

Voice, political mobilisation and repression under Jacob Zuma

Jane Duncan

Abstract

This paper examines the relationship between shifts in the political opportunity structure, purportedly towards greater openness, political mobilisation and repression under Jacob Zuma's presidency; so, to what extent has Zuma's presidency opened up spaces for political dissent by social movements and political organisations, or have spaces in fact, been closed down?. This paper examines the veracity of the claims that the Zuma administration has been a more sensitive, 'listening government' towards workers and the poor, in the light of Zuma's first year in office. It focusses particularly on the state of protest action as an indicator of the state of health (or otherwise) of the country's democracy under Zuma's leadership. The following case studies are used to discuss these themes: struggles against the unilateral reincorporation of particular Municipalities from one province to another, the regulation of protest action in the South African National Defence Force (SANDF) and the regulation of protest action in the buildup to the 2010 FIFA World Cup. With respect to the anti-incorporation protests, there has been a clear shift in the political opportunity structure towards a reconsideration of a previously non-negotiable set of decisions, and greater points of access to the decision making have been created. However, after encouraging signs that the protestor's demands would be heeded, frustration is setting in at the ANC's deferral of decision-making on the issue, which raises questions about the extent of openness of the structure and is leading to an escalation of protest action. The paper also explores the attempts by the Zuma administration to exert greater control over the security cluster, leading to greater control being exerted by the South African Police Force (SAPF) over protest policing in strategic cases, and attempts to withdraw basic constitutional rights from the military, including the right to unionise and the right to protest.

Introduction: the listening President

In their study on social movements, Donatella della Porta and Mario Diani advanced the theoretical proposition that the greater the number of points of access to a decision-making system, the more open the system, and the more open political and social movements are to moderating their actions and using institutional channels (Della Porta and Diani 1999: 225). The extent to which a system is open or closed has been a central concern of political opportunity or political process perspectives [1], as these contextual factors may create opportunities or set limits on the ability of social movements to make and win demands; so winning these demands is not simply a function of the resources that movements command, but of the openings or barriers to activism (Eisinger 1973: 11-12; Kitschelt 1986). According to Sydney Tarrow, the components of the political opportunity structure include the degree of access to political institutions, the degree of stability or instability in political alignments, the availability and strategic posture of potential allies, and the extent of political conflict among and within the elite (Tarrow in Della Porta 1997: 98). McAdams has gone further to identify the following factors as being crucial to the conception of political opportunities: increasing popular access to the system, the existence of divisions within the elite, the availability of elite allies and diminishing state repression (McAdams 1996).

However, political opportunity structures should not be understood as static phenomena determining when and how political and social movements act, as systems become more open or closed in dynamic interaction with these actors, and analysis should not be blind to the 'regularities [that] lie in the mechanisms that bring in new actors, eliminate old ones, transform alliances and shift the strategies of critical actors' (McAdam et al.: 67). Without wanting to detract from the importance of activist agency, the main focus of this paper will be on factors outside social and political movements that 'set limits and exert pressures' [2] on protest action.

Open systems also adopt more tolerant attitudes towards dissent, including the regulation and

policing of protest. In this regard, Della Porta and Diani note changes in protest policing since the 1960's, with a move towards increasing tolerance, the legitimisation of coercion, and the use of more sophisticated technology to gather information about potential threats to public safety: so, policing styles have shifted away from enforcement of the law to keeping the peace (Della Porta 1997; Della Porta and Diani 1999). More tolerant forms of policing, they argued, allowed antagonists to engage in bargaining, which in turn encouraged institutionalisation as bargaining locks them into agreed courses of action. However, they also cautioned that a more open system did not necessarily make for greater responsiveness to movement demands, as open systems are open to all, including movement opponents. This shift in policing styles was embraced with the advent of democracy in South Africa as well, and policing, including the policing of protests, was brought into line with international policing standards. Fundamentally, the focus of protest policing shifted from 'crowd control' to crowd management', where the police were required to facilitate public gatherings (Meyer 1999; Omar 2006: 8; Omar 2007). However, since the siege of the World Trade Organisation meeting in Seattle in 1999 and the events of '9/11', a reversion to harder forms of policing has also become apparent (Fernandez 2008).

However, during the Thabo Mbeki administration, there were signs of some of these democratic advances being reversed. The Mbeki administration stands accused of having centralised power and reacting with great hostility towards those who he considered his political enemies, either to the left or the right of the political spectrum. Independent social movements were subject to covert and overt forms of repression, with the prohibition of gatherings, coupled with police violence against protests, becoming more widespread (Duncan 2010: 105-127). The very practice of democracy was considered to be deficient, and was described as 'low intensity democracy', where 'the formal requirements of democracy are met, yet under conditions of decreasing competition and declining popular participation' (Southall 2004: 74-75), a democracy characterised by 'fragile stability', where the state is taken as legitimate, but where social problems remain a threat to this stability (Beall, Gelb and Hassim 2005), and a democracy that has become consolidated, but where the extreme maldistribution of wealth has led to a bifurcated civil society that places significant constraints on the country's ability to achieve democratic deepening (Heller 2009: 124).

The coming to power of President Jacob Zuma promised to usher in such an open system, particularly for workers, the underemployed and the unemployed who had been marginalised by Mbeki's '1996 class project'. [3] In *The Democratic Moment*, Xolela Mangcu captured the hope that Zuma's ascent to power would see a shift away from the elite and intolerant politics of the Mbeki period, and towards a more open and responsive 'listening government' that took the grievances of the electorate seriously, especially those who had been marginalised by the Mbeki administration's neoliberal trajectory. The elites, Mangcu argued, were deeply suspicious of Zuma because he represented a threat to their interests: hence the deeply critical, at times racist coverage of Zuma in the media. In an implied criticism of Mbeki's handling of protests, he argued that they were an indication of something having gone horribly wrong, and in his early days as President he attempted to distance himself both in style and substance from the former President's aloof approach to protesting communities (Mangcu 2009: 142).

Certainly, early into Zuma's presidency, there were signs that his administration was serious about creating more points of access to the system, thereby de-escalating conflicts around public participation and service delivery questions, many of which had spilt over into protests. The post-Polokwane period saw a much more activist Parliament exercising oversight with great vigour over government Departments, marking a break from the institution's excessive deference to the Executive (February 2009). Zuma has also been reputed to have a more consultative style, and a narrowing divide between the ruling African National Congress (ANC) leadership and its activist base, coupled with less pressure on the state to centralise power, implied that democratic spaces were likely to open up under a Zuma administration. Also, the opposition the ANC's alliance

partners, the Congress of South African Trade Unions (Cosatu) and the SACP to the Mbeki administration, and their support for Zuma's presidency, had opened up political space for policy debates that did not exist previously, although the tentpole of the Mbeki administration, economic policy, was unlikely to change (Habib 2009a; Habib 2009b).

Eighteen months into the Zuma administration, the following questions arise. Has the Zuma administration created more points of access to the decision making system, in the process ushering in a political opportunity structure more conducive to popular participation than it was under Mbeki? And if he has, are those who use these points of access listened to? Why in a supposedly more open system has protest been used to convey discontent with a range of issues, rather than more conventional channels? How easy has it been for protestors to get what they want from the Zuma administration? Why has violent protest arisen in a purportedly more open system? And is the system more open to some protestors than to others? Any answers to these questions must by necessity be preliminary, as they are not based on a comprehensive analysis of the state of dissent.

This paper uses a series of case studies to test the veracity of Mangcu's arguments about Zuma having ushered in a more open political opportunity structure. It considers to what extent the intolerance of the Mbeki era has been reversed, leading to the Zuma administration adopting a more facilitative approach, or whether continuity in repressive [4] practices is apparent. These case studies include the struggles against the unilateral re-incorporation of Municipalities into other provinces, in which members of the South African Communist Party (SACP) played a prominent role, an examination of the Zuma administration's approach to dissent in the South African National Defence Force (SANDF), as well as dissent in the buildup to, and in relation to, the 2010 World Cup.

Anti-incorporation struggles and the state of dissent in the alliance

The Mbeki administration stands accused of having marginalised the ANC's other alliance partners, and even subordinating the party to the government (Duncan 2010: 108-110). Since Zuma's ascent to power at the ANC's 2007 Polokwane conference, official SACP documents have been at pains to project Polokwane as a major step forward for revolutionary forces in the alliance, in that it opened up spaces for a radicalisation of the National Democratic Revolution (NDR), and a reinstatement of the ANC's control over government. However, the SACP has also warned of attempts by forces in the ANC using Black Economic Empowerment to advance their own narrow class interests, which will merely exacerbate the already high levels of poverty and inequality, made worse by the global recession; instead they have called for a shift in the balance of class power (Tragenna and Masondo 2010: 1).

However, there are indications that many South Africans who looked to Zuma for a 'better life for all', may be disappointed. The conspicuous consumption of a number of African National Congress (ANC) leaders has fuelled resentment. There is also growing evidence of in-fighting in the government, the ANC and the ANC-SACP-Cosatu-alliance, as the uneasy coalition of forces that brought Zuma to office come unstuck and fight for their respective spaces. The trade union movement continues to complain about marginalisation. Clearly, the ANC post-Polokwane has been pulled in conflicting directions by competing class forces, leading to the ANC attempting to put a lid on public criticisms. In March 2010, the ANC NEC took a decision against public spats with the SACP (ANC NEC 2010). [5]

In spite of the ANC's attempt to project a united face with the SACP, protests - some of the led by SACP activists - have spilled out onto the streets. Shortly after Zuma's inauguration, protest action erupted, with violent protests taking place in a number of townships, including Oukasie, Sharpville and Siyathemba. In these protests, roads were blockaded, a councillor's house was attacked and a library burnt down. Since then, protest action intensified, spreading from the major metropolitan areas to more marginalized provinces. Initially, Zuma responded by touring the country, listening to

community grievances, but August 2009, his tone had changed somewhat. Clearly shaken by the ferocity of the protests, he equivocated between a 'law and order response', calling on perpetrators to be brought to book and the security agencies to 'do everything they can to maintain public order and uphold the law', while acknowledging that simply calling for the law to be upheld was an inadequate response. Rather the circumstances that gave rise to the protests must be addressed, which he identified as lack of respect for the Constitution, weaknesses in government institutions, lack of effective communication between public representatives and communities and the weakness of ANC structures (Hartley 2009).

Why did protests erupt immediately after Zuma came to power? Evidence has emerged from preliminary research (Alexander 2010: 34; Kirshner and Phokela 2010, Ngwane 2010: 389) that a number of these protests were led by members of the ANC alliance who - it can be assumed - already had access to political decision makers: so it would, on the surface of things, appear inexplicable that they are veering towards protest action, and increasingly violent protest action at that. It has been argued that these protests could be ascribed to people excitement that they had, finally, a government that would listen to their demands (Alexander 2010: 34): an explanation endorsed by the Minister for Co-operative Governance, Sicelo Shiceka (Duncan 2010: 105-106). Yet Alexander noted a tempering of struggles against the unilateral incorporation of a number of Municipalities from their existing provinces into other provinces during the Zuma era, which he ascribed to the fact that 'Zuma-ite Ministers were being given space to deflect responsibilities that were not available to their predecessors' (Alexander 2010: 34). The anti-incorporation struggles were extremely fierce during the Mbeki period. The unilateral incorporation of these provinces was considered by many residents to be the ultimate insult in a democracy, as a decision about their location, that had profound implications for their ability to access government and services, was imposed: small wonder that Trevor Ngwane has termed these unilateral re-incorporations 'a kind of forced removal by pencil' (Ngwane 2010: 389).

