CHANGING LOCAL POLITICS IN SOUTH AFRICA: THE POWER RELATIONSHIP BETWEEN LOCAL GOVERNMENT AND THE PEOPLE

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Abstract

The South African Freedom Charter (1955) states that "The people shall govern" and the African National Congress (ANC) (1991) stated in "Advance to national democracy" that "the immediate issue on the agenda is the question of political power. To affect the transfer of power into the hands of the people as a whole is the most crucial and immediate challenge facing the national democratic movement." The question now is how this power is currently exercised where the ANC is the government and represents the people. Dennis Wrong stated that "politics includes both a struggle for power and a struggle to limit, resist and escape from power". This implies that power is reciprocal. In South African local politics this mutuality of power relations presents different appearances.

This article explores whether local power is shifting from the liberation movement as government to the people (considering for example protest politics) and as such whether the power of local government and that of the citizens are necessarily oppositional; or whether the struggle for democracy came full circle and that power is being democratised in a true sense by the people themselves as "governors" of government.

Keywords: Power; local government; democracy; people; ANC; government; protest; South Africa.

Sleutelwoorde: Mag; plaaslike regering; demokrasie; bevolking; ANC; regering; protes; Suid-Afrika.

1. INTRODUCTION

The South African Freedom Charter (1955) states that "The people shall govern" and the African National Congress (ANC) (1991) stated in "Advance to national democracy" that: "The immediate issue on the agenda is the question of political power. To affect the transfer of power into the hands of the people as a whole is the most crucial and immediate challenge facing the national democratic movement." This matter was, in the build-up to the 53rd ANC National Conference in December 2012 at Mangaung, again high on the agenda of the ruling party. The idea was to establish a "second phase" in which the ANC wishes to fast-track economic and social transformation. In this process the ANC would like to mobilise the masses

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and involve them fully in this second phase of transition. Considering these aims of the ANC government, the focus of this article is the deployment of power in the democratic South Africa with specific reference to the local government sphere.

The question therefore is whether local power is now nestled in a liberation movement as government for the people and as such that local government and citizens are now oppositional; or whether the struggle for democracy came full circle and power is now democratised so that the people themselves are "governors" of government. To clarify this matter this article focuses on the power relationship between local government and the people in the South African context and normatively on how power contributes to participation by the people in improving their own disadvantaged position. For this purpose the article commences by reflecting on relevant aspects of the power discourse on local communities, then argues the position people ought to have in local government and lastly looks at the way in which people currently wrestle to obtain power gains for themselves at local level in South Africa.

2. EXPLORING THEORETICAL ASPECTS OF POWER

Theories of power are helpful in determining the locality of power in local configurations. This concurs with the normative position in the power debate that is driven by a commitment to human freedom and political equality (Hayward & Lukes 2008:9). It wishes to clarify the political context that empowers or disempowers, people with regard to their position to govern their own existence. In this section relevant theoretical aspects of the power debate are applied to the South African context.

It is regrettable that in many cases in Africa when liberation movements came into power they employed predatory politics (Meredith 2005:688). In general this is not true for politics in the South African national government. Unfortunately some aspects thereof are evident in the provincial and local spheres of government. Mismanagement and corruption have resulted in hollowed out local governments. In many cases they do not serve the public well and do not empower citizens. The local communities therefore have to bear their governments and politicians as just another burden in their struggle for survival. It does not assist them to address inequality. If that happens, politics at local level is not appealing. As James Scott classically described it, it entails "a struggle over the appropriation of symbols, a struggle over how the past and present shall be understood and labelled, a struggle to identify causes and assess blame, a contentious effort to give partisan meaning to local history" (Scott 1985:xvii). South African local communities have to bear local governments that are in most cases not functional or beneficial for local development. For their own good they therefore have to react. Dennis Wrong

correctly stated: "Politics includes both a struggle for power and a struggle to limit, resist and escape from power" (Wrong 1979:13). This is typical of the power struggle at local level. In line with this, Jurgen Habermas rightly summarised Hannah Arendt's view on power as follows: "Power is a good for which political groups struggle and with which a political leadership manages things; but in a certain way both find this good already at hand; they don't produce it. This is the impotence of the powerful – they have to borrow their power from the producers of power. This is the credo of Hannah Arendt" (Habermas 1986:87). Power is therefore a serious engagement of role players on the power field with a determined outcome unclear.

The theorising of power clarifies what it is that limits the ability of people to act freely and what can empower them to resist limiting power. It explains the capacities of humans to bring about change, it sheds light on who are to be held responsible for outcomes and to evaluate the extent to which social systems give citizens freedom from the powers of others and to what extent they can act themselves to meet their needs (Morriss 2006:37-42). If the goal of the national democratic movement in South Africa is to transfer power into the hands of the people as a whole the theoretical understanding thereof will be important. It can provide an understanding of how power is currently exercised.

