feature and increasingly take place on an almost daily basis. These protests bear a resemblance to the country's extensive history of struggle and the massive waves of protests that frequently occurred to highlight disillusionment and fight back the exclusionary and securitised nature of Apartheid society. This research argues that contemporary demonstrations are a broader process as opposed to being merely a discrete set of events. Many protests frequently occur in predominantly poor urban areas, in townships or more informal settlements where inhabitants feel the brunt of exclusion from social, economic and government benefits.

This research is primarily concerned with the underlying problem of marginalisation within South Africa. It looks at how marginalisation manifests at a socio-economic and political level and how government's failure to deliver specific essential functions compounds this problem by leading to dissatisfaction amongst the population. The assertion is that this breeds discontent and insecurity by resulting in the phenomenon of violent service delivery protests, which threaten not only the survival of the South African state but also the human security of the population in the broader sense. The research also investigates the effectiveness and limits of state actors' response to framing this problem as a security issue.

## 1.2 Literature overview

This section draws linkages between several concepts, their meaning and importance to the background, scope, and choice to provide an understanding of the thematic context of this research. It is an attempt to highlight and focus the ‘important aspects of the subject matter’ as Baldwin (1997: 7) advised. Accordingly, this section centres on the interplay between marginalisation, governance, service delivery, protests and violence.

Firstly, the phenomenon of marginalisation is one of the most considerable risks confronting states globally. It is explained above as a general feeling of exclusion manifesting at a socio-economic and political level and primarily stems from the challenges of poverty and inequality such as chronic unemployment. Alongside climate change, the World Economic Forum (2014: 12) ranked marginalisation as the most significant risks facing the globe. Its consequences are detrimental, as expressed by Oxfam, which reasoned that ‘extreme inequality corrupts politics, hinders economic growth and stifles social mobility. It fuels crime and even violent conflict. It squanders talent, thwarts potential and undermines the foundations of society’ (2014: 4).

The structural problems of limited opportunities and unemployment, especially for the youth were the primary drivers of the 2011 Arab Spring against governments on the Northernmost part of the African continent. These problems were fuelled by political alienation, general anger at political elites and constant abuse by security services. The Arab Spring had profound implications for political order and security. One of the lessons from the Arab Spring, as posited by Downie & Cook, is the importance of ‘understanding the underlying social, economic and political vulnerabilities which have the potential to drive change to identify potentially catalytic events, trends, and likely triggers; even if it does not ensure the definitive predictions of future events’ (2011: 1).

Secondly, with regards to governance, the disillusionment that comes with marginalisation is frequently attributed and directed towards the failings of administration within the state. According to Heywood (2013: 57), one of the primary functions of a government is the maintenance of order and stability. This function is aimed at ensuring the physical survival of the state, its political system and the protection of its core values, i.e. its national security. Moreover, as argued by McLennan and Munslow, it is through its exercise of authority where the government executes the responsibility of providing a decent quality of life for its citizens by delivering on their need for essential services such as roads, housing, and public infrastructure, which more broadly ensures the security and welfare of its population, i.e. human security (2009: 20).

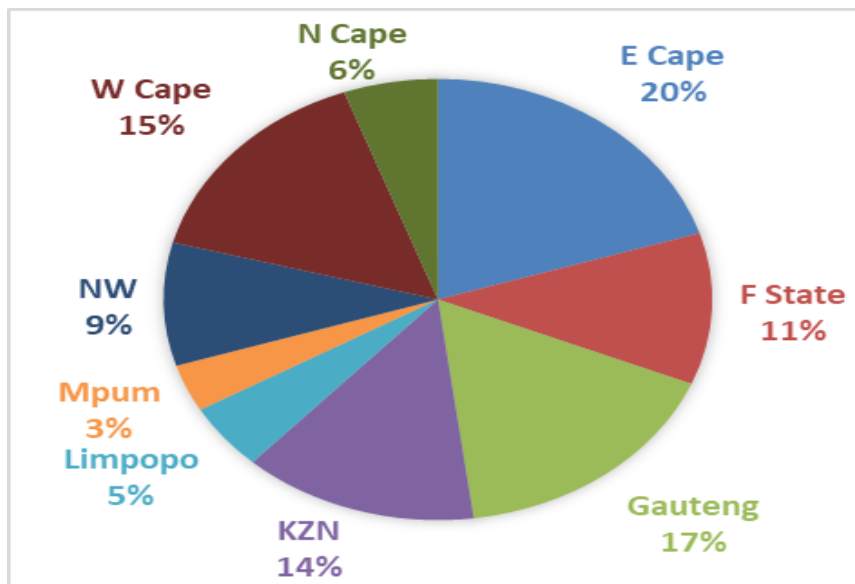
Since the advent of South Africa's democracy in 1994, governance has been the task of the African National Congress-led government (Booyesen 2015: 37). Increasing problems such as the lack of accountability, corruption and wasteful expenditure within the public-sector, conflicts with public interests have resulted in the inability of the government to meet essential public needs and demands for services at every level (Nleya 2011: 1; Bremmer & Kupchan 2017: 21). For protestors, demands typically include the distribution of one public good or another on the part of the state in general or the local municipality in particular. Invariably, at the municipal level, the demands commonly include the delivery of essential services like sanitation, water, electricity and refuse removal (Heese & Allan, 2013). This begets the raising of additional grievances over issues of housing, better quality roads, and electricity pricing (Alexander & Pfaffe 2014: 207). Additionally, other issues which have become prominent include concerns about uncaring leadership that is unresponsive to the citizen's needs (Paret 2015: 347). These challenges get fuelled by the disengagement between institutions, leadership and communities and, which in turn, lead to rising frustration which brings about protests.

There are multitudes of issues which drive different communities to the point of protest. The motivations for protest during the Apartheid era differ significantly from the more contemporary protests. Apartheid era protests were focused on overthrowing the government, while contemporary protests have various motivations i.e. university fees, labour and wage disputes and calling for the resignation of political leaders etc. (Cilliers & Aucoin 2016a: 6). The focus of this research is on protests that are concerned with the provision of public services and the consequent socio-political alienation as a grievance. While not invariably accurate in absolute terms, considering the contested nature of the concept; the notion of 'service delivery protest' within the South African context is utilised mainly to describe protests which are galvanised by inadequate delivery of services by government. The clarification of the concept is useful in that it contends that similar demonstrations are occurring across the country. Attempts at redefining or disaggregating them in distinct ways tend to confuse the issue and draw attention away from the fact that they are a national phenomenon, with important causes and implications.

Between 2005 and 2013, over 2,000 community protests over service delivery occurred in the country (Paret 2015: 345). Over the period spanning between 2013 and 2016, the recorded number stood at 2,715 (Municipal IQ 2017a). Furthermore, what is alarming is that between January and April of 2017, around 261 major service delivery protests were recorded across the country, indicating an increase of over 50% from the same period in 2016 (Lancaster & Mulaudzi 2017). In addition to a few incidences in reasonably specific areas in the country's

more rural provinces, for example, Vhuwani in Limpopo or the town of Balfour in Mpumalanga, there is clear evidence that most of the protests take root in urban pockets of informal settlements, particularly on the outskirts of the country's largest metropolitan municipalities. For instance, it is in on the outskirts of Ekurhuleni, Cape Town and the southernmost part of Johannesburg where they have spread more rapidly than any other parts of the country (ACLEDA Data, 2018). In 2017 alone, two out of every five municipal service delivery protests occurred explicitly within Gauteng around the major informal settlements. This alone is a 50% uptick in the province compared to the average trend over the years between 2004 & 2016 (Municipal IQ 2017b). These figures are bound to increase as the conditions of the urban poor and marginalised continue to worsen, and their need for essential services remains unmet.

**Figure 1: Service delivery protests by province 2018 (As of 30<sup>th</sup> June 2018)**



Source: <http://www.municipalig.co.za/publications/press/201807110947026629.doc>.

The sections of the population that are poor and lack stable employment and other opportunities for financial stability are the most prone to protesting. This is evidenced by the data mentioned in figure 5 showing that much of service delivery protests occur predominantly in townships and informal settlements. These informal settlements which experience high levels of poverty, are characterised by alarmingly high degrees of unemployment and have limited access to either social or economic opportunities and contend with these and other forms of marginalisation (Heese & Allan 2013; Heese & Allan 2017).

**Table 1: Protest numbers by various organisations, 2012 to 2017 (media reported)**

Organisation	Focus area	2012	2013	2014	2015	2016	2017
The Centre for Social Change, University of Johannesburg (CSC)	All 'Community' protests	471	322	375	343	377	375
Municipal IQ	Protests against local government	173	155	191	164	137	152
Civic Protest Barometer, University of the Western Cape	'Civil' protests against local government	150	140	176	126	Not available	Not available
Armed Conflict Location & Event Data Project (ACLED)	'Political violence and protest'	1060 (816)	1045 (865)	1084 (884)	1487 (1250)	1418 (1263)	1026 (935)
Social Conflict Analysis Database (SCAD)	'Social and political disorder'	825	617	757	938	979	Not available

Source: <https://issafrica.s3.amazonaws.com/site/uploads/sacq64.pdf>.

In South Africa, economic and social challenges are becoming too great for political processes and institutions to manage. This reality has not only led to a sharp rise in the rate of protests, especially within informal urban settings, but a noteworthy trend is also the indication of these becoming more violent over time (Cilliers & Aucoin 2016a: 12; Cilliers 2017: 174). Citizens within protesting communities gradually opt for the destruction of property and other acts of violence such as looting. By fuelling unrest, this has an adverse effect on social and political stability and if it were to escalate, has the potential to pose an immediate threat to security. This assumption is informed by some indicators. According to the ISS Public Violence Monitor for instance, over half of all recorded protests since 2013 escalated into violence, with the number reaching as high as two-thirds of all documented protests in 2015 and 2016 (Lancaster & Mulaudzi 2017). Moreover, protests that turned violent increased from representing 75% of all service delivery protests between 2004 and 2016 to 86% in 2016 to 87% or 3 out of 4 of those that have occurred until May 2017 taking an active component (Heese & Allan 2017).

Roskin (1997: 362) argued that violence is a symptom of the erosion of a government's effectiveness and legitimacy. For participants, protest, particularly when coupled with violence, increasingly seems to be the only way of achieving political participation, an effective means of voicing out frustrations over government's failure to provide sufficient measures for redress of marginalisation. In an analysis of service delivery protests, Alexander (2010: 25) referred to protests as the 'rebellion of the poor', describing how violence is regarded as the most effective tool to communicate with government and to elicit a response. Within South Africa, protestors resort to acts of confrontation, looting and damaging property, in specific and extreme instances, human lives get lost in the process (Alexander 2010: 26). Many of the incidences of violence follow the prior efforts of protracted and peaceful engagement by communities with a government, for instance through peaceful marches, or the handover of memoranda or petitions.

When protests become violent and threaten not only property and life, but also disrupt the social, economic and political order of the society, political actors can frame service delivery protests as representing a considerable threat to security, especially the survival and functioning of the state and its institutions (Duncan 2016c). This can elicit and justify a highly repressive response by the state which includes heavily armed policing measures by the South African Police Service and in extraordinary cases, calls for joint operations with the South African National Defence Force, as well as the involvement of the State Security Agency, to bring law and order and ensure stability (Duvenhage 2016).

The resort to the coercive apparatus of the state through the deployment of the police, intelligence or military in response to societal problems has the potential to create a perpetual cycle of violence in which the legitimate sources of insecurity, i.e. marginalisation and socio-economic demands remain unresolved. The underpinnings of national security, human security and the securitisation framework are discussed below to provide theoretical clarification.

### **1.3. Clarification of theoretical constructs**

Security is an essential area of focus for this research, in which the study investigates how marginalisation poses a threat to security and whether securitisation is a valid response to service delivery protests. This study, at a theoretical level, considers national security, and human security as its guide while investigating the appropriateness of securitisation.

Traditionally, national security was preoccupied with the narrow view of protecting the state from the threats posed by external military aggression. In this context, security was about ensuring the state's survival from an 'external physical threat to its existence, sovereignty, and territorial integrity' (Louw 1978: 10). Given the emergence of threats which were non-military and mostly internal, such a narrow view of security increasingly became inadequate.

In response, more critical inquiries into security emerged. The binding thread for these inquiries is a set of three interrelated questions: firstly, the question of what are the referent objects of security? Secondly, how is the referent object to be secured? Thirdly, the general question of what the nature of security studies is? (Snyder 2012: 49). Moreover, these critical inquiries introduced some key assumptions regarding security. Firstly, viewing the concept as a derivative concept and arguing that its understanding hinges substantively on how one understands the world and politics. Secondly, it emphasises the importance of a broadened security agenda. This agenda moved security away from a militarist point of departure. It also encompassed several factors which could be a part of the new security agenda, from the economic to the political amongst others. Thirdly, placing the individual as the referent object of security (Griffiths 2016: 15). As Peoples and Vaughn-Williams (2015: 21) observed, 'these theories contended that reconceptualising understandings of security might be helpful towards the transformation of real-world practices'.

Human security emerged as one of the more critical responses which highlighted the limits of a narrow traditional purview and the urgent need to broaden and deepen security towards more comprehensive notion. It shifted the emphasis to consider the protection of societies and individuals from non-military threats (Buzan 1991b: 4-6; Commission on Human Security 2003: 6). These stemmed from more expanded sectors, which are social, political and economic

(Paris 2001: 89). Finally, security not only implies the preservation of the status quo but considers issues of human development, the redressing of injustice and physical security in general. As requirements for security, human security stresses protecting individual and communities by ensuring their freedom from risks posed by limits to economic development, social and political empowerment as well as the lack of respect for human rights and the rule of law. It also emphasises the protection of communities and individuals from the threat of violence and associated fears (United Nations Development Programme 1994: 22-23; Commission on Human Security 2003: 6).

Importantly, it provides the opportunity to draw linkages between the ideas of negative and positive peace concerning security. From the views of Galtung (1969: 179), negative peace results from the absence of direct violence; from war, rioting, terrorism, and positive peace from the absence of indirect and structural violence from poverty, social injustice and discrimination. States which fail to ensure the positive and negative considerations, i.e. freedom from fear through preventing structural violence; and providing for the citizen's essential needs and advancing equality, justice and human rights, i.e. freedom from want, could be accused of not being able to ensure security in both the narrow and broad sense.

However, this broadening of the security agenda, to include non-military threats and its deepening to focus on various levels, from the global to societal and individuals had implications for conceptualising security. It became problematic in several ways as issues which were previously not considered to be within the realm of security became placed at the core. It leads to the fear that once everything came to be security; the actual meaning of the concept ultimately becomes eroded (Newman 2010: 82; Krause & Williams 1995: 4). For one, it risks equating security with the interests and wellbeing of society, and by implication, potentially brings everything that may negatively affect human affairs into the realm of security, that is to securitise societal problems that are not necessarily a security threat. Seegers (2010: 264) argues along similar lines that a broad security mandate ... 'contains anti-democratic potential equal to, if not greater than, the problems produced by a narrow notion of security'. The problem primarily stems from the inherent biases of officials and politicians, which effectively renders them less objective in defining security. This is worth noting as far as conceptualising security, especially within a country such as South Africa with its historical and current political dynamics.



The Copenhagen School of Security Studies, through the concept of securitisation, has carved out a distinct theoretical position to account for the process in which issues move from the established order and rules of normal politics to being framed as a threat as emergencies or crises of a security nature (McDonald 2008: 568). 'Securitisation' and the introduction of a spectrum that outlines this process is relevant in as far as understanding how something comes to constitute a security threat or not. The Copenhagen School sought to shift focus away from attempting to provide an objective assessment of threats or vulnerabilities. Instead, it offers a more subjectivist conceptualisation of security which brings attention to the multiple and complex set of conditions or ways in which threats are generated or constructed by specific actors (Peoples & Vaughn Williams 2015: 92). Its securitisation approach also maintains close links to the broader post-Cold War security agenda by moving away from the traditional military-politico scope of conceptualising threats, to what it identifies as five discrete sectors: political, economic, environmental, social and military (Buzan, Weaver and de Wilde 1998: 6).

