

The following is from: Dale T. McKinley & Ahmed Veriava (2005), *Arresting Dissent: State Repression and Post-Apartheid Social Movements* (Johannesburg: Centre for the Study of Violence and Reconciliation). These were then reprinted in a further book with same title and published in 2010 by Lambert Academic Publishing.

Chapter 4

Arresting Dissent

In August 2002, one week before the World Summit on Sustainable Development (WSSD), the Social Movements Indaba (SMI) organised a 'freedom of expression march' to highlight the ongoing harassment¹ and imprisonment of social movement activists in the mobilisations leading up to the summit. The march was however violently disrupted by members of the SAPS before it had a chance to begin. This was not the first protest in post-apartheid South Africa to fall under the heavy hand of the police. However, the content of the march (highlighting the continued repression faced by social movements), the media focus on the Summit, and the fact that many of the participants of the march were well known international activists, ensured that the event would not go unnoticed. That evening, broadcasters all over the world screened images of the South African police attacking a crowd of people armed only with candles². For those who witnessed the horrors of apartheid repression, the image was a haunting reminder of the not so distant past.

"The events of this evening are only further confirmation of the ever-narrowing space in the 'new' South Africa, for the exercise of the basic constitutional and human rights to freedom of expression and assembly. If it was not before, it should now be crystal clear that the South African government is hell-bent on smashing legitimate dissent by whatever means they deem appropriate, including attacking peaceful marchers and terrorising children. The ghosts of the South African past are returning with a vengeance". (SMI, 2002b)

While the march itself would never reach its destination, the incident severely tarnished the image of the host nation, and mainstream civil society formations began to take a fresh look at the threat posed by state repression to South Africa's new democracy. In a book published in the immediate aftermath of the WSSD, Simon Kimani Ndung'u of the Freedom of Expression Institute (FXI) notes:

"If the WSSD is anything to go by, then South Africa has already entered a new phase of struggle, which will be waged mainly between activists

¹ "Over the last week, more than 150 people have been arrested and imprisoned, and many others intimidated and harassed for exercising their right to freedom of expression. These include 87 members of the Anti-Privatisation Forum (APF) & the Soweto Electricity Crisis Committee (SECC) who still face charges from an April demonstration at Joburg Mayor, Amos Masondo's house, members of the Soldier's Forum (an affiliate of the APF), members of the Landless People's Movement (LPM) & National Land Committee, and APF activists in Potchestroom" – SMI (2002b).

² In keeping with the general character and message of the march, participants carried candles.

and social movements on the one hand, and the state on the other” (Ndung’u, 1993: 15).

In this section, we attempt to unravel the narrative of conflict that has characterised the relationship between the state and community-based social movements resisting the effects of neoliberalism. The first part of this section will attempt to chart the contours of the state’s response to new social movements in relation to the country’s macro-economic framework. We then attempt to identify the points of contact between the state and community movements in relation to the demands made by movements, and the states responses to these demands. From this point we begin to analyse the effect of the conflict on the relationship between the state and communities in struggle, and suggest possible consequences of this current trajectory. In the final part, we look at the manner in which the conflict has affected communities and movements themselves.

State Repression and Post-Apartheid Social Movements

In his essay, the political economy of state repression, Salim Vally argues that while there are significant discontinuities between the apartheid order and our new democracy, fundamental aspects of the state remain unchanged.

“[That which] continues are the dominant interests that determine the strategic thrust of the South African state. Ownership of the commanding heights of the economy, the repressive apparatus of the state, despite the integration of former guerrillas by the army and the police, the judiciary, the top echelons of the civil service, of tertiary education and strategic research and development, have remained substantially in the same hands as during apartheid” (Salim Vally in Ndung’u, 1993: 67).

Thus, while substantial changes have occurred within national security services, in many cases, the mindsets and practices that structured apartheid responses to dissent and conflict have crept into our new democracy. This problem is further amplified at a local level where the absence of the watchful eye of the media, and the economic vulnerability of community members, has meant that the different arms of state power have been less inhibited.

These continuities are, however, overdetermined by the particular position adopted by the state and ruling party in relation to questions of economic policy. As noted earlier, in 1996 the ANC government abandoned the RDP through the adoption of the GEAR policy. Soon afterward, elements within the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP), as well as other civil society formations, released stinging critiques of the new policy, many on the grounds that it would further entrench apartheid inequalities and signalled the ANC’s abandonment of its mandate for radical social transformation. The ANC’s responded by closing ranks. Those who continued to criticise GEAR would come to feel the full weight of the messianic appeal of Mandela, as he declared the policy ‘non-negotiable’.

In the period that followed, the ANC-SACP-COSATU alliance became increasingly polarised around this issue. However, as the political pressure from the President's office and the Treasury increased, strategic differences also began to emerge amongst GEAR's dissidents. Two general arguments emerged. The first focused on the strategic importance of the Alliance and argued that the policy debate needed to occur within these institutional boundaries, foreclosing the usage of more antagonistic strategies. The second evinced a belief that an effective intervention would need to involve strategies that would more directly challenge and pressure the state, and argued further that, in this context, the basis for the Alliance itself was in question. As the debate intensified, the label, 'ultra-left', increasingly became associated with the latter view and its proponents - with some of them later facing expulsion. A climate of hostility towards any radical critique of ANC policy took hold within the Alliance and beyond. With the effects of GEAR catalysing a new wave of community resistance, this hostility began to extend into other spheres of society as well.