The event that put the episode of contention around unilateral reincorporation of Municipalities into motion occurred in 2005, when Parliament passed legislation to abolish cross-border Municipalities by adjusting provincial boundaries to incorporate affected areas into a single province. According to the Ministry of Justice, cross-border Municipalities performed sub-optimally, mainly because different provincial laws applied for similar functions, creating confusion and negatively affecting delivery of those services that were a provincial competence, such as health, housing and traffic; therefore they had taken a decision to abolish cross-border Municipalities and reincorporate the affected Municipalities into one province (De Lange 2005). This move met with significant opposition in some Municipalities, notably Khutsong (located in the Merafong City Local Municipality, Gauteng, but incorporated into the North-West province), Matatiele [6] (located in KwaZulu/ Natal but relocated to the Eastern Cape) and Moutse (located in Mpumalanga but relocated to Limpopo). Other townships hit by demarcation disputes include Siyathemba, Balfour, which fell into Gauteng, but now falls into Mpumalanga and Ga ba Mothibi, which fell into the Northern Cape, but now falls into the North West; residents would like to be returned to their original provinces. The demarcation struggles give an insight into the complex world of inter-alliance politics, and specifically whether spaces for dissent within the alliance have widened or narrowed under the Zuma administration.

The reasons for resistance to these imposed changes were similar in all these areas, namely unhappiness with levels of service delivery in the provinces the areas were located to, as well as concerns about the distances involved in accessing provincial services from these provinces. Residents also complained about the government's failure to consult with them over its decision to relocate the affected Municipalities (Kirshner and Phokela 2010: 9), which resulted in Constitutional Court challenges to the decisions in respect of Khutsong, Matatiele and Moutse. In the case of the areas hit by demarcation disputes, the SACP and its youth wing, the Young

Communist's League (YCL) have played a key role in these struggles (Kirshner and Phokela 2010: 10; Johnston and Bernstein 2007: 33). With regard to Khutsong and Balfour, Gauteng was considered to be a province with greater economic opportunities than their new provinces, and residents also complained about the distances they needed to travel to access provincial services relative to the distances involved in travelling to Gauteng.

According to youth leader and SACP member Zakhele Maya, there is unanimous support for Balfour to be re-incorporated into Gauteng [7], for what he described as 'geopolitical reasons', namely that it is difficult to participate politically in the Mpumalanga provincial government owing to the distances involved in travelling to Nelspruit, which generally involved a trip to Gauteng first. Elected representatives would have to travel hours to a meeting, which was discouraging political participation and further marginalising a Municipality that is 'financially unviableand coming to a state of collapse'. [8] Furthermore services falling under the province were difficult to access for the same reason. Corporate social investment opportunities were located in Gauteng. With respect to ga ba Mothiba, SACP member Masego Khumalo argued that historically, the area had been located in the Northern Cape, before its forced incorporation into the Bophutatswana homeland, so the community feels a historic and cultural connection to the area from 'stories our great grandfathers told us'. The Northern Cape is a 'stone's throw away', Khumalo stated, and most residents conduct their business in this province. While residents need to travel 120km to access provincial services in Kimberly, they would need to travel at least 400km to access provincial services in Mafikeng. [9] In Moutse, residents alleged a severe reduction in service delivery as a direct consequence of the new provincial boundary (Moutse Demarcation Forum and 15 others 2008: 57). In Matatiele, some residents have argued that their business is conducted more easily in KwaZulu/ Natal, and that Bisho does not offer a comparable level of service. There is some unclarity about levels of support for the struggle to reincorporate Matatiele back into KwaZulu/ Natal, though. According to Zamecibo Mjobe from the SACP and Cosatu, the community overwhelmingly support this move, but that there are 'certain people at a high level' who are opposing the move as they benefit materially from remaining in the Eastern Cape. [10]

After a long and bitter struggle by residents to resist the incorporation of Khutsong into the North West province, the ANC eventually conceded the residents' demands and returned the area to the Gauteng province. The mass resistance against incorporation into the North West was fierce, and included a local government election boycott, school boycotts, and the barricading of streets and, at times, the struggle became violent, and shops were looted and official buildings burnt down. Protestors also burnt their ANC membership cards and T-shirts bearing Mbeki's picture (Kirshner and Phokela 2010: 8). Although residents felt that the ANC's concession was a victory, some felt that the ANC's move was designed to catch their votes ahead of the 2009 National Elections (Weiner 2009), as the concession was made only after a boycott of the elections was threatened. According to Khitshalt, high mobilisation does not necessarily lead to profound impacts if the political opportunity structure is not open to change (Khitshalt 1984: 72); so even though cynical motives could be read into the ANC's decision to concede Khutsong, this decision did indicate an opening up of the political opportunity structure.

Significantly, the ANC did not concede Matatiele and Moutse, although views testing exercises have been conducted in both areas, and according to SACP Secretary in Moutse, Seun Mogotshi and Mjobe, the majority of those who voted favoured reincorporation back into their original provinces. [11] Mothiba has suggested that the ANC's lack of seriousness on the Moutse question is because 'Khutsong was burning more than Moutse and Matatiele'; furthermore the areas are rural, while Khutsong is more urbanised, and the ANC's decision betrayed an urban bias.[12] Mjobe and Mogotshi alleged that local politicians and businesspeople had developed vested interests in remaining in their new provinces, leading to pressure on the ANC leadership to let the status quo remain: according to Mogotji, 'the politics of the moment is the politics of the stomach, not the

politics of principle'. [13]

The ability of protestors to trigger a search for new policy is also an indicator of the openness and responsiveness of the political opportunity structure (Kitshelt 1984: 84), and the demarcation struggles clearly triggered a search for policy alternatives by the ANC. The shift in power in the ANC at its Polokwane conference created political opportunities for a reconsideration of the matter. Shortly before the 2009 National Elections, the government undertook consultations with affected communities and a Cabinet statement at the time noted that further consultation was needed to make a final decision on the matter (Maseko 2009). In his report to the ANC's National General Council meeting (NGC) in September, Secretary general of the ANC Gwede Mantashe noted that demarcation disputes in Merafong had been finalised, but Moutse and Matatiele were awaiting the final decision of a National Executive Committee task team 'assigned to take task of the political management of the process'. He further noted that two additional areas also required consideration, namely Balfour and Ga ba Mothibi. While he reaffirmed the commitment of the ANC to unitary government, which should make the question of where Municipalities are located irrelevant, he also conceded that a budgeting process that placed emphasis on population statistics rather than developmental needs complicated the process (Mantashe 2010). The NGC did not take a decision, and called on the ANC's National Executive Committee (NEC) to speed up the finalisation of these matters (ANC 2010: 43), which will probably result in the next NEC meeting, scheduled for mid-November, considering the issue.

The ANC's failure to concede Matatiele could be attributed partly to the fact that the community chose a very different technique of protest, using lawful means only to protest their incorporation into the Eastern Cape. [14] This decision has affected their relationship to the police, in that the police 'do understand' the community's demands, and are willing to facilitate rather than obstruct protest action as they know that protests will remain in the bounds of the law. The onset of the Zuma administration has also impacted on the relationship between protestors and the police. While Matatiele-based police have always been sympathetic to the community's cause, and cooperation between the SACP and the police was made possible through a local community policing forum, the police from the Eastern Cape were much more violent (Duncan 2010: 124). According to Mjobe:

'Before [Polokwane] they [the Eastern Cape police] were harassing people, and as they were beating ordinary people, like hawkers, so the police took sides, but as we continued with our struggle, our mass actions were never violent up to the present moment. The police do understand. They were sent to harass people, and intimidate people so that they will be less visible in these actions, but we have been making follow up on incidents where people have been beaten and killed. In 2006 to 2008 there were sporadic occasions, where those police who have been planted to control borders were also harassing people in town and villages. We are now integrating them....and cases are fading away day by day. Police now in this Zuma era do not feel the same the way that they did under Mbeki. The SACP and Cosatu are in the alliance, and the police are members of Popcru [Police and Prisons Civil Rights Union], and are Cosatu shopstewards. Zuma is a person who is regarded as having a class bias [towards the working class] and they [the Zuma administration] do this kind of education to them [the police]. [15]

Mjobe feels that the Zuma administration has been more open and responsive on the demarcation disputes, which became evident when the 2007 Polokwane conference re-opened the matter and directed the ANC to find a political solution to the disputes; this resolution has opened political spaces that did not exist during Mbeki's term of office. However, he expressed concern at the amount of time being taken to release the results of the views testing exercise, noting that 'people are asking is this another Zimbabwe?'. [16]

While being a more recent struggle, the ga ba Mothibi community has also chosen the non-violent direct action route, combined with making submissions to formal structures like the Demarcation Board: what Khumalo described as the 'civilised route', which he felt was the most appropriate technique of protest for a 'listening government'. Khumalo felt that the Zuma administration made more promises and was less arrogant than the Mbeki administration; however, he felt that they were still arrogant in that they listened, but did not act. Maya noted that the ANC NGC meeting should have taken the decision about the areas affected by demarcation disputes, and not delegated the matter to the NEC, as the NGC is the second highest decision making body after conference. For Khumalo, delegating the decision to a less powerful decision making organ of the ANC indicated a lack of seriousness in dealing with the matter, and sent out warning signals that the ANC may be equivocating.[17] As with Matatiele, the community has managed to co-operate with the police who are based in the area and understand the reasons for the struggle. After the area's incorporation into North West, the police found themselves having to service more police stations spread out over a greater distance; furthermore, as members of Popcru, they are 'members of the working class and understand the issues better'.[18]

Moutse's struggle has been waged in various ways, using at various stages, negotiating strategies, a Constitutional Court challenge and direct action (violent and non-violent). Moutse has a long history of struggle against unilateral re-incorporation, as the apartheid government incorporated Moutse into the KwaNdebele homeland, in spite of mass protests against the move (Webster 1986: 27). According to Mogotshi, the bitterness of these struggles still lingers in the mouths of the elderly, many who have joined the more recent anti-incorporation struggle, bringing rich experience to this struggle.[19] Unlike in the other areas, in Moutse, eleven SACP members decided to run as independent candidates in the 2006 local government elections, including Mothiba Rampisa, the Chairperson of the Moutse Demarcation Forum, while mobilising the community to resist the re-incorporation. At the time, the SACP's Limpopo region threatened to terminate the membership of all who opted to stand as independent candidates, as their stance conflicted with the SACP's stance to support the ANC in the elections (Tabane 2006).