Considering the notion of a threat, for something to constitute a security issue it must be presented as an existential threat to a referent object. Thus, it will require emergency action or exceptional measures to deal with. It implies the withdrawal of that 'something' from the realm of what constitutes normal politics, into the realm of security (Buzan, Weaver & de Wilde 1998: 28). Importantly, it must be presented as dire, with profound consequences towards this referent object. Within the security discourse, this is achievable through what is known as a 'speech act' coined by Weaver (1995: 35). This is done by a securitisation 'actor' from a position of authority who cautions on the severity of the threat as an essential component of the process (Peoples and Vaughn Williams 2015: 79). Significant here is an audience, which accepts that something is a dire threat and in need of an immediate action towards mitigation or stopping (Griffiths 2016: 17). This is essential to consider, given how security deals with the future, i.e. what happens if we do not act upon a perceived threat or what happens if we act as recommended by the state actors (Weaver 2004: 20).

#### **1.4. Formulation and demarcation of the research problem**

The primary task of a government is ensuring the security of the state, in the narrower sense, as well as the security of its population, in the broader sense of security. The latter, within the domestic level, is achieved through the provision of essential government functions towards ensuring the social and economic well-being of the population. However, due to a variety of challenges, there has been an inadequate delivery of services in South Africa. This has derailed sufficient resolution of marginalisation. Because of essential services being unmet, the lack of

engagement with government actors and other factors, people resort to protest as an effective way to communicate with both local and national government. The latter, in turn, regards this as a threat to the security of the state, and consequently responds with repressive measures.

As such, given how the links between marginalisation and how it causes violent protests and how these threaten security remain under-researched, this study aims to explore service delivery protests and the responses by government actors to investigate whether this constitutes a security issue.

#### **1.4.1. Research question**

The fundamental question of this study focuses on how marginalisation and violent protests are a feature of South Africa's urban informal environment and how these threaten security.

#### **1.4.2. Research objectives**

If left unabated, violent service delivery protests, which have continued to plague South Africa over failures in governance, could pose a threat to its democracy by resulting in political instability and therefore posing a risk to security. The aim of the study is first, at a practical level, to explore the manifestation of marginalisation, its causes and how it results in instability and threatens human security. The study will provide an understanding of violent service delivery protests, explore the causes and the implications and propose mechanisms which will contribute towards addressing the insecurity these generate. It also assesses whether labelling violent service delivery protests as a security issue is sufficient and effective towards addressing marginalisation. Secondly, the theoretical relevance would be to test the validity of securitisation as an analytical tool to understanding violent service delivery protests. Thirdly, the study will make recommendations and propose solutions towards contributing to improving human security within South Africa.

#### **1.4.3. Research methodology**

The analytical framework of the study is a focus on the interlinked nature of several issues. This involves the identification of existing conditions that could potentially result in instability; the identification of emerging dynamics or catalysts which in addition to the structural conditions could increase tensions, and the identification of possible 'triggers' which cause these episodes of insecurity.

This investigation makes use of exploratory methodological research design. Given how the relationship between the themes has not been predefined, investigated and understood, this design will assist in understanding the nature and causes of the problem under research. This will be achieved through an interrogation of data sourced to provide a comprehensive

description and analysis of the problem (Scott & Garrison 1995: 235). This study explores a series of events which have taken place over time in South Africa. It is informed by the logic of characterising critical steps within the process which will allow for the analysis of sequence and change (Collier 2011: 824).

It will use a series of snapshots from mostly marginalised urban informal areas where incidences of violent service delivery protests have frequently taken place. These will be limited to the period between 2015 and 2018, where there was a substantial rise in demonstrations marred by forms of violence. While the occurrence of protests is sporadic, potential snapshots include the recent spate of protests that occurred in South Gauteng, Mafikeng in the North West, and Parts of Cape Town amongst others. These are selected because they occur in 'marginal' areas such as townships, with grievances over some form of weak or inadequate delivery of services and exclusion and were characterised by some violence or another. These are patterns and themes which identified with this research and will allow for the identification of phenomena, gaining insight into causal claims, and providing alternative means of addressing these problems.

Secondly, given its exploratory nature, this research is qualitative and uses a literature-based analysis for an understanding of underlying reasons, opinions, and motivations to gain insights into the problems. As such, it relies on both primary and secondary research sources. The primary data is sourced mainly from the public domain in the form of official government documents and policy frameworks. These include the South African Constitution, the National Development Plan, the National Defence Review and media statements and speeches by government officials. Data from monitoring institutions such as Statistics South Africa, the Independent Police Investigation Directorate and South African Police Service's Incident Registration Information System and research findings from independent institutions such as Municipal IQ and the Institute for Security Studies is used. Secondary sources will include academic works such as books and journal articles, as well as media reports and opinion pieces with a focus on the subjects relating to the topic.

The data will be analysed to explore the core issues, arguments and perspectives. Firstly, to gain an understanding of marginalisation and how it manifests and the challenge this poses to the security of the state and citizens in South Africa. Secondly, to illustrate the limits and pitfalls to the securitised response by government actors. Lastly, to show how these issues will effectively lead to the occurrence of more frequent and violent protests over the delivery of services if not addressed.

#### **1.4.4. Research structure and demarcation of chapters**

**Chapter one** identifies the research theme, provides a brief overview of the literature and the conceptual and theoretical framework. It also demarcates the research problem and the research question and explains the research methodology, the study objective, and the structure of the research.

**Chapter two** will provide a discussion of the theoretical and conceptual framework. It will position the study within Security Studies, particularly the evolution from a traditional, statist approach to its broadening towards human security. This chapter will explore the theoretical relevance and critical tenets of Securitization Theory as advanced by the Copenhagen School of Security Studies. These theoretical constructs are used to examine the growing concern that authorities in the current dispensation are repeating past mistakes of marginalising specific subsections of society by viewing emerging socio-economic and political grievances as a security threat and increasingly resorting to coercive methods in response.

**Chapter three** will apply the notion of ‘freedom from want’ to interrogate the structural manifestation of marginalisation within South Africa. Firstly, it will explore the socio-economic context and focus on the impact of poverty and unemployment and emerging issues which are drivers, with an emphasis on inequality, relative deprivation as well as spatial factors and urban migration. Secondly, it discusses the political context where limited opportunities for civic participation exist, readily seen through issues of an absence of representation as well as a lack of consultation and accountability. The chapter highlights how the workings of all these sets of conditions fuel disillusionment with political processes and outcomes and are the catalyst to mobilisation through service delivery protests to highlight grievances.

**Chapter four** will explore the increasingly securitised protest landscape. It will apply the notion of ‘freedom from fear’ and its consideration of the relationship between violence and insecurity. It will examine the procedural and forceful frustration of the right to protest and how the repression of dissent concurrently begets violence over issues that should remain squarely in the socio-economic and political realm.

**Chapter five** will provide the summary, evaluation and findings of the data presented in the preceding sections. It will give some recommendations for policymaking for the South African context.

## **Chapter 2: Conceptual and Theoretical Clarification**

### **2.1. Introduction**

This study investigates marginalisation as a source of insecurity by looking at how violent protests over the delivery of services threaten security in South Africa. This chapter provides the theoretical and conceptual framework towards understanding the development of security policies and practice within South Africa. It is rooted in Security Studies, particularly, the movement from a narrow view of security to the broader notion of human security.

The chapter explores the statist approaches and the emphasis on conventional threats which dominated security thinking globally throughout the Cold War, and domestically during Apartheid South Africa. It also explores the broadening of the security agenda through the concept of Human Security and the security development nexus which coincided with the end of the Cold War and a new focus on the principles of democracy. Additionally, the chapter explores the theoretical relevance and critical tenets of Securitisation Theory as advanced by the Copenhagen School of Security Studies.

These theoretical constructs are used to examine the growing concern that authorities in the current dispensation are repeating past mistakes of marginalising specific subsections of society by viewing emerging socio-economic and political grievances as a security threat and steadily resorting to coercive methods in response to discontent.

### **2.2. The traditional concept of security and South Africa**

Defined by a permanent condition of anarchy, the international arena has been characterised by conflict over time between different territorial entities, very often for reasons of security. Historically, in this context, the preoccupation for security was about protecting the sovereignty and ensuring the survival and continued existence of states from the political and military threats posed by other states (Smith 1999: 78). The traditional notion of security placed instruments of force at the heart of maximising security to ensure the absence of a direct attack or protecting the state from such an attack (Baylis, Wirtz & Gray 2013: 4). This Realist worldview enjoyed ‘intellectual hegemony’ and dominated throughout the Two World Wars and during the Cold War (Booth 1991: 318).

At the height of the Cold War, the linear logic of security played out globally through the preoccupation with nuclear weapons and deterrence, issues of arms control and proxy wars (Nye 1987: 372). During this period, the National Party government of South Africa contended with several security problems, significant of which was the fear of the widespread influence of Communism and African Nationalism and the linkages to the banned liberation movements

(Alden 1996: 6). Across the immediate region, there was the prospect of conventional military antagonism due to the support of the liberation movements by neighbouring countries including Angola, Mozambique, Zambia, and Zimbabwe and the spill-overs from their domestic instability (Booth & Vale 1995: 287). In response to this ‘Total Onslaught’ to white Afrikanerdom and the Nationalist government, the government unveiled the Total National Strategy in the Defence White Paper of 1977. The external part of which was a multi-dimensional offensive destabilisation campaign implemented against these neighbouring countries (Hanlon 2008: 8). Amongst others, it resulted in the direct military confrontation and combat between Apartheid security forces with a coalition of Angolan, Cuban and Soviet forces (Buur, Jensen & Stepputat 2007: 39).

There were several problems with the narrow approach of security of the time. These include a focus on the interstate level as the point of origin for security threats, the belief in the global balance of power as a legitimate and useful instrument of international order and the exclusion of non-military phenomena (Ayoob 1995: 44). Moreover, for understanding security in Third World countries, the implication was for unique challenges such as internal conflict to be viewed through the Cold War divide between Capitalism and Communism and dismissed as mere proxies. This led to a neglect of their unique attributes and limited the opportunity to understand the local meaning and dynamics of security and how it is threatened (Acharya 1995: 301).

Coincidentally, within South Africa, since 1948, a series of policies framed in terms of racial exclusion by the ruling National Party government resulted in the formal legalisation of segregation. This notion of separate existence termed Apartheid privileged the white minority and disenfranchised the majority non-white population. For the National Party government, security thinking focused on the narrow calculus of protecting the white-led regime against an overthrow (Kotze & Solomon 2008: 45). It imposed a fearsome state apparatus against those who stood in opposition to maintain order. By the mid-1980s the political leadership of the banned liberation movements increased their instruction to make the country ungovernable. Their calls resulted in the escalating resistance and escalating insurgency which confronted the government across all fronts, particularly violent demonstrations and uprisings in the country’s peri-urban townships.

The domestic situation became the gravest threat to security for the Apartheid regime, leading to the militarisation of a large segment and the securitisation of all aspects of society, with widespread violence against black communities (Alden 1996: 221). Paradoxically, this situation became a breeding ground for escalating frustration and an impetus for the

marginalised segments of society to fight back through massive civilian resistance. By the 1980's the regime gradually found it difficult to defend itself and in response, resorted to declaring a state of emergency in 1985 and 1988, which heightened powers of the South African Defence Force and the Police Force and encouraged propaganda, censorship, and restricted reporting of political unrest (Alden 1996: 6).

As Buzan, Weaver & De Wilde (1998: 6) argue 'it is tempting to identify security with the governmental institutions that express the state, but governments and institutions have security interests of their own which are separate from those of the state and are often opposed to broader national interests as aligned with them'. As was the case in South Africa, the interests of the Apartheid regime for its survival and preservation overrode the interests of the greater society and country. Consequently, much of the population had to contend with the realities of an insecure state of poverty and squalor, because of the skewed nature of development, the institutionalised discrimination, violence, and political repression dispersed by the regime.

Theoretically, the assumptions of security, as state military interactions towards ensuring survival in a conflictual system 'provided little opportunity for self-conscious reflection' and to 'strengthen or clarify' the concept of security, argued Waltz (1979: 88). Around the end of the Cold War, this vacuum sparked the emergence of a plethora of voices which acknowledged the inadequacy of the narrow idea of security, challenged its state-centrism and introduced more critical enquiries that examined beyond the traditional scope (Buzan & Hansen 2009: 200). The principal argument was that it was inconsiderate of the safety and well-being of people and their development; instead, it had the potential to encourage the gross violation of their liberties, as in the case of Apartheid South Africa.

### **2.3. The shift from military-statist security to broader human security**

Globally, this saw the rethinking of security as 'human security', which includes several characteristics. Firstly, as a rights-based approach prioritising issues of human rights, norms and standards which are anchored by the rule of law and treaties. Secondly, as a humanitarian conception of security, with the safety of people as the paramount goal and key concerns include people's quality of life and social equality. Thirdly, the mutually supportive relationship between security and development under which prosperity linked to security and conditions of poverty and inequality likened to insecurity (Newman 2010: 79). Considering the logic that 'when people face deprivations and sudden insecurities, these become a breeding ground for grievances which heighten growing tensions' (United Nations Trust Fund for Human Security 2009: 12).

The concept of human security provided a comprehensive approach which acknowledges the critical links between human well-being and sustainable development gains. An original statement in this regard is the United Nations Development Programme's Human Development Report of 1994. The report argued that the concept of security 'has for far too long, been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of nuclear holocaust' and '...forgotten were the legitimate concerns of ordinary people who sought security in their daily lives' (UNDP 1994: 22-23).

The concept of human security emphasises how a more extensive range of social and developmental variables threaten the survival, livelihood, and dignity of human life. Moreover, it makes a distinction between the main threats to security, at the economic level; it considers the impact of persistent poverty, unemployment deprivation; at a personal and community level, social exclusion, and physical violence, and at a political level, political repression and human rights abuses (UNDP 1994: 22). Importantly, human security considers the pursuit of growth, improved access to essential public services, political empowerment, and institutional support for purposes of enhancing human well-being (Cilliers 2004: 8; Zondi 2017: 187). Therefore, by prioritising the security of people, their safety and welfare, human security embodies a notion of security which surpasses the preoccupation with military capacity and safeguarding territorial borders.

Since the end of the Cold War, human security has become the most crucial reconceptualisation of security. It has gained popularity in both academic and policymaking circles with its strong practical impact through its policy-relevant and activist agenda. The concept has demanded a shift in thinking about security priorities and moves towards a less narrowly state-driven approach to a universal approach. It highlights the often-marginalised dimensions of international security, especially the insecurities tied to the global inequalities of power and wealth and how these risk disillusionment and civil conflict amongst groups, communities and peoples, and threaten the state from the inside, as well as the global order on the external front (Duffield 2005: 12).

South Africa's history of state formation was characterised by general societal dysfunctions, uneven development, violent conflict, and human rights abuses (Cawthra & Luckham 2003: 52). Given how unsustainable the state-centric approaches were, there was a clear need to deepen and broaden thinking around the security agenda. There was a need for 'an innovative approach to security at both a conceptual and strategic level, but also the pursuit of democracy, sustainable development and social justice' (Swatuk & Vale 1999: 370).



Alongside other negotiations on governance by the end of apartheid, the reconceptualising of security was part of the many changes sweeping the country.

Human security presented a better framework for understanding these unique challenges that South Africa had to contend with. It was evident in the ideas that permeated the discourse during and beyond the country's negotiation and transitional process and visible in the various proposed legislation. Firstly, the country's first White Paper on Defence adopted in 1996 perceived security to be an 'all-encompassing condition in which individual citizens live in freedom, peace and safety, participate fully in the process of governance, enjoy the protection of fundamental rights, have access to resources and the necessities of life and inhabit an environment which is not detrimental to their health and well-being' (Republic of South Africa 1996b: 7). Secondly, the language became cemented in the country's constitution, which as the blueprint document for regulating security prescribed that 'national security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life' (Republic of South Africa 1996a: 103).