Different relevant theories of power exist. The elite theory views society as hierarchically structured and concerns itself with the relations between the rulers and the ruled, the powerful and the powerless. The view is that "control over crucial resources like property, money, the legitimate use of violence, political influence, scientific knowledge and so on is concentrated in the hands of a few" (Harding 1995:35). Individuals or groups are in a position "to exercise organizational and political control" as it was formulated originally in the elite theory (Vidich & Bensman 1968:70-71). This theory usually presumes property owners with similar interests may be seen as core partners in the regime. In South Africa the local elite consists rather of loyal party/movement cadres even though they belong to opposing or warring divisions within the movement. The political leadership struggles at local level do not present the community with a singular elite to engage with. They have to position themselves and extract for themselves benefits from a continuing political feud among duelling political elites. This also problematises local politics in South Africa. For example, as Booysen (2012:307) states in regard to the 2011 local government elections: "Candidate selections were the moment for communities to try and connect with representatives-to-be in the hope that they will bring community turnarounds. In contrast, for many in the disparate echelons of ANC leadership the anointment of factions and supportive tiers of cadres were the foremost considerations."

A further question is whether local leaders appeal to groupings in the local community, therefore constituting a more plural society. This does not hold locally in South Africa. Harold Wolman wrote: "Within the pluralist theory of local democracy, the role of local government is to be the political vehicle through which contending groups at the local level reflect and resolve their differences over local issues" (Wolman 1996:162). Within South Africa, local government is in many cases itself at loggerheads due to political infighting and therefore not the place where conflict is resolved. Although the continuous occurrence of local protests in South Africa indicates a high level of involvement of community groupings, this does not constitute typical pluralist politics. According to this theory political involvement of groupings can only be the venting of political anger and frustration. If political participation is defined as the action of sufficient numbers of people that feel unhappy about the existing state of affairs and wish to react, then it is present in the protests. But unfortunately it does not constitute a hopeful effort to enforce better service delivery. Whilst protests grew in the last number of years perceptions on government's service delivery remain at a low level (The Presidency 2012:97).

A problem for the pluralist theory is that governing coalitions originate between politicians and businessmen and women for mutual benefit. In this way they deal with the problem of scarce socio-economic sources. But the struggle for scarce sources becomes then the main priority and not development and policy implementation (Stoker 1995:62). This scarcity leads to instability in local regimes (Stone 1993:2). It heats up the competition among local politicians and leads to dysfunctional politics.

This is further complicated by continuous local restructuring processes, fiscal constraints and dwindling resources. The relationships with the provincial and national governments are also not stable (South Africa. Department: Cooperative Governance and Traditional Affairs 2009:17-18). Outsourcing processes are also in disorder. This makes it difficult for social movements to have a clear target with regard to their concerns and for influence on local political decisions. Peter H Rossi described this complexity as follows: "In communities with partisan electoral procedures, whose officials are full time functionaries, where party lines tend to coincide with class and status lines and where the party favoured by the lower class and status groups has some good chance of getting elected to office, community power structures tend to be polylithic rather than monolithic" (Rossi 1968:137). In such a situation social movements therefore do not have clear targets and local protests may manifest as diffuse outlets for dissatisfaction.

On the other hand it must be understood that the ANC as liberation movement makes it difficult for community members not to rationalise the actions of the local government as legitimate. This rationalisation process is possible because of the high moral ground of the struggle history and because the new political

dispensation is presented as a direct continuing process thereof. Through this process bias can be mobilised and positions of dominancy can be legitimised. The powerful in a community produce this problematic phenomenon opening thereby space for dysfunctional and corruptive action (Gordon 2009:271). This is clear in South African local governance (See Booysen 2012).

This structural focus on power is a worrying matter for theorists of power. If structural constraints limit the freedom of individual or collective actors they can structure people's actions – for the good or for the bad (Hayward & Lukes 2008:10). On the beneficial side Steven Lukes pointed out that the structural constraints can restrain the powerful from harming the people's interests and from limiting their freedoms (Hayward & Lukes 2008:7). He says: "Such restraint prevents the powerful from monopolizing first-dimensional decision- and policy-making power, and limits their second-dimensional attempts to control agendas. It also limits their third-dimensional capacity to frame public issues in a way that distorts or suppresses people's perceptions of their interests" (Hayward & Lukes 2008:7). Power at local level is therefore the outcome of the struggle between the rulers and the people within the limits of structural constraints. The nature of this power can contribute to functional local politics but, unfortunately, also to dysfunctional politics.