The ANC won the ward which Ramphisa contested in 2006 (Ward 7 in Greater Groblersdal) (Government Gazette 2006: 1528), and the next year, the SACP in Moutse supported Mbeki's replacement by Zuma on the basis that this would '[lay] a solid foundation for popular struggles in many communities to reclaim their space and provide strategic leadership to the popular discontent with government and/ or the state' (Aphane 2009). But in a significant turn-around of sentiment on the part of the community in the by-election held in May 2010, Ramphisa ran against the ANC Councillor and won the Ward (GCIS 2010), indicating that the ANC was rapidly losing electoral support owing to their failure to resolve the Moutse situation. As a result, the ANC expelled him as a member, sending him a letter of expulsion in June without even calling him to a disciplinary hearing. However, in spite of its earlier threats to expel independent candidates, the SACP has 'managed to close one eye and look with the other eye'[20], suggesting that the Party had recognised that mass support for the anti-incorporation struggles had contributed significantly to its growth in support in the affected areas [21], and that the Party would be shooting itself in the foot by alienating this support. Since taking the Ward, Ramphisa has experienced extreme frustrations, leading to him accusing the ANC of attempting to suppress him as an independent Councillor. According to Ramphisa:

'I am not given any opportunity to do anything. I want them to listen to the voice of the people. What do they do? All the plans were developed by the late councillor, and I am not in a position to bring a new plan, as plans are in place. We can go three to four weeks with not a drop of water, and they may be doing this to suppress an independent candidate. Before that, with the ANC councillor, there was a lot of water, it flowed. The conditions of the roads under the old councillor was good, he was given a grader, but with an independent candidate, roads are dilapidated, and

we don't have access to a grader. Even housing, the previous candidate was given housing, but since then we haven't been given houses. 2011 is on the door, and if they can show that independent candidates don't perform, they will say that they are not viable'. [22]

The police's conduct in the Moutse struggle confirms the Matatiele experience that when the police are external to a community and its struggles, then the chances of them being manipulated politically are higher. The SACP in Moutse has alleged a spate of assaults, cases of intimidation, harassment and wrongful arrests 'aimed at members of the community who hold different political views than those of police officials'. SACP District Secretary Seun Mogotji has been arrested several times for incitement to public violence and public violence, but these cases have been dropped. He claims that he has been declined bail for no good reason. According to Mogotji, 'The police punish before they prosecute. This is becoming a police state. If the government must be criticised, they must be criticised within the framework of the government. Illiterate people are being brainwashed'. [23] In one incident, a comrade of Mogotji's was arrested with him, simply for 'driving with Seun'. In another incident, he says that a senior police officer told him, 'they will make sure I lose my mouth if I don't shut it'. In yet another incident, he describes how a large contingent of police came to arrest him at his place of work, cordoning off the whole building. [24] Unlike Mjobe, Mogotji feels that the police have become even more authoritarian under the Jacob Zuma administration. He said:

'Arrests are mostly about victimisation. The forms of arrest used are meant to silence most of the people. Bail is denied even though there is no good reason to do so. They may take you to a police station far away from home, which they have done with me. They took me to another area where no-one can see or visit me. Things are worse under Zuma. I am even missing (former President Thabo) Mbeki. Senior officers of SAPS are influencing arrests, and politicians are directing arrests. They are misusing their power. Where you need them, they come after three hours, and take sides, once you belong to a party that does not have money, they don't take you seriously. Police can easily be bought...This does happen to other activists, but they check who is having capacity and target them'. [25]

Mogotji attributed this growing authoritarianism in SAPF to the Minister of Police Nathi Mthetwa and the-then Deputy Minister of Police Fikile Mbalula's ANC Youth League backgrounds. Given the League's hostility to the SACP - culminating in its leader Julius Malema recently declaring 'war' on the SACP and threatening to 'beat the dog (SACP) until the owner (Secretary General Blade Nzimande) comes out' (Mabuza 2010) - Mogotji was not surprised that communists are bearing the brunt of the police's wrath.[26] Ramphisa noted that the most violent police came from outside the Moutse area. The police from Thohoyandou in Limpopo were notorious for taking sides, and have been known to beat residents wearing Moutse Demarcation Forum T-shirts. Furthermore, the police allowed and prohibited marches arbitrarily, and while policing marches they make it clear through their conduct that, in Ramphisa's words, 'they are not for safety and security, they are for harassing people'. [27] The largely sympathetic relationship between the police and the community in Matatiele and ga ba Mothibi, made possible by the existence of the alliance between the SACP and Cosatu, did not really exist in Moutse: in fact, Mogotji and Rampisa argued that while the alliance functions at national level, it does not exist at local level. [28]

For the SACP in Moutse, the formal negotiations route has not yielded fruit yet. In February 2009, the ANC Secretary General Gwede Mantashe led an ANC delegation to listen to the views of stakeholders on the demarcation issue. An April Cabinet decision that views testing take place in the area led to views being tested in October 2009, and 74 per cent of the 37 per cent of registered voters who turned out, voted for Moutse to be returned to Mpumalanga. The low turnout of voters, combined with the high number of voters who wished to be returned to Mpumalanga, is troubling. In 2006, 48 per cent of registered voters turn out to vote in the local government elections, so

while voter turnout for the views testing was low, it was not significantly lower than the elections. This was in spite of the fact that the ANC Sekhukhune region had supported the retention of Moutse in Limpopo, and had campaigned to that effect (Aphane 2009). The government has been under pressure from the Constitutional Court as well to take a decision. In terms of an order in May 2010, the Court directed the Minister of Provincial and Local government to file an affidavit spelling out Cabinet's decision about Moutse, and the steps that will be taken to accommodate the concerns of the Moutse community (Constitutional Court 2010: 4).

With respect to Balfour, the ANC responded speedily when the first protests took place in 2009. Deputy Minister Malusi Gigaba held a series of meetings in Balfour to discuss the protests, followed by a surprise visit by Zuma, who returned to the area in May 2010 to address a rally in Siyathemba township (Keepile 2009; South African Press Association 2010c). Home Affairs Minister Nkosazana Dlamini-Zuma, Social Development Minister Edna Molewa and several provincial MEC's were also present, and reportedly Zuma and the MEC's were heckled at the rally. In responding to these events, Maya acknowledged that the Zuma administration was more willing to listen than the Mbeki administration, making the point that when protests took place in Khutsong, Mbeki did not visit the area, yet since the protests began in Balfour, Zuma and six Ministers had visited the area to hear community concerns. However, this attention had not resulted in sufficiently robust service delivery; while there are strides in improving delivery, the changes were subtle. The housing crisis had not been addressed in a major way, and a lack of availability of land had led to land invasions after Zuma's visit. Maya felt that Zuma's ascent to power had changed the balance of class forces in the alliance, noting that alliance relations were bitter before, but now the working class had a voice in the alliance. He also noted a change in operating style of the ANC, where 'things come from the ANC to government rather than the other way round', and attributed the slow pace of delivery to the fact that the Councillors in office are Mbeki-era Councillors that have 'no style towards people-centeredness'. [29]

In Balfour, protests turned violent in July 2009 (SAPA 2009) and in February 2010 (SAPA 2010a). These protests also included attacks on foreign nationals, and in the 2010 protests, a library was burnt down (SAPA 2010b), leading to condemnation about the wanton destruction of what few resources the community had (Department of Co-operative Governance and Traditional Affairs 2010). Maya attributed this behaviour to the continuity in protest styles from the apartheid days, noting that 'people do not understand a culture of non-violence'. Furthermore, mass anger at living conditions led to a 'mob psychology' where the strategies used under apartheid became the preferred strategies because they capture attention. Described by some community members as a 'storeroom' rather than a library, the collection consisted of old books, and was barely functional, opening for short periods at the most inconvenient times for learners. Yet the Mpumalanga provincial government claimed that the Department of Sport, Recreation and Culture had made an amount of R200 000 available to equip it with computer and internet facilities (Department of Co-operative Governance and Traditional Affairs 2010). The act of burning the 'library' was an expressive act with symbolic content: it became a symbol of all that was wrong with service delivery in the area, and a focal point for anger when frustration boiled over. However, Maya argued that violence was the work of a few protestors, and rather than containing those protestors, the police used excessive force against the whole protest, including shooting rubber bullets, which then provoked even more violence: an account which has been borne out by the Centre for Sociological Research's rapid response research (Sinwell et. al 2009: 3-6). He described the police as 'highly brutal', which he attributed to the lack of transformation in the police rather than a repressive impulse on the part of the Zuma administration; during the protests in February 2010, his father and brother claimed that he was beaten by police who were looking for him (Lekotjolo 2010a).

It remains to be seen whether the ANC concedes the reincorporation of the areas discussed above.

According to Tarrow, 'the demonstration effect of collective action on the part of a small group of "early risers" triggers a variety of processes of diffusion, extension, imitation and reaction among groups that are normally quiescent (Tarrow 1994: 156). The demonstration effect of Khutsong has had a profound influence in other areas afflicted by demarcation disputes, and has led to a diffusion of increasingly radicalised forms of collective action. [30] Since the ANC conceded Khutsong, the activists interviewed have adopted a tactical rather than a principled stance towards the use of violence, and all of them observed that they would not oppose the use of illegal or even violent means to achieve their objectives if the ANC did not concede their demands in November. According to Khumalo:

'Our route has been to follow procedure. We have never had any violence. People who get into a march and start to do these things [violent acts], we then call the police if they do these things, but in future we won't stop people from going this route. The government will listen only when tyres and Councillor's houses are burnt. You have fooled us into believing that this is a government that listens. The civilised route has not worked. People only listen when we burn tyres. We will not participate in the census and we won't participate in local government elections. We will make the area ungovernable'. [31]

According to the SACP in Matatiele, many are bitter about the fact that the ANC has conceded Khutsong, which used violence to achieve their objectives, while Matatiele, which has used non-violent means, has been ignored: Mjobe stated, 'The nature of our struggle being non-violent is being taken advantage of. [The] people of Matatiele will have to choose whatever strategy we need to get our way. We are capable of being violent, but have decided to use the correct legal means'. [32]

But more radical forms of direct action are not the only strategies being considered. The SACP in Moutse would consider fielding independent candidates in all wards during the 2011 local government elections: according to Ramphisa, Party members are willing to risk dismissal from the Party as 'the movement must listen to the people'. [33] An electoral boycott is another possibility. The SACP in ga ba Mothibi decided to vote for the ANC in the 2009 National Elections to help the party to stave off the electoral threat posed by the then-newly formed Congress of the People (Cope). But according to Khumalo, 'now we couldn't care less. We will only vote if our people are in the Northern Cape'. If SACP members stand as independent councillors in ga ba Mothibi, then 'we will have to worry about people in the whole Municipality and we will live in the North West for the rest of our lives'. [34]

Within the realm of contentious politics, McAdams et. al have made a distinction between contained contention and transgressive contention: the former refers to those cases of contention in which the actors use well established means of claim making, while the latter consists of episodic, public, collective interaction between claim makers and decision makers, where innovative collective action is used, adopting means that are either unprecedented or forbidden in terms of the existing rules of engagement (McAdams et al. pg. 5). Khutsong, Matatiele and Moutse all attempted contained contention at first, using litigation to have the unilateral decision to reincorporate the areas into different provinces reversed, but apart from an initial victory in the case of Matatiele, the Constitutional Court has indicated its preference for a political solution to the problem, which has thrown the ball back into the court of political contention. However, a political solution has not been forthcoming yet. This has been a key factor in the escalation of protest action, but increasingly the activists leading these struggles have become sceptical that non-violent protest action will yield the necessary results, signalling a shift in approach away from contained contention and towards transgressive contention. The recent memories of Khutsong, coupled with the fact that the ANC conceded Khutsong, has become the standard against which the other struggles are now being measured, and if the ANC fails to concede the activist's demands in

November, then the option of pursuing the 'Khutsong route' is clearly being considered. Repression did not deter the Khutsong community from using illegal means of protest, and in fact repression may well have strengthened their resolve to escalate the struggle. So the Khutsong victory has raised expectations by protestors that their efforts will yield the desired results if the struggle is pursued 'by any means necessary', which in turn will encourage them to escalate their protests (what has been termed the 'value-expectancy model', see Carey 2006: 3).

Another option, still within the realm of contained contention, is to contest for formal political power through the local government elections. However, the ANC is likely to view this step as transgressive, as it involves a challenge to its power in a significant section of its support base. Such a decision may well place SACP activists on a collision course with the ANC. If this happens, then SACP will be caught between a rock and a hard place, and may be forced to take a stand against activists who refuse to provide electoral support for the ANC, rather than continuing to 'close one eye and look with the other eye'. If it does so, then it may well alienate the many supporters it has gained owing to its support for the anti-incorporation struggles. But what is clear from the above account is that the struggle is escalating, and is nowhere near the top of its cycle. The fact that SACP activists in the affected areas are now co-ordinating their struggles is a key indicator of this escalation, although clearly levels of consciousness about the nature of the problem differ, and as a result there are disagreements about the most appropriate tactics and strategies.