South Africa has made several strides which fall within the ambit of human security. These include firstly, emphasising the freeing of individuals from physical threats to their safety by moving towards a democratic and accountable governance of institutions in the security sector (Republic of South Africa 1996b: 116). This process was done through the transformation, reorientation and professionalisation of the South African National Defence Force away from its conflictive posture towards a co-operative role, as succinctly outlined in the 1996 White Paper on Defence (Republic of South Africa 1996b: 8). Secondly, as far as police policy is concerned, the transformation of the police away from its politically repressive role, towards placing emphasis on crime fighting, community policing and respect for human rights as outlined in the 1998 White Paper on Safety and Security (Republic of South Africa 1998: ii). Thirdly, through the transformation of intelligence services towards functioning in an accountable manner under constitutional and democratic control as posited in the 1994 White Paper on Intelligence (Republic of South Africa 1994c: 1).

Secondly, notable strides have been made towards placing greater emphasis on fostering a more decent quality of life and maintaining the dignity of individuals. Considering how Apartheid resulted in the legacy of a fragmented society where economic, social and political opportunity was located exclusively within a narrow segment of the population, and the majority relegated to the periphery (Esterhuysen 2016: 31). These realities offered prospects of destabilisation and stood as a direct threat to governance at the start of democracy if not addressed. Notably, this

was recognised by the Government of National Unity, which stated that the most significant threats to the South African people are socio-economic problems like poverty, unemployment, poor education, the lack of housing and the absence of adequate social services (ANC 1994; Republic of South Africa 1996b: 6) and later by Nelson Mandela, who cited ‘poverty and social inequality as the single largest threats to peace and stability in the country’ (Mandela 1999). For the democratic government, this was the impetus of the Reconstruction and Development Programme, which not only acknowledged these core challenge facing the new government but sought to promote the wellbeing and security of citizens. It also resulted in the establishment of an extensive social security system and the provision of free primary health care, housing and essential services to millions of people many of which were prior, deprived of access. These measures helped reduce the number of people living in absolute poverty and improved living conditions (Africa 2015: 178-181). Furthermore, this was the logic behind redistribution through affirmative action, public employment, right-sizing reforms, and the integration of black technocrats into the upper echelons of public service and strategies such as Black Economic Empowerment which directed increased attention towards the empowerment of socially marginalised groups.

These measures were essential to the relative order which characterised the first decade of democracy. The broader conception of security also provided the makers of the new South Africa with an opportunity to employ the country’s economic, political, and military might to contribute more positively within the region towards growth and stability in the name of ‘collective human security’. The country has moved from being a source of insecurity to its immediate neighbourhood to become a mediator and advocate for regional peace (Booth & Vale 1995: 290).

Despite the notable gains made towards the human security agenda since the start of democracy, several structural problems persist. These include inequality, high unemployment, skewed spatial planning and delivery of essential services which continue to reinforce the patterns of poverty and access of the Apartheid era (Philip 2010: 7). In the same vein, the South African National Defence Review (2015: 5) asserts that South Africa is ‘stricken by chronic underdevelopment, inadequate health services and the attendant problem of poverty, illiteracy and unemployment. These human security and development challenges continue to affect negatively in the form of a range of non-military threats’.

The apparent failures by state institutions to meet the needs and necessary means for inclusion for most of the country’s population have resulted in the emergence of discourse which laments on these failures and the widespread protest movement over a range of issues including the

delivery of services. This begets patterns of structural violence that threaten the social, economic, and political architecture of post-Apartheid South Africa, becoming the leitmotif for securitisation by authorities in the current government.

#### **2.4. Securitisation theory and South Africa**

It is essential to look at the beliefs around what constitutes a security challenge, or what actors single out as constituting a security threat to figure out the role and understand the behaviour of the security sector in society. Weaver (2004: 12), argued that this is not the 'act of individuals', but 'the result of a bargaining process'. At the height of Apartheid, in response to the domestic upheaval, normal political processes were suspended and replaced by the State Security Council as the highest decision-making body. This case is an illuminating example of an unfolding process of securitisation from South Africa's not so distant past, beliefs around what became considered as existential threats within the country might have undergone notable change since then; however, the pre-emphasis on the security sector as the first line of response towards thwarting dissent still is clear-cut.

Security and defence decisions are easy to make in the presence of a definite threat. However, it is much harder to make policy decisions in an absence. To allude to this Mandel (1994: 54-54) observes that 'defence planning conducted under such circumstances is often subject to questionable assumptions and driven by domestic politics rather than strategic purposes'. Given the lack of a definitive roles and responses to growing domestic instability, the prospect of introducing a culture of violent behaviour within the security apparatus, as well as the normalisation of its intrusion within the realms of politics and civic life' is increasing (Africa 2015: 186). If looked at in isolation, the language of human security is asserted; however, the problem within South Africa is lack of precise demarcation over what constitutes a national security issue, or when should an article of human insecurity get into the realm of national security and get treated with the urgency it deserves.

There are several markers, which point to the securitising of discontent. Firstly, an emerging culture within the ANC government to foreclose participatory deliberation, which also coincided with the rise of the class of 'securocrats' in state institutions, especially since president Zuma assumed office (Duncan 2014: 5). Secondly, the introduction, amendment or abuse of pieces of legislation which are the antithesis of the democratic ethos. These include the Regulation of Interception of Communications and Provision of Communication-related Information Act No. 70 of 2002, also known as the Inception and Monitoring Act, the Regulations of Gatherings Act 205 Of 1993 as well as the contentious Critical Infrastructure

Protection Bill and the Protection of Information Bill or 'Secrecy Bill' (Mckinley 2013: 129). These developments are occurring in an era of weakened civic participation and weak mechanisms of government oversight. Thirdly, in addition to crime, political dissent, and protests have become areas of interest to the State Security Agency, concurrent with the sharp increase in instances of police brutality and unjustifiable use of force (Africa 2015: 184). Fourthly, the growing calls for the domestic deployment of the SANDF to maintain law and order in specific hotspots. This is a defence force which is struggling to define its role, particularly regarding 'operations other than war' and with how to provide support to other institutions in dealing with non-military threats which include social instability, organised and violent crime and xenophobia.

All that the above cautions against framing demands for fundamental human rights in a language of security, a trajectory which the country is seemingly marching towards by indications, which can head towards heavy-handed and confrontational, if not violent institutional responses. As Africa (2015: 178) argues that the notion of 'human security can be regarded as a waning value in the political and social fabric' and questions 'whether we see a reversal of gains, and the return to a traditional security approach, which had characterised the Apartheid years'. This concern has profound theoretical and practical implications for thinking about security in the country and informs the investigation of the next chapters.

## **2.5. Conclusion**

This chapter has laid the foundations for understanding the concept of security and how social fragility has threatened it within South Africa over the years and how security actors understood and responded. It has done this by tracing its evolution through a set of interrelated concepts of traditional security, human security as well as securitisation. Furthermore, the chapter employed these concepts as a framework towards understanding security thinking and practice for South Africa. In summation, using this theoretical basis, the chapter concludes that despite the notable gains in broadening the approach of security, towards a more developmental and inclusive conception. There is an increasing turn towards a narrow calculus of security and securitisation and neglect of human security particularly the notions of securing populations by ensuring their fundamental 'freedom from want' and 'freedom from fear' as the constitution prescribed. In this regard, the next chapter looks at marginalisation in South Africa, at a social, economic, and political level, and how it threatens human security by hindering the ability to achieve basic material needs and human dignity, giving rise to the situation of violent service delivery protests and increased state repression.

## **Chapter 3: How Marginalisation Manifests in South Africa**

### **3.1. Introduction**

This study explores how marginalisation and violent protests over service delivery threaten security in South Africa. The preceding chapter provided a theoretical framework for understanding security. It underscored the relationship between security and development and the importance of broadening the threat agenda to include fulfilment of basic material needs and human dignity towards rooting out insecurity. Applying the notion of ‘freedom from want’ this chapter posits that marginalisation, i.e. the frustration that emanates from alienation from economic, social and political structures impacts the realisation of security. It is the underlying cause of service delivery protests within the South African context, given how such action is purportedly limited to urban informal settlements and townships where inhabitants remain marginalised from socio-economic and government benefits.

This chapter explores vital sources of marginalisation. It begins by discussing the structural conditions at a socio-economic level and focuses on the impact of poverty and unemployment. It then looks at emerging drivers, with an emphasis on inequality, relative deprivation as well as spatial factors and urban migration. This is followed by a discussion of the political context, where there are limited opportunities for civic participation, readily seen through the problems of a lack of consultation and representation. The chapter highlights how the workings of all these sets of conditions fuel disillusionment with governance processes and outcomes and are the catalyst to mobilisation through service delivery protests to highlight grievances.

### **3.2. Socio-economic marginalisation**

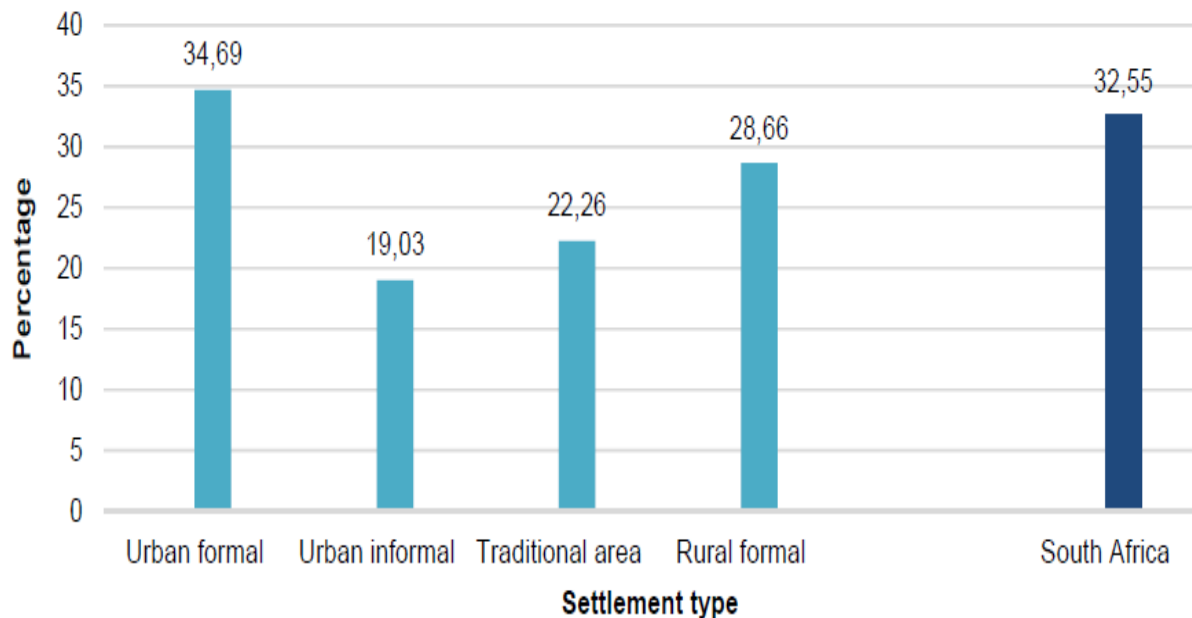
#### **3.2.1. The impact of poverty and unemployment**

Since the start of post-Apartheid South Africa, government’s priority has been to fight the inherent legacy of poverty and underdevelopment and to build a harmonious and prosperous society (African National Congress 1994; Republic of South Africa 1996a). The guiding long-term goal to improve livelihoods is encapsulated in the National Development Plan, which aspires to grow an inclusive economy, build citizen capabilities and enhance the capacity of the state to solve the country's complex problems of unemployment, poverty and inequality by the year 2030 (Republic of South Africa 2011: 10). To date, significant progress has been made towards improving conditions for the poor by providing essential social services such as welfare grants, which benefited only 4 million recipients in 1994, increasing exponentially to paying 17.2 million grants to over 10 million recipients by 2017 (Africa check 2017). Other

interventions include the provision of free services such as water and electricity. These measures have played a substantial role in reducing the number of people living in extreme poverty.

Despite these improvements, there are serious challenges that remain. In 2017, 20% of the country’s total population (11.3 million people) resided in informal settlements. This figure is bound to increase, given the rapid rate of urbanisation (South African Institute of Race Relations 2017: 289). 21.7% of the population lives in conditions of extreme poverty, surviving on a monthly income below R779 per month. More than half the population (55%, about 31.2 million people) falls under the broadest definition of poverty which translates to surviving on an income of R992 per month (Statistics South Africa 2017). Furthermore, an estimated 31% of the poor is concentrated in urban settings, with over 1.6 million of them living in informal housing structures (Statistics South Africa 2017). There are limited monetary resources available for expenditure within these communities who can only afford a limited range of goods and services. Most of those in this stratum spend a substantial part of the household budget, about 70.8 % on food (Stats SA 2017). This places them in a position of financial strain under which they cannot afford to pay for essential services such as water, electricity and sanitation to municipalities.

**Figure 2: Proportion of total household consumption expenditure attributed to housing, water, electricity, gas and other fuels by settlement type (October 2018)**



Source: <http://www.statssa.gov.za/publications/P0310/P03102014.pdf>.

A significant factor in perpetuating poverty and inequality is the high unemployment rate. South Africa’s official unemployment estimate stands at 27.2 % of the population, or 15.7 million people (Stats SA 2018). In South Africa, employment generation relies substantially on low-quality jobs from the dominant primary sector, trade and manufacturing and a slowly growing service industry with weak consumer demand (Stats SA, 2018). Many are pushed into chronic joblessness because of declining economic growth, vulnerability to a weaker global economic climate and domestic challenges including protracted labour strikes, restrictive labour regulations, costly power shortages and ineffective government bureaucracy (World Economic Forum 2017: 268). Unemployment is pervasive amongst the youth, i.e. people aged between 15–34 years with over 50% of the total youth population being unemployed (Stats SA 2018). Furthermore, an estimated 7 million of the unemployed poor are in the 16-59 years’ age band (South African Institute of Race Relations 2017: 690). It is this group that is most visible as participants for protest action.

**Figure 3: South Africa Unemployment Rate (August 2018)**



**Source:** <https://tradingeconomics.com/south-africa/unemployment-rate>.

The government response centres primarily on increased welfare expenditure instead of productivity and economic activity. Many households and individuals are dependent on the state and rely on social grants as a social wage as opposed to employment, for instance, expenditure on social protection, including social grants constitutes 32% of total expenditure by the government (Stats SA 2018). Former President Thabo Mbeki, a decade ago described this as ‘the prevalent notion that our people are entitled to hold out their hands to receive all manner of benefits, while the government is obliged to deliver such benefits’ while the ruling African National Congress described this class as ‘dependent on hand-outs from the state’

(Mbeki 2008). Without growth in employment, the effectiveness of a welfare driven approach towards reducing poverty is minimal. Considering the growing number of recipients and a narrow and already strained tax base, it is unaffordable and has the potential to push the country closer to a fiscal cliff where spending outstrips revenue. There are clear links between these conditions and service delivery protests. Frequently, most protesting citizens emerge from communities in which poverty and unemployment are rife (Cilliers & Aucoin 2016b: 5). These realities increase the readiness and availability for mobilisation and participation in various kinds of protests.

### **3.2.2. Inequality and relative deprivation**

Despite being one of Africa's most developed economies, a highly unequal economy defines South Africa. Wealth and income are spread unevenly, and this perpetuates exclusion. The Gini coefficient measuring relative wealth stands at 0.69 and is among the highest by global standards (Stats SA 2017). In 2015 the income ratios between the wealthiest top 10% of the population to the bottom poorest 10% stood at 55:1 (Levy, Hirsch & Woolard 2015: 5). Currently, the wealthiest 10% of the population accounts for over 71% share of the country's total household wealth, while the bottom poor 60% of the population held a mere 7% of the net wealth (World Bank 2018: 52). The abovementioned points to the failure to create an enabling environment for more inclusive economic development. This failure has resulted in the maintenance of a dual economy that is characterised by vast disparities concerning finance, accessibility and opportunity amongst others, between an extensive formal and developed section on the one hand and an underdeveloped and informal one on the other.