Yet, local social problems like poverty and inadequate housing are often due to the action or inaction of identifiable individuals or groups or institutions. Their power is discernible from the fact that if they acted otherwise they could have made a difference (Hayward & Lukes 2008:7). If they do not address remediable problems – even problems they may not have seen as problems – they are powerful. Power theorising wants to locate blame in its effort to promote human freedom and political equality. For this purpose the tendency is to focus on powerful actors.

In conclusion it can be stated that power is about having the ability to cause effects. This ability, however, is relativised by how people respond to this exercise of power. At local level the focus can therefore not only be on the politicians or on the people but the exercise of power at local level is the outcome of the struggle among them that has effects as a result. In concluding this section the normative position of the power debate can be reiterated – it is a commitment to human freedom and political equality. It wishes to reveal how people can be empowered over against those who want to limit it. The following section focuses therefore on the place of local people in a liberated South Africa.

3. THE SOUTH AFRICAN CONTEXT OF THE PEOPLE, THE LIBERATION MOVEMENT AND DEMOCRACY

How the concept of "the people" is understood and applied, is central to the discussion in this article. Before venturing into a more detailed discussion on this matter a broad *a priori* understanding is explored. Firstly, a conception of inclusiveness suggests itself. This is a conception of the totality of the human beings in the polity in all their relationships and their being – social, economic and political. This conception is suggestive of more than, in a political and (western) democratic sense, say the electorate, the public or even the citizen.

Secondly, "the people" is something different from "a people" in ethnic terms. Once again it is broader and more inclusive. Yet, it is perhaps also exclusive as it is "the" people. It does reflect on a particular polity. If a polity is however understood to be a system of social organisation centred upon the machinery of government (Heywood 1997:5), then the people goes beyond that. The people cannot be confined within a machine-like system of administration and governance. Thus it suggests a more human and expanding mutually constitutive character.

The concept of "the people" is of course not an unfamiliar concept in the discourse on politics generally and democracy specifically. It is indeed central to democratic theory. It is suggested that the idea of the people can be understood as the fountainhead of sovereignty and political power and it is therefore also an essential part of humanity and cannot be artificially created. The understanding of the people as presented in this article would therefore suggest an inclusiveness of the individual (and individual self-determination) in a collective mutually constitutive ("I am human through you" and even "I am a democrat through you") polity.

Considering South Africa, according to Booysen (2011:86): "The statement 'the people shall govern' in the Freedom Charter is the origin of the notion of people's power in this context. 'The people' denotes the totality of those who are democracy oriented and, overwhelmingly, the formerly oppressed and by now at least politically – liberated citizens of South Africa."

If the Freedom Charter is to be considered, it states upfront that South Africa belongs to all that live in it, black and white, and that a just government must be based on the will of all the people. But it also states that our people have been robbed of their birthright to land, liberty and peace. One is thus left with a sense that the Freedom Charter aims at expanding the inclusiveness of the South African polity, but it also puts the oppressed at the core of the people – i.e. our people. This is much as Booysen has suggested above. (See also Esterhuyse 1990:93 in this regard.) This core of the people – the oppressed - is essentially oppressed in two spheres: the political and the economic. The Freedom Charter focused on

these two spheres of liberation from oppression. Thus it is about liberation of the disenfranchised and political rightless and the poor. It is therefore suggested that the core of the people are those that must be politically emancipated and economically freed from poverty. At the periphery of the people are those that are part of the all and are as Booysen (2011) states politically liberated citizens, thus subscribing to the political rights that the core are attaining, but who are probably economically excluded from the core in terms of their economic position of not being poor. As indicated above, with regard to the normative position of power, the struggle is about human freedom that has broad implications – including both the political and economic dimensions.

Relating again to the conception of inclusiveness, Nel (1990:36) refers to the ANC's move (in the 1950s) towards thinking in more inclusive terms than other predominantly black liberation movements such as the Pan Africanist Congress (PAC). He argues that this approach is most clearly visible in the Freedom Charter which still remains the declaration of intent of the ANC. Nel (1990:36-37) further argues that this document commits the ANC to an inclusive modern nationalism ("a non-racial democracy") and to the establishment and sustainability of a modern social-democratic economic dispensation. This inclusivity also implies that although the ANC is in alliance with communists and labour unions, it does not project itself as a representative of only the labour class. Also see Murray (1994:125-126) where he argues that: "For nearly forty years, the Freedom Charter was enshrined in ANC/SACP lore as the unifying lodestar of the liberation movement."

Nel (1990:37) makes the critical point that the implication of the inclusive nature of the ANC is also that the ANC cannot be regarded as a political party in the traditional sense. This means that the ANC will not want to take part in the political process in South Africa as just another political party with a specific political mandate which represents sectional interests. The ANC views itself as the representative of one of the nations (in Nel's words) in South Africa, the oppressed, predominantly black nation that must dislodge the "colonial" burden of the governing nation. The ANC and the core of the people as described above are thus inextricably linked.