The communities affected by demarcation disputes are highly mobilised. Furthermore, protest action in the affected areas is being radicalised, and a strong sense has developed that more conventional forms of protest do not work, but there is no evidence of a revolutionary break with ANC politics, which adds credence to Alexander's argument that these protests are more likely to feed into the SACP and a reform of the system, than the development of a revolutionary movement. But the emerging evidence does not support Alexander's contention that the demarcation struggles have been tempered by the 'promise' of the Zuma presidency: on the contrary, scepticism about Zuma's responsiveness to their demands appears to be growing, although levels of scepticism are uneven. However, there is one major variable that Alexander has not considered, which is the SACP leadership's likely response to the growing tensions between its own grassroots constituency and the ANC. If the SACP bows to ANC pressure and puts a lid on these struggles, then the possibilities of a parting of the ways with the alliance could exist.

Rise of the blanket ban on protests

One of the purported features of a more open system is that protest action is facilitated rather than repressed. Not only is this encouraged to ensure that a safety valve exists for the airing of grievances, but governments also have a vested interest in legitimising and institutionalising collective action as a means of social control, as it is easier to practice surveillance of movement using institutionalised channels and to channel their demands towards more predictable outcomes (Tarrow 1994: 96).

According to the Regulation of Gatherings Act (RGA), the responsible officer (defined by the Act a suitable person appointed by the local authority to act as the responsible officer) must consult with the SAPF about whether negotiations on any aspect of the march are necessary. If they are not, then the convenor is not called to a meeting. But, if after consultation, the responsible officer is of the view that a meeting is needed, then s/he will call a meeting between him/herself, the SAPF representative, the convenor and any other representative of public body that may be affected by the gathering. If agreement is not reached in this meeting about potential problem areas, then the responsible officer may impose conditions on the gathering or even prohibit the gathering, but only on the following conditions: when a responsible officer receives credible information on oath that a proposed gathering will result in serious disruption of pedestrian or vehicular traffic, or that there

will be injury to participants or other persons, or that extensive damage to property will occur, and that police will not be able to deal with such threat, then s/he can consult with the convener and police with a view to prohibiting the gathering.

Any decision taken or given during the negotiations or conditions imposed on a proposed gathering, including the prohibition of a gathering, may be challenged in a magistrate's court with twenty-four hours. Also, the police may prohibit a lawful gathering where it turns violent, or where there is serious risk of injury to persons or property. In this case, the police may disperse the gathering but first, they have to order the demonstrators to disperse 'in a loud voice ... [and]...in at least two of the official languages' and within a reasonable time period. In all cases, police must use 'reasonable force' to disperse the demonstrators (Regulation of Gatherings Act 1993). However, special permission is required for gatherings outside specific buildings. In the case of courts, written permission from a magistrate is required, in the case of Parliament, written permission of the Chief Magistrate is needed, and in the case of the seat of government at the Union Buildings in Pretoria, the Director-general in the Office of the State President needs to give permission (FXI 2007: 7)

It is clear from the provisions of the Act that decision making about gatherings rests with the local authority, and not with the SAPF. Furthermore, it is also clear that prohibitions must be preceded by the procedure set out in the Act. There is no provision in the Act for a blanket ban of gatherings; each case must be taken on its individual merits. Only under a State of Emergency can the derogable right to assembly, demonstration and picket be suspended, but a process spelt out in the Constitution needs to be followed, which applies only to situations where the country is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergencies, and where the declaration is necessary to restore peace and order (Constitution of the Republic of South Africa 1996). Yet, in spite of clear conditions under which the right to assembly, demonstration and picket can be limited and even suspended, under the Zuma administration evidence has emerged of blanket bans in the run up to and during the 19th FIFA World Cup, hosted by South Africa from the 11 June to the 11 July 2010.

In 2009, the Government Communication and Information System (GCIS) declared the World Cup to be 'a communication opportunity of a lifetime', and identified as its key communication objectives as being 'African solidarity, national development and improved international image' (GCIS 2009). The government has also stated its commitment to use the event to turn several South African cities into world-class cities in the eyes of the global community, which should have tangible long term benefits. Mega-events like World Cups have long been recognised as spectacular opportunities for global image enhancement of the host cities and countries (Newton 2009: 95), which is why cities compete with one another to bid for the hosting of these events. South Africa's various host cities spent large amounts to meet FIFA requirements for stadiums, transport and supporting infrastructure, in the hope that this investment would bring long term benefits. Yet the true development benefits of mega-events are in question. These events involve huge financial outlays on facilities that may barely be used afterwards. In some countries that have played host to mega-events, residents living close to stadia have been displaced, and anti-loitering and anti-begging by-laws have led to the effective criminalisation of the homeless. The highly contested nature of mega-events means that host countries are extremely tempted to massage and even control their international image in the run up to and during the event.

The South African government was particularly concerned about its international image in the wake of the xenophobic attacks and ongoing reports about crime, which raised question marks about the country's stability. The service delivery protests that began shortly after Zuma took office were also of grave concern to the country's image makers. [35] Some local commentators even claimed that the international media have engaged in one-sided reporting, in the process damaging the

country's brand. After a particularly negative report by the British Sunday Times newspaper in July 2009, Pierre van der Hoven, CEO of destination marketing company Southern African Direct argued that 'We have to show South Africa in a positive light, through articles, videos, and television productions. We have to tell our stories ourselves - because no-one else is going to'. Yet, interestingly, the perception of negative international media coverage did not match the reality. The media monitoring organisation Media Tenor monitored the statements of 67 media organisations in 19 countries between January 2009 and March 2010 [36], and found the coverage to be overwhelmingly positive, with coverage dropping towards neutral in only two of the months monitored: the only month that coverage was negative (and then only slightly) was in January 2009. Surprisingly, on safety and security, neutral and positive coverage outweighed negative coverage, with the most positive coverage of an issue being reserved for the impact of the World Cup on South Africa.

In spite of the largely positive image of South Africa in the run-up to the World Cup, a series of events leading up to the World Cup precipitated government attempts to project an image of stability in the country, by preventing protest action through a series of unlawful blanket bans on the right to protest. Since protestors brought the World Trade Centre talks to a halt in Seattle in 1999, political opportunities for protest action around mega-events have shrunk. Also, the terrorist attacks on the World Trade Centre buildings and the pentagon have led to heightened security concerns at mega-events, driven by concerns that they may attract terrorist attacks. Police policing of protests has also become much more sophisticated, using a range of techniques other than brute force to stifle dissent (Fernandez 2008). The South African government's overzealous policing of the World Summit on Sustainable Development (WSSD) in 2002 showed that that the country was not immune to the paranoia about mega-events, and were willing to go to extreme lengths to protect it from what it perceived to be threats from dissidents (Ndung'u 2003). As a result of these experiences, extreme measures to protect the World Cup were anticipated in activist circles.

The one incident that caused particular concern in spin-doctor circles, as it was beamed across the globe, involved members of the South African National Defence Union (SANDU), who had notified the local authority of their intention to march to the seat of government at the Union Buildings in Pretoria on August 26 2009. The protestors intended to hand a memorandum to Zuma, who is also Commander-in-Chief of the armed forces, about working conditions in the military, which had been a source of discontent for years. Salaries are low in the military, and the unionised sections of the military have had to approach court several times to secure their right to unionise, and participate in strikes and acts of public protest (Boshoff 2009). Needless to say, the political opportunity structure for protest in the military is greatly constrained by the nature of the sector, which is hierarchical and premised on discipline, leading to tensions between democratic culture and military culture. One of the most contested areas internationally has been around the right of military personnel to unionise: while there are fears that such a concession may open the door to the politicisation of the military, creating the possibility that the military may take sides in conflict situations, and further may undermine good order, discipline or national security, unionisation in the military has gained increasing acceptance. However, South African military personnel have had to prise open spaces to struggle for better working conditions, even in the post-apartheid era.

In 1993, the former South African Defence Force (SADF) rushed through amendments to the Defence Act to forbid unions in the military, but downsizing coupled with discontent with declining working conditions forced the issue back onto the table, leading to the SANDU petitioning the Constitutional Court in 1999 to have that section of the Act declared unconstitutional. The SANDU won the case, and with it a recognition that military personnel have a right to organise into trade unions, and engage in acts of public protest. The Court ordered the Defence Force to promulgate labour regulations to give effect to military personnel's constitutional rights, but the SANDU has claimed that they were excluded from the drafting committee, leading to disputes over the contents of the

regulations and eventually to a protest march by the union in 2002 as well as a legal challenge over unilateral implementation of policies, which led to a Constitutional Court ruling that the Defence Force had a duty to bargain on matters of mutual interest. The SANDU also won a series of other court victories against the Defence Force (Heinecken 2009).

However, by March 2008, relations between the unions (there were five by that stage, and the SANDU had splintered into two factions) and the Department of Defence broke down, morale among the majority of soldiers was reportedly very low, and up to 4000 grievance cases remained unresolved, some of them dating back three years (Parliamentary Monitoring Group 2008). The SANDU's President, Mosima Mosima accused the Department of abuse of power, and of running the Department 'like a family property, a farm or a village' (Parliamentary Monitoring Group 2008). By July 2008, the SANDU's patience had reached breaking point, and the union threatened an armed siege of the military's headquarters if their demands were not met. This long history of frustration is what led to the march on the Union Buildings in August 2009.

The march was prohibited by the Tshwane Metro Police after it was initially approved, and an application by the Union to the North Gauteng High Court to compel the South African National Defence Force (SANDF) to grant their members leave to attend the march was dismissed on the basis that the police's U-turn on authorisation made the SANDU application moot. It is important to note that the merits of the Police's prohibition were not canvassed in the court proceedings [37], which was unfortunate as the grounds for prohibition were questionable. The Police reversed their decision after receiving a letter from the SANDF stating that 'the SANDF are on high alert to support the launch of the BRT [the Bus Rapid Transport System] and the exercise of GOLFANITO' (Mmutle 2009). The latter (which should have read 'GOLFINHO') referred to a training exercise of the Southern African Standby Brigade ahead of the 2010 World Cup, which was hosted by the SAPF (which at that stage was still known as the South African Police Service, or SAPS). Both events were scheduled to take place a week after the march, so they could not have been considered credible grounds to prohibit the march (Leadership 2009). Furthermore, the Ministry of Defence also attempted to stop another SANDU legal gathering in Mafikeng, but the lawfulness of the march was confirmed by the North Gauteng High Court, and the Ministry and the Police were interdicted from attempting to interfere with the gathering (North Gauteng High Court 2009).

Reputedly, the march turned violent when some protestors stormed Union building lawns, leading to the pitched battles between protestors and the police. According to the Ministry of Defence's spokesperson, Ndhivuwo Mabhaya, soldiers tried to climb a fence surrounding the union buildings after a court refused their application to stage a march, and after they were informed by the police that they must disperse. Several cars were damaged in the ensuing chaos and the soldiers fire bombed one car (Mail and Guardian 2009). The government's reaction was swift. Minister of Defence Lindiwe Sisulu condemned the involvement of SANDF members in an illegal march, and called the march 'a serious and immediate threat to national security'. The Ministry of Defence then announced the dismissal of the soldiers who participated in the march at a press conference, and members of the SANDF were informed that they disobeyed a lawful command and court order by attending an illegal march, which amounted to mutiny and their services were provisionally terminated (Greef 2009: 15-16). As the Union felt that the dismissals were unprocedural, they sought an interdict against the Ministry to prevent their dismissal, and in September the North Gauteng High Court ordered their reinstatement with full benefits. The Ministry responded by placing most reinstated soldiers on special leave (SAPA 2010).