The high levels of inequality described above create a sense of frustration which eventually leads to aggression. This is explained by the notion of relative deprivation, which describes the psychological factors underlying political violence. Described as the perceived difference between expectations and actual experiences, the scope of relative deprivation often results in the mobilisation of widespread resentment and violence to express frustration. Gurr (1970: 24) highlights this by arguing that 'poverty, economic want and poor living conditions rouse feelings of resentment that are responsible for protest generation', adding that 'the more intense and prolonged the frustration, the greater the probability of aggression'. Inherent within South Africa, this disconnect is illustrated by the dichotomies between places like Sandton and Alexandra, which seem worlds apart. The parallels which separate them not only manifest spatially but also with levels of access, capabilities, opportunities and outcomes (Phillip 2010: 4). The former boasts rapidly improved standards of living, income and services. This reality



informs the broader expectations and aspirations of the underprivileged, precariously employed and unemployed who see these material benefits but do not have access to enjoy them. They, on the other hand, contend with underdevelopment and modest improvement in their lives and this inevitably fuels discontent (Von Holdt 2011: 6).

This situation is also problematised by the 'good story to tell' narrative from the ANC and government which does not speak to the actual realities of a lack of services or service provision which is substandard and of poor quality. The logic of 'success is the breeding ground for expectations' was advanced by former President Jacob Zuma. He described protests as not just a result of failures by the government, but also of the successes in delivering basic services. He used an example that 'when 95% of the country's households had access to water, the 5% who still needed to be provided for felt they could not wait a moment longer' (Zuma 2014). While citizens recognise it, it also serves as a reminder of how dismally their communities measured up against others. The rise in grassroots defiance is a direct challenge to the prevailing status quo, service delivery is an integral and symbolic part of actualising a meaningful life for the urban destitute who were previously denied legitimate spaces and decent conditions of living, improvements in this regard are 'inherently tied to an increase in dignity' (Nleya 2011: 9)

### **3.2.3. Spatial marginalisation**

Spatial segregation and dysfunctional settlement patterns are a feature in South Africa, especially in urban spaces. Historically, this is due to the impact of dispossession and segregated geographic, social and economic planning trends. Townships were initially designed to allow temporary access to white areas, with limited scope for their inhabitants to embed their roots and build functional communities. As highlighted by Phillip (2010: 8), these areas were configured 'as places with no internal social or economic logic; as dormitory towns, where business activity was largely disallowed, and built at a distance from the cities and towns, but dependant on them for work, social services, and even for basic retail facilities'. Since 1994, there have been attempts to transform South Africa's local government towards a more integrated spatial planning approach. These included the amalgamation of formerly white areas and black townships into single controlled administrations (Pycrof 2000: 143). However, disparities still exist, manifesting in several problems.

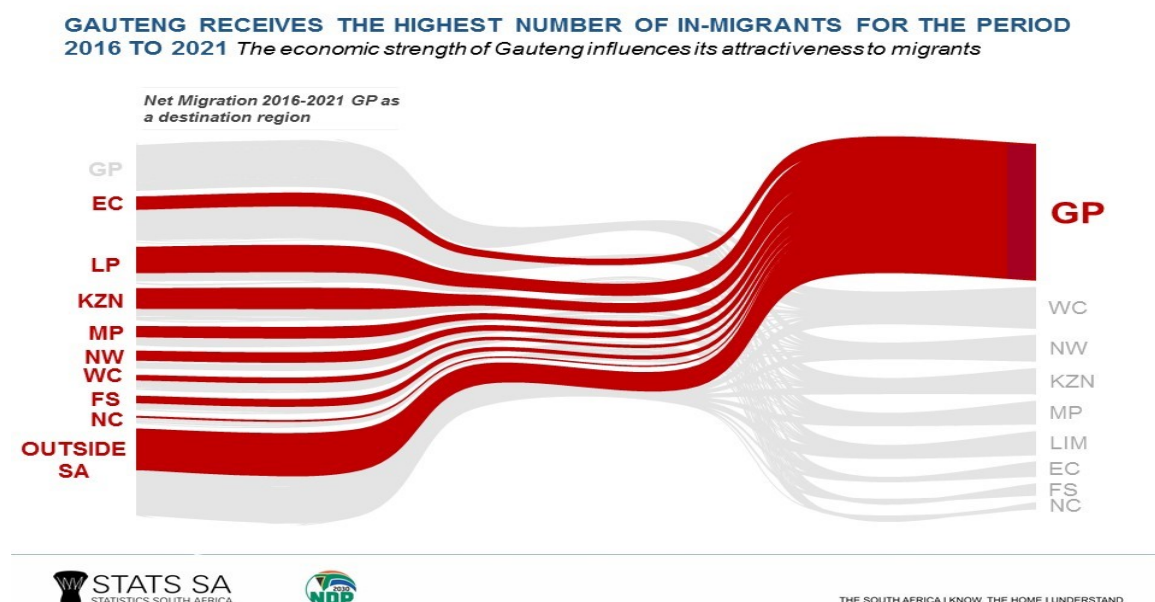
The centralised nature of South Africa's urban economy and spatial exclusion have the effect of limiting the capacity and negatively impact the development of the inhabitants of informal settlements. Mostly African, many of whom are impoverished, have to contend with high opportunity costs regarding health, education and skills. The latter is compounded by

dysfunctionalities within the country's education, as well as the apparent disconnect with regards to skills and the labour market. Consequently, they are faced with a constrained scope of land-based and informal livelihoods which could provide safety nets; as well as the highly skewed distribution of assets such as land and capital, which place limits on the potential for self-employment and enterprise activity; or human resource development and workplace mobility as a means of escaping poverty (Phillip 2010: 21; Khadiagala & Mosoetsa 2018: 87). These structures which permeate urban backwaters continue to mask complex relationships which simultaneously deliver wealth and poverty within a single economy.

### 3.2.4. Urbanisation and migration

Africa's growing population is increasingly living in cities, by 2030, over 50% of the continent is expected to be urbanised (UN Habitat 2018: 10). Presently 55% of the urban population in Sub Saharan Africa, around 472 million people is estimated to live in areas categorised as slums and informal settlements (United Nations 2016: 32). Often considered the site of future prosperity, urban areas play a crucial role in fighting poverty and sustaining economic growth. However, within Africa, the linkages between urbanisation and economic development are much weaker and urban peripheries are the physical embodiment of social and economic exclusion (UN Habitat 2018: 12).

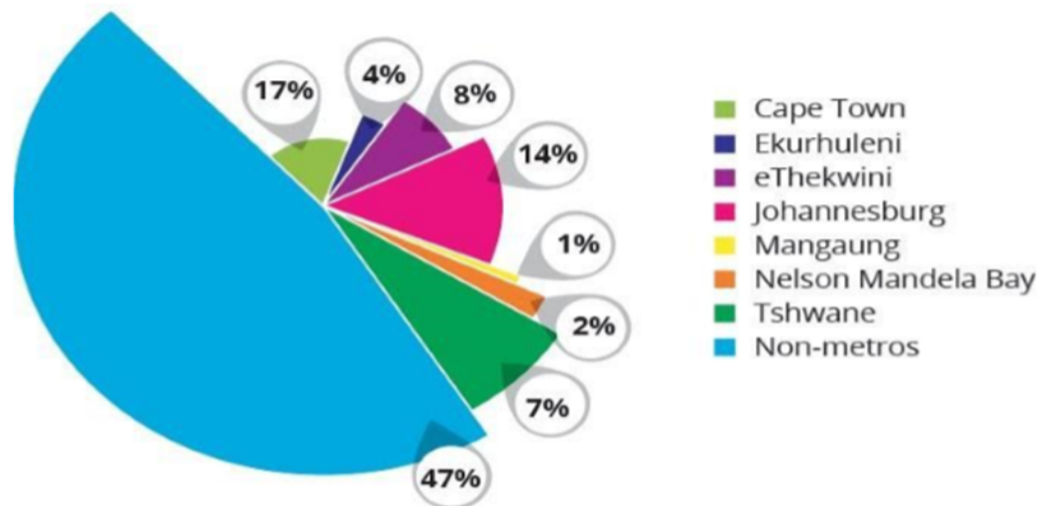
**Figure 4: Net in-migrant flows for South African provinces 2016 to 2021**



Source: <http://www.statssa.gov.za/?p=11331>

There has been an increasing wave of urban migration within South Africa. Between 1996 and 2010 the population in South African cities has grown at twice the national growth rate (Nleya 2011: 3). As of 2018, 66.4 % of the total population lived in urban areas and cities (Central Intelligence Agency World Factsheet 2018). If present rates of urbanisation persist, this figure is estimated to reach 71% by 2030 and 80% of the total population by 2050 (World Bank 2018). Urbanisation is driven by the pursuit of better economic opportunities, infrastructure and services and higher standards of living associated with urban economic hubs. Instead, a result has been the growth of informal settlements and slums nearby. The increased rate of urban migration continues to reinforce existing forms of structural marginalisation and enables new ones. A large cohort of incoming migrants finds itself residing on these outskirts, unemployed, poverty-stricken and wholly marginalised from economic opportunities, formal housing and services.

**Figure 5: Protests in Metros and all other Areas 2012-2016**

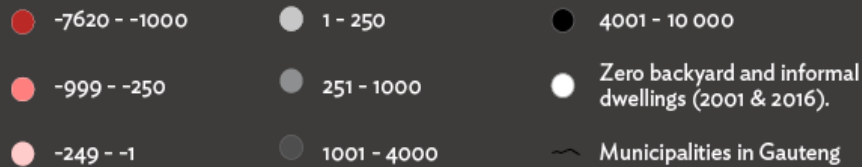
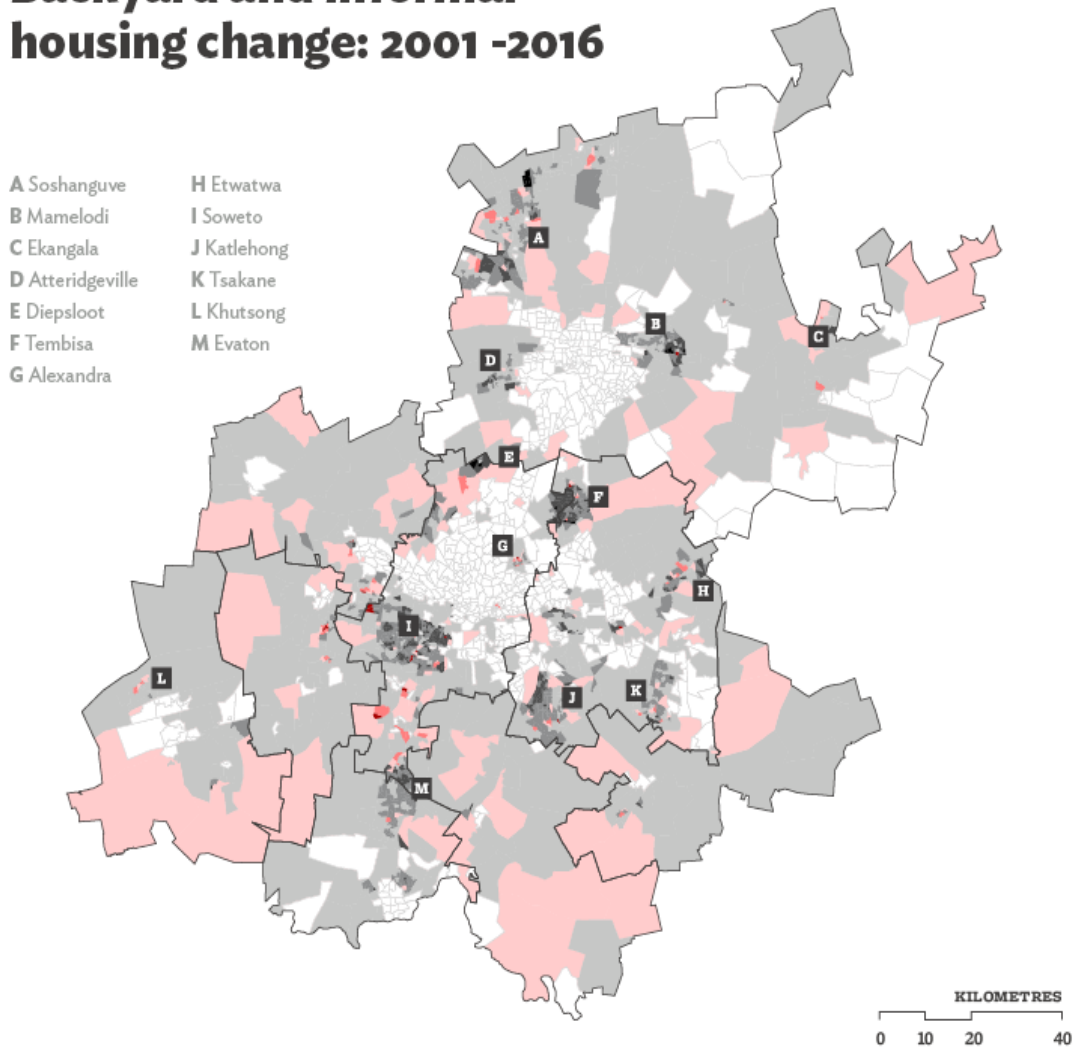


Source: [https://dullahomarinstitute.org.za/acsl/technical-note\\_civic-protests\\_barometer\\_2016.pdf/@@download/file/Technical%20Note\\_Civic%20Protests%20Barometer\\_2016.pdf](https://dullahomarinstitute.org.za/acsl/technical-note_civic-protests_barometer_2016.pdf/@@download/file/Technical%20Note_Civic%20Protests%20Barometer_2016.pdf).

Rapid urban population growth is outpacing economic, social and institutional development, it places significant pressure on infrastructure and compounds the expansive backlog of service delivery. It is accompanied by increased concerns which threaten to deteriorate the quality of life in cities. These include issues of poor sanitation and water and food scarcity to traffic congestion and increased levels of crime and violence. For example, the city of Johannesburg alone is estimated to have a population of around 14 million by the year 2027, meaning that the demand for infrastructure, institutions and services will increase nine-fold at present rate of demand (Angelopulo 2017: 80).

Map 1: Backyard and informal dwellings in Gauteng (2001-2016)

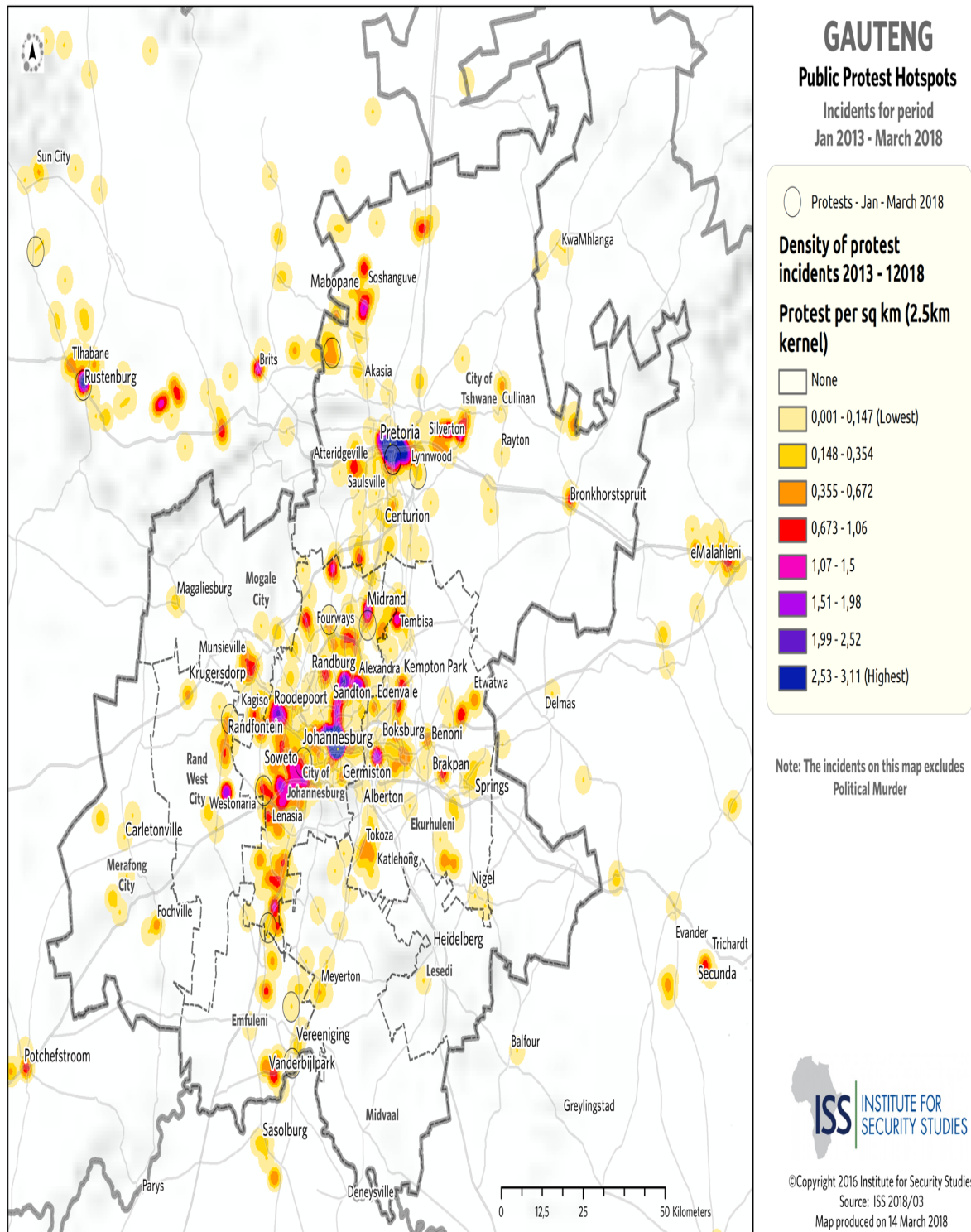
## Backyard and informal housing change: 2001 -2016



Data Source GeoTerralimage Building Based Land Use layer (2001 and 2016)

Source: <http://www.gcro.ac.za/outputs/map-of-the-month/detail/backyard-and-informal-dwellings-2001-2016/>.

