MANAGING COMMUNITY CONFLICT

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ABSTRACT

Geographically, South Africa is a large country which is home to 58 million people. This population is broken up into vast numbers of demographically diverse populations spread over a wide area – urban, semi-urban, and rural. As such, there represents a huge potential for inter- and intra-community conflict. In addition to this potential is the potential for conflict between groups opposed on issues such as welfare, land and finance. Recent examples that stand out include the demands for housing in places like Hermanus and Hout Bay, and the conflicts of interest that led to the incident at Marikana. As these examples show, there is a very dangerous potential for these conflicts to escalate into violent protests and violent responses to protests. In this regard, South Africa has a long and complicated past that continues to the present and very likely into the future. Despite this history, this country has, in recent years, also been distinctly marked as a place of conflict resolution. It is in this spirit of resolution that many conflicts have been resolved through peaceful means, often against the odds like from 1990-1994 in which transition took place. The aim of this research is to investigate where, how and why such conflicts occur and evolve in South Africa with challenges of social, economic and government dynamics. The research will also interrogate the role-players and their actions in terms of conflict, conflict management, and conflict resolution, which are needed in order to be able to bridge the conflict or instigate ongoing violence because of the lack thereof. This is an exploratory research paper which hopes to start the engagement of conflict resolution opportunities in South Africa.

Keywords: Community, Conflict, Policing, Protests

INTRODUCTION

South Africa is a comparatively big country. It has a population of approximately 58 million people spread out over an area of 1.22 million km^2. In terms of population, it is ranked 24th in the world (StatsSA, 2018). From this population, there is an immense number of culturally unique groups that interact with other culturally unique groups. As such, the demographics of South Africa have an enormous potential for differences in needs and desires which can result in conflict. In addition to this, politics plays a major part in stoking the fires of conflict, especially during the run-up to a national election. Throughout South Africa's past, conflict has been a permanent factor, and to study the present dynamic of this subject, it is necessary to understand the history that has contributed to it. Even since before the arrival of European settlers, conflict was something that shaped and defined the social makeup of peoples inhabiting these

lands. Significant wars include the Mfecane where the Zulus conquered surrounding tribes, forcing some to be scattered as the victims sought escape from the Zulu impis. Further south, the Xhosa people engaged in nine separate wars with both Trekboers and British colonists over the course of almost a hundred years (http://www.sahistory.org.za). A distinction can be drawn between the "Trekboers" and the "Voortrekkers". The former were semi-nomadic pastoralist farmers, while the latter, many of them being Trekboers, were colonists who ventured further into the interior in order to escape the colonial administration of the British. The Trekboers also found themselves in conflict with the Zulus, culminating in the battle of Blood River. Later on, the British would go on to instigate conflict with the Zulus in the Anglo-Zulu war of 1879, and with the Boers in the First and Second Anglo-Boer Wars. The brutal conditions of the concentration camps instituted by the British forces are still remembered, and the subject still brings up feelings of animosity from various groups throughout the country. The nineteenth century would see South Africa taking part in both world wars, as well as the 23-year long conflict of the Border War which ended in 1989. Throughout the 20th century, South Africa was home to many upheavals, not least of which were incidents directly related to apartheid, the brutality of the regime that implemented it, and those who were in direct, confrontational opposition to it. Two incidents that stand out in this regard are Sharpeville Massacre in which 69 people were killed while protesting pass laws (http://www.sahistory.org.za), and the 1976 Soweto riots which triggered widespread incidents across the country that, according to sahistory.org.za, resulted in the death of possibly more than 200 people shot by the South African Police (http://www.sahistory.org.za). Apartheid served as a means of creating racial divides that still exist today, not only in terms of culture, but in terms of geography as well, which lends itself to drawing boundaries that remain difficult to erase. As such, many parts of the country are home to distinct cultural groups that remain insular in nature, especially in rural areas. The ending of apartheid and the shifting of power to the African National Congress, as well as a more inclusive form of government, however, did not curtail the incidences of violence. Service protests and protests over worker's rights have been a common theme in post-apartheid South Africa. Recent developments have seen waves of protests turn violent throughout the country. Nyar and Wray indicate that despite the "post-1994 transformation involving a system of integrated and de-racialised local government driven by a strong philosophy of developmentalism, the local government system is showing signs of being overwhelmed. This is most clearly seen in the phenomenon of recurring and increasingly violent mass protest toward local government" (Nyar and Wray, 2012). The trend involving service delivery protests is that they are becoming more frequent. Data from the Centre for Social Change reports that from 2005 to 2017, the number of media-reported community protests rose from 106 to 375 (CSC in Alexander et al., 2018). The issue of gang violence is a further issue which deserves mention, as it is an issue which has an undeniable effect in the shaping of urban communities. In addition, the issue of worker's rights demands attention in that the events at Marikana had repercussions both at home and abroad. For practical reasons, and for the sake of brevity, however, this paper will focus on two of the violence issues affecting South

African society, namely service delivery protests and xenophobic violence.