Perhaps one may therefore argue that the ANC is a political party of a special type as it is sometimes argued that apartheid was colonialism of a special type.

It is, therefore, clear that the people represent a core of formerly oppressed predominantly black South Africans that, in terms of this understanding, dates back to at least the adoption of the Freedom Charter and the evolving inclusiveness of the ANC. Similarly the ANC has been intertwined with this conceptualisation of the people, and as a vehicle for people's power, has become integrated with the people. Yet, as a political party of a special type, in our view a liberation movement with a specific set of characteristics, assuming the role of political party for governmental

purposes, it now nearly two decades after liberation represents the core of the people which are predominantly black and poor but with an inclusivity of others that have become politically liberated. However, the crux of the matter is that the ANC now embodies representative power as government as well as people's power as the liberation movement and the question is whether (local) government can hold together these two facets of power. Participation – demonstrating of people's power – becomes critical as governmental power in terms of a differentiation between state and party becomes power that is un-ANC (this does not necessarily mean not implementing ANC policies but rather divorced from the people). Are the people therefore re-asserting the principles of the Freedom Charter outside and against the ANC? Or is it power realignments within the broader oneness of the people, the ANC, the government and the state? Booysen (2011), for example, indicates that the people protest but still vote ANC. Or is there opportunity here for a new deepened democracy reflecting a balance (and sharing) of power between the people and the government, even if both are ANC?

In concluding this section it can be stated that the South African understanding of the people resonates with the democratic understanding of the people, also as fountainhead of sovereignty and political power, but that our understanding of the people is also one that is more enveloping (mutually constitutive) than a representational understanding typical of western democracies. This is confronted with a liberation movement that has grown with this understanding and has become integrated with the people as described above. Yet, it now also wears the western style hat of party, government and state which would seem to be another centre of (oppositional) power.

4. THE SOUTH AFRICAN GOVERNMENTAL CONTEXT WITH SPECIFIC REFERENCE TO LOCAL GOVERNMENT

As the main protagonist during the negotiation phase towards the establishment of South Africa's democratic dispensation in the early 1990s, it is inevitable that the ANC's broader understanding of the South African reality would hold sway. Its ideology would thus dominate the outcome of this process. The main accomplishment in ordering the state as the outcome of this process is undoubtedly the constitution of 1996, although written by the elected Constitutional Assembly, yet based on the Constitutional Principles adopted by the negotiating parties.

This constitution puts in place the framework for the South African polity post-1996 and could be viewed as oscillating between social and liberal democracy as an outcome of the pact transition to democracy. The constitution, however, displays vibrancy through the lubrication and meaning that the ANC ideology as its principal creator provides. Apart from the relevance of this statement as far as

the operation of the constitution in general is concerned, it is already evident in the "Preamble to the Constitution" as it commences by stating that: "We, the people of South Africa believe that South Africa belongs to all who live in it, united in our diversity" and also "...lay the foundations for a democratic and open society in which government is based on the will of the people…".

Naidu (2008:83) also argues that: "South Africa has one of the most progressive constitutions in the world and public participation is one of the fundamental principles enshrined in virtually all aspects of it. The intention of the drafters was therefore clear: to ensure that South Africa is a people-driven democracy that creates spaces for the voices of ordinary people, especially the marginalised, to be heard and acted upon in ways that can be seen and felt as improvements in the lives of many."

One could argue that the constitution addresses all those political rights that the Freedom Charter raised in terms of a state and governmental framework. It is, however, probably those economic aims of the Freedom Charter that remain outside the full reach of the constitution as it reflects a more liberal democratic character when such matters are addressed.

The constitution also provides for local government. The South African state is organised in three spheres. The idea is one where the ideological point of departure of centralism underpins the state, but where power is devolved into separate spheres, notably provinces and local government, but not in the true federal sense (see for example Besdziek 2006:103-104). The South African state is essentially unified and indissoluble and the constituent parts and the whole form an interacting unit. Section 40(1) of the constitution indeed states that: "In the Republic, government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated." It is also noteworthy that government is constituted in different spheres, but not the state.

Chapter 7 of the constitution provides for the framework of local government and states clearly that a municipality has the right to govern, on its own initiative, the local government affairs of its community. It is thus clear early on that the community receives specific attention in the understanding adopted by the constitution in respect of local government. Considering what was said previously on who the people are, it may be argued that community is also a different conception from electorate, public or citizen – it is also inclusive and it is suggested that the community may be viewed as the localisation of the people.