Map 2: Gauteng spread of events in terms of peaceful and violent, 2013 to 2017



Source: <https://issafrica.org/crimehub/multimedia/gauteng-public-protest-hotspots-2013-to-2017>.

Instead of moving towards a more inclusive and sustainable urban future, the present trajectory is highly problematic and marred by a lack of urban planning, effective governance and coordination and lack of investments in infrastructure and service provision. This lack of keeping up with planning and governance lead to an increase in unplanned and underserviced informal settlements (Angelopulo 2017: 79). People are driven towards cities by the deteriorating socio-economic conditions and poor service delivery and failure of local governance from the countries more underdeveloped provinces such as Limpopo and the Eastern Cape as illustrated by Figure 4. People come to cities with the hope of better delivery of services and livelihoods; however, the reality in the urban areas presents different outcomes than anticipated.

Worryingly, there are clear causal links between the influx of people to urban areas and service delivery protests. Out of all the country's locales, the most significant percentage of service delivery protests take place in informal settlements of the biggest Metropolitan municipalities where migration and population growth are more pronounced. A notable increase in service delivery protests has been recorded in places such as Johannesburg, Ekurhuleni and Pretoria (ACLEDA Data 2018). These are areas which have also experienced a rapid mushrooming of informal settlements on their outskirts, which is illustrated above by the significant growth in informal dwellings between 2001-2016 on map 1. The rapid growth of these places and the accumulation of people puts a heavy strain on services. Furthermore, it escalates the unwillingness of municipalities to accept these areas and their inhabitants as a permanent fixture, meaning a slower, if not absent response to these community's needs.

Notwithstanding the more instrumental socio-economic considerations discussed in the preceding section, there are other important factors which generate protests, and whose interrogation lay at the heart of resolving them. These include failures in local governance and discontent over the ineffectiveness of available political channels of participation and the neglect of robust engagement with communities. These issues weaken the legitimacy of governing actors and institutions. The next section discusses how these result in marginalisation at a political level and thus trigger protests over the delivery of services.

### **3.3. Failure of the developmental state**

The South African constitution prescribed the establishment of three unique, yet interrelated spheres of government, namely, national, provincial and local government. This section pays attention to local government, as it is the sphere of government which is the closest to the population. The permanent legal framework in the constitution specifies the objectives and

functions of local government. In terms of Section 152 (1) of the Constitution, these encompass the provision of democratic and accountable governance for local communities; to ensure the provision of services sustainably and promote social and economic development and encouraging the involvement of communities in matters of local government (Republic of South Africa 1996a: 60).

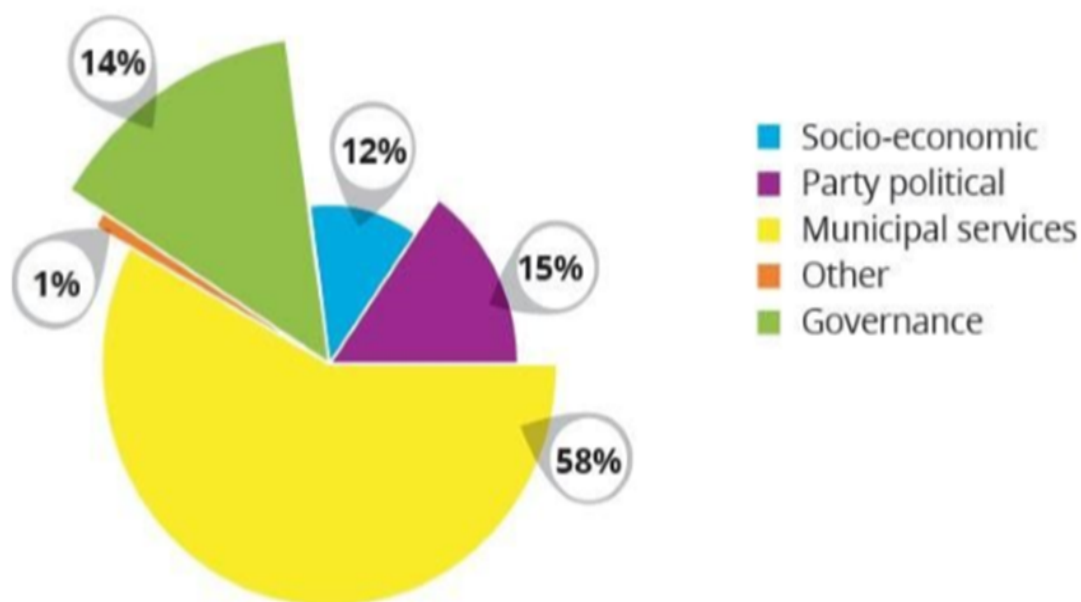
The core principles and mechanisms to guide local government in fulfilling their constitutional functions were given effect to by the promulgation of various policies such as the White Paper on Local Government and legislation which consists of amongst others the Municipal Structures and Municipal Systems Act. The 1998 White Paper on Local Government put forward a vision of developmental local government that centred on working with local communities within geographically defined communities and underscored the importance of human dignity, human rights and democracy.

Local governance in South Africa is characterised by the inability to achieve intended outcomes of rendering essential services. Only 7% of municipalities in the country are functional, while 31% are reasonably functional, 31% almost dysfunctional and 31% dysfunctional or distressed (Mkhize 2018). This overwhelming dysfunctionality is continuously highlighted, most notably by the Auditor General Reports. The most recent of which pointed out how municipalities are in a dire state and plagued by several problems. Firstly, regarding financial mismanagement, which includes weak financial systems; inadequate revenue collection; rampant corruption, fraud and misuse of public assets and funds. Secondly, human resource problems including general incompetence, a lack of capacity and key personnel with appropriate financial and managerial skills (Auditor-General South Africa, 2018: 2). Thirdly, the politicisation of governance, due in part to interference and infighting within and between political parties at a local level, or dislocations and contestations between local and provincial levels of government as dynamics that result in the lack of political will to ensure accountability. This mismanagement leads to a state of paralysis, that results in an insufficient or wholly compromised delivery of services such as electricity, clean water and sanitation. It also results in a lack of maintenance of infrastructure in these towns and cities. It is this failure of local government to provide essential services that invoke frustration and is a fixed issue driving the disgruntled communities to the point of protest.

According to the Civic Protest Barometers, around 45% of all protests that took place from 2007 until 2014 can be accredited to grievances with municipal services; 11% with services by other government agencies, and 7% due to problems with municipal governance. Therefore,

around 62% of the total protests which occurred in the country during this time can be regarded as service delivery protests (Powell, O'Donovan & Visser 2016: 3). Harber (2009) describes the concept of service delivery as having a host of assumptions, policies, attitudes, and promises which are coming to haunt an ANC government ‘which has built its promise entirely on the notion of improving service delivery’.... He sees the use of the phrase as part of a ‘technocratic description of the relationship between citizens and the government’... the government delivers while citizens receive. For the marginalised, the right to protest is an essential enabling instrument which allows them to demand the realisation of fundamental socio-economic rights through participation and active citizenry.

**Figure 6: Grievances behind protests cited in the media 2007 to 2016**



Source: [https://dullahomarinstitute.org.za/acsl/technical-note\\_civic-protests-barometer\\_2016.pdf/@@download/file/Technical%20Note\\_Civic%20Protests%20Barometer\\_2016.pdf](https://dullahomarinstitute.org.za/acsl/technical-note_civic-protests-barometer_2016.pdf/@@download/file/Technical%20Note_Civic%20Protests%20Barometer_2016.pdf).

### 3.4. Political marginalisation

The enactment of the Municipal Structures Act No 117 of 1998 provides for the establishment of ward committees and engagement with other community organisations to enhance participatory processes in the local level of governance, creating the bridge between the public, political and administrative structures. The Municipal Systems Act, no 32 of 2000, prescribes universal access to affordable services and establishes mechanisms which empower the poor and take their needs into account. It uses the municipalities Integrated Development Plan as



the point of departure and framework for participatory developmental local governance. The Act defines the rights of residents to contribute to the decision-making processes and to be informed of the decisions made; to use and enjoy public facilities and to have access to services, subject to specific duties including payment of fees where applicable. Correspondingly, the duties of the municipalities amongst others entail: being responsive to the needs of the local community; facilitating the culture of public service and accountability and giving communities accurate information about the level and standard of services they are entitled to. Despite the existence of the legislative and policy frameworks, there are systemic problems relating to consultation and participation around policy choices and procedures of local governance. Existing structures do not allow for optimal public participation in decision making, nor capacitate citizens and communities to influence outcomes to be more in line with their needs (Mkhize 2015: 193). Participatory governance is inextricably linked to how power gets exercised. The current nature favours local and national power holders and legitimises unilateral making of decisions, much to the detriment of communities most affected by insufficient development. When it occurs, public participation involves the presentation of predetermined positions and programmes for limited feedback or information sharing, when community inputs do get requested the process is poorly facilitated (Tshoose 2015: 18). The first line of engagement for protesting communities is to reconfigure the system so that it can perform better. Protest action is a bargaining chip to be heard and forms part of getting representation to hold representatives to account.

Chenwi & Tissington (2010: 7) argued that alienation stems from the existing culture of ‘poor communication with and accountability to communities and limited attention being given to bottom-up consultation and planning processes by governing actors’. Frequently, it takes the form of a lack of adequate representation by local officials. Councillors are slow to respond to long-standing complaints. They do not attend meetings and neglect substantial engagement with communities. Booysen (2007: 23) described how local government ‘fell short of the ideal model, with reports of councillors effectively abandoning their communities prevailed in many parts of the country ... absentee representation ruled the day: councillors were often neither resident in their communities nor were they available for consultation with their constituencies’. This is still the case to date, especially for informal areas that logically contend with fewer services than the more established areas. Populations are in flux, with minimal connections to governance structures. As a result, there are fewer reasons for local government staff and councillors to engage them. These factors then act as a trigger for protests.

Furthermore, there is the deep entanglement of party politics and state-society relations. The dominance of the ANC by majority undermines formal democratic participation at a local level where grievances get subordinated to party agendas. On the one hand, protests might have become an effective way of asserting demands and communicating directly with the ruling government; but on the other hand, some protests stem mostly from internal ANC power struggles or struggles against ruling coalitions in other areas (Booyesen 2015: 271). Protests are often fanned by dissent forces or factions from within the party, or by officials who feel excluded because of certain power shifts, access to local government employment, and opportunities to do business with the state amongst other issues that spark conflict (Paret 2015: 347). In many cases, the actual protesting crowds are far from power and the patronage networks which are in the hands of the local elites who mobilise them to do their bidding in exchange for immediate financial and other gains. While sustained problems of governance increase the possibility for eruptions, politicisation, in particular, the pursuit of political objectives for the opportunity to gain propensity to services and other benefits undermines and manipulates the principles and processes of democratic governance and escalates the likelihood of mobilising communities through protest action.

### **3.5. Conclusion**

This chapter has highlighted how insecurity emanates from economic, social and political fault lines which exact high costs regarding the welfare and security of citizens. Manifestly, these issues have been the catalyst to widespread service delivery protests. As citizens become entangled in protest to exercise their emancipatory agency and participatory right to engage with the government over their scuppered attempts in addressing sources of 'want'. Political participation through protests escalates, and this has implications for how state actors respond. Increasingly, subsequent responses are situated in an environment with numerous restrictions on the right to protest. These issues provide good reasons to be wary, given the countries repressive history.

The next chapter explores how the right to protest is being frustrated both procedurally and through forceful state responses. It applies the notion of 'freedom from fear' and its consideration of the relationship between violence and insecurity to illuminate how the above discussed socio-economic and political issues about the delivery of services are increasingly viewed in a securitised landscape.

## **Chapter 4: The Right to Protest Versus the Maintenance of Law and Order**

### **4.1. Introduction**

This study explores how marginalisation and violent protests over service delivery threaten security in South Africa. Protesting is embedded in the country's history; its politics and it is enshrined in the constitution as one of the ways citizens express their rights. It was expected that there would be fewer instances of resorting to protest as a way of addressing grievances in the democratic order. Instead, due to the many emerging socio-economic and political problems, there has been a sharp rise in the occurrence, scale and intensity of service delivery protests.

There is an evident vacuum for comprehensive security that balances the immediate need for economic growth and wellbeing with the long-term objective of achieving systemic social change and inclusion. Security is not autonomous and is subject to economic and political influence. Applying the notion of 'freedom from want' the previous chapter delved into the key drivers behind service delivery protests. It discussed how protests emanate from economic, social and political alienation, particularly because of the country's mounting challenges including the lack of economic and government benefits and responsiveness and how this frustrates the realisation of security.

These challenges point to protesting as an essential avenue for citizens to voice dissent. However, protests have come to provide a clear illustration of the tensions between institutions and the state on the one hand, and the respective communities on the other. Applying the notion of 'freedom from fear' and its consideration of how violence threatens security. This chapter explores the structural and systemic repression of the right to protest. It examines the increasingly securitised protest landscape where the frustration of dissent concurrently begets violence over issues that should remain squarely in the socio-economic and political realm.

### **4.2. The violent nature of protests**

Protests usually begin in a non-violent manner within constitutional and legal parameters. They follow lengthy community meetings, discussions and marching to hand over memorandums to appeal to local leaders and municipalities. The escalation results from more acrimonious exchanges between protestors and the elected representatives or civil servants and police. When faced with the frustration of their constitutionally protected rights, protestors increasingly turn to blockading roads and disrupting patterns of daily life.

Worryingly, citizens are willing to use extreme measures of violence to get their points across, this was illustrated by recent cases which deviate from the generalised norms of protest action.

These include the type of blockading and disruption which was seen recently in the widespread protests along the N3 highway in Mooi River, where protestors targeted trucks and looted their contents before setting them on fire, causing extensive damage worth over R200 million (The Mercury, 2018). It also happened in the North-West Province, where millions in property damage resulted from violent protests in several parts of the province. These were over multiple issues including the delivery of services such as housing and sanitation, as well as corruption and the removal of the premier (Gordon & Bohler-Muller 2018). The North-West protests coincided with a health care services strike in the province's hospitals, while a similar strike also took place in Gauteng, particularly in Johannesburg's Charlotte Maxeke Hospital. Both of which resulted in the disruption and the degeneration of crucial healthcare services. Doctors, patients were forcefully removed from hospital wards, and delivery of supplies was denied. The consequences of these protests were not only a disruption of hospital systems, but they also hindered the ability to deliver chronic medications, perform operations and treatment of sick patients and loss of life (Section 27 2018).