Ashwin Desai is amongst the writers on the transition who have noted the importance of the Bredell land invasion in 2001 as a focal point in the resurgence of grassroots activism in South Africa.³ However, Bredell was also instructive in characterising the form of the state's responses to community activism that conflicted with its macro-economic imperatives. As news of the invasion spread, the prospect of South Africa following the Zimbabwean route sent the Johannesburg Stock Exchange (JSE) into a spiral. In spite of the fact that the land was unused and housed an established informal settlement long before the crisis in Zimbabwe, the state acted to evict the 'invaders'.

“[T]he question posed by the invasion was whether the ANC would allow redistribution of land outside of the narrow willing-buyer, willing-seller policy parameters that applied to all but a few thousand people with 'valid' land claims (Desai: 2002:124).

The subsequent eviction of the community sent a clear answer to international capital and landless South Africans. It was now not just GEAR that was non-negotiable, but its prescribed environment as well. What Bredell ultimately represented was the extent to which the non-negotiability of GEAR had extended to enclose all forms of resistance, including bare life. This is the context in which new social movements encounter the state.

Points of conflict and engagement

The foreclosure of any real dialogue between the state and communities in relation to issues of economic import has meant that engagements between the two have, in many cases, taken on a conflictual character, mediated by the criminal justice system. The response of the local state to communities resisting the effects of GEAR has thus come to reflect this reality. On the other hand, the local police, the

³ Bredell is a peri-urban area located east of Johannesburg.

council, and state service providers have come to represent for these communities the primary focus of social movement antagonism. However, the private sector, usually in the form of private security companies, has also played an important role in structuring perceptions of the state's responses to community resistance.

Our research has also noted an array of complex arrangements for responding to community demands and 'maintaining order' in the three community case studies reviewed for this research project. Without attempting to present a comprehensive account of all engagements in which these movements have been involved, we have selected key moments in their history which have characterised the various forms of their relationship with the state.

Khayelitsha

As cost recovery practices began taking hold, and the threat of repossession by banks and relocation became more determined, members of the community in Mandela Park began mobilising against the evictions (first through the Mandela Park Youth Housing Committee, and then later as the Mandela Park Anti Eviction Campaign (MPAEC⁴). Since the conflict in Khayelitsha began around SERVCON-bonded houses, bank and SERVCON officials represented the main focus of community demands. However, the Campaign has also petitioned the National and Provincial governments to intervene in crises, believing that they have a responsibility to provide housing for the poor.

"The government handed over this business to the banks ... So, while we say the banks are responsible ... the government did this as well because they wanted to sell us off" (Interview with Fonky Goboza).

The initial demands of the campaign were therefore twofold. On the one hand, they demanded that the banks should cease all eviction plans and attend to the repairs desperately needed on the houses. On the other hand, they argued that the state should repurchase the land from the banks, removing the latter's control over the houses. These demands were communicated, in the main, through a series of letters that were sent to the banks, SERVCON, and the provincial and national housing ministries. Neither the banks nor government responded.

With no space to engage the state or the banks, and emboldened by their growing support in the community, the MPAEC embarked on a series of more militant strategies. During 2001, they were able to force a temporary halt in evictions, principally through using force to prevent the sheriff from giving effect to eviction notices. This forced the state to tighten its application of eviction orders. In order to deal with this problem, greater numbers of police officers were deployed to sites where evictions were taking place; and the repossessions continued.

In March 2002, frustrated at the wall of silence erected by the banks and government, the MPAEC began reinstalling people into their original homes while becoming more aggressive in their attempts to secure an official concession from the banks and government. In May of the same year, some 200 members of the community boarded buses headed for the city and occupied the offices of National Building Society (NBS) in St Georges Mall. When this occupation failed to secure

⁴ For a comprehensive account of the origins of the MPAEC, see section two.

any progress, the MPAEC occupied the office of Khayaletu Home Loans. This time they refused to allow the manager to leave until its head office in Johannesburg agreed to send a delegation to meet with the AEC. While Khayaletu would eventually scrap the arrears, this did not change the circumstance of those residents whose bonds were held by other banks, nor could it permanently secure the tenure of residents' occupation if they fell into arrears again.

On hearing that the ANC MEC for Housing in the Western Cape, Nomatyala Hlangana, would be appearing on a local radio station, members of the AEC went to meet her. While on air she agreed to meet with the AEC. Once the spotlight was lifted, however, she would renege on her promise. She did convene a meeting in the area to discuss the crisis, but only the local branches of the ANC, SACP, South African National Civic Organisation (SANCO) and COSATU were invited. Angry and frustrated, the MPAEC, joined by the Tafelsig AEC, marched on the provincial parliament where her offices were housed. The only state officials to give them an audience were the police. The crowd, angry and frustrated, did not leave and the police reacted by attacking the crowd with rubber bullets and teargas, arresting 44 people including pensioners and children. When those arrested appeared in court, the conditions of bail included a specific order not to return to the Wale Street offices.

The banks, realising that the growing local strength of the AEC would further frustrate their ability to evict residents who had defaulted on payments, applied for, and received, an interdict against four people identified as the leaders of the AEC.⁵ The interdict restrained the named respondents from amongst other things, “preventing evictions, persuading or inducing others to do the same, or directly or indirectly inducing or encouraging any person to occupy property” (Desai and Pithouse in Barnard and Farad, 2004: 860). The banks had earlier also began selling disputed houses, creating the basis for renewed conflict as new owners became responsible for evicting the defaulters.