The objects of local government contained in section 152 of the constitution, contextualise the community within local government.

It is stated that:

"The objects of local government are –

(a) To provide democratic and accountable government for local communities;

(b) To ensure the provision of services to communities in a sustainable manner;

(c) To promote social and economic development;

(d) To promote a safe and healthy environment; and

(e) To encourage the involvement of communities and community organisations in the matters of local government."

These often quoted objects of local government place an obligation on government generally (intergovernmentally) and local government specifically (municipalities) to provide democratic and accountable government to the people in the local community. One could argue that within the context of the constitution this would be a rights based democracy extending on some levels to aspects of social democracy. The objects further highlight provision of services (perhaps having its basis in an historic liberal democratic understanding of local government as service provider – as a technocratic governmental instrument), development, a safe environment and lastly involvement of communities in local government.

Several years after these objects were crafted, one also cannot help but feel that a redesign of these objects might be in order as it conflates the democratic basis of local government with functional matters which could be detrimental to understanding the proper role of local government and its relationship with the people. A redesign of the objects of local government, placing democracy and participation (involvement) in an enveloping context supported by objects of transformative development, might contribute to the enhancement of the understanding of South African local government within the context of South African democracy and the centrality of the people therein.

Reference has been made to development within the constitutional context. In the developing of the architecture of South African local government the concept of developmental local government has become central. The White Paper on Local Government of 1998 (preceding the development of the legislative regulatory framework) devotes a whole chapter to this approach. The White Paper South Africa (1998:17) defines developmental local government as: "local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs to improve the quality of their lives". If this particular section of the White Paper is considered, the emphasis on community involvement and an approach towards the people is also

abundantly clear. This approach of developmental local government is also clearly evident throughout the regulatory framework for local government.

Especially since 2000 a regulatory environment has been established to facilitate the local government system. The Local Government: Municipal Demarcation Act, 1998, provided for the post-apartheid spatial environment of municipalities, the Local Government: Municipal Structures Act, 1998, provided for the structural and institutional set up of municipalities including categories, types, electoral system, etc. Of specific reference to this article, this Act also provided for the first mechanisms for participatory democracy in local government through the establishment of ward committees. The Local Government: Municipal Systems Act, 2000, provides for the internal systems of municipalities and hinges on the system of integrated development planning and performance management. Importantly this Act reinforces the principle that municipalities should develop a culture of community participation through the ward committees as well as other mechanisms. It places a high priority on community consultation, involvement and participation in municipal affairs. The Local Government: Municipal Finance Management Act, 2003, which regulates the financial affairs of municipalities, also continues to emphasise the importance of community consultation. (For a detailed discussion of aspects of the local government system see Thornhill 2008, Van Der Waldt 2007 and Craythorne 2006).

The brief overview of local government above therefore suggests a clear intention of involvement of the people (it is suggested as understood in this article) and even to progressively understand the people as central to local government, both in terms of what local government is and what it needs to do. But this is also done in a highly technocratic regulatory framework as well as the context of development(alism) which is subject to rather substantial criticism. Van Dijk and Croucamp (2007:673) make the argument that: "If it can be accepted that a very nominal definition of a developmental state is pursued in South Africa by the ruling party, the tri-partite alliance and policy makers, a fundamental anomaly still prevails in the execution of the ideal of a state functional in the social and economic upliftment of destitute communities. The statutory and constitutional regime makes provision for the active involvement of society in the formulation of policy, but at the local sphere of government, the responsiveness of the state has reached appalling levels, allowing for, in a rather ironic sense, discontent and disorder to become embedded...".

Related to this discussion Edigheji (2006:6-7) states that: "The South African developmental state is in a real sense committed to civic participation and engagement in policy and governance processes. In an attempt to demonstrate its commitment to the participatory elements of the developmental state, the concept of a 'people's contract' was the theme of the ANC manifesto for the 2004 general

elections. The adoption of this theme was based on the recognition that in spite of major social and economic advances, challenges – namely unemployment and poverty – remain. These are, undoubtedly, the main challenges for the second decade of democracy (ANC 2004). The idea of 'a people's contract' was, therefore, part of the recognition that the state (even in alliance with business) would not be able to achieve its economic objectives – such as halving unemployment and poverty by the year 2014 – without working closely with citizens and communities. A closer reading of the ANC's 2004 manifesto shows that the concept of a 'people's contract' was also intended to inject a democratic component into the emerging South African developmental state."