Of great importance is how the government and society respond to the challenge of addressing the issue.

LITERATURE REVIEW

One of the major factors contributing to conflict within communities is the factor of housing. In case studies conducted over the eThekwini municipality, Kamna Patel argues that the system in place is one that produces a number of negative side-effects. In her paper "Sowing the seeds of conflict? Low income housing delivery, community participants and inclusive citizenship in South Africa", research suggests "…these local processes may be sowing the seeds of conflict by propagating existing social tensions, particularly around ethno- and xenophobia, and party political contests" (Patel, 2015). The scale of conflict over housing is one that begs much attention and it forms part of the broader problem of service delivery. Wasserman et al. investigates the intent of media coverage on service-delivery protests, noting that media often subscribe to a protest paradigm of deligitimisation and demonization of protests, highlighting the negative consequences of such actions. They also make reference to the fact that these protests are considered to be the result of high levels of inequality which include issues such as "unemployment, housing, water and sanitation, electricity, corruption and municipal administration, health and crime" (Wasserman et al., 2018). The issue of immigration and the subsequent dynamic of xenophobia are further concerns in the question of conflict. Christopher Claassen points to a number of determinants that affect the occurrence of xenophobic attacks. These, he points out, are linked to frustration with government, social mobilization and resource competition. He adds that the

attacks on immigrants "point towards a mechanism of scapegoating, where frustrations and hopelessness produce aggression that is targeted at African immigrants". As such, South Africa remains one of the most hostile destinations in the world for African migrants (Claassen, 2017). May 2008 saw the killing of 62 people. In April 2015, another wave of violence occurred. It is argued here that these attacks are not sporadic anomalies, but incidences borne out of a deep and constant intolerance towards African immigrants (Claassen, 2017, pg. 1). Misago notes that "Xenophobic violence has become a longstanding feature in post-Apartheid South Africa, and since 1994 tens of thousands of people have been harassed attacked or killed because of their status as outsider or foreign nationals (Misago 2011 in Misago 2016, pg 447). These actions have far-reaching consequences that significantly damage South Africa's standing in the international community.

CONFLICT

To successfully manage conflict within communities in South Africa, it is necessary to understand the nature of the conflict as well as the causes. The catalysts for different conflicts are as varied as the conflicts themselves. However, it is apparent that there are underlying trends that are common throughout many of the different forms of community conflict. In this regard, the fight for housing is a poignant subject, as it is one that has clear motives and the results are well defined through issues disseminated by South African media. In most cases, lack of delivery on the part of the government acts as the cause for anger, and subsequently, protests – many of which turn violent and become chaotic and beyond the control of law enforcement. Examples of this are overt in the Western Cape. Media reporting of

such protests is common in places such as Hermanus, De Doorns, Philippi, Parklands, Vrygrond, Langa, and very recently Doornbach where shack dwellers were held at gunpoint as the government demolished 81 shacks that were built on private land behind the Doornbach informal settlement. By volume of media coverage, it is apparent that incidents such as these are becoming more frequent, and a higher proportion of them are becoming violent. Nyar and Wray (2012, pg. 30-31) identify a series of broad patterns and trends in protest action. The first is that protest action tends to be located predominantly in informal settlements and former black townships (Alexander, 2010 in Nyar and Wray, 2012), and underlying grievances over service delivery are what drive these protest actions (Booysens, 2009 in Nyar and Wray, 2012). The second trend is that protesters are most often poor and either unemployed or under-employed. In addition, it is suggested that there are often criminal elements that play an inflammatory role in exacerbating protests by destroying public property, thus adding to the perception of protest action as criminal activity (Sinwell et al., 2009 in Nyar and Wray, 2012). Thirdly, protests are usually set in motion when requests to meet ward councillors and municipal officials are unsuccessful. Those who protest have often drafted memoranda and petitions which have failed to draw a positive response from officials. These protests are then considered to be actions of "last resort" (CDE research, 2007 in Nyar and Wray, 2012). The fourth tendency is one that involves a number of protest activities such as toyi-toyiing, marches and singing, along with more negative aspects such as attacks on councillors, looting, destruction of property – often government owned or perceived to be government owned. It is also common for barricades to be erected and tyres to be burnt. The fifth tendency mentioned is the responses by authorities to the protests. Police are charged with the duty of restoring order and protecting public property. In their effort to fulfil this duty, their response often ends up being labelled as police brutality. The final tendency is the trend indicated by data which suggests that protest action is increasing. The way in which these protests are dealt with is necessary in order to conceptualise better methods of treating the symptoms of violent protests. Subject to public opinion, the police are often chastised for their methods of crowd control. These methods have been scrutinised and called into question by civil society and academics (Pillay, 2016 in Roberts et al. 2017). It is important to note the law in this regard. In the Regulations of Gathering Act 2015 of 1993, section 9 (2) states that:

(c) The degree of force which may be used shall not be greater than is necessary for dispersing the persons gathered and shall be proportionate to the circumstances of the case and the object to be attained.

Regulations of Gatherings Act 2015 of 1993

The above statement is a cause for concern in that it relies heavily on human perceptions of events in a volatile situation that is crowded with confusion. This leaves the police open to justifying the use of force based on judgment. As such, there is often much debate in hindsight as to whether appropriate force was necessary in many circumstances. It is relevant to acknowledge however, that policing in this regard, is a method employed that only provides a short-term solution to a problem which needs to be addressed at the root, as Gareth Newham states, "it is important to understand the phenomenon of violent or disruptive assemblies if we are better able to make sense of them and respond appropriately" (Newham in African Policing Civilian

Oversight Forum, 2017). Another major factor in community conflict that has had and continues to have a significant effect on South African society is the factor of xenophobic violence. 2008 was a major year in this regard where xenophobic violence spread and resulted in riots and death. The roots of xenophobic violence are numerous and defined in the South African context by Hopstock et al. who claim, "A history of exclusion, poor service delivery by local governments, slow development and an increase in poverty and equality, an unwillingness to acknowledge the political and humanitarian crisis in Zimbabwe, and, in particular, South Africa's closed-door migration policies have provided a breeding ground for xenophobia" (Hopstock et al. 2011, pg 120). A number of catalysts, some of which are similar, are also presented by Christopher Claassen – resource competition, poverty, relative deprivation, frustration with government, mobilization, and symbolic threat (Claassen, 2017, pg. 3). It can be argued that these factors are all linked to government responsibility. As such, Claassen notes through evidence collected in surveys that immigrants are treated as a scapegoat for government failings. The form which these attacks take is also varied. There is verbal and physical abuse, harassment, and the wilful destruction of homes and businesses belonging to foreigners.

Although xenophobic incidents existed and had been a problem since the transition from the apartheid government in 1994, 2008 was a year in which the problem became particularly violent. The wave of attacks claimed the lives of approximately 62 people, while 670 were injured and approximately 100 000 people were displaced. Many instances of rape were also reported (Landau, 2009 in Hopstock et al. 2011). Two thirds of the fatalities were foreigners, while the remainder were South Africans who had married foreigners, people who refused to take part in the violence, or people who had been born in Mpumalanga or Limpopo – South Africa's two most northerly provinces which border on Zimbabwe, Mozambique and Swaziland (Landau, 2009; Matzopolous et al., 2009 in Hopstock et al. 2011, pg. 121).

Violence spiked again in 2015 after inflammatory remarks made by King Goodwill Zwelethini who referred to African foreigners as "lice". As was seen with the violence in 2008, the violence in 2015 affected mainly informal settlements and inner cities (Essa, 2015 in Claassen, 2017 pg. 3). The death toll in 2015 was significantly lower, with only eight deaths being attributed to xenophobic violence. Despite this lower death toll, the international response was more significant than the response from 2008. Sharp criticism was drawn from the UN as well as from the leaders of Zimbabwe, Mozambique and Malawi, while Nigeria recalled its ambassador (Essa & Patel, 2015 in Claassen).

Government Response

The response of government to violent protests and xenophobic crime requires analysis in that the response is crucial to effectively combat the causes and effects of violent action. In the case of violent protests, dealing with the problem is often left to the police, and only after the situation has turned violent. It can be argued that the government response beforehand is what drives protesters to become violent. With regards to xenophobic violence, Misago suggests that, "National government and relevant local authorities have thus far either tended to ignore the problem or categorise violence against foreign nationals and other outsiders as normal crime with no need for more specific or more targeted interventions" (Misago, 2016, pg 443). This observation is salient in that it proportions blame on the

