



Is protest action in South Africa bringing positive change or is it threatening our human right to security?

There are many issues about which to protest in South Africa (SA). In past years things were perhaps simpler, with a clearer voice against the injustices of apartheid. Today we are facing an increasing number of protests, including non-peaceful protests where police need to use force or arrests to keep control.^[1] Major factors contributing to government system failures are incompetence and corruption, and one need look no further than Eskom for evidence.^[2] The same problem is seen on a lesser scale at many municipalities, giving rise to angry protests from residents. The issue was addressed at the announcement of the 2021 local election results on 4 November 2021, where President Ramaphosa acknowledged that 'we need to strengthen the trust between citizens and elected representatives through competence, integrity, performance and delivery'. These are indeed the very qualities of good governance that the ANC has struggled to provide in many areas since taking power 27 years ago. Later that month, with some 70 local councils hung as a result of the local elections, the president announced the establishment of a unit in the Presidency to focus on helping local government to fulfill its service delivery obligations.

Corruption remains a threat, and politicians who eventually appear in court on charges of corruption often manage to frustrate judicial processes and avoid prosecution or jail time with endless legal applications and the use of medical parole.

The right to peaceful protest is entrenched in our Constitution, but it presupposes the ability of the country's police and armed forces to effectively guarantee law and order, and the government was not able to do this during the July riots.^[3] The recent global lockdowns and resultant economic slowdowns have led to further economic hardship and wider disparities within our already divided and unequal society. Political parties pushing agendas and looking to increase their voter base may also hijack peaceful protests. Criminal elements seeking opportunities for theft have further confounded a volatile situation.

In this environment, can we continue to afford the luxury of damaging protests where the diminishing taxpayer base is left with the bill for the destruction? The SA ANC government has broken the social contract to provide citizens with security, and social trust and co-operation have been damaged. Furthermore, government has remained relatively silent regarding those responsible for the organised riots in July 2021, where 337 people died. In Phoenix, north of Durban, there were 36 deaths, and these might arguably be seen as being in self-defence when security forces were not effective in maintaining peace. Some of the recent riot incidents, such as setting fire to trucks while drivers were inside them, were profoundly disturbing, and yet we have not had satisfactory explanations from government about events that alarmed most law-abiding South Africans. It also made us the subject of shocked disbelief overseas as video coverage of looting by community members was viewed with police standing by watching but inactive. Habib^[2] has strongly condemned government inadequacies in dealing with the recent riots, and called for those responsible for the riots to be rapidly held accountable. His view supported the declaration of a state of emergency in the affected provinces to maintain and regain the confidence of the population, but the response by government since that time has been very reserved.

What are the ethical considerations? Protest action should clearly be peaceful but also effective, but we are yet to see meaningful change for poorer members of society. It seems as if protests such as service delivery protests have not been taken as seriously and treated as urgently as they need to be. The increasing protest action has been compared with an uprising or 'rebellion of the poor',^[1] and needs to be addressed with strength and vision.

Are protests a successful instrument of societal change? They definitely are, but more so where they are peaceful, because 53% of peaceful protests were shown to be successful v. 26% where violence was used (from 1900 to 2006, cited by Woods^[5]). The other more intuitive factor is percentage of support, and where >3.5% of the population protests, it becomes increasingly certain that success and change are inevitable.^[5] In SA, 3.5% would require the participation of ~2 million of 55 - 60 million South Africans to succeed. With >74% of young South Africans (aged <25 years) unemployed, this number can be reached, and this group has little to lose.^[3] Since 2008, over 2 million people have protested per year.

How can protests become more effective? Fighting issues with governments may feel like 'fighting a pillow', where plenty of effort results in little response. The use of violence is usually met with condemnation, and may even degenerate into civil war, but disruptive protests are a valid way to increase the effect of protests. Where we may call a peaceful protest 'normative' and a violent protest 'non-normative', a non-violent, non-normative protest would include one where disruptive methods are used. This may include peaceful occupation of a major airport preventing travel, or blocking highways with trucks or taxis.

Meaningful change would require government, in addition, to deliver at all levels of service and to direct more funds towards the poorer members of society.^[1] The Social Relief of Distress income grant of ZAR350 per month for the unemployed has begun to address this deficiency, but more may be required. A universal basic income grant, it is argued, might alleviate hardships caused by mass unemployment. It may also protect our infrastructure, which is disappearing at an alarming rate via thieves stealing manhole covers, electrical cables and even roofs from railway stations and public buildings to provide an income or materials to build houses.^[7] Our infrastructure is being stolen.

This leaves us with a weak central government, requiring citizens to provide many of its obligations (including security), and a powerful protest tool that has perhaps recently been underco-ordinated rather than underutilised in SA. Our hope might be a stronger response and focus by government to prevent more security breaches by addressing the key factors creating volatility, and provide security for its citizens according to its mandate.

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