

Contextualising public protests

The case of Khayelitsha

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ABSTRACT

The upsurge in the number of public protests in most South African municipalities, including the City of Cape Town, continues unabated. While public protest is a democratic right, provided for in the Constitution (1996), the persistence of protests and violent nature at municipal level are a cause for concern. The associated violence often leads to the destruction of both public and private property, disruptions in economic activities, loss of lives and severe injuries to innocent victims.

Public protests continues despite the fact that the democratic dispensation ushered in a paradigm geared for transforming local government into a democratic and autonomous sphere of government, with a broad developmental mandate. The new dispensation introduced the "invited spaces" (Integrated Development Plans and Ward Committees) of participation to facilitate authentic and empowering public participation at a municipal level.

The study sought to determine the extent to which the perceived lack of authentic and empowering public participation through the invited spaces contributes to public protests in Khayelitsha. The study indicates that the invited spaces of participation does not instil a sense of trust among the general public with regards to local government's political will and ability to deliver a developmental local government. The study also indicates that lack of authentic and empowering public participation

opportunities in the decision-making processes alienates the public and leads to public disengagement from the invited spaces of participation. It is during this period of alienation that the public have been inventing own spaces of participation, in the form of public protests demanding that public voices be heard.

INTRODUCTION

As much as apartheid local government was perceived to be illegitimate – particularly by the black population, the democratic order seems to be slipping in the same direction. The current era which is characterised by protests, often violent continues unabated in most South African municipalities, including the City of Cape Town (COCT) (Municipal IQ Protest Monitor 2012). This could be attributed to the “invited spaces” of participation (Ward Committees and Integrated Development Plans) that are not living up to expectations in that they seemingly fail to deliver the envisaged authentic and empowering public participation (Brock, Cornwall and Gaventa 2001:23, Cornwall and Coelho 2007:9). According to Brock *et al.* (2001:23) invited spaces are state sponsored participation forums meant to bring non-state actors to the planning and decision-making processes of the state.

The democratic government most notable steps has been the introduction of what is referred to as the supreme law, the Constitution (1996), *Local Government: Municipal Structures Act* (117 of 1998), the *White Paper on Local Government* (1998) and the *Local Government: Municipal Systems Act* (32 of 2000) to initiate a “developmental orientation” based on authentic and empowering public participation in the municipal affairs (Parnell, Pieterse, Swilling, Woodridge and Van Donk 2002; Van Donk, Swilling, Pieterse and Parnell 2008; Siddle and Koelbe 2012). Authentic and empowering participation entails the creation of participatory spaces in which the participating public, as beneficiaries of a particular programme, project or process can influence, direct, control and own the process (Gwala and Theron 2012:3). The regulatory framework created the new democratic arena in the form of invited spaces which obliges municipalities to provide scope (leverage) for the public to participate in municipal planning and decision-making processes.

In the light of the above, the key concern is whether the invited spaces of participation are able to provide the public with the necessary leverage as envisaged. The article argues that the persistence of public protests indicate

that the invited spaces of participation does not instil a sense of trust among the general public with regards to local government's political will and ability to deliver a developmental local government. This has induced sections of the public to resort to "inventing own spaces" of participation to ensure that its voice is heard (Brock *et al.* 2001:23, Cornwall and Coelho 2007:9). Unlike the invited spaces that are created "from above" by the state, the "invented spaces" are created "from below" by the public through collective or social action, often due to dissatisfaction with the invited spaces (Brock *et al.* 2001:23, Cornwall and Coelho 2007:9).

The lack of political will is as a result of little leverage that the public have over political society (Heller 2009:3), due to municipal authorities' belief that a vote into political office is a "political blank cheque" to alienate the public from its own development and decision-making processes (Ballard 2008:17). The poor performance of the invited spaces put strain on the ideal developmental local government and the four pillars that underpin(s) it, i.e. cultivating citizens through participation in service delivery, good governance, democratising development and fostering economic growth (Schmidt 2008:121, Smith and Vawda 2003:29). The developmental local government pillars are significant in that they advocate for a people centred approach to development and decision-making. This approach propels government policy to give confidence and even support the public's endeavours and ensure that they have meaningful participation in municipal decision-making processes (Korten 1990).

The unrelenting nature of public protests in most municipalities indicate that the state sponsored participatory spaces fail to usher in meaningful democracy, that should ideally bring about a reciprocal relationship, a partnership in learning (Kotze and Kellerman 1997:39). These would enable the public to influence, direct, control and even own development and policy decision-making processes. The authors attribute this to the authority's disdain and reluctance to engage the public in its own space (invented), mainly because the authorities forget that participation and democracy are intricately linked (Booyesen 2009:3). The authorities should also appreciate that "participation only contributes to democracy when it encourages debate and deliberation and even accommodates dissent" (Ballard 2008:17). For this reason, Greenberg and Mathoho (2010:14) caution that if the public feel that the invited spaces are ineffective and partisan, the public will lose hope, disengage and subsequently invent own space to make its voice heard, as the case study of Khayelitsha demonstrated.