One of the respondents of the interdict was Max Ntanyana, a South African Municipal Workers Union (SAMWU) shop steward and MPAEC activist. Ntanyana was arrested along with 30 other workers during an industrial action at a Cape Town water plant in September 2002. When he appeared in court, bail was withheld on the grounds that he was continuing his activities in the MPAEC. He remained in Pollsmoor prison for over one month. When his legal representative did eventually secure bail for Ntanyana, he was slapped with severe bail conditions designed to limit his political activity. Under these bail conditions, he was prevented from attending any public meetings or protests, communicating with any evicted person, or leaving Khayelitsha without first gaining permission from the police. He was also forced to report twice a week to the local police station. After a more recent arrest, related to his work in the AEC, Ntanyana was placed under a virtual house arrest, not allowed to stray outside his property after dark. Other members of the campaign would also receive similar bail conditions (Collective interviews with MPAEC members).

When the state finally responded definitively to the demands made by the MPAEC, it was in the form of a crackdown. In November 2002, Leonard Ramatlakane, the MEC for Safety and Security, announced that the state intended to “deal with the anti

⁵ With virtually no financial resources, the AEC was unable to oppose the interdict.

eviction group, which is behaving as if it is representing the state. It is manipulating the real concerns and real problems of the community and should be brought to order” (*Cape Times*, November 8, 2002). The ‘crackdown’ which followed unleashed one of the most bruising community-state conflicts of the post-apartheid era.

Within the police, a special unit was now created to specifically handle all matters relating to the Anti Eviction Campaign. However, rather than simply targeting the leadership, the unit focused on those people who had been put back into their homes as well. Peter van Heusden describes the state’s strategy:

“They would arrest you for trespassing and you would appear in court. Generally the bail conditions given would include you not being able to go back to the house. So if you return, what happens is you get arrested again. Now you have broken your bail conditions so they send you to Pollsmoor. Some old people were also sent to Pollsmoor for two months; and it was basically for trespassing” (Interview with Peter van Heusden)

In the months that followed, life in Mandela Park became increasingly violent. The wave of arrests of people who had been put back into their homes, and the continued evictions, were followed by a series of retaliations from the MPAEC. Most notable in these actions was the stoning of commercial vehicles on the main road. Court appearances, usually marked by huge numbers of MPAEC members, often turned into heated confrontations between police and community members. Prosecutor Sidaki, of Khayelitsha Magistrates Court, claims to have presided over 100 such cases involving members of the AEC (these included charges of trespassing, intimidation and public violence) in the two years that he has worked there (Interview with Thembalihle Sidaki). The crisis in Khayelitsha has subsequently calmed as the rate of evictions has slowed down. In the absence of any form of state intervention outside of the criminal justice system, however, this crisis is likely to escalate once the business of evictions get underway again.

Orange Farm

The conflict in Orange Farm began around issues relating to basic services and non-delivery. Demands were thus focused on state-owned parastatals (notably ESKOM and Johannesburg Water). However, like the Mandela Park Anti Eviction Campaign, the Orange Farm Water Crisis Committee (OFWCC) believes that the ultimate responsibility for the conflict rests with state.

“[G]overnment is trying to run away from it’s responsibility of providing basic services. And as long as there is no basic service then conflict will be there, because people will stand up and fight for their rights and their freedom” (Interview with Bricket Mokolo).

There is, therefore, a strong focus on the national state in relation to the demands of the OFWCC .

The first engagements, between the state and the newly established Crisis Committee⁶, centred on people’s expectation of post-apartheid delivery. However,

⁶ For a fuller treatment of the evolution of the OFWCC, see Section 2 of this report.

the first actions organised by the Crisis Committee focused on the problem of electricity cut-offs. In this regard members of the Crisis Committee argued that the state had a responsibility to provide electricity and as such, no user fees should be charged. They also argued that the existing electricity arrears should be scrapped. 70 people attended the first meeting that was held where it was decided that a march to ESKOM would be organised.

In the protest that followed, scores of Orange Farm residents marched on the local ESKOM office. Once there, the leadership of the march met with local officials. It became clear that the current framework characterising electricity delivery did not really allow ESKOM to negotiate any substantial concession to residents in arrears outside of 'payment plans'. This meant that their demands could not be met at this level. In this context, the Crisis Committee decided to return to the apartheid era tactic of illegally reconnecting residents.

The central focus of the new committee would however, be water. As such the Crisis Committee began to be known as the Orange Farm Water Crisis Committee. The campaign of the OFWCC, with respect to water, targeted Johannesburg Water and its planned installation of prepaid water meters. As is well documented⁷, the implementation of the project began with Johannesburg Water intentionally misleading residents about the new system, claiming that they were merely installing toilets. In order to raise these concerns, and attempt to persuade the council-owned company not to install the new meters, the OFWCC requested a meeting with Johannesburg Water. A date was set, and it was agreed that they would meet in a local Catholic church. For the OFWCC's part, they elected a delegation of eight people to attend the meeting. Bricket Mokolo describes the events that ensued:

"They came in numbers, lots of cars. We recognised many of these people. They were ANC members who were employed on the project. We told them that we wanted to meet Johannesburg Water alone, but Johannesburg Water said, 'These are the people who are recognised in the community' . . . We responded that, 'This is a political party, this is ANC, and we want Johannesburg Water. If you want to bring ANC on board then we are not going to say anything to you.' We were told that they were going to introduce prepaid meters, like it or not ... Then a fight broke out between the OFWCC members and Johannesburg Water ... We tried to move everyone outside because we were also trying to respect the sanctity of the church. We asked the Johannesburg Water people to leave, and told them, we are not going to talk to you because you bring these gangsters" (Interview with Bricket Mokolo).

The response of the OFWCC is not surprising when considering the fact that many of the conflicts in which they have been involved have been characterised by battles between the local branch of the ANC and members of the OFWCC .