Paradoxically, the growing militancy during protest action also sees the damaging of public infrastructure. State property including government buildings such as police stations, home affairs offices and public sites such as libraries and clinics are targets of destruction. This is done with the aim of getting media, and eventually governments attention to addressing the particular grievances of the time. A case in point is the violent protest-related action in Vhuwani, Malamulele and surrounding areas of Limpopo over municipal demarcation and the delivery of services in 2016 and 2017. The protests saw the damaging or destroying of 29 schools and left 42000 children out of school for many months. The Department of Education estimated the physical damage to be over R500 million (Lancaster & Mulaudzi 2016). A more recent example of this behaviour was the burning of a clinic, community hall and municipality offices in the Eastern Cape's Amahlati municipality by the protesting community due to unhappiness over the delivery of services (Sicetsha, 2018). Both cases provide a glimpse of the increasingly complex nature and extent of public violence in the country.

Other targets include innocent bystanders who experience intimidation, local politicians whose property and vehicles are torched and foreign nationals of African descent whose spaces of informal trading, business and places of residences often become sites of looting and arson. While the idea behind protests is for law-abiding citizens to demonstrate frustrations, an implication is that more radical elements gradually replace legitimate protestors and protests are increasingly exploited by warmongers and criminals to further their objectives through violence and looting.

Cilliers and Aucoin (2016c) deduced, how violence is a learned expression of grievance and how this can be traced to the country's fractured history. The increasing violent conduct by protesting communities towards state and other institutions becomes a form of human agency or an institutional milieu and trade-off in escalating their demand for respect and services. This violence is borne out of a belief that protest has the effect of making their voices heard by key decision makers. Von Holdt (2011: 28) notes how 'people talk about violence, how it empowers them, how it gives them a sense of being able to engage authorities'. Booysen (2015: 270) similarly claimed that 'visibility and spectacle are invaluable protest assets'. Peaceful service delivery protests often went underreported with little media coverage, as they were not as interesting to report on as protests that are characterised by violence, disruption and general disorder (Duncan, 2017a). Media coverage of protests also exaggerates this phenomenon. As a result, protestors engage in such conduct to attract media and for government to pay attention to their underlying issues.

#### **4.3. Protest in a human rights framework**

South Africa's entire population possess freedoms including speech, assembly, association and to peacefully express views, even in opposition to government policies and practices. Similarly, the South African constitution affords the right to physical integrity and security. The South African constitution created wide-ranging mechanisms for the protection of these fundamental human rights. Its founding provisions declare a 'commitment to human dignity; the achievement of equality; the advancement of human rights and freedoms; constitutional supremacy; the rule of law and a system of multiparty democracy to ensure accountability and responsiveness' (Republic of South Africa 1996a: 3).

While elections enable direct political participation essential for the functioning of democracy, they are limited to taking place once every five years. In between elections, protests and demonstrations also enable direct participation in governance processes. Section 17 of the Bill of Rights in the South African constitution protects the legal right to assemble, demonstrate and present petitions peacefully. Sections 16 and 18 entrench the related rights for freedom of expression and association (Republic of South Africa 1996a: 9). These rights are qualified by the obligation to act peacefully and with due regard for the rights of others. The state must respect, promote and protect these rights which collectively are the foundation for protecting and promoting democratic values.

The Commission on Human Security (2003: 6) cautioned how the legitimacy of a state no longer rests on controlling and securing its territory, with citizens functioning to support this

goal. Instead, it is a mutual relationship, which also rests on its fulfilment of certain standards of guaranteeing the well-being, human rights and development of its citizens and ‘states which fail in this regard, become increasingly questionable’ (Commission on Human Security 2003: 6). As Vally (2002) observed, ‘civil and political rights are severely circumscribed by the socio-economic and political framework within which they exist’. The 2017 State of Civil Society Report states that only 3% of the world’s population lives in countries with ‘open’ civic spaces where all civil rights are both protected and respected. The report notes how the repression of civic space is occurring on a global scale, in countries ranging from outright authoritarian to more mature democracies. It reports on the violation of these legal rights in over 106 countries, where civic space is either closed, with notable examples including Russia, Turkey and Venezuela; obstructed, for instance in countries including Brazil and Nigeria; and narrowed, for instance, in the United States of America and France (CIVICUS: World Alliance for Citizen Participation 2017). South Africa is no exception to global comparisons. The country has a widely documented history of protest action against the state. Therefore, given its current trajectory, its record in response demands critical reflection. While there has been a series of changes within the political context; social spaces are becoming restricted, with crackdowns on civil rights and citizen’s ability to speak out, organise and act on social and governance issues (CIVICUS: World Alliance for Citizen Participation, 2017).

#### **4.4. The democratic state and repression**

One of the defining features of a state is a monopoly over the legitimate use of coercion through institutional or physical force. All governments have coercive abilities and as rational actors, the desire to remain in power. To achieve this, they rely on a range of resources available to them. Sometimes governments employ violence and repression as strategies to reassert control by suppressing popular dissent which has the potential to escalate and present an immediate threat to their hold on power (DeMeritt 2016: 2). To achieve the political objectives of preventing, silencing and undermining the opposition, they can employ tactics ranging from outright physical violence to legal persecution accompanied by other coercive efforts (Tilly 1978). Such an approach often results in the violation of fundamental freedoms and fundamental human rights; due processes in the administration and arbitration of law and threatens citizens' physical integrity or security.

Repression often presents a cheaper and more appealing alternative which can be deployed at a lower cost, it stands in contrast to accommodation as an approach, via negotiation efforts, reshuffling of personnel or co-opting oppositional forces amongst others as an option. Moore

(2000: 120) argues that ‘states tend to substitute accommodation for repression and repression for accommodation whenever either tactic is met with dissent’, while Regan and Henderson (2002: 25) find that repression increases as the government perceives an increasing level of threat from its opposition. State repression becomes more likely as dissent becomes more violent, more multidimensional, more organized, or more threatening. There is a developing repressive response to protesting by various authorities within South Africa. Furthermore, it is essential to disaggregate who represses, considering how multiple and often competing institutions with varying degrees of authority and capacity comprise the state. To understand the way citizens respond, we must, therefore, consider which state institutions instigate the repression of protests through various means. These include administrative measures from bureaucratic delays to formalism through a restrictive application of laws and court processes and heavy-handed law enforcement as some of the tactics that are used to frustrate, impede and punish protests, all of which are the antithesis of the participatory democracy envisaged in the bill of rights.

#### **4.4.1. Administrative obfuscation**

Significant attention has been given to the role played by police in repressing protest, while the role played by municipalities has often been neglected. By nature, service delivery protests are public gatherings exercised by citizens to express dissent over policy decisions or the pace, quality and distribution of services. They are an avenue of engagement for citizens who perceive existing channels as closed or unresponsive to their needs (South African Local Government Association 2016: 4). As discussed in the previous chapter, the local government is constitutionally and legislatively mandated to facilitate community participation and foster fertile conditions for engagement. The nature of the usual underlying issues and a high level of apathy within local government has brought to bear tensions over the constitutional provisions of the right to protest between municipalities and protestors.

During the Apartheid era, a range of draconian legislation such as the Suppression of Communism Act 44 of 1950 along with the Riotous Assemblies Act 17 of 1956 governed gatherings. The latter gave the government unlimited powers to ban or suppress any gathering at any place for any period. Its replacement, the Regulation of Gatherings Act 205 of 1993 is the primary law regulating assemblies, demonstrations and gatherings in democratic South Africa. It was initially drafted by the ‘Goldstone’ Commission of Inquiry on the Prevention of Public Violence and Intimidation’ to ‘normalise political activity’ in preparation for the first democratic elections (Goldstone 1992: 2). The commission argued that the state should move

away from seeing gatherings as a threat to national security, but recognise them as an essential form of democratic expression and should facilitate them. Hence, the preamble of the Regulation of Gatherings Act recognises that ‘every person has the right to assemble with other persons also to express his views on any matter freely in public and to enjoy the protection of the state while doing so’ (Republic of South Africa 1993: 1). This Act, for the first time, affirmed that citizens had a right to take part in demonstrations and marches and provided for an elaborate procedure for doing so.

The Act stipulates the conditions under which public gatherings may occur, it defines a ‘demonstration’ as an assembly of fewer than 15 people, and as such does not require prior notification to authorities. It defines a ‘gathering’ as an aggregation ‘of 15 or more persons on any public space’, which requires considerably more bureaucratic processes to take place. It provides roles and consultations for parties involved, i.e. local authorities, the police and organisers, who are required to express their intent to conduct an orderly and regulated protest in advance to local councils and police service. The local authorities may impose conditions on the gathering or prohibit it, but before doing this, they are required to meet with the other stakeholders to discuss ways of averting any potential danger which may occur. The Act also permits the conveners of a gathering to appeal to the High Court against any decision to prohibit a gathering or any condition imposed by a local authority.

The regulatory environment provided by the Act gives municipal officials great discretion to regulate gatherings and subject protestors to the very local authorities they are targeting. Municipalities can deny permission, resort to bureaucratic entanglement to frustrate and restrict the space allowed by the right to protest in various ways, often on flimsy grounds based on the Act's pre-emptive, less visible and understood character (Chamberlain & Snyman 2017: 9). For instance, local authorities have the power to prohibit gatherings where less than 48 hours' notice is given, and the requirement of 7 days' notice provides them with a ‘grace period’ which they can use to prohibit proposed gatherings deemed threatening. Furthermore, the systemic last-minute convening of meetings and the withdrawal of the authorisation at the eleventh hour can leave conveners with little opportunity to seek recourse by appealing decisions in court. Arbitrary interpretation justifiable by the Act also sees the imposing of unreasonable conditions or even blanket bans on a considerable number of protests on dubious grounds or overtly technical interpretations (Freedom of Expression Institute 2015).

There is a pattern where those who are opposed to and protest government policies are isolated and targeted through misapplication of the Act. For instance, the Johannesburg Metropolitan Police Department demands the payment of a fee by protest organisers. It is also profiling and



disallowing future gatherings by organisations in the event of disruption and violence (Postman 2018). Most municipalities across the country abuse the right to protest in terms of the act and impose unreasonable restrictions that blatantly disrespect the right to protest. For instance, the Johannesburg eThekweni municipalities and the City of Cape Town have prohibited protests by movements like the Soweto Electricity Crisis Committee, Anti-Privatisation Forum, Abahlali baseMjondolo on grounds that are not recognised under the Act, creating a trend that has intensified since 2012 (Duncan 2016b: 16-17).

Protests are mostly against the performance of the very municipalities or authorities that claim the power of giving permission. For instance, the City of Johannesburg demands conveners to seek permission from a ward councillor, and the Rustenburg municipality insists that traditional chiefs permit areas that fall under their authority (Duncan 2016a). These authorities have conflicts of interest and quite often their reasons for prohibition are not legally supported by the Act. When municipalities make it perversely tricky to protest legally in terms of the Act, aggrieved protesters, who lose their faith over ineffective responses take to the streets 'illegally' without informing relevant authorities. Even in specific instances where protestors successfully manage their way through the constraints of the Regulation of Gatherings Act, the resulting response is widespread criminalisation and instances of abuse through the criminal justice system.

While the above has been the case for most of democratic South Africa, a significant change to this process was brought by a recent landmark constitutional court ruling. On the 19th of November 2018, the constitutional court ruled that the right to demonstrate and protest without fear of arrest as entrenched in Section 17 of the constitution remains non-negotiable. The court also ruled that the section 12(1)(a) of the Gatherings Act that requires conveners to give notices to a local authority for permission to protest, and criminalises their failure to do so as unconstitutional. This ruling affirmed the importance of protesting as one of the most meaningful ways that people can advance their human rights and freedoms and has a significant bearing on the governance of this process in future.

#### **4.4.2. Restriction through criminal justice processes**

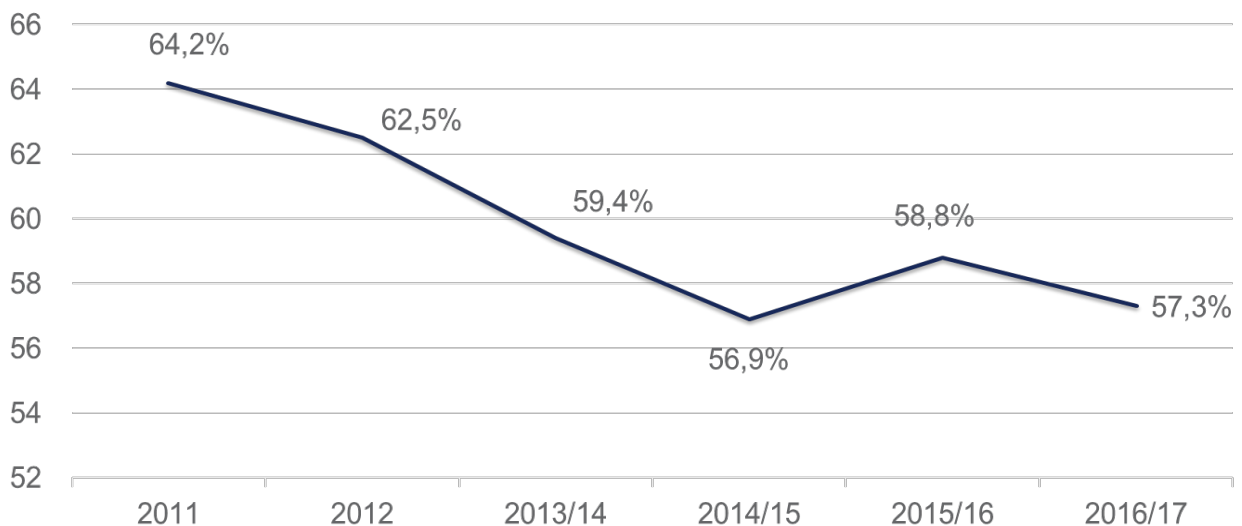
The lack of meaningful dialogue and consensus on critical issues between governing state actors and communities has resulted in the turn to the criminal justice system for arbitration of tensions. This takes place in several ways, the first of which being through court processes. While these are meant to prohibit unlawful conduct, and protect the established rights of the applicant, they are often used to further conflict. In specific cases, citizens are granted relief

from obfuscation of their rights by court judgments that authorise marches and protests or prevent illegal evictions. However, court processes are also seen to be an effective means of ‘disciplining’ communities before, during and after protests (Chamberlain & Snyman 2017: 12). This includes the use of court interdicts and eviction orders to prevent protests from taking place. This tactic is used commonly by mining houses against rural communities, and multinational corporations with operations in cities that are prone to protests. Its abuses have been commonplace during recent university protests and documented widely across recent service delivery protest hotspots in the country (Socio-Economic Rights Institute 2017: 55). Furthermore, judgements often include orders with broad descriptions which make it hard to discern lawful conduct from unlawful and often also include vague and unnamed respondents who are not described, making them hard to oppose. This makes it easy to use and misuse them to prevent protests (Chamberlain & Snyman 2017: 14).

Secondly, the quelling of on-going protests is facilitated through criminalisation and persecution of protestors through measures that include gratuitous arrests on the grounds of trespassing and charges such as public violence and damage to property against protest members and leaders. Following an arrest, there is often abuse through bail processes. These include the unjustified denial of bail, spurious delays and postponements. Where bail is granted, the amount is often set too high, subjecting poor protestors who cannot afford the required amounts to lengthier stays in custody (Delaney 2016: 10). Another trend is the imposing of strict bail conditions that restrict political rights such as discontinuing political or organisation protest activity or relocation, pending the conclusion of the trial (Duncan 2013). When the above discussed procedural measures fail to adequately prevent protests, there is a reliance on direct policing responses to maintain law and order during protests. However, protestors are often described as ‘illegal’ and ‘criminal’, particularly when they are disruptive and have violent elements (Chamberlain & Snyman 2017: 16). Such labelling dismisses consideration of their constitutional legitimacy and escalates the likelihood of the use of excessive measures to disperse them. A defining characteristic is the disproportionately violent response is the use of water cannons, rubber bullets, barbed wire, and tear gas and excessive force against protestors and bystanders by SAPS units, private security companies and Metro Police. Duncan (2016b: 11) emphasises how ‘most protests which occur in the country are largely peaceful, and how in many cases, it is state responses that take a violent turn’. This, in turn, structures community perceptions towards the Police, who come to the represent antagonism and resistance which results in or worsens violent confrontations, leading to running street battles and unrest.