Khan and Cranko (2002:271) contend that deliberative democracy and a partnership between authorities and the public will construct a responsive local government that meets basic needs, eradicate poverty and empowers the public. Ultimately, the public will realise its potentials and capabilities for local

self-governance that will lead to “collective/community wisdom” (Atlee 2012:1). If legislation promises the above and the practice delivers something completely opposite, can the public be blamed if it takes the protest route? How then, can the invited spaces become the deliberative platforms for public participation with a people centred development focus? Are the participatory mechanisms appropriately geared to enhance meaningful democracy? Where is the missing link between the invited and invented spaces of participation?

This article hypothesises that, until such time that authentic and empowering public participation is practised at a local government level, public protests will persist. The aim of this article is to determine the extent to which the perceived lack of authentic and empowering public participation in the COCT contributes to public protests in Khayelitsha. This article has five parts. It reviews literature that is relevant to public protests and public participation. It examines the link between the invited and invented spaces of participation. Then the research methodology is presented and data analysis techniques are discussed. The findings are discussed and summarised. The article concludes with the discussion of recommendations.

CONCEPTUALISATION OF PROTESTS

Constructing a definition of protest that will capture its diverse dimensions turns out to be difficult, given a plethora of platforms in which it manifests. By dimensions of protest is meant the scope, extent, indicators, elements and features of protests. Scope and extent of protest comprises of descriptive aspect of the concept, i.e. structural, systemic, political, psychological and economical. The indicators of protest comprises of constative (making a statement that can be said to be true or false) aspects of the concept, i.e. corruption, poverty and unemployment, frustration, non-responsiveness of ward councillors and service delivery backlogs. Lastly, elements and features of protests comprises of action oriented aspects of the concept i.e. protest action may triggered by a grievance, a conviction of wrongdoing or injustice, intention to draw attention and a demand for improvement (Turner 1969:816). The descriptive, constative and action oriented aspects of protest combines to provide a better understanding of the concept and an all-encompassing definition of public protests.

In the same vein, theories that explain protest(s) formations tend to focus on the industrialised economies, whose socio-economic conditions differ from those of the developing countries (Nleya 2011:4). South Africa is nearly a decade into democracy, yet is still characterised by severe inequalities, lack of social transformation, distorted delivery of services which indicates that the remnants of apartheid still remain (Kotze and Taylor 2010:199). The study of

protests in developing countries needs to take these challenges into account, particularly the ones that has introduced democratic governments.

In South Africa, the challenge of public protest is shown in the use of different phrases to describe protests action, i.e. service delivery, community protests, the rebellion of the poor, insurgency, etc. It is, therefore, not surprising that the definitions and the reasons behind protests are explained along these lines and contexts. As a result, new conceptions from which to attribute protests to come to the fore, i.e. "governance deficit" (Van Donk 2012), "paradox of democratisation" (Etzo 2010:564) and a "gulf between theory (participation strategies) and practice" (implementation) (Cooke and Kothari 2001). This study focuses on public protest actions that are directed at local government that often turn violent. This protest action raises grievances with an aim of drawing the attention of local authorities to bring about improvements.

Alexander (2010:26) defines public protest as "locally organised protest that place demands on people who hold or benefit from political power". This means that protest action is used as a political or a bargaining tool to solicit response from the authorities. Municipal IQ Protest Monitor (2012) defines public protest as any major municipal service delivery protest where the public oppose the pace or quality of service delivery by municipalities. These definitions are narrow in that protests can also be linked to other factors beyond service delivery (Thompson and Nleya 2010). Furthermore, when tested against Turner's (1969:816) elements and features of protests, fail, as not all the elements are incorporated in the definitions. The Municipal IQ Protest Monitor (2012) definition is qualified by the Multi-Level Government Initiative's (2012:2) Service Delivery Protests Barometer, to include any issue cited by protesters, whether related to the delivery of municipal services or not, over which the public decide and engage in organised protest activity.

The definition above point out that for public protest to occur there has to be an objection, disapproval or dissent over issues that the public has no power to prevent and avoid. This implies that protest serves to enhance the public's chance of delivery and transformation "extends the repertoire of participation in democracy" (Booyesen 2009:18). For the purpose of this article, it would suffice to adopt Mchunu's (2012:105) case study linked definition of protest, where he alludes that public protest is defined as a physical act of demonstrating discontent to the municipal authorities over public concerns, some long-standing, aimed at compelling authorities to accede to public grievances and change the status quo. It is a demand for dignity, acknowledgement of basic human rights and return of power that has been stripped from the public. It is a demand to be able to influence, direct, control and own the development and decision-making processes.

Contributory factors to public protests and attendant violence

Scholars have put forward different empirical work in an attempt to explain the protests phenomenon. Van Donk (2012) and Nleya (2011) argue that perpetual protests in Khayelitsha are exacerbated by COCT's failure to respond effectively to repeated public grievances and their ineffective utilisation of the invited spaces of participation. On the other hand, Allan and Heese (2008), Mathekga and Buccus (2006:4), Tsheola (2012:164) and Kotze and Taylor (2010:199) assert that the public is venting its anger in protest over unsatisfactory delivery of basic services.