The failure of the meeting substantially changed the course of future engagements with Johannesburg Water. As in the case of Mandela Park, as avenues for dialogue closed the social movement tended toward more militant tactics. At this point the

⁷ See 'Nothing for Mahala...' (2004).

OFWCC adopted its now famous slogan “destroy the meter, enjoy the water”. In spite of community resistance led by the OFWCC, the project went ahead. Meters have only been installed in one section of Orange Farm and it remains unclear whether Johannesburg Water is still planning to install meters in the rest of Orange Farm.⁸

In spite of the fact that instances of sabotage were virtually non-existent, with OFWCC members focusing on graffiti and mass actions such as marches, it was enough to catch the attention of repressive local state arrangements. As their focus and actions broadened beyond water, the OFWCC became increasingly vulnerable to targeted attacks from the police and local Alliance members as well. The Gatherings Act was often used as the basis for these attacks.

“The state response was to criminalise our struggle ... We marched to the police station and then got several calls from the police station that our marches were illegal and we would be arrested. Even when we were marching against the electricity cut-offs, we got the same threats from the government that we were operating illegally. I was also threatened by the National Intelligence Agency, and they came several times to my house ... Even my wife was interrogated by the NIA because they wanted to know about the OFWCC” (Interview with Bricket Mokolo).

Bricket Mokolo also notes that within Orange Farm very little actual space exists for meaningful dialogue in relation to issues facing the community. When the OFWCC received news that large numbers of people were facing eviction from Extension 3 in January 2003, they approached the local municipality with the problem only to find that the eviction was actually led by officials from within the Johannesburg Metro. Community demands could thus not be addressed at the local level

“Amos Masondo is operating Orange Farm from Johannesburg. Local councillors don't even serve on the executive committees ... [These councillors] often have not even been informed about the changes ... Now if Johannesburg Metro is behind the [eviction], they are controlling Orange Farm far from Johannesburg ... And we, from Orange Farm, if we want to march or to present our memorandum it's useless for us to go to this office here because you'll never find anyone with power. So we're forced to hire the bus ...to Johannesburg” (Interview with Bricket Makolo).

Faced with these kinds of predicaments, the OFWCC has tended to deploy strategies aimed at capturing the attention of state arrangements beyond Orange Farm. Thus, in relation to their protests against the eviction of residents of Extension 3, the OFWCC organised a blockade of the Golden Highway after receiving no reply to a fax that had been sent to the Housing Department in the Provincial Government: “We blockaded the Golden Highway for half of the day demanding that Paul Mashatile⁹... come and sort out the housing problem (Interview with Bricket Mokolo).

⁸ After the installation of prepaid meters in Stretford Extension 4, Johannesburg Water has moved the focus of the project to Soweto where it is experiencing fierce opposition.

⁹ Paul Mashatile was the Gauteng MEC for Housing at the time of the incident

During the blockade some 1500 people blocked traffic as they waited for someone to arrive from the Gauteng Government. Predictably the police arrived. When it became clear that their only reward was likely to be a night in jail, the organisers of the march dispersed the crowd. However, even with the OFWCC commitment to offsetting police action¹⁰, such actions have the tendency of raising the levels of conflict, which characterise a particular community struggle/grievance.

Deep tensions also exist between the OFWCC, the local council and the ANC – the latter being seen as complicit in the roll out of prepaid meters and at the forefront of the campaign to vilify and marginalize the OFWCC. Such tensions have come to be characterised by often violent confrontations. In early 2004, at a meeting convened by the OFWCC, an ANC local councillor entered and began verbally abusing members of the organisation. It is alleged that he then attempted to wrest the microphone away from the speaker. However, when members of the OFWCC attempted to intervene, the councillor physically assaulted one person. In spite of a charge of assault being laid against the councillor, the victim of the attack is unsure whether any action will be taken against the councillor (Interview with Tseko Mokwena). The inaction of the police in relation to such conflict is extremely dangerous, especially where there is a perception of patronage on the part of the police. In such contexts, the risks of retaliatory violence increases as members of social movements come to view the police as inactive at best, or simply complicit. This situation is exacerbated by the fact that after the shooting of Emily Lengolo (an OFWCC member), and a march on the local police station to demand that the matter be investigated, nothing has occurred.

Bayview

The conflict in Bayview began around council housing stock. As such, community demands were directed at the Durban City Council. While the sheriff and council officials normally carry out evictions, the local SAPS¹¹ and the judiciary¹² have often played the role of mediator between council and residents. Linking the crisis to the macro economic priorities of National Government, a number of attempts have been made to secure the intervention of other levels of government.

The first coherent attempt made by the Bayview Residents to engage Council on issues that were affecting the community came in the form of a survey of living conditions experienced in the flats. Assisted by members of the Concerned Citizens Group (CCG)¹³, the residents of Bayview, through the survey, evidenced the high levels of poverty in which the vast majority of them are forced to live in. The demands contained in the report, therefore, focused broadly on issues relating to development in the area.

¹⁰ “When we organise campaigns like that, we use two different strategies, we know we are using an illegal strategy but we show that it’s a peaceful protest. When the police arrive, we negotiate with them, explaining to them why we use this tactic” (Interview with Bricket Mokolo).

¹¹ Most notably, during the Council’s attempt to evict residents of Bayview Flats in 1999, the SAPS played the role of a neutral mediator between the community and council officials.

¹² During the eviction in 1999, for instance, the Bayview residents were able to prevent the council from continuing with its planned evictions through residents obtaining a urgent court order against the eviction

¹³ See Section 2 for an account of the evolution of the BFRA and CCG.

“They were calling for playgrounds for their children because when their kids could not be at school at least they could have some playground to play ... They were also asking for jobs so that the men can go to work and bring back some sustenance and also calling for the abolishment of the school fees” (Interview with Fatima Meer).