The union's version of events differs in significant ways from the official account. According to the General Secretary of the Union, Pikkie Greef, the march was approved by the Metro Police after a meeting with the police to discuss the route. The day before the march, the Union received a letter from the police saying that the approval had been rescinded, and no reason was given. At the same

time, the acting chief of the SANDF and chief of operations, Lieutenant General Themba Matanzima, submitted an application to court opposing the march, on the basis that the soldiers did not have permission to leave barracks as they were required for the BRT and GOLFANITO exercises, which were only due to take place the next weekend (Leadership 2009). The court decided in favour of the SADF on the morning of the march. By that time, 2000 soldiers had already gathered. The convenor then entered into negotiations with the Superintendent who had the operational command for the day, who agreed that the soldiers would be moved to a grassy area to the south of the Union building, so that the Union could have a chance to explain what had happened. To describe this movement of soldiers as a 'march' was a misnomer; there was no march. Greef was given a microphone by the police and allowed to stand on a casspir to address the crowd. A water cannon was mounted on the casspir.

As Greef tried to explain the situation to the crowd, a protestor picked up a stone and threw it at the casspir. The police then open up the water cannon on the section of the crowd, and about 100 protestors then broke away from the main body of soldiers and spotted an open gate onto the lawns of the Union buildings (all the gates to the lawns had been opened in preparation for the march, but when the march was prohibited, the gates were closed again, with the exception of one, which was left open by mistake). Once they were on the lawns, the police closed the gate, trapping the protestors on the lawns and a policeman gave permission to fire rubber bullets, which were fired into crowd at close range. In an attempt to escape, the protestors scaled the fences. The crowd was by this stage extremely agitated and set a vehicle alight, and a section of the crowd armed with weapons damaged property. According to Greef, 'We weren't even aware of it, but it was hyped up to be SANDU engaging in an illegal and violent protest march. It also led to 1000 to 2000 people being dismissed without a hearing at a press conference. They then used video footage to identify them. But I am convinced that the members who caused the violence were not members of the union. They have not been identified to this day'. [38] The Union was subsequently backed by the Cosatu-affiliated South African Security Forces Union (SASFU), which decried the poor working conditions that gave rise to the march, as well as the 'brutal and violent suppression of unarmed peaceful marching soldiers by armed police', and argued that while Zuma's government is a 'people's government that prioritises engagement and ears to the ground, ...[Ms Sisulu] has failed to embrace the new culture of the post-Polokwane ANC' (Mapeto 2009).

The government then used the march as a pretext to ban all marches to the Union building, although they subsequently denied the existence of such a directive. The directive came to light when Equal Education (EE), a movement of learners, parents, teachers and community members on quality, equal education, notified the Metro Police of their intention to march to the Union Buildings in March 2010. The notice was provided more than a month in advance. The police did not authorise the march, referring the organisation to a letter from the Presidency which stated 'Mr. Vusi Mavimbela, Director-General in The Presidency, has directed that all marches to the Union Buildings and the Presidency be suspended until further notice'. The Aids Law Project, on behalf of the organisation, filed an urgent application to the North Gauteng High Court to review this decision, and the next day the Presidency released a statement to the effect that they had no problem with the march going ahead. The Presidency's directive was clearly ultra vires as, according to the RGA, the Director-General in the Presidency has discretion only over the 'restricted' section of the Union Buildings, but not the public gardens, which meant that a route could be negotiated that satisfied these requirements, and even if the protestors wished to approach the Union Buildings, the Director-General could grant permission after having taken into account the right to freedom of assembly. Furthermore, the police could refuse a march only if there was 'credible information' that there was a threat of serious disruption of traffic, injuries, or extensive damage to property and that the police were unable to contain the threat, which meant that evidence would need to be provided on a case by case basis, which would clearly not be the case if a blanket ban was in effect (De Vos 2010; Hassim 2010).

Subsequent events confirm an authoritarian turn in the government's dealings with the military unions. In August, SASFU announced that it intended to embark on marches in major cities to pressure the government to improve its wage offer for public servants, to coincide with the public sector strike, and to call for the return to work of about 200 soldiers who were placed on special leave following the reinstatement of soldiers who participated in the Union buildings incident (I-Net Bridge 2010). The City Council 'authorised' the gathering, but the SANDF interdicted the City. The SANDF responded in the same manner to a gathering planned in Mafikeng, leading to the Council withdrawing 'permission' for the march. However, two subsequent gatherings took place in Grahamstown, without incident. The march planned for Pretoria was prohibited by the Pretoria Metro Police. [39] These events implied that a de facto ban on marches by military personnel was in force; in spite of the Constitutional Court's affirmation of their right to engage in acts of public protest.

In the aftermath of the Union buildings protest, the ANC NEC took a decision that the military must be deunionised, in the interests of national security (Zuma 2009): a move which the Democratic Alliance (DA) supports, as they have argued that 'our soldiers cannot have divided loyalties to President Jacob Zuma, who is the commander in chief of the defence force, and to Zwelinzima Vavi, who appears to be the commander in chief of SASFU' (Maynier 2010). When asked how the government intended dealing with the fact that there existed a Constitutional Court ruling allowing unions in the military, Sisulu stated that if necessary the Ministry would apply for a condonement of its decision to deunionise the military (Hartley 2009). She argued further that the ruling did not say 'there shall be unions', but that 'it was saying you've got to put in place a mechanism that you do not take away the rights of the Defence Force' (DefenceWeb 2010(a)). What Sisulu ignored in making these statements was that the Court gave soldiers the right to choose how they were represented, and if they chose to be represented by a union, then the Ministry could not stand in their way. When the verbiage is stripped away, Sisulu's contempt for the Constitutional Court ruling shines through. The Zuma administration clearly has great antipathy for the line of argument pursued by the Constitutional Court Judge Albie Sachs's in the 1999 SANDU judgement that 'a blindly obedient soldier represents a greater threat to the Constitutional order and the peace of the realm, than one who regards him or herself as a citizen in uniform, sensitive to his or her responsibilities and rights under the Constitution. [Important] though a communal esprit de corps may be for the armed forces, the mystique that any military force requires cannot take away the need for soldiers to be able to speak in their own distinctive voices on mundane but meaningful questions of service' (Sachs 1999: 33-34).

In the wake of these events, the Ministry appointed an interim National Defence Force Service Commission to advise her on the establishment of a permanent commission and a special dispensation for the conditions of service for the SANDF. Provision for the permanent Commission has been made in an amendment to the Defence Force Act, which is currently before Parliament. An initial version of the Bill was opposed by the SANDU as it placed significant limitations on military trade unions' right to engage in collective bargaining, which amounted to de-unionisation by sleight of hand. But in August, the Bill was amended to reinstate all references to the Military Bargaining Council (DefenceWeb 2010(a)). Tensions have emerged between the Minister and members of the Portfolio Committee on Defence over the release of a Committee report, which the Minister has refused to submit, leading to an accusation by the DA that she is undermining Parliamentary oversight and covering up the parlous conditions the military (Defenceweb 2010(b)). DA member David Maynier accused Sisulu of surrounding the Defence Force with 'a circle of impenetrable steel. This has the risk of turning the Defence Force into a state within a state' (SAPA 2010d).

Military personnel are not the only ones to have experienced a blanket ban on protests. In February

and March 2010, protests erupted in Gauteng, especially in Orange Farm, south of Johannesburg, Sebokeng and Sharpville in the Vaal area and Mamelodi and Soshanguve in Tshwane. In Orange Farm, protestors burned tyres, pelted the police with stones, and blocked the Golden Highway with rocks (News24 2010). In Sebokeng, residents marched over poor service delivery, barricaded roads and the railway line (Eyewitness News 2010), and similar incidents repeated themselves throughout Gauteng. The provincial ANC, SACP and Cosatu were quoted as saying at the time that it had proof that some of its members had 'engineered' the protests to exacerbate inter-alliance tensions, and that disciplinary action would be taken against them (Lekotjolo 2010b). The National Intelligence Agency (NIA) also confirmed that it was monitoring the protests (Harbour 2010).

Then in March, evidence surfaced of a blanket ban on marches in Gauteng. The Concerned Residents of Sharpville notified the Emfuleni Local Municipality of its intention to march on the 12 March 2010. In response, the Chief of Traffic and Security responded: 'The MEC for Gauteng Community Safety, has instructed that no permission for marches in Gauteng should be granted until further notice. This instruction is given by the MEC due to the volatile situation in the townships' (Mollo 2010). Then in April, a march planned by the Public and Allied Workers Union of South Africa in Vanderbijl Park for the 5 May was banned. In spite of the fact that the Vaal is off the beaten track in relation to the World Cup, the banning took place in response to a directive sent on April 29 by the Sebokeng Cluster of SAPS to the station commanders of all police stations in the Cluster, which reads as follows: 'By the directive of the Sebokeng Cluster, Major General DS de Lange you are hereby informed that no authorization must be given for marches until the end of the World Cup 2010' (De Lange 2010). This directive was issued in spite of the fact that no provision exists in the Regulation of Gatherings Act for the SAPF to usurp decision making powers of local authorities around gatherings, and no provision exists for a blanket ban on gatherings.

Then in May, more evidence emerged of a directive having been issued by SAPF to a number of municipalities not to allow marches for the duration of the 2010 World Cup. This ban came to light when a civil society march for quality public education, scheduled to take place on 10 June to Constitution Hill in Braamfontein, was banned. On 19 May, the co-ordinator of the Public Participation in Education Network, writing on behalf of the organisers, notified the Johannesburg Metro Police of their intention to march on the same day as the opening ceremony of the World Cup (10 June). Initially they were invited to a consultative meeting to discuss the march, but they were then sent an email stating that 'it is unfortunate to inform you that no protest marches will be allowed during the month of June and July 2010 and the instruction come [sic] from South African Police Services but our meeting will still take place as scheduled'. A follow up email the next day stated that 'it is unfortunate to inform you that the SAPS and the JMPD [Johannesburg Metropolitan Police Department] will not be available for our scheduled meeting with the reason is that our man power will be used for the FIFA World Cup therefore no marches will be approved' (Mosimane 2010).

The Anti-privatisation Forum (APF) planned to march to the World Cup opening ceremony at Soccer City to hand over a memorandum to Zuma, the Minister of Sport and the Mayor of Johannesburg on a series of World Cup-related grievances, as well as more general service delivery related grievances. The Metro police office responsible for gatherings indicated that they were no longer allowed to accept nor approve applications for gatherings 'due to instructions from higher authorities' and that a copy of the instruction could be collected from the responsible officer's office, but when they attempted to obtain a copy of the instruction, they were told that it would not be provided in writing but that it did exist (Malapela 2010).

In a telephonic survey of the Municipalities hosting World Cup matches, most municipalities hosting World Cup matches revealed that a blanket ban on gatherings was in operation for the duration of the World Cup. According to the Rustenberg municipality, 'gatherings are closed for the World Cup'.