Despite the fact that some scholars argue that linking protests and service delivery is an overstatement (Nleya 2011:4), the irony is that protests are prevalent in areas where services have been delivered (Etzo 2010:564-586). The benchmark data in Statistics SA's 2007 Community Survey, confirm President Zuma's claim that 18 years into democracy, service delivery has improved; as a result, public protests are not a function of the failure of delivery, but rather of its success (Allan and Heese, 2012:1). Therefore attributing public protests to service delivery only, is a myth. Pithouse (2007:3) echoes these sentiments and rejects the notion of attributing protests to service delivery as an economic approach. He argues that "protests are about citizenship, understood as the material benefits of social inclusion ... as well as the right to be taken seriously when thinking and speaking through community organisations".

One strand of empirical work points to the macro-level context paradigm, i.e. Growth Employment and Redistribution (GEAR) and micro-level context paradigm (empowerment, participation, accountability, partnership, and transparency) as causes of protests (Chambers 2005:210, Theron 2009:105, Tsheola 2012:162). The micro-level context paradigm's significance in understanding public protests boils down to the ideal that beneficiary communities can and should be able to influence, direct, control and eventually own the development intervention and decision-making processes (Hickey and Mohan 2004; Gwala and Theron 2012).

Another strand in empirical work typically utilises three aspects of analysis, i.e. political opportunity structure that frame mobilisation tactics and the manner in which protests strategies are constructed as well as framing and resource mobilisation (Thompson and Nleya 2010; Etzo 2010: 566; Mottiar and Bond 2010:18). The theory of relative deprivation as advocated by Gurr (1968) identifies poverty, deprivation and poor living conditions as key triggers for protest action.

Burger's (2009:2) analysis of attendant violence, explains the discrepancy between reality and expectations of humans concerning levels of progress. This

means that slow progress in for example, the delivery of basic services may trigger violent action. Hough (2008:1) echoes Burger's (2009:2) sentiments and states that "the more severe and widespread the deprivation, the greater the possibility of violence". For Mogapi (2011:124) collective violence could be explained along developmental local government failure and is as a result of "unresolved trauma of apartheid and the paradox of democracy".

Furthermore, Bandeira and Higson-Smith's (2011:15), model for collective violence traces the causes of violence by differentiating between three factors that play different roles in the occurrence of collective violence, i.e. root causes, proximate and immediate factors, as depicted in Figure 1 below:

Figure 1: A model for understanding collective action

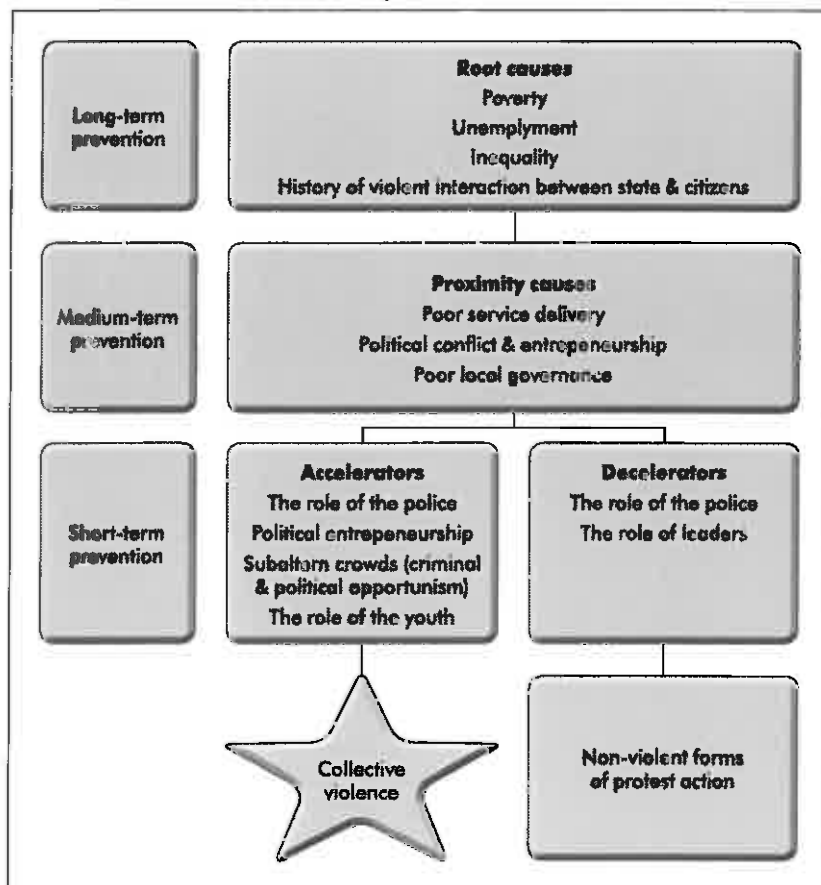
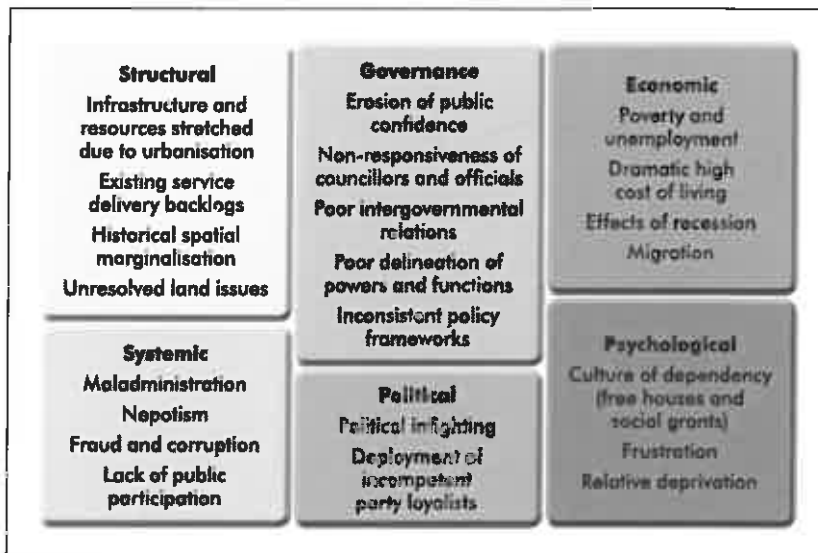