If Edigheji's (2006) analysis is accepted it is clear that governmental failings alluded to earlier in this article and also above by Van Dijk and Croucamp (2007), have been seriously noted by the ANC and that the response to this supports the centrality of the people and people's power as is argued in this article. Yet, it should be noted that the struggle with a technocratic response to governmental challenges (and perhaps the struggle for the ANC pertaining to what proverbial hat to wear) is evident in the 2012 policy documents that were discussed at the June 2012 ANC policy conference. Compare in this regard the approach followed in the ANC discussion document entitled: "Legislature and Governance", pertaining to articulation of its understanding of a developmental state, technocratic responses to challenges and, in our view, scant attention to the position of the people.

5. THE RELATIONSHIP BETWEEN SOUTH AFRICAN LOCAL GOVERNMENT AND THE PEOPLE

"In the 1980s, in the midst of the rolling waves of semi-insurrectionary struggle, 'The people shall govern!' vision was once more invoked. It was also enriched with deeper meaning in a thousand sites of struggle, in civics, in rural women's organisations, in shop stewards councils, in school classrooms, in the mushrooming of local newsletters, in liberation theology, in poetry, song and graphic design. In struggle, popular forces pitched against the apartheid regime increasingly fought not just against oppression, but also for something - for an alternative, if still rudimentary, popular power, 'democratic organs of self-government'. People's courts and self-governing street committees emerged in the township vacuum as black local authorities were chased away and the apartheid police retreated. In schools and universities alternative people's education days and courses were run. In the early 1990s, with the regime's counter-revolutionary violence escalating, communities constituted self-defence units" (Cronin (2005) as quoted by Edigheji (2006:8)).

Historically the relationship between local government and the people – as understood in this article - has been an acrimonious one. During the apartheid regime the form of local government was administrative by nature with limited power and democratic impact. But it also presented the coalface of apartheid, where the people were most severely dehumanised in terms of democratic participation and equality (see Cloete 1995:1).

The introduction of the post-apartheid democratic system of local government saw an intense focus on democratic participation and development with the introduction of a sophisticated enabling framework in this regard, as discussed in the previous section.

Yet, it appears that approximately a decade after the gradual democratisation of local government the relationship between the people and the post-apartheid local government system has become strained.

The past several years have witnessed an upsurge in the occurrence of protests by communities within municipalities. This would appear to be intensifying. For example, a report by the Research Unit of the South African Parliament indicates that in the period January – June 2009, a total of 26 protests were recorded, as opposed to 27 for the whole of 2008. Protests also receive a significant amount of coverage in the media and are typically labelled as "service delivery protests". Atkinson (2007:54-58) also provides an overview of protests that occurred from 2004-2006 as well as the reasons cited for such protests. Pertaining to the scale of protests, Atkinson (2007:58) states that: "According to the (then) Minister for Provincial and Local Government, Sydney Mufamadi, in 2005 protests were recorded in 90 per cent of the 136 municipalities identified as needing urgent assistance. The estimate by the (then) Minister for Safety and Security, Charles Nqakula, was higher: in the 2004/05 financial year, there had reportedly been 5085 legal protests and 881 illegal protests…" Detailed research conducted by Booysen (2012:133) places the number of protests from 2004 until July 2011 at 499 and the South African Institute of Race Relations (2012:9) indicates the number of major service delivery protests as 402 in the period 2004-2011.

From the above it is apparent that protesting within local communities is a discernible feature of the relationships between local government and the people. Protests have been recurring for several years as well as persistently in relatively high numbers if the figures quoted above are to be accepted (even if definitional variances in what constitutes a protest are accepted which will result in different totals). Media reports also confirm the continued prevalence of these protests.

According to the parliamentary report referred to above, the reasons put forward for these protests include the following (which are similar to those cited by Atkinson (2007)):

- Lack of / poor service delivery (water, sanitation, electricity, refuse removal);

- Lack of / inadequate housing;
- Evictions;
- High levels of unemployment;
- Lack of communication with communities;
- Lack of leadership in the municipality;
- Corruption;
- Nepotism;
- Maladministration; and
- Financial mismanagement.

The parliamentary report discusses the constraints and challenges facing municipalities and essentially these can be identified as lack of capacity, lack of accountability, also spiced with political factionalism and a context of poverty and unemployment. If this understanding is to be taken as accurate, then the occurrence of local protest finds itself within the broader societal context of what poverty and unemployment entail socio-economically as well as the reality of municipalities functioning less than optimally and also influenced by a democratic deficit (lack of accountability) and institutional power struggles (political divisions). This understanding corresponds with Booysen's (2011:135) analysis of what she understands to be the three main axes of protest and communities in relation to local government. The first axis is delivery and transformation. In this regard communities protest about a lack of and unequal access to services (locally) and insufficient delivery on provincial and national policy issues, all with a bearing on the realisation of socio-economic rights. The second main axis pertains to representation. Communities protest that local government councillors and bureaucrats are not listening to, or are listening but not acting on, known citizen needs, or are out of touch with communities. The third axis pertains to governance. Communities protest against appropriation or exploitation of public goods to personal advantage by councillors and bureaucrats.