The Mbombela municipality was told by the SAPF that they were not going to allow gatherings during the World Cup. The Cape Town City Council claimed that it continues to accept applications for marches, but indicated that it 'may be a problem' during the World Cup period. According to the Nelson Mandela Bay, Ethekwini and Mangaung municipalities, the police would not allow gatherings over the World Cup period. The Polokwane Municipality indicated that they were unlikely to approve gatherings during the World Cup. [40] According to Johannesburg Metro police, the police did not have the capacity to police marches and the World Cup simultaneously. Yet Gauteng SAPF spokesperson Eugene Opperman has denied the existence of a ban, telling the Mail and Guardian newspaper that 'there's been a miscommunication. People are saying that there's a total ban on marches, but this is not the case' (MacFarlane and Harbour 2010). Given the weight of the evidence, however, it could be concluded that the ban did, in fact, exist. The fact that a number of marches were subsequently allowed during the World Cup period could be attributed to the negative publicity generated by the ban on the quality public education march; what is not known is the extent to which the ban remained in effect in other parts of the country, and how many gatherings were affected.

The SAPF's attempt to usurp municipalities' decision-making about gatherings implied that protest action over the World Cup period was seen as a national security threat rather than a traffic management concern. It should also be noted that there is no provision in the RGA for gatherings to be prohibited because the police do not have the resources to police marches. This omission is for good reason, as it prevents more manipulative administrations from deciding, for self-serving reasons, to starve the relevant police structures of resources, and then ban protests against its own performance on the ground of lack of capacity. In any event, the government had only itself to blame if the police experienced capacity constraints over that period. In 2006, an ill-advised restructuring of the-then SAPS led to a reduction in the number of police involved in crowd management, and led to de-skilling, in spite of the fact that the number protests had nearly doubled from 2005 to 2006. At the time of the restructuring, the Institute for Security Studies (ISS) warned that the police should anticipate an escalation of protest action over the World Cup period, and plan accordingly, but this advice fell on deaf ears (Omar 2006a; Omar 2006b).

The SAPF's usurpation of the local authorities' role in relation to gatherings needs to be set in a bigger context. There are signs that the Zuma administration is rethinking the police's identity and even its very role in society. In October 2009, Zuma made it clear in a meeting with more than a thousand police commissioners that the then-SAPS is a police force, and not a police service (Burger 2010). The then-Deputy Minister of Police, Fikile Mbalula, said that he wanted the police transformed into a paramilitary force, with military ranks and discipline, which effectively meant a reversion to an apartheid era conceptualisation of the police, and the Minister of Police, Nathi Mthethwa, argued to Cabinet that the military ranks would herald a return of discipline and 'command and control' aspects that 'flew out of the window' when the police demilitarised at the end of apartheid (Defence Web 2009). Then in April 2010, the government announced that it intended introducing a military ranking system into the police and to revert back to the apartheid era name of the South African Police Force (SAPF), signalling a deeper intent to bring back a culture of military discipline that existed under apartheid. According to the Minister of Police, Nathi Mthethwa, this shift was informed by a new seriousness in fighting crime, and that the shift towards military ranking should be accompanied by changes in 'attitude, thinking and operational duties' on the part of the police. The shift was also accompanied by attempts to amend the Criminal Procedures Act to enhance the police's power to use lethal force when arresting suspected criminals. Cabinet approved these amendments in September 2010 (Bauer 2010).

This shift is dangerous, as it threatens to reverse some of the transformation gains where the police's role was reconceptualised as an accessible service to the community, rather than being enforcers of discipline, aloof from the community they claimed to serve (Faull and Newham 2010;

Burger 2010). The dangers of this approach have been pointed out by the Cosatu-affiliated Police and Prisons Civil Rights Union (Popcru), which claimed that it had not been consulted about the change. The union opposed the militarization of the police on the grounds that it promotes the perception that the police are a military by another name. A military culture, they argued, fostered a policing culture where lower ranking officers were required to follow orders blindly, even if the orders were not in the interests of the community they claimed to serve, which can quickly lead to a culture of brutalisation, whereas a culture of empathetic and locally rooted policing was much more appropriate (Popcru 2010a). According to Popcru, 'it is our view that retraining the police officers to make split second decisions on the use of maximum power in any situation should be enhanced rather than resorting to rubber bullets and water cannon for any situation' (Mampane 2010). The accounts of the anti-incorporation activists in Moutse, Matatiele and ga ba Mothibi related earlier in this paper, point to the benefits of a locally rooted police force, and the tendency towards brutality of those police not rooted in the communities they police. If the militarisation of the police fuels alienation from communities, then it could be anticipated that police brutality against activists may intensify too.

Conclusion: the Janus face of the Zuma administration

What is the democratic content of Jacob Zuma's rule? Has he distinguished himself from the Mbeki administration by created more political opportunities for grievances to be heard and responded to? There are mixed signals in this regard, with some democratic spaces being opened, and others being closed.

With respect to the anti-incorporation protests, there has been a clear shift in the political opportunity structure, created by the political conflict within the ruling elite. Under Mbeki's watch, a non-negotiable decision was imposed on the abolition of cross-border Municipalities: a decision which the 'new' ANC has demonstrated willingness to review. It has created a greater degree of access to political institutions, and has been willing to use its alignment to the SACP to open up discussions about a possible political solution to the problem. The government's views testing exercise would have been inconceivable under an Mbeki administration. Furthermore, arguably, on balance, police actions against protests have been restrained, and there is evidence that the degree of unionisation of the police into the SACP's alliance partner, Cosatu, as well as the extent of their local rootedness, are factors influencing police actions. So, the stabilisation of the alignment between the ANC and the SACP under Zuma's rule appears to have created political opportunities for the anti-incorporation protestors, and the availability of the ANC to activists on this matter could well be attributed to the fact that, at least at national level, the ANC has an alliance with the SACP.

More research is needed, though, to establish whether organisations outside the alliance and participating in the anti-incorporation protests experience the police as restrained or brutal. Certainly, there is evidence of some police brutality in the anti-incorporation protests, but the most tolerant forms of policing occur when there is police knowledge about the conditions that have given rise to the protests: a dynamic variable in the political opportunity structure, as it concerns police perception of external reality (Della Porta 1997: 116). In contrast, police that are not unionised, or that are external to the communities they police, appear to be more open to political manipulation by pro-incorporation elements in the ANC, and also exhibit more violent behaviour. The allegation that the police are more hostile towards SACP activists under Zuma's regime owing to the ANCYL backgrounds of the Ministers concerned, is a serious allegation that needs further investigation, as it suggests that the 'nationalist/ communist' tension within the alliance may be playing itself out in policing styles of protests led by SACP members.

Overall, there can be no doubt that, in relation to the demarcation struggles, the Zuma administration has opened up many more points of access to the decision-making system, and that

therefore political opportunities have opened up in significant ways. To this extent, the shift in power provided affected communities with the political space to resolve these disputes within the alliance, and channels for the diffusion of claims have been established. However, there is no clear indication yet that these political opportunities are yielding fruit. While the activists' cut-off point for determining whether the ANC is serious about addressing their concerns appears to be the National Executive Committee (NEC) meeting in November, there are signs that alternative strategies are already being considered. The fact that a prominent member of the SACP chose to contest the local government by-elections again, and won, is significant and indicative of a mood shift in Moutse. The key question that emerges from the anti-incorporation struggles is not whether there are enough channels to express frustrations, but whether those frustrations are actually heard and responded to. As Eisinger has pointed out, the formal political structures may exist for wielding political influence, but if the political system is not responsive to the demands, then the structure cannot be said to be a fully open one (Eisinger 1973: 21). While the Zuma administration is listening to the protestors, there is no evidence yet that they are hearing. Activists are starting to suspect that the newly-created points of access to the decision making system may be designed to deflect oppositional voices rather than to entertain their demands seriously. Responses to this suspicion have varied, leading to a contest for the formal levers of power on the one hand and increasingly militant forms of direct action on the other.

The Zuma administration fares less well with regards to protecting the labour and civil rights of the military. In an eerie echo of the past, it has demonstrated the sort of repressive attitude towards protests in the Vaal and threatened protests during the 2010 World Cup that characterised the Zuma administration. In the case of the SANDU's march on the Union buildings, the grounds for prohibition were dubious, and the response of the SANDF in the wake of this incident by intervening to prevent other gatherings, were even more dubious. In spite of the fact that the military unions have fairly formalised access to political institutions, the Mbeki and Zuma administrations have failed to address the parlous working conditions in the military, to the point where the relationship between the two has become fractious and litigious.

In fact, it seems fair to say that the Zuma administration is even more intolerant of basic rights in the military than the Mbeki administration, leading to an escalation of conflict to the point where the military has become a pressure cooker of frustration waiting to blow. Their intention to deunionise the military - in spite of a Constitutional Court ruling to the contrary - coupled with their intention to establish a National Defence Force Service Commission to make recommendations on conditions of service - could be read as an attempt to deflect grievances into a governmental structure that would presumably be easier to control than unions as it is appointed by the Minister; so points of access to the decision making system are being imposed rather than negotiated. It is possible that the ANC may consider a constitutional amendment to disallow unions in the military: a move which no doubt would receive support from the DA, in spite of its fractious relationship with the party on other aspects of security governance, and which will therefore give it the Parliamentary majority needed to achieve this objective. But the pursuit of this route carries significant risks for the ANC. Repressive responses to protests on the part of the state can have one of two effects: it can discourage protest action or it can lead to an escalation of protest action. The latter is more likely to occur when attempts are made by the state to shut down legal avenues for protest (Dawson 2010: 14), resulting in 'injustice frames' developing around the actions of the state. The risk that the ANC faces in pursuing their intention to close down the few democratic spaces that exist in the military is instability, and possible mutiny, in the SANDF.

There do seem to be growing signs of an obsession with the need to protect national security, evidenced in attempts to stamp out information access about matters affecting the national security through a Protection of Information Bill (although public pressure has led a reconsideration of the Bill). This obsession suggests that the security cluster occupies a central place in the Zuma

administration and that tight control of this cluster is a priority. The need for control may be driven by attempts to prevent the sort of instability that characterised the Mbeki administration, leading to abuses of aspects of the security apparatus to disadvantage Mbeki's political adversaries in the ANC. Zuma has been accused of appointing ardent supporters to the most strategic positions in the cluster, which according to Farhiya Ali Ahmed, have the triple effect of rewarding loyalists who have stood by him in dark times, muting any possible future dissent and offering stability in an area of government that can be a source of disorder in African nations (Ali Ahmed 2009). Furthermore, the security cluster may be central to Zuma's to secure a second term of office, and the fact that Zuma left the security cluster intact in a recent cabinet reshuffle adds credence to this view (Prince, Kgosana and Malefane 2010). A twin process appears to be taking place in the security cluster, where the police are militarised, while the military is subject to increasingly tight forms of control: both suggest a de-democratisation of the few democratic spaces that do exist in the security cluster, and that are essential to check any attempts at overt political manipulation of this cluster. These factors combined increase the chances of the sorts of abuse of security apparatuses that occurred under Mbeki (Butler 2009).

There have also been troubling signs of the SAPS taking an inappropriate lead in the policing of protests, and of them playing a role in effecting blanket prohibition of protests, leading to an erosion of the powers and functions of Municipalities in the regulation of gatherings, and unlawful banning of gatherings. Under the Mbeki administration, the SAPS were reputed to be more tolerant than the Metro police, which were reputed to act on occasion as the private armies of particular councillors: the Treatment Action Campaign in the Eastern Cape found that the SAPS was less repressive as they fell under national control and 'they know the Constitution' (Duncan 2010: 123). The SAPS directive in the case of the World Cup marked an inversion of this relationship, where the SAPS used its national command structures to attempt to usurp Municipal decision-making. While marches did take place after the respective Municipalities were challenged, the fact that the SAPS would even contemplate the directive speaks volumes about their intention.