Figure 2: Dimensions of public protests



Source: Mchunu (2012:125)

More broadly, the Local Government Turnaround Strategy (COGTA 2009:19), the Adhoc Committee on Coordinated Oversight on Service Delivery (RSA 2010) and the National Planning Commission (NPC) (2011:365) found that there is a myriad of factors that contribute to protests but concluded that the interface of politics and administration, the quality and frequency of public participation and responsiveness to citizens override all other factors (Mottiar and Bond 2010:18; Van Donk 2012:21).

It is clear that although not all of the above mentioned factors manifest themselves in the run-up to a particular protest, they all have the following dimensions, i.e. structural, systemic, governance, political, economic and psychological (Carrim 2010:1). Figure 1.2 depicts the dimensions of public protests, though the list is not exhaustive.

THE NEED FOR AUTHENTIC AND EMPOWERING PUBLIC PARTICIPATION

The contestation on what constitute public participation, a buzzword (Leal 2010: 89-100) can be attributed to its complex nature which makes it difficult to package as a single principle, thus opening it up to different interpretations

(Cooke and Kothari 2001, Cornwall and Coelho 2007, Theron 2009:115). The increase in the number of protests in Khayelitsha can be attributed to this confusion. Ideally, participatory approaches should seek to make the public central to development and decision-making by encouraging beneficiary participation in interventions that affect them and over which they previously had limited control or influence (Cooke and Kothari 2001:5). However, the available state sponsored participatory spaces (Ward Committees and IDPs) do not instil a sense trust to the participating public due to inability to deliver a developmental local government. This, according to Etzo (2010:564) is indicative of the "limits of the unfinished democratisation and the dysfunction that characterises policy and decision-making at a local government level".

Against the above backdrop, government resolve to ensure authentic and empowering participation is shown by the introduction of the principle of developmental local government. Developmental local government is local government which is committed to working with the public and groups within the community to find sustainable ways to meet social, economic and material needs and to improve the quality of the public's lives (Parnell *et al.* 2002, Van Donk *et al.* 2008, *White Paper on Local Government* 1998). For the above ideal to be achieved the *White Paper on Local Government* (1998) further affirmed the principle of developmental local government as a mechanism to bring about decentralisation and democratisation, as well as instilling a culture of participatory governance in local government. This incomplete democratisation is evident in the two developmental local government dimensions that are discussed below:

Participatory governance dimension

Participatory governance is described as a regulatory framework that allows for co-operation between government and civil society in running public affairs (Institute of Labour Studies 2005 in Friedman 2006:4). The partnership is aimed at building consensus around local government policy and decision-making processes, overcome the municipal inadequacies and reduce information gaps (Edigheji 2006b:2). In essence, participatory governance seeks to encourage active participation of the public, particularly the marginalised in governance matters as one way of enhancing democracy at a local level of governance.

As argued, in South Africa the regulatory framework provides for the establishment of the invited spaces of participation. These are meant to complement and address the shortcomings of representative democracy through the introduction of deliberative democracy (Edigheji 2006:2, Booysen 2009:4, Govender, Reddy and Pillay 2011:190). In this regard, the invited spaces of participation ought to be utilised as deliberative platforms

to broaden and intensify democracy among the marginalised. However, the reality in the communities indicates that these spaces undermine the principles of developmental local government. The IDP as the “chief democratising instrument” (Pieterse 2002:5) that is expected to distinguish between the apartheid and democratic dispensation falls short of the ideal. As a public participation vehicle (IDP), it is expected that local authorities will ensure the integration of public views and aspirations into an IDP, in line with the provisions of the *Local Government: Municipal Systems Act* of 2000. This seldom happens. The municipal IDPs reinforce a top-down approach. Hence it will tend to be prescriptive and be driven by municipalities, thus excluding the input of the beneficiaries of development from the ensuing development (Harrison 2008:327). It can thus be argued that frustrations caused by the inability of the public to influence, direct, control and even own development and decision-making processes compels the public to invent own spaces of participation within which they find solace.