The document was also sent to the Council housing committee in the hope that proof of the extent of poverty in the area might force the Council to re-evaluate its position on eviction from the flats. The CCG, in the person of Fatima Meer, also sent numerous letters to all levels of government, including the president’s office.¹⁴ As was the case in the other areas reviewed in this study, no replies were received. The Council’s response was to label the CCG and the Bayview Flat Residents Association (BFRA) a “reactionary” organisation.

In 2000, the Council sent a small army to begin effecting the eviction of residents who had fallen into arrears, and those considered ‘illegal tenants’. Residents mobilised against the eviction, enduring beatings, rubber bullets and teargas as they prevented council officials and security from entering marked flats, while members of the CCG attempted to obtain an interdict against the evictions. Fatima Meer, who had just been released from hospital, attempted to negotiate with Council officials in order to prevent them from proceeding with the eviction until a court had heard the matter: “I was talking to somebody on the Council to say please call off your men, we are making an urgent application in court and we have a lawyer lined up to go and make that application. Their response was ‘nothing doing’” (Interview with Fatima Meer).

The court declared the eviction order illegal insofar as a court had not granted it. Significantly, however, and in marked contrast to the role of the local police in Mandela Park, police from the Bayview attempted to mediate between protesting residents and Council officials, in some cases preventing their usage of force. Noteworthy as well is the fact that after the eviction members of the Bayview police¹⁵ began investigating claims of brutality against Council officials with several dockets being opened against the culprits.¹⁶

As in other areas, the strategy of the Council was to attempt to criminalize those resisting eviction. Thus, council officials attempted to persuade journalists that the people being evicted were in fact involved in criminal activity including the sale of alcohol and drugs. However, the CCG and BFRA responded with an extremely savvy media campaign of their own. Through a range of well-written and emotive press statements, combined with their exploitation of contacts with journalists, the

¹⁴ It is important to note, as well, the progression of these letters. While the first letters that were sent appealed to the ‘comradely relationship’ with members of government, they became increasingly antagonistic as the writer realises that these letters were being ignored.

¹⁵ Unlike in Mandela Park, many of the police officers lived in the area or had family living there.

¹⁶ Since the battle of Bayview relations between the Durban Council and Bayview Police have deteriorated in large part due to the intervention of the police in such cases, with the Council now often not informing the police when they are planning to enter into an area with the purpose of evicting people.

BFRA and the CCG were able to secure, in many cases, extremely positive news reports:

“We have had wonderful media coverage. Our local newspaper was the one which had everything covered ...There were also broader newspapers, for instance the Sunday Tribune, that often carries most of what is happening around the struggles in Chatsworth. (The) Sunday Times is a bit on the other side, they often put the point of the Municipality and not the people ... [We] rely a lot on the professionals or outsiders ... who then assist us (to) send out [press statements] by email to all radio stations, newspapers, TV stations, with our numbers on it” (Interview with Brandon Pillay).

Not content with the temporary stay on evictions, the BFRA and the CCG took the matter to the High Court: “At that point they ruled that you have to provide alternative accommodation. So the relocation is actually more recent, it came with Mike Sutcliffe, the new municipal manager. When he came into power he said he ... wants to recover the debt” (Interview With Brandon Pillay).

In response to the court ruling, the language of Council now began to include the option of right-sizing. Residents were asked to sign an acknowledgment of debt, and begin paying it. Those who did not, or who refused to pay, would be moved to ‘starter homes’ some 50kms away. The BFRA refused the offer and began building alliances and planning a broader campaign: “We then had to use mass action ... there were Landless People’s Movement members that came down for a youth camp who joined us [in a march] ... outside City Hall against relocation and downsizing and that is how the process was stopped” (Interview with Brandon Pillay).

The local council, recognising that they were risking the escalation of conflict declared a moratorium on evictions, which is still in effect. At present, the BFRA and Council are in dialogue around a planned upgrade of the flats and the scrapping of arrears.

The Rule of Law

Protest in all three areas are often presided over by POPS, the public order policing unit of SAPS, and the metro police¹⁷. However, our research has also noted the increasing usage of specialised private security companies involved in giving affect to large-scale evictions, or in which cost recovery practices would encounter resistance involving large numbers of people. As current attempts by Johannesburg Water to install prepaid meters in Soweto demonstrate, the presence of these companies dramatically reshapes the character of communities-state conflict.

¹⁷ Metro Police generally deal with matters relating to Council. They are also responsible for traffic and are deployed to protests in which disruption of vehicular traffic is anticipated.

In August 2003, Johannesburg Water contracted Wozani Security¹⁸ to provide additional security to its worksite in Phiri Soweto.¹⁹ The Phiri Concerned Residents Committee and the Soweto Electricity Crisis Committee (both member organisations of the APF) focused their demands at Council and Johannesburg Water. However, as it became increasingly clear that the installation of the meters was continuing, the organisations turned to more antagonistic strategies.²⁰ In response, Johannesburg Water applied for an interdict against the protestors,²¹ which extended the powers of the security company to include that of arrest. In the protests that followed, violent confrontations occurred between police and members of Wozani Security on the one hand, and the members of the Phiri Concerned Residents Committee and the SECC on the other. Video footage obtained through Indymedia shows members of Wozani Security, armed with crowbars, throwing rocks at protestors with little regard for established crowd control practices. The fact that the private sector is increasingly playing a more important role in the management of protest and community resistance raises important questions about the status of civil and political rights in relation to the priorities of the market and the state's role in this regard.