A 2012 report by the Human Sciences Research Council (see Figure 1) also highlights the concerns (reasons) of protesters. What can be learned from these identified reasons (apart from the correspondence with reasons cited by others) is the widespread diversity of the dissatisfaction. Only the concern of housing stands out to be relevant in all cases in terms of this report (which is not a local government function – local governments essentially act as agents for the national and provincial departments in regard to this line function. However, the issue highlights the potential instability that ineffective intergovernmental relations, in

terms of the constitutional set-up described earlier, may cause). Also clear is that the highest prevalence relates to the technical and tangible aspects of service delivery.

Considering what has been said earlier in this article about the Freedom Charter and the constitution it may also be remarked that the typical reasons cited for dissatisfaction pertain to the realisation of socio-economic rights. It is our suggestion that this is compounded by the power relationship between local government (the ANC as government) and the people or communities. Booysen (2011:127), for example, states that: "The voting-protest dual repertoire displayed the simultaneous operation of the two parallel layers of democracy in and around the ANC, and how they intersect." In our view the same can be said in terms of the operation of power in and around the ANC as government and as liberation movement of the people.

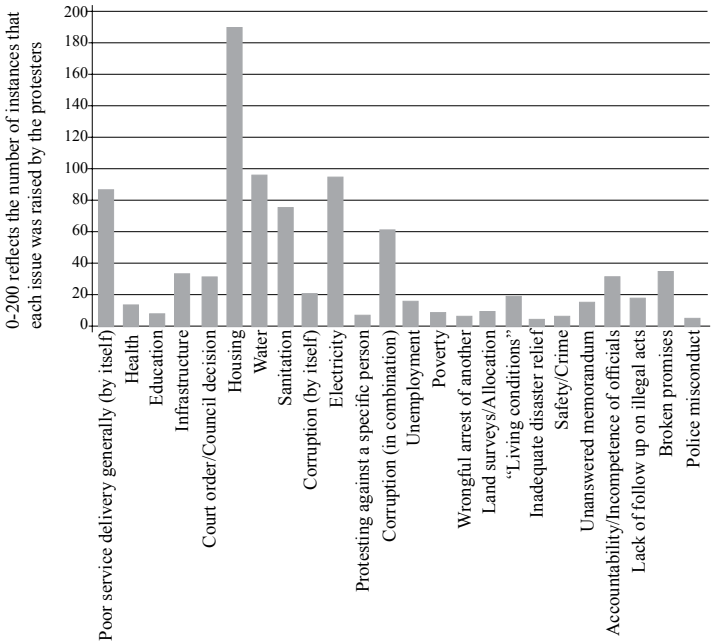

Figure 1: Concerns of South African protesters 2007-2010

Source: HSRC 2012

Atkinson (2007:53) also agrees with the research cited above as she considers the causes of these protests and states that "there are three main causes for the mass protests of the last two years: municipal ineffectiveness in service delivery, the poor responsiveness of municipalities to citizens' grievances, and the conspicuous consumption entailed by a culture of self-enrichment on the part of municipal councillors and staff". She also argues that the ANC government is paying considerable attention to the causes of protests, but that there remains a *fundamental ambiguity in the ANC's understanding of local accountability; on the one hand, it attempts to promote accountability by means of ward committees, but on the other, it engages in practices that undermine accountability* (our emphasis). She also states further that: "Critics have argued that the lack of delivery and the rise of corruption at council level, ostensibly the cause of the public protests, are in fact merely the symptoms of a general lack of accountability to the voting public" (Atkinson 2007:64).

If Atkinson's analysis is considered together with the general impression of protests as indicative of the relationship between local government and the people, one is left with an understanding of at least two critical factors that are at loggerheads. Firstly, it is evident that service delivery failure or lack thereof is a contributing factor in the strained relationship between the people and local government – the service delivery object of local government is therefore compromised on a functional and technical basis (compare the developmental state approach referred to earlier and the need for a "people's contract"). Atkinson (2007:72) indeed argues in this regard that: "The state has simply not comprehended the scale of the task of transforming municipalities into developmental institutions…" Secondly, what is also evident amongst the reasons suggested for protest is a compromised democratic interaction between government and the people – the lack of accountability aspect of the constitutional objects of local government. These two factors, it is suggested, reinforce or multiply the strain in the relationship between the people and its agents/representatives. It might then well be true, as Atkinson (2007:76) states, that: "The pressure of the populace will have to be felt at the barricades, not at the ballot box." This remark also resonates with what has been said about the integrated nature between the ANC and the people and the implied massive responsibility this places on the ANC as movement as opposed to a representational political party.