The above IDP stalemate can be attributed to the confusion around what constitute authentic and empowering public participation. In this regard, Theron (2009:118) argues that what is referred to as public participation in the majority of IDPs, seldom go beyond “involving” and “consulting” the public. The difference of what constitute authentic and empowering public participation and public manipulation lies in the typologies, modes and bands of public participation within which public participation can be conceptualised and put into practice.

Typologies are useful starting points for differentiating degrees and kinds of participation. This is shown by, for example, the Arnstein’s (1969) ladder of public participation that seeks to measure the extent of the public contribution in the public participation process. While Pretty, Guijit, Scoones and Thompson (1995) model demonstrate different conceptions of public participation, Oakley and Marsden’s (1984) model depict ranges or bands of public participation. However, it is important to note that all three models are able to show non-participation and authentic participation as shown in Table 1 below.

Comparing Pretty *et al.*’s (1995) seven typologies and Arnstein’s (1969) ladder of participation against Oakley and Marsden’s (1984) modes of public participation, there is an overlap that can be deduced. An anti-participatory mode can be associated with Arnstein’s (1969) manipulation and Pretty *et al.*’s (1995) passive participation. Manipulation is equated to Arnstein’s (1969) placation, consultation, informing and therapy and Pretty *et al.*’s (1995) functional participation and participation in information giving. Oakley and Marsden’s (1984) incremental mode is similar to Arnstein’s (1969) delegated power and Pretty *et al.*’s (1995) interactive participation. Lastly, authentic public participation is similar to public control and partnership (Arnstein 1969) and Pretty *et al.*’s (1995) self-mobilisation as depicted in Table 1 below.

Table 1: Comparison of Arnstein's (1969), ladder and Pretty *et al.*'s (1995) typologies of public participation against Oakley and Marsden's (1984) modes of public participation

1. Anti-participatory mode	Manipulation	Passive participation
2. Manipulation mode	<ul style="list-style-type: none"> • Placation • Consultation • Informing • Therapy 	<ul style="list-style-type: none"> • Functional participation • Participation in information giving
3. Incremental mode	Delegated power	Interactive participation
4. Authentic public participation	<ul style="list-style-type: none"> • Public control • Partnership 	Self-mobilisation

Source: Mchunu (2012:56)

The authors argue that in most IDP processes, public participation is concentrated on two modes, i.e. anti-participatory mode and manipulation mode which closely overlaps with the "involvement" and "consultation" strategies often used. This is shown by the fact that most municipalities find it difficult to adhere to the principles of the IDP, which is supposed to be the embodiment of participation in the municipality.

Theron, Ceaser and Davids (2007:8) assert that consultation is promoted in IDP processes, but for some it connotes a pseudo process in which people are asked to give input, but the participation facilitators define both the problem and the solution. This is more so because there is no obligation on the part of a participation facilitator to respond to people's needs; the responsibility has to be is only to consult (Theron *et al.* 2007:8). Consultation explicitly excludes the beneficiaries of development from decision-making (Theron *et al.* 2007:8). The strong interpretation of participation equates participation to empowerment (Theron 2009:119).

Section 72 of the *Local Government: Municipal Structures Act* of 1998 provides for the establishment of Ward Committees to enhance participatory democracy within the local government sphere. In essence, Ward Committees should ideally create a "bridge" between the public, political and administrative structures of municipalities. However, like IDPs, Ward Committees are fraught with problems ranging from politics of representation at Ward Committee level, structural limits to Ward Committee powers and Ward Committees being involved in party politics (Buccus and Hicks (2008:526) and Oldfield (2008:490).

Despite the above shortcomings, the crucial "missing link" in Ward Committees, is the lack of detailed terms of reference and operating procedures which makes Ward Committees suffer credibility in the eyes of the public,

hence protests persist in Khayelitsha (Roefs and Atkinson (2010:6). The lack of clarity on their role leads to further tension with Ward Councillors.

The above-mentioned shortcomings of Ward Committees defeat their good intentions in that, if the public feel that they are ineffective and take political sides, they will lose hope and resort to other means of making their voices heard such as engaging in protests. Unsurprisingly, Oldfield (2008:493) contends that the patience of some public organisations and movements to work within state-driven and controlled participatory processes has withered and oppositional protests tactics have become routine as the Khayelitsha case study demonstrated.

In the light of these critical deficiencies it would be unreasonable to expect the IDPs and Ward Committees to function optimally. This incomplete democratisation is evident in the two invited spaces of participation, which defeats the principles of developmental local government. It can thus be argued that participatory governance have the potential of lead to smoother implementation of state policies, ensure accountability and transparency in governance, as well as to enhance the credibility and sustainability of programmes if properly implemented.

Democratisation dimension

As pointed out, participation and democracy are intricately linked, in clarifying the concept of democratisation, Cornwall (2008:13) differentiates between three components that underpins it, i.e.