The courts have also played an extremely important role in the conflict. While in some instances social movements have been able to access relief through the courts, they have acted in the main to discipline them. With respect to the former, residents of Bayview in Chatsworth were able to access a judgment from the court preventing the local council from proceeding with an illegal mass eviction. On the other hand in Mandela Park, the court system has overseen the granting of eviction orders, the prosecution of trespassers, as well as a range of more serious charges brought against members of the campaign.

There have also been numerous reports of the National Intelligence Agency (NIA) information gathering in relation to social movement activity. Reports have ranged from people claiming to have been approached by the NIA soliciting information, to accusations of intimidation and harassment. Jackie McKay, the head of the NIA Information Centre, refused to directly confirm whether any social movement was currently a NIA target. He did, however, suggest that where incidents of organised community activity occurred which could be interpreted as being in conflict with the interests of 'law and order', the NIA would pay close attention to those believed to be involved. He also volunteered that, in his opinion, the greatest threat to security was the potential for unrest as a consequence of socio-economic conditions. The work of the NIA would, he affirmed, not relate directly to the actual day-to-day policing of social movement activity. According to McKay, information gathered through the NIA

¹⁸ This security company has been at the forefront of outsourced crowd control. It is most notoriously known for its role in large-scale mass evictions in poor communities around Gauteng.

¹⁹ When the Council-owned company began installing prepaid meters in the area, it encountered tremendous resistance from members of the community.

²⁰ Marches and blockades accounted for the majority of acts of resistance by the community. In some cases, infrastructure relating to the new system was also vandalised.

²¹ The interdict named the Soweto Electricity Crisis Committee, the Anti Privatisation Forum, and 'anyone interfering with the Gcina'Amanzi project' in its list of respondents. The interdict also provided for a 50 metre perimeter order against those named. Because the interdict did not define what constituted interference it also meant that Johannesburg Water could define what activity should be deemed undesirable and in contravention of the order. The irregularity of the order was compounded by the fact that the JW work site was literally the streets and pavements of Phiri.

in such contexts would be forwarded to National Government for the purpose of informing policy and attitudes (interview with Jackie McKay).

While only indirectly related to the state, as the Orange Farm situation demonstrates, local Alliance structures have also played an important role in the conflict between state and communities resisting the effects of government's macro-economic path. The strategy of the ANC in relation to social movements has come to be characterised by a double movement. First, the state refuses to make any concession to the movements that could be read as capitulating to demands that conflict with the policy perimeters set by the macro-economic framework. Thus, the central focus of the state is given over to managing the crises created through community activism. Second, the ANC and local Alliance structures embark on parallel mobilisation strategies aimed at recapturing ground lost to these movements, and attempting to prevent the spread of antagonistic community activity. This also allows the state, in cases where the absence of a concession would threaten the survival of a particular programme, to safely negotiate a deal with its local surrogates without fear of lending legitimacy to antagonistic social movements.²² When asked what measures were being put in place in order to manage the crisis in Mandela Park, the ANC ward councillor, Mr Ngubane, answered that in addition to the "discount" negotiated with the banks, a branch of SANCO had been launched in the area:

"[In] Mandela Park we managed to [launch] a structure of SANCO, which did not exist before ... Previously, they don't want to see any structure, which is active in that particular area, except the anti-eviction. But right now, we launched SANCO, and each and every weekend call mass meetings [which] a lot of people do attend" (Interview With Councillor Ngubane).

This double movement has set new social movements and local alliance structures into direct competition and conflict with one another at the local level, dramatically recolouring the character of the conflict. In such a context, the conflict between the state and social movements now takes the form of a proxy battle between movements on the one hand and the Alliance structures on the other.

Public, Private, Partnerships: The management of dissent

An important trend in the strategies for the management of social movement activity is formation of strategic partnerships between the relevant arms of the national and the local state – for example, housing departments, local sub-contractors, parastatals, the police and intelligence services, public-private partnerships and the judiciary (in the form of the prosecutor's office) – and the private sector (private security firms, banks, corporate landowners). The shape of these is of particular

²² The most poignant example of this tendency was the scrapping of electricity arrears in Soweto. In spite of the fact that the Soweto Electricity Crisis Committee had been in the forefront of the campaign to scrap the arrears and created the crisis that forced Eskom to do so, the parastatal negotiated the final agreement with SANCO.

significance in Mandela Park, Khayelitsha, and Phiri, Soweto, which have been characterised by high levels of conflict.

In the case of Khayelitsha during 2002-2003, while sizeable sections of the community were waging ongoing resistance to evictions, a strategic partnership was arrayed against the AEC that was comprised of the local state prosecutor; a special investigative division of the police, the local police, representatives of SERVCON and representatives of private banks who control bonded homes: "We used to have monthly meetings that involved SERVCON ... the police, the attorney's officers that have been instructed by the banks ... we later got the councillors involved... because the problem just got bigger and bigger" (Interview with Thembalihle Sidaki).

During the course of our research, it also became clear that this 'team' was involved in the monitoring and infiltration of the AEC. According to the superintendent of the local police station, plain-clothes policemen were in regular attendance at AEC meetings as well.²³

In Phiri, minutes of meetings for the Municipal Services Entities Committee, for September through to April, also reveal that JW and the prosecutor's office had been in regular contact with the local prosecutor, and have held numerous discussions concerning criminal cases being heard at Protea Court. The minutes also claim that Johannesburg Water (JW) received a written undertaking from the prosecutor's office stating that no cases would be withdrawn relating to APF activists without first consulting JW.

As in the Khayelitsha case, the minutes point to the fact that the Council had privileged information relating to meetings and discussion in the APF and its community affiliates. The minutes also reveal that JW has contracted the services of a private security firm, 'based in Phiri', to gather intelligence on the activities of the APF and its affiliates. The fact that no such company exists in Phiri suggests that people within the community are being paid to inform on their neighbours.