How does one explain the paradox of a political administration characterised by increasing openness combined with growing repression? A recurring argument in political process theory is that there exists a curvilinear relationship between protest and the political opportunity structure: that is, protest occurs when systems are moderately repressive, but still fairly open. This is because claimants are not strong enough to win their claims through more conventional means, but neither are they repressed to the point where they cannot make claims at all. Conversely, protest tapers off when systems become either more open or more closed (Eisinger 1973: 11-12; Tilley 1995: ..; Meyer 2004: 128). Yet, a polity that provides openness to one kind of participation may be closed to others (Meyer 2004: 136). Furthermore, protests are more likely to be seen in a system that is opening up and becoming more responsive to demands, as protestors come to the realisation that the system may be vulnerable to challenge, but may become impatient with the pace of change. Protest is also a way of communicating with potential allies, which is another indication that the political space is not entirely closed. So protests are a sign of changes in the political system itself (Eisinger 1973: 28). Put more precisely, moderately repressive political systems allow for the broad articulation of demands, but do not accede readily to them (Kitshelt 1986: 62). Regan and Henderson have made similar assertions about the relationship between democracy and repression, and have argued that the relationship is not a simply linear one: so the more democracy there is, the less repression and vice versa. Rather the extent of repression is determined by the nature of the threat the government is facing rather than the type of regime, and that semi-democracies are more likely to face serious threats, especially if the threat is potentially destabilising. If the threat is not viewed in this way, repression is unlikely. Non threatening demands are those that are channelled into the formal debate with relative ease. But largely, in semi-democracies the institutional infrastructure is usually not sufficiently developed to effectively channel the demands of opposition into the political arena (Regan and Henderson 2002: 124). These arguments suggest

that states 'in the middle' of the democracy spectrum are more likely to experience protests, but they are more likely to experience repression too.

These theoretical insights are useful in explaining why the government responded with more openness towards the anti-incorporation struggles, and yet with such hostility to the military's attempts to retain basic labour rights and democratic practices, and threatened World Cup protests: the nature of the Zuma administration's responses are shaped by the nature of the threat to its continued existence. While the anti-incorporation protests could be considered 'friendly fire', threats to the centralisation of power in the security cluster would strike at the heart of Zuma's power base: hence the need to institutionalise its hegemony over this cluster. However, there is a strong possibility that the government will become a lot less tolerant of the anti-incorporation struggles if they escalate the struggles and begin to contest for formal political power. Threats increase as the state is increasingly unable to cater for its citizens (Regan and Henderson 2002: 133), and as more people realise that Zuma's purported openness is not changing lives, then protests may well escalate, and the extent of the anger expressed in the protests may be in proportion to the extent of expectation that his 'regime change' created amongst ANC supporters. To the extent that these protests constitute a real threat to current status quo, then they may well experience the true repressive potential of Zuma's security cluster, and Mbeki's 'celebrated' intolerance may pale into insignificance.

Bibliography

African National Congress. 2010. Statement by the ANC National Executive Committee, 12-13 March 2010. Accessed from www.anc.org.za/show.php?include=docs/pr/2010/pr0312.html%20on%2020/10/2010.

African National Congress. 2010. 'Report of the 3rd National General Council held at the Durban Exhibition Centre, Durban (eThekweni), 20-24 September 2010. Accessed from www.anc.org.za/docs/reps/2010/3rdngcx.pdf on 26/10/2010.

Alexander, P. 'Rebellion of the poor: South Africa's service delivery protests - a preliminary response'. *Review of African Political Economy*. Vol. 37, Number 123, March 2010, 25-40.

Aphane, P. 'In defence of Polokwane...Moutse to Mpumalanga'. SACP Stompo Branch Secretary. Document distributed on the Young Communist's League of South Africa discussion forum. Accessed from www.mail-archive.com/yclsaeomforum@googlegroups.com/msg03066.html%20on%2020/10/2010.

Bauer, N. 'Cabinet approves "shoot to kill" Bill', *AllAfrica.com*, accessed from allafrica.com/stories/201009170380.html on 6/11/2010.

Beall, J.; Gelb, S. and Hassim, S. 'Fragile stability: state and society in democratic South Africa', in *Journal of Southern African Studies*, Volume 31, Number 4, December 2005, accessed from www.jstor.org/stable/25065041 on 4/11/2010.

Boshoff, H. 2009. 'Dealing with grievances in the SANDF'. *The African* (newsletter of the Institute for Security Studies), accessed from www.the-african.org/blog/?p=31 on 28/10/2010.

Burger, J. 2010. 'Institutional schizophrenia and police militarisation'. *Institute for Security Studies*. Accessed from www.iss.co.za/iss_today.php?ID=1024 on 5/11/2010.

Butler, A. 'Zuma's appointments and the mills of rumour and distrust'. *Business Day*. 3/08/2009.

Constitution of the Republic of South Africa. 1996. Accessed from www.info.gov.za/documents/constitution/1996/96cons2.htm#37 on 3/11/2010.

Carey, S. 'Dynamic relationship between protest and repression'. *Political Research Quarterly*. Volume 59. Number 1. March 2006. 1-11.

Dawson, M. 2010. 'Resistance and repression: policing protest in post-apartheid South Africa', Centre for Sociological Research, University of Johannesburg. Unpublished paper.

DefenceWeb 2009. 'Police to revert to military ranks from April'. 26 February 2010. Accessed from www.defenceweb.co.za/index.php?option=com_content&view=article&id=6889:222&catid=3:Civil%20Security&Itemid=113 on 7/11/2010.

DefenceWeb 2010(a). 'Military loses "de-unionisation" battle. 20 August 2010. Accessed from www.defenceweb.co.za/index.php?option=com_content&view=article&id=9318:military-loses-de-unionisation-battle&catid=55:SANDF&Itemid=108 on 6/11/2010.

DefenceWeb (b). 'Sisulu denies secrecy drive'. 26 October 2010. Accessed from www.defenceweb.co.za/index.php?option=com_content&view=article&id=10234:sisulu-denies-secrecy-drive&catid=55:SANDF&Itemid=108 on 6/11/2010.

De Lange, J. Adv. 'The second reading: Constitution Twelfth Amendment Bill [B33B-2005], in the National Assembly' (speech), 15 November 2005, accessed from www.justice.gov.za/m_speeches/sp2005/2005_11_15_secondreading.htm on 4/11/2010.

De Lange, Major General D.S. Email to the station commanders of the Vanderbijlpark/ Sebokeng/ Evaton/ Orange Farm/ Ennerdale/ Sharpeville/ Boipatong/ Barrage Sebokeng Cluster on the authorisation of marches till end of World Cup, 29 April 2010.

De Vos, P. 'On freedom of assembly'. *Constitutionally speaking* (blog). Accessed from constitutionallyspeaking.co.za/on-freedom-of-assembly on 28/10/2010.

Della Porta, D. 'The policing of protest'. *African Studies*. Volume 56. Number 1. 97-127.

Della Porta, D. and Diani, M. 'Social movements: an introduction'. Oxford: Blackwell Publishers.

Department of Co-operative Governance and Traditional Affairs. 'Mpumalanga MEC's assess situation in Balfour in Dipaleseng Municipality, South Africa, 10/02/2010, accessed from <http://www.mpumalanga.gov.za/media/statements/traditional/10022010.htm> on 22/10/2010 .

Eisinger, P. 'The conditions of protest behaviour in American cities'. *The American Political Science Review*. Volume 67. Number 1. 11-28.

Eyewitness News. 'Sebokeng residents take on local council'. Accessed from www.eyewitnessnews.co.za/articleprog.aspx?id=33680 on 28/10/2010.

Faull, A. and Newham, G. 'Has our police force gone full apartheid circle?'. *The Star*. 10/04/2010.

February, J. 'A whole new dynamic in South African Parliament set the scene for intriguing session', *PIMS News*, 7 May 2009, Institute for Democratic Alternatives in South Africa, accessed from idasa.org.za/index.asp?page=outputs.asp%3Fn%3D1%26PID%3D44%26OTID%3D37 on 5/11/2010.

Fernandez, L. 2008. Policing dissent: social control and the anti-globalisation movement. Toronto: Rutgers University Press.

Freedom of Expression Institute. 2007. The right to protest: a handbook for protestors and the police. Accessed from fxi.org.za/PDFs/Publications/RGAHandbook.pdf on 3/11/2010.

Greef, J. Founding affidavit of Johannes George Greef, in the matter between SANDF Union and another and the Minister of Defence and others, 20 August 2009.

Government Communication and Information Service. 'Results of the municipal by-elections held on 26 May 2010, accessed from www.info.gov.za/speeches/2010/10052610251003.htm on 27/10/2010.

Government Gazette, no. 28603, 8 March 2006, Volume 498, part 8 of 10, 111[1].

Habib, A. (a) 'Is economic policy likely to change under Jacob Zuma?', Polity.org, accessed from www.polity.org.za/article/is-economic-policy-likely-to-change-under-jacob-zuma-2009-03-25%20on%204/11/2010 .

Habib, A. (b) 'Substantive uncertainty: South Africa's democracy becomes dynamic', Pambazuka News, accessed from www.pambazuka.org/en/category/features/55638/print on 4/11/2010.

Harbour, T. 'Spooks to sniff out who's behind protests'. Mail and Guardian Online. Accessed from www.mg.co.za/article/2010-03-19-spooks-to-sniff-out-whos-behind-protests on 8/10/2010.

Hartley, R. 'President Jacob Zuma on the protests gripping the country'. 1/08/2010. Accessed from blogs.timeslive.co.za/hartley/2009/08/01/president-jacob-zuma-on-the-protests-gripping-the-country-full-text/ on 20/10/2010.

Heinecken, L. 'Ban military unions, they're a threat to national security! So where to from here?'. Strategic Review for Southern Africa, November 2009, accessed from findarticles.com/p/articles/mi_hb1402/is_2_31/ai_n55089500/ on 3/11/2010.

Heller, P. 'Democratic deepening in India and South Africa', Journal of Asian and African Studies, Number 44, 2009, 123-149.

I-Net Bridge. 'Soldiers plan marches: SASFU'. I-Net Bridge. 26/8/2010. Accessed from news.za.msn.com/article.aspx?cp-documentid=154505927 on 5/11/2010.

Johnston, S. and Bernstein, A. 2007. Voices of anger: protest and conflict in two Municipalities. Johannesburg. Centre for Development and Enterprise.

Keepile, K. 'The day the president came knocking'. Mail and Guardian. 6/08/2010.

Kirshner, J. and Phokela, J. 2010. 'Khutsong and xenophobic violence: exploring the case of the dog that didn't bark'. Research report commissioned by Atlantic Philanthropies. Centre for Sociological Research. University of Johannesburg. 26 February 2010.

Kitshelt, H. 1986. 'Political opportunity structures and political protest: anti-nuclear movements in four democracies'. British Journal of Political Studies. Number 16. 57-85.

Leadership magazine. 'Soldier's protest - behind the political camouflage', SANDF special report. Leadership Online. Accessed from <http://www.leadershiponline.co.za/reports/231> on 4/11/2010.

Lekotjolo, M.(a) 'Police did this to me'. The Times. 10/02/2010. Accessed from www.timeslive.co.za/news/article301434.ece/Police-did-this-to-me%20on%2022/10/2010 .

Lekotjolo, M.(b) 'More xenophobic warnings'. The Times. 22/03/2010. Accessed from www.timeslive.co.za/local/article368344.ece/More-xenophobia-warnings on 28/10/2010.

Mabuza, K. 'Accusation is rubbish: Reds hit out at ANCYL attack on Blade Nzimande'. Sowetan. 24/08/2010. Accessed from www.sowetanlive.co.za/news/2010/08/24/accusation-is-rubbish%20on%2027/10/2010 .