- **Franchise** means that both public officials and public representatives should possess the necessary skills and experience i.e. listening, articulating, negotiation and collaboration to be able to increase the number of people to participate in decision-making.
- **Scope** relates to boundaries of public engagement, for example, the public may be part of technical decision-making but cannot have a final say. The public may make use of mass mobilisation tactics to demand the expansion of engagement scope. The last component of democratisation.
- **Authenticity of control** involves demands for decentralisation and power-sharing between government and the public.

It can thus be argued that democratisation requires building a sense of trust and partnership between the invited and invented spaces of participation. In this regard, Pimbert and Wakeford (in Creighton 2005:2) caution that democracy without public deliberation and participation is ultimately meaningless.

In the light of these challenges, participatory spaces need to move beyond the traditional modes of public participation to authentic and empowering

participation modes with a developmental orientation. In other words, now that South African local government has successfully undergone democratic transition and democratic consolidation through the institutionalisation of public participation, what needs to happen is for democracy to be intensified (Heller 2009:2). It is for this reason that Heller (2009:5) declares that “democratic intensification requires striking a delicate balance between the aggregate logic of political society and deliberative logic of civil society”. The latter will bring about broad democracy from which real “community wisdom” will emerge (Atlee 2012:2). Community wisdom will provide the public with the scope to influence, control, direct and own the decision-making processes with the resultant reduction in protests (violent).

The Deliberative Democracy Consortium (2004:3) submit that deliberation is significant in that it yields a shared understanding, substantively better policy recommendations, reduces friction and empowers individual members of the public. The Deliberative Democracy Consortium (2004:3) provides five rationales for deliberation that are in line with the IAP2 (2002) public participation principles:

- Instrumental rationale – public participation in policy formulation and decision-making can minimise public protests in that when the public take part in decision-making also builds capacity for self-reliance and collective action (social capital)
- Substantive rationale – public participation can lead to sustainable decisions particularly if the public’s indigenous knowledge systems (IKS) are incorporated
- Civic rationale – public participation builds public competence in that it enhances pro-social thinking, strengthens citizenship and enables more inclusive civic engagement
- Empowerment rationale – public participation gives greater authority and opportunities to problem-solving which impact on outcomes and also builds capacity of the public
- Social capital rationale – public participation cultivates mutual understanding, builds bonds of trust among the public, decision-makers and governing institutions, and can effect changes in political attitudes and behaviour

Furthermore, Fung (2006:69) states that deliberation allows the participants to share experiences and views within which they discover their interests till the agreement emerge that is valued by all participants. This means that the invited spaces need to move away from the culture of paying “lip service” to adopting a people-centred approach and become deliberative platforms that value the public’s wealth of knowledge and their native wisdom. For this to be achieved there should be collaboration between the invited and invented spaces of participation.

The link between invited and invented spaces of participation

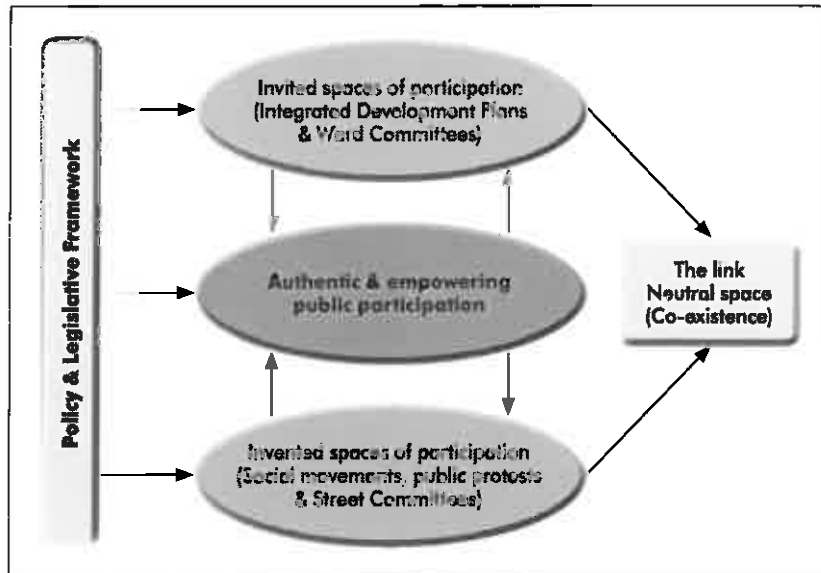
Scholars are unanimous in that the spaces of participation are not as pure as the authorities state, i.e. spaces are shaped by power relations, boundaries, engagement terms and are rights based (Cornwall 2002:26; Gaventa 2006:26; Ballard 2008:19) hence participation remains a contested terrain. Gaventa (2006:26) sees participatory spaces as “opportunities, moments and channels where the public can act to potentially affect policies, discourse, decisions and relationships that affect their lives”. This means that this could either be achieved through the invited and invented spaces of participation.