The form of these partnerships raises fundamental questions about the independence of the various arms of state, in particular the judiciary and the police. However, such irregularities are the logical outcome of the foreclosure of real dialogue between the state and social movements. In this context, the state increasingly tightens the application of the repressive tools in its arsenal while social movements, for their part, shift to positions of greater antagonisms.

A repressive cycle

The greatest danger presented by the conflict is the manner in which its current terms structure a self-reproducing discourse of marginalisation and repression. Ironically, the roots of this process are embedded in the transition itself.

²³ "[W]e have intelligence people, that is undercover, [who] feeds us with information on what they are going to do" (Interview with Khayelitsha SAPS Superintendent Vosloo).

The ANC's return from exile, and its subsequent negotiations with the apartheid state, marked a more general shift in the strategic trajectory of the liberation movement. Despite heated contestation within the structures of the anti-apartheid movement, the ANC chose to use mass struggle only as a means of leveraging its position at the negotiating table. This has led some commentators to note that in the early 1990s, negotiations became for the ANC the supreme organising principle of its political strategy, allowing for the erosion of gains won on other fronts.²⁴

This period was also characterised by a high degree of community mobilisation, with grassroots activists seizing the opportunity provided by the relaxation of the repressive apparatus of the state to forge ahead with struggles running parallel to actual negotiations. In order to ensure that these struggles would not detract from the chosen strategic course of the ANC, the full weight of the liberation movement was given over to reorienting the movement towards the management (including suspension of) bread and butter struggles. This meant that many of the organisations of the liberation movement now became solely directed to the pacification of their members. What this produced, by the time an agreement had been reached for the handover of power, was the institutionalisation of a negotiations-centric polity.

In the ten years since the end of apartheid, this strategic approach has become increasingly incorporated into the national imagination as prescriptive of the only legitimate form of societal contestation. It is this imagination that has ensured that any form of dissent has become anathema to the dominant current within the government/ANC and its various institutional arms. Within the derivative languages of this national imagination – i.e., 'constructive engagement', nation building, *batho pele* etc. – any real space for fundamental ideological and strategic contestation has been closed down.

The terrain occupied by the new social movements, has thus effectively placed these movements outside of dominant notions of the national interest. The introduction of neo-liberal 'restructuring' of the local state and service delivery, combined with the foreclosure of dialogue in relation to issues of macro-economic import, has forced poor communities to struggle against evictions and cut-offs on a terrain that undermines the possibility of institutional remedy through negotiation. These struggles have thus come to sit uncomfortably with the constructed national 'imagination'.

In this context, the active resistance coming from the new social movements is seen as out of sync with the 'peacetime/reconstruction' agenda of the government/ANC. These characterisations of the struggles of these movements also have the effect of obscuring the real class and racial dimensions of the present conflict. The real challenge posed by these struggles is thus dismissed in favour of the pathological need to project South Africa as a homogenous entity (i.e., one big happy family). In the South African hallways of power, nationalism's priestly caste jealously protects the image of harmony that investors and the market demand.

²⁴ See Pallo Jordan (1992), 'Strategic Debate in the ANC: A response to Joe Slovo', *African Communist*, No. 131; and Dale McKinley (1997).

As a result, it has been widely accepted that there is no terrain of engagement between civil society and the state outside of corporatist structures and non-antagonistic strategies of engagement. In this manner, state repression of socio-economic struggles becomes justified by the objective interests of the nation. Such struggles are seen almost exclusively as challenges to 'public order'. The effect of this process is the naturalisation of the continued marginalisation of these community groups, who have little recourse other than to engage in mass struggle. Resistance to government policy outside the safe environs of the corporatist deal making fora are thus treated as criminal and illegitimate.

The very character of the 'imagination' of the nation has, therefore, provided the basis for the widespread criminalisation of dissent. In this context, the poor, when engaged in struggle are seen as the unwitting pawns of outside interests and forces.²⁵ This process of 'othering' is operative at the local level as well. Consider the characterisation of the OFWCC by the local ward councillor:

"It was not really the community of Stretford Extension 4 who were toyi-toyiing or who were against the project, it was only those individuals those who wanted to benefit for themselves or who wanted to [mislead] the community ... the community of Extension 4 [agree with] the project"²⁶
(Interview with Alina Mahlangu).

In this context, basic socio-economic struggles are represented as being the product of people with dangerous and self-serving agendas. Those engaged in conflict become associated with a whole range of labels aimed at minimising the credibility of their critique. They are variously agent provocateurs, foreigners, misled stooges of the former two categories, unpatriotic, 'real neo-liberals', or all of the above, and may therefore be dismissed.

While the extension of the logic of GEAR's non-negotiability structures the state's refusal to engage with social movements, and its subsequent repression of dissent, this 'political othering' is the means through which it effects the naturalisation of the process. As social movements are forced back onto the street with their grievances, the vicious cycle is complete.

The effects of conflict

The conflict between social movements and the state has often had dramatic and far-reaching consequences for both the movements and the communities in which they work. While these effects have been experienced to different degrees, the conflict, and state repression that has often accompanied it, have changed the manner in which communities view social movements, the state, and our new

²⁵ Such language is, however, careful not to suggest that the poor are outside of the nation.

²⁶ A research report into prepaid meters in Orange Farm reveals huge dissatisfaction with the new system, with residents claiming that they were misled by Johannesburg Water. See, 'Nothing for Mahala ...' (2004).

democracy.²⁷ For communities already heavily traumatised by violence the resurgence of political conflict, even if not comparable to the apartheid period, intensifies the alienation and traumatising of the most marginalised sections of the South African population.