The factors mentioned above are further exacerbated by the limited success that formalised mechanisms, as provided in the local government regulatory framework for democratic participation, afforded. Buccus and Hicks (2008:525) emphasise this point, also referring to Manor (2004), that: "Participation mechanisms that are established to channel citizen input are not accessible to the majority population in societies characterised by inequality, particularly

marginalised communities and sectors, and typically do not 'automatically benefit poor people and groups that have long faced social exclusion'." Also of relevance is the argument that participation in ward committees is predicated on a formal, legalistic understanding of participation, which sees those who participate as beneficiaries or clients of government's development interventions. It is based on a technical approach to participation which fails to engage sufficiently with issues of power and politics – people are not part of the actual decision-making processes as decision-making power resides somewhere else. Buccus and Hicks (2008:529) suggest that: "Attempts to facilitate community input are largely superficial, and do not tap into the *real* power base where decisions are made." Once again, if the ANC discussion document on "Legislature and Governance" (2012) is considered, then this problem would appear to be set to continue (see for example p. 23 and further of the discussion document).

Yet, the participatory process might seek to transform underlying social and power relations as Gaventa (2003), quoted by Buccus and Hicks (2008:527), argues and in our view thus provides momentum to the realisation of socio-economic rights underlying the Freedom Charter and people's power that might not have been adequately catered for in the constitutional framework to which the ANC as government is bound. Participation can thus be the key to unlock the dichotomy between governmental and people's power in a form of democratic power sharing. As Pieterse and Van Donk (2008:52) state: "In our reading, the upsurge in popular protests and non-violent direct action is an integral part of participatory local democracy and fully in line with the scope for democratic expression envisaged in the Municipal Systems Act 32 of 2000. However, we do think that these protests reveal that the efforts and achievements of most municipalities have fallen short of critical development ideals such as poverty reduction, environmental integrity, cosmopolitanism, economic inclusion and cultural fulfilment (/pleasure): ideals that depend on the realisation of rights embedded in the Constitution."

In conclusion, concerning the relationship between local government and the people with reference to protest action, Booysen (2011:130) makes use of an apt quotation from a protester in July 2011 at Enzenzeleni (Warden, Free State province). The protester stated: "Protest is not about party politics, about dropping the ANC… Protest is part of the struggle to realise people's rights." In our view this summarises the power relationship between local government and the people. The people as democrats recognise the legitimacy of government but they also reserve their position as the fountainhead of political power, thus they engage through participation (also in the form of protest) in asserting this power in relation to their agents. The net result is a continuing power struggle to ensure a mutually constitutive democracy.

6. CONCLUSION

The statutory framework for local government in South Africa stipulates a participatory decision-making and policy implementation model. This is also supported by the "ideology" of the ANC as the national governing party. In this context people are viewed as more than investors of power in government which then has to govern on their behalf. The people are understood as fundamental in the governing process – the government is the people and exists on behalf of the people.

A problem arises when this notion of government is frustrated. This is clear from the upsurge in local popular protests and non-violent direct action in South Africa in the new dispensation. The protests become then a continuous extension of the struggle for people's power. The governmental system is viewed as legitimate and therefore the overthrowing thereof is not the goal of the protests. It is rather part of a struggle to establish a government that engages its people – a proper participatory government that exists on behalf of the people. The struggle wishes to constitute a people's democracy.

Predatory politics, in-party fights, different levels of governmental responsibilities and rigid regulatory directives do not make this a simple and clear-cut struggle. This is what the theory of power confirms. Power is about having the ability to cause effects, but that ability is relativised by the response of people to that effort. At local level effects are the outcome of the engagement, or lack thereof, among politicians and the people. If the people do not engage in this struggle with, for example, protests they will not contribute to their own freedom and furthering equality.

As power theory explains, power at local level is the outcome of a struggle among participants that has effects as a result. In view of this the article can reiterate the normative position of the power debate – it is a commitment to human freedom and political equality. It wishes to reveal how people can be empowered against those who want to undervalue, ignore or exploit them. It wants to locate blame when people's position to appropriate symbols, to label their situation and to assess causes, is undermined. The power relationship between local government and the people is therefore not an easy or simple relationship. In the South African context it remains a contentious struggle to transform local government as an institution directed towards the benefit of disadvantaged people.

We can therefore answer the question of this article, whether local power is oppositional between the government and the citizens or whether it has become fully democratised, by arguing that the protests indicate a reaction to polarisation, but demonstrate on the other hand that people resist this tendency and struggle continuously and increasingly to define themselves as part of the local decision-

making and policy implementation processes. Even in the cases where it is only a venting of frustration, without definite engagement, it still demonstrates an effort to strengthen the idea of people's power.

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