As argued, the state sponsored participatory mechanisms do not instil a sense of hope to the participating public, mainly because they are not neutral but are meant to control, dominate and exert power over the public. This is to be expected as the spaces are at the authorities “behest and terms” (Ballard 2008:19). This article argues that the public invent own spaces because in invented spaces, the public gains legitimacy of their concerns and a sense of their own power, sites from which they enter invited spaces equipped with the tools of productive engagement (Cornwall 2002:26). This is due to the fact that spaces created to “amplify the marginalised voices” may be co-opted to represent the “powerful” rather than the intended marginalised. Gaventa (2006:27) opines that “those who create it are more likely to have power within it and those who have power in one, may not have so much in another”.

Cornwall (2008:20) points out that inviting the public to participate should be seen as a basic right, one that is fundamental to claiming many other rights. Gaventa (2004:29) concurs and suggests that if the rights and citizenship are attained through agency, not only bestowed by the state, then the right to participate – for example, the right to claim rights – is a prior right, necessary for making other rights real. Gaventa (in Govender *et al.* 2011:194) contends that, the right to participate is probably a more empowered form of engagement than participation by invitation of governments.

In the light of the above, Carrim (2011:1) argues that there is a need for both the invited and invented spaces of participation to co-exist; after all, the invited spaces were not created by the government alone (See figure 3 below). Moreover, it was through the original invented spaces (mass action) that the invited spaces were developed. The reconfiguration of these spaces should ensure, according to Cornwall (2008:60), that the public is allowed to invent own spaces so that they can construct and consolidate positions, gain confidence to raise issues and gain access to a broader constituency of support. In this respect, “the invented spaces should contribute to widening and changing invited spaces for the better and these spaces could in turn be used to invent more space” (Carrim 2011:1). In other words, the public voice must be

Figure 3: The link between the invited and invented spaces



amplified. This therefore calls for what Carrim (2011:1) refer to as “a dialectical relationship between invited and invented spaces”.

Figure 3 below shows the linkage between the invited and invented spaces of participation. It proposes the creation of a neutral space where both spaces will coexist. Policy and legislative framework provides for the creation of both spaces to encourage the practice of authentic and empowering public participation in policy and decision-making processes. Therefore, the creation of a neutral space that will serve as an intermediary between the two spaces could assist in the realisation of a developmental local government.

RESEARCH METHODS

The study was conducted in Khayelitsha which is one of the Sub-Councils of the City of Cape Town. As of 2011, Khayelitsha had a population of 391 749. (COCT 2013:2). Among the townships in Cape Town, Khayelitsha had on several occasions been plagued by protests and has been branded as protests prone.

The study adopted a qualitative research paradigm. Interview guide questions were utilised as a research instrument for both personal interviews and focus group discussions to collect primary data. Two personal interviews were

conducted with the COCT officials and four with Councillors, drawn from the wards that are prone to public protests. Two Ward Councillors from the African National Congress and two Proportional Representative Councillors from the Democratic Alliance were interviewed. The chairpersons of social movements, i.e. Abahlali Basemjondolo and South African National Civics Organisation were also interviewed to obtain a balanced view of the prevailing conditions in Khayelitsha and to minimise bias.

Four focus group discussions comprising of Ward Councillors, Ward Committee members, religious groups, the disabled, local businesses, civic organisations and the general public were conducted. One researcher as an employee of the COCT had an opportunity to conduct observations in the IDP consultation workshops and on how public protests are initiated in Khayelitsha. To augment the interviews, focus group discussions data were collected through analysing and reviewing literature relevant to the study. Primary data were collected over a two month period, February and March 2012.

RESEARCH FINDINGS

- Ward Committee is meant to strengthen the municipal-public relations by bringing government closer to the public thus narrowing the municipal-public void (Department of Provincial and Local Government 2005:11). Ideally, Ward Committee members should have in-depth knowledge and understanding of the public's needs in its area of jurisdiction, but the opposite is happening. Research shows that 98 per cent of the interview respondents and focus group participants are not satisfied with the functioning of the Ward Committees as they felt that Ward Committees alienates the public from development planning and decision-making processes of the municipality. As a result, the public in Khayelitsha disengage from participating in the invited space and use the void to invent own space of participation. The respondents unanimously agreed that Street Committee system is their preferred method of participating, due to sensing Street the Committee as being within close proximity and independent. As participants in a focus group remarked, "we only share our grievances with the Street Committee because we know our grievances will be attended to, even if they fail we get feedback and ourselves as a community we decide on the next course of action"
- Pieterse *et al.* (2008:7) contend that IDPs were meant as platforms for engaging the public with regards to municipal policies and programmes to ensure that the public have a say in decisions that affects their lives. The municipality is obliged to include the public in participation as a legislative

requirement. The City officials, Councillors and social movements alluded to the shortcomings of the IDP processes, that the public in Khayelitsha is being fed information one-sidedly by the COCT, rather than the latter seeking their input. Unsurprisingly, 95 per cent of the respondents and participants felt that the public is invited to participate in IDP planning processes only when the plans and budget have already been concluded. This indicates that the public is called upon to put a stamp of approval for legislation compliance purposes thus denying the public the ability to influence, direct, control and own the development processes.