MacFarlane, D. and Harbour, T. 'Cops ban "education for all" march'. Mail and Guardian. 28/05/2010. Accessed from www.mg.co.za/article/2010-05-28-cops-ban-education-for-all-march on 4/11/2010.

Mail and Guardian. 'Soldier's violent protest condemned'. Mail and Guardian. Accessed from www.mg.co.za/article/2009-08-27-soldiers-violent-protest-condemned%20on%2027/08/2010 .

Malapela, P. Written notes of verbal response of JMPD to APF application for a gathering, 21/05/2010.

Mantashe, G. 'ANC NGC report by ANC Secretary General' 20/09/2010.

Mapeto, F. 'SASFU backs SANDU in battle with Lindiwe Sisulu' (press statement), accessed from www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=141376&sn=Detail on 4/11/2010.

Maynier, D. 'SASFU threat could exacerbate strike chaos' (press statement). Democratic Alliance. Accessed from www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=195730&sn=Detail&pid=71619 on 4/11/2010.

McAdams, D. 'Political opportunities: conceptual origins, current problems, future directions', in McAdam, D.; McCarthy, J.D.; Zald, M.N. (eds) Comparative perspectives on social movements. Cambridge: Cambridge University Press.

McAdam, D., Tarrow, S., and Tilley, C. 2001. Dynamics of Contention. Cambridge: Cambridge University Press.

Meyer, D. 'Protest and political opportunities'. Annual Review of Sociology. Volume 30. Number 2004. 125-145.

Meyer, D. 'The South African experience in dealing with communal violence', paper by Director of Public Order Police, Durban, African Security Review, Volume 8, Number 1, 1999.

Mmutle, M.A. Letter to the SANDU from M.A Mmutle, Strategic Executive Director: Community Safety, Community Safety Department, City of Tshwane, on the SANDU march - file number 073/08 - 26 August 2009, 25 August 2009.

Mollo, M.T. Letter from M.T. Mollo, Chief: Traffic and Security, Emfuleni Local Municipality, to H.

Mosesi, Concerned Resident of Sharpville, 11 March 2010.

Moutse Demarcation Forum and 15 others vs. President of the Republic of South Africa and 17 others. Submission on behalf of the second respondent. Constitutional Court case number 40/08.

Municipal IQ. Newsletter 89 - municipal protests in numbers - 17 September 2010. Accessed from www.eumunicipaloutreach.org.za/newsletters/newsletter-89-municipal-protests-in-numbers-17-september-2010%20on%2028/10/2010 .

Ndung'u, S.K. 2003. The right to dissent: freedom of expression, assembly and the World Summit on Sustainable Development. Johannesburg: Freedom of Expression Institute.

News24. 'Orange Farm protests continue'. News24. Accessed from www.news24.com/printArticle.aspx?iframe&aid=7198309c-c141-44f9-8317-ec1eda996058&cid=1059 on 28/10/2010.

North Gauteng High Court. Judgement in the application between the SANDU and another, and the Ministry of Defence and others. Case number 21623/09. 21 August 2009.

Nzimande, B. 'The class question as the "fault-line" in consolidating the National Democratic Revolution'. Umsebenzi Online. Volume 5. Number 57. 7 June 2006. Accessed from www.sacp.org.za/main.php?include=pubs/umsebenzi/2006/no57.html on 5/11/2010.

Omar, B. 'Crowd control: can our Public Order Police still deliver?', SA Crime Quarterly, Number 15, March 2006.

Omar, B. 'SAPS's costly restructuring: a review of Public Order Policing capacity. Institute for Security Studies monograph, number 138, October 2007.

Parliamentary Monitoring Group. 'South African National Defence Force Union grievances', minutes of meeting of the Portfolio Committee on Defence and Military Veterans, accessed from www.pmg.org.za/report/20080318-south-african-national-defence-union-grievances%20on%205/11/2010 .

Popcru. 2010a 'Memorandum to the ANC on re-militarisation of SAPS', 30 April 2010. Accessed from http://www.popcru.org.za/press%20statements_10_memorandum.html on 4/11/2010.

Prince, C.; Kgosana, C. and Malefane, M. 'Cabinet reshuffle, 7 Ministers axed', Times Live, 31/10/2010 accessed from www.timeslive.co.za/local/article737085.ece/Cabinet-reshuffled-7-ministers-axed.

Mampane, N. 2010b. 'Militarisation is a narrow mechanism to curb crime'. Politicsweb. 21 June 2010. Accessed from www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71654?oid=182415&sn=Detail on 4/11/2010.

Regan, P. and Henderson, E. 'Democracy, threats and political repression in developing countries: are democracies internally less violent?'. Third World Quarterly. Volume 23. Number 1. February 2002. 119-136.

Sinwell, L. 'Service delivery protests: findings from quick response research on four "hotspots" - Piet Retief, Balfour, Thokoza, Diepsloot'. Centre for Sociological Research. University of

Johannesburg. 1 September 2009.

South African Press Association. 'Balfour protests die down', News24. Accessed from www.news24.com/Africa/News/Balfour-protests-die-down-20090723%20on%2022/10/2010 .

South African Press Association (a). 'Balfour calm after protests', 9/02/2010, accessed from www.timeslive.co.za/news/article298316.ece on 22/10/2010.

South African Press Association (b). 'Protestors burn Balfour library', 9/02/2010, accessed from www.news24.com/SouthAfrica/News/Protesters-burn-Balfour-library-20100209%20on%2022/10/2010 .

South African Press Association ©. 'Zuma heckled in Balfour'. Accessed from www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71627?oid=177544&sn=Detail on 27/10/2010.

South African Press Association (d). 'Soldiers to march on Union Buildings again: SASFU'. Business Day. Accessed from <http://www.businessday.co.za/Articles/Content.aspx?id=119444> on 4/11/2010.

South African Press Association (e). 'Army becoming a "state within a state"', News24, 25/10/2010, accessed from <http://www.news24.com/SouthAfrica/Politics/Sisulu-turning-army-into-a-state-within-a-state-20101025>

Southall, R. 'The state of party politics: struggles within in the tripartite alliance and the state of opposition', in Daniel, J., Habib, A., and Southall, R. State of the Nation: South Africa 2003-2004. Pretoria: HSRC Press. 53-77.

Tabane, R. 'Reaping the whirlwind'. Mail and Guardian. 17/02/2006.

Tarrow, S. 1994. Power in movement: social movements, collective action and politics. Cambridge: Cambridge University Press.

Webster, G. 'The destabilisation of Moutse', The Black Sash, February 1986, 27-28.

Weiner, M. 'Khutsong residents say ANC only moving Merafong for votes'. 702 Eyewitnessnews. Accessed from <http://ewn.co.za/articleprog.aspx?id=9328> on 28/10/2010.

Reference

[1] For the purposes of this paper, I use Kitschelt's definition of political opportunity structure as 'specific configurations of resources, institutional arrangements and historical precedents for social mobilisation, which facilitate the development of protest movements in some instances and constrain them in others'. See Kitschelt 1986: 58.

[2] With apologies to Raymond Williams.

[3] According to the General Secretary of the SACP, Blade Nzimande, '...since 1996 (perhaps even prior to that) a particular class project has consolidated itself and has become dominant in our movement and the state, spreading its influence to other layers of society, including sections of the media. This class project is a combination of certain objective processes of class formation in a democratic South Africa, and of deliberate policy choices followed by the government and capital, especially since the adoption of GEAR [the Growth, Employment and Redistribution Plan] in 1996.

The central economic thrust of the class project has been to seek to restore capitalist profitability after the capitalist crises of the last 10 years of the apartheid era, as a basis for addressing the massive developmental challenges in our country' (Nzimande 2006: 1).

[4] According to Tilley, repression is any action by another group which raises the contender's cost of collective action. Any action which lowers the group's cost of collective action is a form of facilitation (Tilley in Tarrow 1994: 92).

[5] The NEC whilst welcoming the agreement with the SACP not to engage in any public spats from now moving forward, has resolved that the public spats between the ANC and all Alliance partners should be stopped henceforth. The ANC will for its part not engage any of its Alliance partners in any public domain or in the media, but will use the fora of engagement with our Alliance partners to advance its views. The ANC does not believe that the public spats between itself and its Alliance partners promotes the interest of South Africa and that it adds value to the creation a better life for all South Africans (ANC 2010).

[6] It should be noted that members of the Matatiele community has disputed the fact the Municipality was in fact a cross-border Municipality.

[7] Balfour was part of what was then called the 'PWV area', and was incorporated into the Eastern Transvaal, which is now Mpumalanga.

[8] Interview with Zakhele Maya, 20/10/2010.

[9] Interview with Masego Khumalo, 20/10/2010.

[10] Interview with Zamicebo Mjobe, 21/10/2010.

[11] Interviews with Seun Mogotji and Zamicebo Mjobe, 15/10/2010 and 21/10/2010 respectively.

[12] Interview with Mothiba Rampisa, 20/10/2010.

[13] Interview with Seun Mogotji, 15/10/2010.

[14] Interview with Zamicebo Mjobe, 21/10/2010.

[15] Interview with Zamicebo Mjobe, 21/10/2010.

[16] Interview with Zamicebo Mjobe, 21/10/2010.

[17] Interview with Masego Khumalo, 20/10/2010.

[18] Interview with Masego Khumalo, 22/10/2010.

[19] Interview with Seun Mogotji, 15/10/2010.

[20] Interview with Mothiba Rampisa, 20/10/2010.

[21] According to Ramphisa, 'everyone has become a member of the SACP in the area'. Interview with Mothiba Rampisa, 20/10/2010. Kirshner and Phokela have cited a Sunday Times report claiming that Khutsong has the largest SACP branch in the country. See Kirshner and Phokela 2010: 20.

[22] Interview with Mothiba Ramphisa, 20/10/2010.

[23] Interview with Seun Mogotji, 26/08/2010.

[24] Interview with Seun Mogotji, 26/08/2010.

[25] Interview with Seun Mogotji, 26/08/2010.

[26] Interview with Seun Mogotji, 15/10/2010.

[27] Interview with Mothiba Ramphisa, 20/10/2010.

[28] Interview with Mothiba Rampisa, 20/10/2010, interview with Seun Mogotji, 15/10/2010.

[29] Interview with Zakhele Maya, 20/10/2010.

[30] Radicalisation is understood here as the expansion of collective action frames to more extreme agendas and the adoption of more transgressive forms of contention. See McAdam, Tarrow and Tilly 2001: 69.

[31] Interview with Masego Khumalo, 22/10/2010.

[32] Interview with Zamicebo Mjobe, 21/10/2010.

[33] Interview with Mothiba Ramphisa, 20/10/2010.

[34] Interview with Masego Khumalo, 22/10/2010.

[35] According to Municipal IQ, the peak year for protests was 2009, although the first half of 2010 saw more protests than in the whole of 2009, with Gauteng province being the hardest hit (Municipal IQ 2010).

[36] Germany, France, Italy, Nigeria, Netherlands, Botswana, Mozambique, Swaziland, Brazil, Middle East, Canada, Argentina, China, Japan, India, Australia, Kenya, the United States and the United Kingdom. According to Media Tenor, key criteria for selection of these countries included the relative accessibility of media and the availability of translation.

[37] Conversation with Pikkie Greef, 27/10/2010.

[38] Conversation with Pikkie Greef, 27/10/2010.

[39] Conversation with Charles Jacobs, SASFU Deputy President, 3/11/2010.

[40] Author's conversations with the Metro Police Departments of the following Municipalities: Mangaung, Polokwane, Nelson Mandela Bay, Cape Town, Mbombela, Rustenberg, eThekweni, 27-28 May 2010.