Ironically, these effects also contribute to the degeneration of the state's ability to perform other tasks in these communities, from carrying out repairs on council property to community policing. With respect to the latter, consider Superintendent Vosloo's frustration at the challenges faced by the police in Khayelitsha (an area which has experienced the highest levels of violent conflict of the three areas reviewed during the course of this study).

"We feel that the solution to this problem is not the police. The councillors and those people should play a much bigger role in addressing this ... And we are also called to protect the sheriff, to issue the notices, or to physically evict the people ... immediately the police are seen as the immediate threat to people being in the houses illegally ... So, they fight with us ... and that becomes a problem because if you look at policing in a broader perspective we have earned the trust of the community to do our crime prevention. Murders, armed robberies and those type of crimes that we really have to do, which is the problematic ones for us, become more difficult ... Immediately the trust is gone ... so we move three steps forward and two steps backward ... We are frustrated because today we talk to them and we sit around the table and ... the next day, we are there to make sure that they don't hurt the people that wants to do their work there. And sometimes, there's physical confrontation because they are there stoning those people, whatever the case may be. We must shoot our rubber bullets and we must throw our stuff. We must act. What we are trying to do at the end of the day [is] make sure that those people ... carry out the court order ... people then do not understand because the day before we were talking ... [and] the next day we were really fighting with them (Interview with Superintendent Vosloo).

Equally, in many areas in South Africa, Council and parastatal officials are forced to enter areas with armed escorts.²⁸ A number of shooting incidents have thus occurred during cost recovery actions, with 17-year-old Marcel King becoming the latest victim when he was killed attempting to prevent Council security from assaulting his mother during a cut-off in Phoenix, Durban in early 2004. Such incidents increasingly deepen the gap between the state and citizens and undermine the state's ability to intervene positively in other areas of the life of communities.

Within each of the movements reviewed in this study, conflict and repression have also had profound effects on the movements themselves. These have generally been extremely negative.

²⁷ This question is taken up again in the next section. Our present discussion will, therefore, focus on the local effects of the conflict.

²⁸ "It's not that we don't want to pay it that we can't afford it ... how can men with guns parade in the community when little children are watching" - Beverley Pillay when interviewed about cut-offs in Chatsworth - Tribune Herald, 12 March, 2000.

In Mandela Park, the escalation of the conflict, and the AEC's tendency toward ever-increasing militant strategies has severely restructured the organisational form of the AEC. The principle tactic of the anti-eviction campaign's strategy has involved putting people back into their homes after they have been evicted by the banks. This strategy, however, requires a high degree of permanent mobilisation. The strategy also places large numbers of people in conflict with the law, meaning that they can be arrested at any time. For the state's part, it needed to ensure that Mandela Park would not become an example to other communities faced with similar problems. The high levels of conflict and violence that have come to characterise relations with the state, have thus shifted the organisational thrust of the movement. Consider Martin Legassick's account of the effect of repression on the political strategy of the AEC:

"You see, over the last year, they've been fighting really defensive battles and most of the energy, in fact, has been occupied with the court cases. I think that they have a reactive strategy at the moment. It's not thinking ahead of the issues" (Interview with Martin Legassick).

The effects of high levels of repression and conflict also alter the manner in which movements view organisational priorities and cohesiveness. Consider the differences between the AEC and OFWCC. In the case of the former, the high degree of conflict and repression has meant that forms of organisational reproduction have tended to be shaped by the particular constraints and priorities of a conflictual context. For the AEC, faced with numerous arrests and court cases, the organisation has become almost solely focused on the work of mobilising resources for the legal defence of arrested activists. Mobilisations and press statements have thus increasingly tended to reflect this reality. A further outcome is that the effectiveness of key activities necessary for continued mobilisation and strategic direction, are minimised. For the OFWCC on the other hand, with much lower levels of conflict and repression, the direction of organisational work tends towards consolidation and extension of local influence. Thus, where the central strategic thrust of the MPAEC has been structured by the defence of activists under threat of repression, that of the OFWCC is focused on assuming greater political space within the community and extending its membership base.

A movement's choice of tactic, in particular when forms of violent direct action are privileged, dramatically shapes how a movement works and who is involved. Thus, where decisions would previously be made in community mass meetings, they are now presided over by a small core of activists, as the movements restructure in order to deal with the very real threat of infiltration. Alternatively, the manner in which the roles of different members of the movement are valorised is also altered. This is of particular relevance in relation to the position of women in social movements. While women make up the bulk of the membership of social movements, they remain a minority in the decision-making fora of the movements. This problem is exacerbated in contexts characterised by high levels of conflict and violence. The role of men, as the central protagonists of such a terrain, is thus seen as central to the struggles of these movements, while that of women, becomes increasingly secondary.

It is, however, noteworthy that one of the central thrusts that catalysed the linking up of social movements across provinces has been the common threat of repression.

This has also been the area in which individual movements have accessed the greatest levels of practical solidarity, both nationally and internationally. Movements have thus engaged in national discussion aimed at developing common strategies for dealing with the effects of repression and developing systems for mutual assistance. This is an important development as it is within the narrative of extending links between different struggles that the next chapter of social movement activism is written.

The growth of state repression of social movement activism brings into stark relief Vally's observation that, "civil and political rights are severely circumscribed by the socio-economic and political framework within which they exist" (Valley in Ndung'u, 1993: 65). The trajectory of the current conflict between social movements and the state suggests that, rather than disappearing, there is likely to be an intensification – something that will dramatically shape the next decade of our democracy.