This is mostly the case, especially in so-called ‘hotspots’, i.e. urban areas, faced with ongoing struggles for essential services and limited fruitful engagements with state officials. After protests flare up, these areas are characterised by lockdowns, the breakdown of group gatherings, and the harassment of group activists through raids and assaults, which as opposed to fostering a state of calm, breeds further enmity (CIVICUS: World Alliance for Citizen Participation, 2017). The growingly strong handed approach of quelling protests and establishing law and order often goes beyond the scope of regulating, and monitoring does not allow for the realisation of critical democratic instruments and fundamental civil rights by turning dissent into silence. This problem is amplified at a local level where the absence of the watchful eye of the media along with the economic vulnerability of community members, has meant that the different arms of state power have been less inhibited.

**Figure 7: Household satisfaction with the police, 2011-2016/17**



Source: <https://www.statssa.gov.za/publications/P0341/P03412016.pdf>.

This pattern is reminiscent of how law and order were maintained during the brutal apartheid era, echoing the memories of the Sharpeville massacre and Soweto uprisings. While substantive changes have taken place within the national security architecture since Apartheid ended, McKinley (2013: 123) contends how in several instances ‘the mindsets and practices that structured apartheid responses to dissent and conflict have crept into our new democracy found a generally warm embrace amongst the ANC leadership, regardless of the affirmation of basic civil-political rights in the new constitution’. Worryingly, the pattern of repressing the right to protest is exemplified and reinforced by several developments within the police service and the security cluster in general.

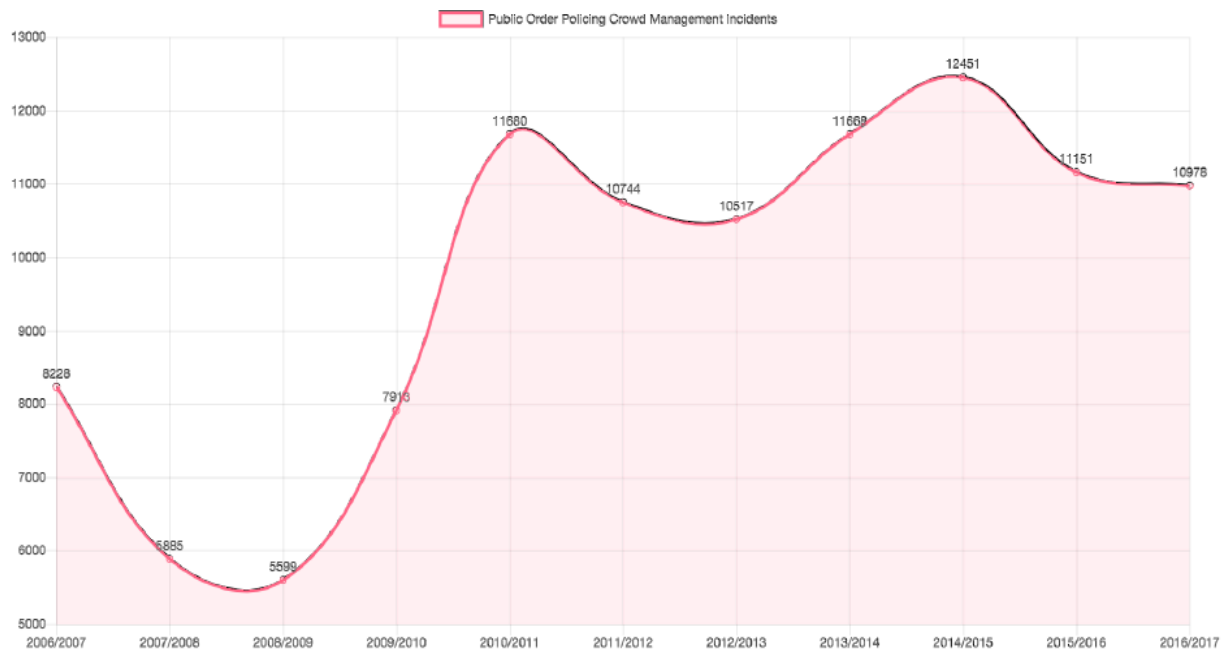
## 4.5. Heavy-handed state responses to protests: developments towards securitisation

### 4.5.1. Policing protest

With regards to the policing of protests, there are legislative developments including the 2011 amendment to the Criminal Procedures Act 51 of 1977, as amended which sanctions police to use force or ‘deadly force’ in response to various threats which need not be ‘imminent’, ‘grave’ or ‘serious’ (Ballard, 2012). The wording of excessive force is quite broad and open to interpretation and possible abuse. This is risky, given the potential influence, it may have on how police respond to residents and protestors, i.e. in a way similar to how they deal with dangerous criminals.

Furthermore, there is the increasing misuse of statistics and the ‘talking up’ of violence by police to criminalise non-violent protests and to justify greater repression and funding and resources (Alexander, Runciman & Maruping 2016: 12). This is given credence by the increasing reports on plans to double the Public Order Policing numbers and upgrade physical resources (Delaney 2016: 3). Despite the recommendation by the Farlam Commission Report after the Marikana Commission of Inquiry, all these developments are taking place at a time where there is still a limited emphasis on adequate training in crowd management, (Dawson 2010: 108; Bruce 2018: 84).

**Figure 8: Public Order Policing Crowd Management Incidences**

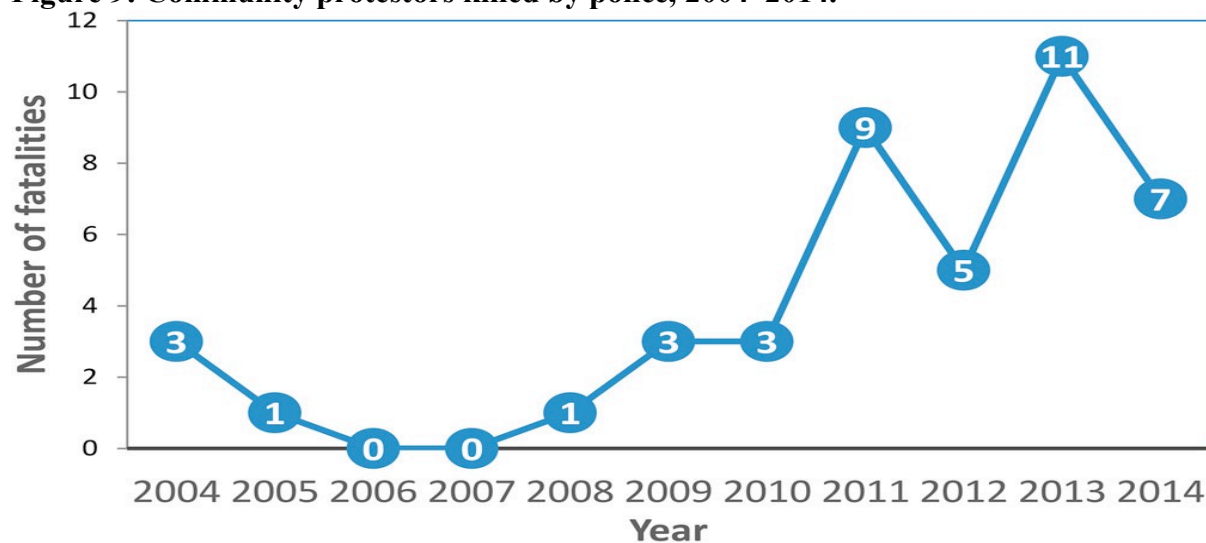


Source: <https://issafrica.org/crimehub/facts-and-figures/criminal-justice-performance>.

Protest are often presided over by the Public Order Policing unit of SAPS. The established regulatory framework for Public Order Policing, in the 1997 Policy Document on Crowd Management, and the formalised Standing Order 262 of 2002, require dialogue and proactive conflict resolution; preplanning of operations; effective information gathering; proper briefing and debriefing of members involved in a crowd management operation and, importantly, minimal and proportional use of force (South African Police Service 2002: 1). It is difficult to discern who instigates violent behaviour between protestors and the police, however, in many cases, the mere presence of police acts as provocation and police have been accused of antagonising communities. Public Order Policing interventions have become marred with brutality and disproportionate use of force. In 2011 for instance, Andries Tatane, a civilian community activist was shot and killed by police while protesting for service delivery in Ficksburg. The protest was deemed peaceful before police intervention and only turned violent shortly after (Human Rights Watch 2011).

The trend of increased police brutality is not limited to incidences of communities mobilising for service delivery. It is also present in other forms of protest, most notably, industrial action. Readily seen through the deaths of 34 striking mineworkers in Marikana over salary raises, which has become known as the Marikana Massacre (Bruce 2017: 9). This provides a clear depiction of how political elites subscribe to deploying the more vigorous use of force against ‘socially and politically marginalised’ victims (Bruce 2010: 5). This increasingly militarised policing culture is personified by the growing involvement of tactical paramilitary units from the Tactical Response Teams and the National Intervention Unit for crowd control functions in protest action.

**Figure 9: Community protestors killed by police, 2004–2014.**



**Source:** <https://issafrica.s3.amazonaws.com/site/uploads/Public-violence-13March2014-Peter-Alexander.pdf>.

The rise in protests within cities, and the criminality and disorder which often follows these protests; against the backdrop of an increasingly strained South African Police Service, has resulted in a need for the involvement of Metropolitan Police for maintenance of law and order. A framework for the establishment, functions and control of Municipal Police Services is provided for by the South African Police Service Amendment Act (No. 83 of 1998). It describes the statutory functions of municipal police service as traffic policing, policing of municipal by-laws and regulations and the prevention of crime (Rauch, Shaw & Louw 2001: 2).

Section 14 of the National Instruction 4 of 2014 states that Metro Police can only engage in crowd management operations as first responders until the trained Public Order Policing members arrive. They are only mandated to contain the situation and are not allowed to use force or disperse crowds. However, there are several questionable developments regarding their involvement in crowd management and dispersing. Firstly, the Metropolitan Police often lack adequate training to perform the functions of policing protest. This is illustrated by how they frequently, go beyond their ancillary role, and how, along with specialised private security actors, they are often accused of employing brutal tactics and physically abusing protestors and the use of lethal force (Roberts 2017: 52). For instance, they are liable for multiple injuries and deaths during service delivery protests in eThekweni, Johannesburg and Pretoria since the start of 2018, and previously during the Fees Must Fall protests in 2016 (NUMSA 2017; Dawood 2018 & Mitchley 2018). In other cases, Metropolitan Police are increasingly armed or procuring equipment intended to exert maximum force in response to protests. A case which provides empirical evidence to support this claim is the eThekweni Municipality which procured four 'casspir military vehicles' from state-owned arms manufacturer Denel to deal with riot situations (Mbanjwa & Mngoma 2017). Besides performing their initial functions of policing as a first resort, this takes place in the absence of substantial legal provisions for the way they ought to manage protests.

#### **4.5.2. The State Security Agency**

The 1995 White Paper on Intelligence provides a framework for the role of intelligence services. It states that in the South African context, 'the mission of the intelligence community is to provide evaluated information with the following responsibilities in mind: the safeguarding of the Constitution; and upholding of the individual rights as outlined in the Bill of Rights contained in the Constitution. The promotion of the interrelated elements of security, stability, cooperation and development, both within South Africa and in relation to Southern

Africa. The achievement of national prosperity whilst making an active contribution to global peace and other globally defined priorities for the well-being of humankind' (Republic of South Africa 1996c: 2).

In practice, the culture of secrecy which defines the State Security Agency resulting in increasingly questionable behaviour, particularly the abuse of its domestic functions. Dating back to the days preceding the ANC's 2007 Polokwane conference, and the period of Jacob Zuma's presidency of the country from 2009 until early 2018, the State Security Agency has often targeted, silenced those in opposition to ANC factional divides and opposition government policy, and adopted as a covert measure to undermine and quell protests (Duvenhange 2016).

There are numerous reports of the State Security Agency routinely soliciting information and directly infiltration protests movements, as well as compromising and abusing the rights of protesting citizens, activists and social movements through intimidation and harassment (Duncan 2017c). Pointing to the growing paranoia within the State Security Agency, former State Security Minister David Mahlobo, argued that protests by several civil society and non-governmental organisations are a threat to the country's security. He described protests as 'Colour Revolutions which are a result of nefarious activities of rogue NGOs threatening national security' (Mahlobo 2017).

Talk of 'Colour Revolutions' has been invoked by semi-authoritarian regimes as a doctrine in response to protest movements, and its appropriation by the SSA to the threat of regime changed stretched the definition of what constitutes legitimate threats to the democratic order. As a result, legitimate organisations and protest movements advocating for human rights were vilified and treated as criminally suspect, investigated and subverted (Duncan 2017b). This was readily seen throughout the Fees Must Fall protests and how state security agents were recruited and tasked to infiltrate the movement and through the efforts to intimidate and threaten civil-society, journalists and watchdog institutions (Gaebee 2017).

#### **4.5.3. The South African National Defence Force**

One of the most prominent signs of securitisation is the deployment of the military within the domestic context to perform normal policing functions. Given existing levels of disorder, criminality and violence which are associated with protest hotspots, there have been a growing number of voices which are calling for the deployment of the army in response to bring order and calm. The latest being in the Western Cape, which has been contending with high levels of instability as a result of high rates of crime and violent protests and a breakdown in policing.

In addition to similar calls by former Police Minister Fikile Mbalula, the official opposition leader, Mmusi Maimane and Western Cape Premier Hellen Zille have made requests for these deployments (Democratic Alliance 2018).

There have been previous justifications for several deployments of the army within the domestic context. Initially, they have been deployed in a range of crucial functions including some border control, emergency operations in the wake of dangerous floods and snowfall, and relief operations in the wake of national crises (Louw-Vaudran 2018). A recent example of the latter being the deployment of the Military Health Service of the South African National Defence Force to the North-West Province earlier in 2018 during protests to help alleviate the pressure of the labour strike affecting the province's health department (Mahlali 2018). This was done to help preserve life, health and property and ensure the provision of essential services as allowed by Section 18 & 19 Section 19 of the Defence Act 42 of 2002.

Section 201 of the Constitution of the Republic of South Africa makes provision for the deployment of the South African National Defence Force to support the South African Police Service when deemed 'necessary' (Republic of South Africa 1996a: 104). There are strict prerequisites; the army may only be deployed by the president, who must inform Parliament and give detailed instructions for the deployment. This includes how many soldiers will be deployed, how long they will be deployed when precisely the deployments start in which areas precisely and what their responsibilities will be. The White Paper on Defence states that the army should only be deployed in support of the police 'in the most exceptional circumstances, such as a complete breakdown of public order beyond the capacity of the South African Police Service, or a state of national defence' (Republic of South Africa 1996b: 7).

Opting for the military approach towards policing functions in response to domestic problems of law and order has several pitfalls and may have widespread ramifications, particularly in a democratic country like South Africa. For one, there are nuances regarding doctrine, training and mandates which must be considered. The military is trained to protect the country from external threats such as war and to use force more readily than police, while the police are trained for domestic law and order functions and to use negotiation and minimum force (Newham & Burger 2017). The military may struggle to adhere to and apply standard police rules and procedures. Due to its structural nature, assault/ offensive weapons and vehicles, the army comes with a degree of power and authority ideal for highly unstable environments (Burger 2017). This may result in widespread abuses and breed a heightened sense of fear among communities.