- The research shows that the majority of interview respondents and focus group participants are agreed on the following factors as being the main contributors to public protest actions:
 - Poverty and lack of employment opportunities that exist in Khayelitsha
 - Lack of proper housing and sanitation facilities for the public in Khayelitsha that remain unresolved
 - Corruption related to and interference by Councillors in the process of allocation of houses
 - The glaring gaps of inequality that exist, while neighbours are visibly leading much better lives
 - The legacy of apartheid that persists (as identified by all Councillors and City officials)
 - The increased competition for limited resources caused by the continuous in-migration or influx to Cape Town of people from other provinces and neighbouring African countries
- The respondents unanimously agree that violent protests are instigated by the police's use of unreasonable levels of force during public protests. The respondents contended that most of the public protests are peaceful, only turning violent in retaliation to the police's use of unnecessary excessive force. The respondents contend that public protests turn violent after being frustrated by the refusal of the authorities to recognise and attend to their demands. This fortifies the realisation that using violence will compel the authorities to attend to their demands. As one respondent pointed out, the usual course of action is "venting anger on anonymous private persons – for when important persons are affected, authorities start panicking and attend to our demands"
- The respondents unanimously agreed that public protest has always been a public participation strategy/tool and should remain so as long as protests are peaceful
- Lastly, the respondents highlighted the notion that public protests can be managed if Ward Councillors are visible and provide constant feedback. The COCT must be pro-active in the execution of its legislative mandate and be quick in responding to the demands of protesters

RECOMMENDATIONS

The functioning of invited spaces of public participation

This research has revealed that the COCT's invited spaces of participation smacks of lip service (pretence) to authentic participation, demonstrate a top-down approach to planning and the public is engaged for compliance purposes. These deprives the public in Khayelitsha of an opportunity to influence, direct, control and own the development process meant for the betterment of their lives. The insufficient inclusion of the public's own priorities, views and aspirations in the final IDP, leaves the public with no alternative but to demand, through public protests, proper inclusion of their views. Mere sourcing of Ward Committee members from community based organisations is insufficient if democracy has to be intensified. The complexity of public problems (economic and social) necessitates that social movements and Street Committees augment the work of Ward Committees. These grassroots community structures seem to be popular in Khayelitsha as compared to Ward Committees.

The recognition and effective utilisation of social movements and community organisations

Public protests in Khayelitsha have been organised under the auspices of the grassroots social movements, such as Abahlali Basemjondolo and Street Committees. As these structures are popular in Khayelitsha, the COCT needs to recognise and utilise these participation structures in order to reach the grass-roots. This will be necessary in order to deepen grass-roots democracy. The COCT must build capacity and empower these structures. This capacity-building must include training regarding the different mandates of the three spheres of government, in terms of powers and functions delegated to each sphere. Training similar to the Ward Committees is desirable for these structures. The COCT must not seek to co-opt these structures but to empower them to play a meaningful role in public participation processes.

Management of public protests

The COCT needs to consider doing the following in order to curb the scale of and mitigate the resentment inherent to violent public protests:

- The COCT need to explore ways for both the invited and invented spaces of participation to co-exist. This will provide for early detection (warning signs) for the levels of frustrations and subsequent protests
- COCT authorities must respond to public demands for relevant information, by providing regular public progress reports

- In the event of a protest already occurring, the COCT need to send top politicians to explain the problems hindering the delivery of services
- The COCT must include the youth in development programmes that emphasise skills development
- A specialised law-enforcement unit must be established to deal with protests. They must be capacitated to address public protests effectively, in order to quell violent protestations, using a minimum of force
- The public need to be educated about policies regulating public protests, with the view of empowering them rather to explore alternative constructive and creative means of engaging municipal authorities
- The COCT should consider educating the public about other possible complaints and dispute resolution mechanisms i.e. the Human Rights Commission, Public Protector and even the court of laws

CONCLUSION

A promise of an authentic and empowering public participation regime remains a “pipe dream” in the majority of South African municipalities including the COCT. The new democratic arena that are meant to provide scope (leverage) for the public to participate in municipal planning and decision-making processes, instead are widening the gap due to the fact that these arenas fall short of the ideal (authentic and empowering public participation), as a result the public invent own spaces for participation from which they find solace.

The article indicated that for protest action to occur there has to be a grievance, a conviction of wrong doing or injustice, an intention to draw the attention and demand improvements to their plight. The public utilise protest action as a political or bargaining tool to solicit response from the authorities.

The article argued that the state sponsored participation tools more than often do not instil a “sense of trust” among the general public with regards to local government’s political will and ability to deliver a “developmental local government”. This lessens the possibilities that ought to enable the beneficiaries of development to *influence, direct, control* and *own* their own development. If the formal structures for public participation for some or other reason (continues) to fail, the intended beneficiaries of participation (often) have no other recourse than protest. More so, if the public realise that protest delivers quick and direct results, then the South African government sits with a major legitimacy challenge.

Thus, a possible solution to this stalemate is for democracy to be intensified, now that the South African local government has successfully undergone democratic transition and democratic consolidation processes. This entails a

change from traditional public participation methods to deliberative democracy and more empowering methods. Deliberation and community wisdom will provide the public with the scope to influence, direct, control, and own the decision-making processes with the resultant reduction in protests (violent).

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