government for not dealing with the issue effectively. The response to the 2008 xenophobic attacks consisted of the government calling on specialised units, creating of ad-hoc committees and designated task teams in parliament, ministries, the police and local and national governments. The response was brief, and subsided as soon as the xenophobic violence diminished (Misago, 2016, pg 451). Even politicians that voiced surprise and acknowledgement of xenophobia as a major problem were silenced in order to maintain the official party line (Misago, 2016, pg 451). Misago also mentions that the African Peer Review Mechanism Monitoring Project gave South Africa a 'red rating' for failing to address the issue of xenophobia (SAIIA, CPS & AGMA, 2011 in Misago, 2016, pg 452). And not only has there been a failure on the part of the government, but there has been an active effort to suppress and deny the issue altogether. There have been few persons charged with conducting or promoting xenophobic violence. The state has even actively protected those accused of such. In addition, the state has failed to hold mandated institutions such as the police force accountable for the failure to prevent xenophobic violence (Misago, 2016, pg 452). It is possible that the reason for this failure is that the topic is one which hurts the image of the ruling ANC in that it sees itself as the inheritor of a tradition of Pan-Africanism, and admitting such, especially when government agents are implicated, tarnishes an image of co-operation and acceptance expected from the ANC.

Despite the aforementioned dynamic, there are a series of small-scale initiatives that are in place that point to a certain amount of recognition of the xenophobia problem. The Department of Home Affairs has a program aimed at 'Strengthening Communities of Peace and Diversity'. The Department of Justice and Constitutional Development has the 'National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance'. And the Department of Arts and Culture has the 'National Strategy for Developing an Inclusive and a Cohesive South African Society' (Misago, 2016, pg 453).

RECOMMENDATIONS

As has been noted by the CDE research referenced in the Nyar and Wray paper, protests are often actions of last resort. The questions, then, must be asked, how and why are these processes failing? And what can be done to make these processes successful in order to staunch the numbers of protests? It seems there is ample data on the subject. The Spatial Viewer on Protest Actions (SPAVOPA) maintained by the Department on Human Settlements, The Incident Registration Information System (IRIS) used by the SAPS Crime Combating Operations Visible Policing Unit (VPU), Municipal IQ and The Centre for Civil Society all provide datasets on protest action, with the former two being run by state institutions (Nyar and Wray, 2012, pp 27-28). However, as Nyar and Wray note, "none of these databases can be considered as authoritative data sources on protest action in South Africa". With the exception of the IRIS database, the datasets derive much information from media sources. As a result, no conclusions can therefore be made about protest action (Nyar and Wray, 2012, pg 36). As such, it is recommended that an authoritative body of data is created which can be used by government agencies. Nyar and Wray further suggest a system of independent monitors to report on protest action and serve as an early warning system (Nyar and Wray, 2012, pg. 38).

As research conducted by Claassen notes, the main factors affecting the

increase in xenophobic violence is poverty, either in an absolute or relative sense, and the perception of government being "distant, inattentive, or ill-performing" which produce feelings of frustration as well as feelings of being disengaged from the labour market (Claassen, 2017, pg 16). As such, it seems there is a need for better delivery on behalf of the government to improve the situation of the poor, and simultaneously improve the image of government so that there is a perception that government is delivering.

In both xenophobic violence and violent protest action, there also needs to be a model law for the use of force. The Dialogue on Public Order Policing in South Africa quotes Michael Power as saying that "it could be time for drafting a model law to harmonise the use of force provisions in various laws" (Power in African Policing Civilian Oversight Forum, 2017). South African laws have different guides on the provision of the use of force which sometimes conflict. This issue needs to be addressed to solve confusions over appropriate use of force, as it is often the actions and the presence of police that act as a catalyst to conflict. The application of a solution to this problem lies in a governmental change and/or addition to existing laws, and a further education of the police force. In doing so, the police response can be expected to engage with community conflict in a manner that is not left to personal feelings of appropriateness. Furthermore, failure to adhere to these new tenets should have negative ramifications for the authorities whose responsibility it is to enforce such tenets. This, however, only addresses the symptoms. A more radical approach to service delivery needs to be undertaken to alleviate the desire for violent protest action.

CONCLUSION

It is clear that South Africa is nowhere near seeing an end to socialised violence. The issue needs to be addressed in the contexts of society, law enforcement and government if progress is to be made in achieving more peaceful resolutions.

In the case of xenophobic attacks, the issue is ignored, denied and even excused by government representatives. There needs to be far greater accountability on this issue, as well as a concerted effort to promote the small-scale initiatives that are in place. While these initiatives may be a positive way forward, continued xenophobic attacks prove that they are either not having the desired impact, or that they are woefully inadequate in dealing with the problems that they are tasked with solving. As such, it is necessary to investigate what effect the initiatives that are in place are having. Those initiatives with positive outcomes need to be expanded so that there is a broader area of effect.

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