A problematic example is a deployment to the 2017 State of the Nation address after former President Jacob Zuma announced that he had authorised the ‘employment’ of 441 members of the South African National Defence Force ‘for service in cooperation with the SA Police Service to maintain law and order during the opening of Parliament.’ This was immediately interpreted as a use of the military to intimidate political opponents and constituted an attack on constitutional democracy (Newham & Burger 2017). An earlier example is the controversial crime-fighting blitz, Operation Fiela in 2015. The Inter-Ministerial Committee on Migration, which was established in response to the widespread violent attacks on foreign nationals in 2015 recommended deploying the army to assist the SAPS ‘maintain law and order’ in several xenophobic hotspots which were characterised by general disorder and high levels of crime. The President notified the Speaker of the National Assembly of this deployment in a letter on 23 April 2015, which stated that the President ‘had employed 338 members of the South African National Defence Force to assist the South African Police Service to maintain law and order in Gauteng, KwaZulu-Natal and any other areas in the country as the need arises...for the period 21 April to 30 June 2015’. The operation became defined by many crackdowns, widespread deportations and acts of abuses targeted towards the very foreign nationals it was intended to protect (South African National Defence Union 2015).

Consequently, the militarised response of the operation failed to address the causes of the violent attacks. Instead, many of the hotspots still experience high levels of criminality and other deep-rooted structural socio-economic issues and service delivery backlogs which provided ripe conditions for the first wave of attacks, and the more common attacks are taking place sporadically in these areas to date (Burger 2017). Instead of deploying the military, this points to the importance of addressing the many socio-economic and political problems which the communities are dealing with through the various and relevant state departments which can bring the necessary services and infrastructure.

#### **4.6. Conclusion**

There has been immense political influence and manipulation of processes which result in service delivery protests becoming viewed through security lenses as a threat to stability and order. This then archives the legitimisation of various actions on the part of state actors. Several events such as the widespread criminalisation of protests point to how protesting have moved from being considered as a fundamental right of political participation, to threatening state institutions and the functioning of government. This, in turn, has been used to justify the adoption of a range of extraordinary measures outside regular political activity and democratic

institutional policies to stabilise the situation. As a result, attempts to hold various government institutions and actors to account through protest have become equated with resistance, resulting in a securitised response where security actors and institutions hold a great deal of authority in the states responses to dissent. This means that social, economic and political problems which result in these protests over service delivery are no longer dealt with through a consensual process.

## Chapter 5: Conclusion

### 5.1. Introduction

This research investigated marginalisation as a source of insecurity, particularly how it threatens stability and the welfare of the population within South Africa. It focused on service delivery protests and asked whether its ‘securitisation’ is an appropriate response. This last chapter will provide the summary and evaluation of the data presented in the preceding chapters. The chapter concludes by highlighting the value of the research towards understanding the complex nature of the South African context and provides recommendations for policy-making.

### 5.2. The structure of the study

Chapter one introduced the study and explained how it would be conducted. The chapter identified the research theme and indicated the context of the study. It provided an overview of the literature to highlight the thematic areas of interest which included marginalisation, governance, service delivery as well as protests and violence. The chapter briefly introduced the theoretical constructs to ground the study. It demarcated the research problem within the complex interplay between marginalisation and security in order to investigate the question of service delivery protests within South Africa. The chapter also explained the research design and methodology to be used for the parameters of the research and lastly the structure of chapters.

Chapter two provided the theoretical framework for understanding the research. The chapter provided a comprehensive discussion of the concept of security and outlined its traditional understanding and evolution towards the notion of human security in the international arena and within South Africa. The country moved towards adopting a definition of national security that included human security, human development and human rights as crucial elements of its national security. The chapter clarified the broad distinctions within human security; particularly the notions of freedom from want and freedom from fear. Firstly, considerations of economic, social and political want which fuel marginalisation, as discussed in chapter three. Secondly, the consideration of violence and repression discussed in chapter four respectively. Furthermore, this chapter also explained the critical tenets of the Securitisation theory as the basis for the later discussion and assessment of whether grievances over discontent have made it onto the threat agenda and whether this is justified. This is important in assessing the increasing resort to more coercive responses and the effectiveness thereof. The clarification of

these distinctions is important in mapping out the security challenges represented by service delivery protests within South Africa.

Chapter three applied the notion of ‘freedom from want’ to interrogate the structural manifestation of marginalisation within South Africa. It explored the socio-economic and political context, focusing on the drivers that fuel marginalisation and are the catalysts for mobilisation through protest to highlight grievances. Firstly, the discussion of the socio-economic drivers focused on the impact of persistent poverty and unemployment as well as inequality and deprivation. The chapter explored emerging drivers, including spatial marginalisation as well as urbanisation and migration. Secondly, it provided a comprehensive discussion of the political context and assessed the impact of the failures of the developmental state regarding crucial local government functions and the lack of consultation; participation; and accountability. The assessment is that these factors have fuelled disillusionment with political processes and outcomes and inevitably contribute to the insecurity that manifests through violent service delivery protests.

Chapter four applied the notion of ‘freedom from fear’ and its consideration of how security is attainable by protecting people from violence, especially in a landscape increasingly characterised by discontent and want. The chapter located service delivery protests within a human rights framework and discussed the administrative, legislative and physical ways in which this right is frustrated. These processes fuel violence which often results in the damaging of private and public properties and endangers human lives. They lead to disruption and regression of the delivery of services to these communities. Alarming, these problems have increasingly justified how authorities in the current dispensation have quickly turned to a more repressive way of responding to these problems and adopt coercive methods in response.

### **5.3. Overview of findings**

Service delivery protests are a complex phenomenon which results from the interplay between the country’s social, political and economic realities. These conditions fuel the marginalisation experienced by many sections of society and create expectations on the state to improve living conditions through the efficient delivery of services. The government’s performance towards achieving a more inclusive society has been left wanting. This is illustrated by how governance, particularly at a local level, has been defined by persistent failures in many respects. This has fuelled discontent, which if left unabated could pose a threat to conventional democracy by fuelling political instability and therefore posing a risk to security. This likely outcome is

witnessed readily through the violent nature of service delivery protests and the violent responses to them.

While the primary objective of politics and government is to protect the existence and to ensure the survival of the state, the inherent linkages between material well-being and protection of the population are just as important for security. These principles are stipulated in South Africa's constitution which states that 'national security must reflect the resolve of all South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life'. Furthermore, this objective is evident in how the National Development Plan aspires to build 'liveable, safe, resource-efficient cities and towns that are socially integrated, economically inclusive and globally competitive, where residents actively participate in urban life'.

South Africa's contemporary realities and concerns can be located within the broadened security agenda as demonstrated in chapter two. The country enjoys relative stability, where the threat of conventional war at a regional and global level is not immediate. It is also inextricably linked to the global context, therefore emerging challenges, especially the impact of migration to a weak global economic climate are risks which have an immediate bearing on domestic challenges. However, internal fragility stems mostly from several fault lines which mainly include the systemic unemployment, poverty and inequality which exacerbate the physical and economic insecurity of the population. As early as 1994, a more inclusive society was at the core of the agenda, it included the adoption of substantial constitutional protections for social and economic rights. Nonetheless, issues of unemployment, poverty and inequality, perpetuated by several other socio-economic drivers collectively continue to perpetuate deprivation, exclusion and want for most of the population.

Politically, the fault lines are exacerbated by governance failure, especially at a local level within municipalities. Some of the main impediments to the achievement of functional systems of government and service delivery towards empowering the population include financial mismanagement and wasteful expenditure; lack of capacity and corruption. This is in addition to several perennial challenges of accountability, and political participation. These issues widen the divergence between state institutions and society and create the disengagement and alienate communities as discussed in chapter 3(34-36) and chapter 4(41-44).

The interplay between these everyday social, economic and political realities and the resulting marginalisation being permanent are the biggest threat to democracy. These issues are the causes generating social unrest and heighten the possibility of eruptions of protest that is accompanied by disorder, with disruptive and violent features. This pattern is becoming a more

acceptable method of political participation that brings more results than peaceful actions as an increasing segment of the population comes to regard them as more effective. Further amplified by increasing migration and deteriorating economic climate and polarising political discourse ‘these threats’ could, in the immediate term, increase the possibility of tensions and violent conflict particularly along ethnic, racial, xenophobic and even class lines with unacceptable levels of public violence prevalent.

The turn to violence and disorder during protests on the part of communities is amplified by antagonism with actors within the law and order establishment. In response, these actors resort to increased levels of repression. Often, their conduct threatens the right to physical security and violates the right to political participation of protestors while eroding the legitimacy of their conduct in maintaining law and order. This issue poses a risk to the maintenance of values on which post 1994 democratic South Africa was built. Furthermore, the normalisation and legitimisation of force as a solution to discontent also dismisses the underlying concerns which drive citizens to the point of protest and dismisses the opportunity to deal with the causes of the problem. The adoption of more repressive measures such as heavy-handed policing to address rising frustrations with marginalisation will only escalate public violence. This research concludes that Securitisation is not a necessary nor sufficient response to the challenges of marginalisation and service delivery protests.

#### **5.4. Recommendations**

Marginalisation, and the resulting violence accompanying service delivery protests is not merely a security issue. It has deep-rooted social, economic and political causes and consequences which can be addressed by the adoption of a range of measures regarding inclusive development, governance and ways of ensuring public safety and order. As a point of departure, to achieve the kind of security envisioned by the constitutions and the objectives of the National Development Plan, in light of the insecurity posed by marginalisation and a lack of service delivery. The draft Integrated Urban Development Framework, for instance, argued that attention be given towards four strategic goals regarding:

- Access: to ensure people have access to social and economic services, opportunities and choices;
- Growth: to harness urban dynamism for inclusive, sustainable economic growth and development;
- Governance: to enhance the capacity of the state and its citizens to work together to achieve social integration; and,

- Spatial transformation: to forge new spatial forms in the settlement, transport, social and economic areas.

The above described problems are the result of widespread failures in fulfilling the basic requirements of governance as expected. As a result, this needs an effective response from both the political level, and in governance. This research proposes, firstly, the implementation of intervention programmes aimed at socio-economic reforms which are necessary. These must be driven by an imperative to improve the quality of life and addressing the developmental backlogs of those who reside in informal settlements and other nodes of South African society characterised by exclusion. This can be achieved by mitigating and transforming the structures that perpetuate these conditions. For instance, spatially; settlements in the urban areas are transforming rapidly, either restructuring or expanding because of population growth through endogenous household growth, migration and urbanisation. This transformation exacerbates the challenge of addressing both post-apartheid developmental challenges and generates an as yet unmet demand for housing and other services. As such, there is a need for greater emphasis on proactive responses including improved spatial, infrastructural and developmental planning. This can mitigate the strain and create a conducive climate for the efficiency of land use, provide innovative housing and settlement solutions and stimulating investment and growth in the local economy to ensure that these areas do not become reduced to a permanent state of underdevelopment.

Secondly, governance reform, which is aimed at the improvement of the delivery of services. The reform can be spearheaded by the placing of greater emphasis on the appointment of competent civil servants and emphasis on continuous improvement of skills to effectively respond to the evolving demands of public service. These must be accompanied by improved action aimed at tackling the systemic culture of corruption. At a local level, interventions to mitigate against corruption and crime must focus on both administrative and political office holders. A culture of transparency can be ingrained into local governance via building effective monitoring, regulation and oversight mechanisms into processes. For instance, giving attention towards strengthening regulatory oversight mechanisms and institutions such as the Chapter 9 institutions of the constitution, including the Public Protector and Auditor General. Furthermore, prioritising responsiveness amongst these local government officials in administrative and political office through participatory mechanisms and processes of local government. Instead of being indifferent to community concerns by refusing memoranda, addressing crowds and even initiating remedial action, will allow for more constructive

engagement between local government officials and communities and prevent any escalation from emerging.

However, in instances where government officials are primarily unresponsive, and the community is desperate and intensely frustrated, the most likely scenario for violence cannot be dismissed. As described above, this can then be exploited by political opportunists and especially made worse by reactive and overly aggressive law enforcement agencies. In instances where discontent inevitably escalates into service delivery protests, as opposed to the ready reliance on repression, several considerations ought to be made. At the core of these should be introspection on the roles and functions of interventions on crowd management by state institutions and actors. The imperative is that these must become driven within a rights-based approach whose primary consideration is the South African population. In this regard, the section below makes some recommendations.

Firstly, the primary role of the state in facilitating protest should be stated, and the laws and systems that guide this process should continuously be monitored to ensure that they are not implemented in discriminatory or restrictive ways. There is a need for the development of a framework outside of the Regulation of Gatherings Act which has enabled wide-ranging interdicts, blanket bans and other types of restrictions. This legislation should be proportionate, and less susceptible to manipulation. Its methodology should encourage proactive engagement from all spheres of governance and communities. Individuals who are peacefully exercising the right to freedom of assembly should receive protection, even in instances when protests are ‘unlawful’. The 21<sup>st</sup> of November 2018 constitutional court ruling as explained above in the previous chapter is a much-needed step in the right direction, which contribute towards bettering this process. Moreover, in incidences, where acts of criminality and violence are identified, should be dealt with in an individual case by case way, with perpetrators identified and persecuted legally, in a fair and just way.

Secondly, regarding policing and protest, there should be an emphasis on consultation between affected communities and the police, especially with regards to the planning and organising of protests and marches. Consultative approaches will increase cooperation and bring understanding between the relevant parties involved. This will reduce instances where communities come to regard the police as the enemy and to become recalcitrant. It will also encourage dialogue to air out grievances and mitigate potential violence from erupting. Furthermore, there is a concern of deteriorating levels of professionalism within the police service, which was recognised by the national development plan. The weak command and control mechanisms; the lack of effective oversight mechanisms within the police service, point



to an urgent need for the improvement of measures which can ensure accountability. Internal measures include improving systems for the reception of complaints and internal investigative systems and externally through oversight organs including the Civilian Secretariat for Police and the Independent Police Investigative Directorate.

Also important is the appointment of competent people to critical positions, and the need for adequately trained and skilled police officers. Furthermore, there should also be an emphasis on refresher training Public Order Policing, (and metropolitan police as a first resort) that for the members to keep up with their acquired skills derived from training and a strict adherence towards policing policies, rules and functions. While executing the primary responsibility of establishing and maintaining public law and order during protests. Police members must be ensured access to non-lethal weapons and other measures aimed at assisting them to use force effectively and proportionally to minimise levels of violence and above all protect the rights and well-being of the population during protest.

Thirdly, with regards to the deployment of the South African National Defence Force. The principle of primacy of civilian governance has correctly inculcated a culture of general reluctance to use the military as a means for law enforcement. Law enforcement is not a task usually undertaken by the military especially within the domestic context. This is paramount, civil unrest and protest have not metamorphosed into a national security issue, given the limited likelihood of revolutionary violence, insurrection and dysfunctionality. Before invoking talk of 'war' within communities, politicians and other actors should have due caution and consideration of the national and local context before resorting to the generic prescription of deployment of the military for maintaining law and order. The military should only be deployed towards critical functions of securing borders and critical infrastructure, and humanitarian emergencies and not for interim crowd control and policing purposes in normal situations. In this regard, due consideration should be made to how maximum benefit can be extracted from their technical assistance in the provision of basic services such as healthcare and the maintenance of roads and infrastructure amongst others.

Fourthly, the primary role of the intelligence community would be the gathering and effective analysis of information on threats to national stability, the constitutional order and the well-being of South Africans as prescribed by its mandate. It should serve to provide early warning signals and develop avoidance and preventative measures to avert the escalation of situations. Perhaps a clear signal which points to a shift from the deteriorating effectiveness of intelligence services is the approach taken by President Ramaphosa upon assuming office by the recent

appointment of a High-Level Panel to review the mandates, structure, functioning and organisational integrity of South Africa's intelligence bodies.

### **5.5. Conclusion**

In summation, the fundamental principle governing national security is that it should 'reflect the resolve of South Africans to be free from fear and want and to seek a better life'. This research sought to add to the body of knowledge regarding the challenges faced by the South African state and its population in this regard. This endeavour was accomplished by focusing on the theoretical approaches to security. While this was useful for the study, it is a limited analysis of a highly complex situation which demands additional resources of space and time for further investigation.

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