Fragility and the State: Post-apartheid South Africa and the State-Society Contract in the 21ˢᵗ Century

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We stand at a crossroads: the one road, lined with securocrats, the plundering of the public purse and the attacks on our democratic institutions, if taken, will create imbalance where law and justice cannot be reconciled with morality as our institutions will be perceived to be illegitimate … the other road is harder and requires us to bind ourselves to our just laws and act against those who break them (George Bizos 2013).

Abstract

The notion of a fragile state has changed over the last decade to encompass countries with only pockets of stability in an otherwise functioning state. This broadened spectrum of fragility is a positive move for the international sphere in that it highlights areas of weakness in states which could have a detrimental effect of the country and provides recommendations for building up resilience in these fragile states. Most commonly, one needs to undertake state-building measures which will re-legitimise the state-society contract – meaning that the expectations of the society from the state are in balance with what the state can provide to the people. Throughout 2012, South Africa experienced more service delivery protests than in the three years prior. Issues such as education, employment and wage disputes were ripe in the country and across the globe.

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It became clear that pockets of fragility were creeping into South Africa and the state was no longer able to meet the needs of the people. In a new democracy, increasing fragility is dangerous, as it could spread to increased violence and protest, which could ultimately destabilise the country and the region as a whole. This paper argues that some aspects of South Africa's sectors are weakening, and that changes need to be made to renew the state-society contract and build up resilience in these areas of fragility in order to prevent future protests and violence.

Introduction

For most of the twentieth century, South Africa's people endured an oppressive system of discrimination and inequality. With the end of the apartheid system in the 1990s, the country transitioned to a democracy under its first legitimately elected leader, former President Nelson Mandela. Amongst a number of state-created redress institutions, the Truth and Reconciliation Commission (TRC), established in 1995, enabled many South Africans to learn hidden truths about their recent past and to confront and even forgive some of those perpetrators who came forward and confessed to their roles in an unjust past. This enabled them to achieve a form of closure on the pain and issues of the past. The country broke away from the ways of apartheid and instituted new mechanisms to provide housing, education, health care and other vital social services. An imagined contract emerged between the new state and its citizenry in regard to their expectations of the new democratic order. A form of equilibrium and legitimacy was gradually achieved between the state and society. However, in recent years South Africa has experienced a massive increase in what have been termed 'service-delivery' protests, often accompanied by violence, strikes and civil unrest. In 2009, there were 105 such service protests, rising in 2010 to 111 protests recorded in all nine provinces. In July 2012, the number of protests reached an all-time monthly high, with more protests occurring in the Western Cape than in any other province (Managa 2012:1). This increase in protest suggests that some societal expectations are no longer being met, and that South Africa is being moved towards a state of disequilibrium and perhaps even illegitimacy. According to 'fragile-state' theory (OECD/DAC 2007a), when a

state no longer provides to its society what is expected or demanded of it, then that country is moving towards a fragile-state situation. Such a condition can be dangerous for newly-transitioned societies for they are more likely to be prone to violence and unrest than older and more mature ones.

This paper looks at the current political system in South Africa and the political dynamics within it. It argues that with the recent increase in service-delivery protests in South Africa and the changing nature of the political dynamics of the country, the state-society contract is weakening and the possibility exists that the state is moving towards a condition of fragility.

Part One: Theory

The state and fragility

Thinking around the notion of a fragile state has changed greatly over the past decade: whereas previously most countries seen as fragile were low income, today almost half are middle income. The result has been a move towards the classification of states based on a fragility spectrum, as outlined in the International Dialogue on Peacebuilding and Statebuilding's 2013 document entitled *A New Deal for Engagement in Fragile States* (International Dialogue on Peacebuilding and Statebuilding [2011]). Fragility, it suggests, indicates similar characteristics to that of a failed state but does not imply complete collapse of all areas of the state. What it does do, however, is to draw urgent attention to pockets or sectors of fragility within the state which, in other respects, could be functioning well (Hilker 2012:4). The Organisation for Economic Cooperation and Development's (OECD) *Principles for Good International Engagement in Fragile States and Situations* (OECD 2012:19) defines a fragile state as one where 'state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development and to safeguard the security and human rights of their populations' (OECD 2012:19). In a fragile setting, aspects of the quality of the political settlement establishing the rules of the game become flawed (especially in terms of its exclusionary nature), are not resilient and/or have become significantly undermined or contested. A common situation in which fragility arises is primarily when a government is

unable to meet the demands of its people and legitimacy is lost; and when the 'social contract' or the state-society contract binding state and society together in mutually reinforcing ways frays and the state is not seen as delivering services to the people (Menocal 2011:1716).

This state-society contract notion is one which derives from Jean-Jacques Rousseau's writings on the social contract and refers to an imagined contract between a state authority and its people, forged in the belief that states act in the best interests of their subjects and thereby earn and maintain a sense of legitimacy in their eyes. However, once the state begins to act consistently against the people's interests, the contract is breached, a crisis of legitimacy can develop and the likelihood of the state collapsing into conflict increases. The state-society contract is similar to this and is predicated upon three central points: 1) the *expectations* that a given society has of its governing state; 2) the *state's capacity* to provide services, including security, and to secure revenue from its population and territory to provide these services (in part a function of *economic resources);* and 3) the *elite's willingness* to direct state resources and its capacity to fulfil social expectations. The contract is crucially mediated by the existence of *political processes* through which the bargain between state and society is struck, reinforced and institutionalised. Finally, *legitimacy* plays a complex additional role in shaping expectations and facilitating the political process (OECD 2008:17). The notion of fragility suggests that when this state-society contract is disrupted, even if only in certain societal aspects, the society weakens and the likelihood of unrest increases.

The measure of fragility is useful for new democracies in that the *New Deal* (International Dialogue on Peacebuilding and Statebuilding [2011]) outlines a scale of fragility which indicates areas in which this fragility is most dangerous, and the implication that when the size and prevalence of these pockets of fragility within a country reach a 'tipping point' based upon this scale, the risk of susceptibility to instability increases and local, national, regional and sometimes global consequences may be imminent (Menocal 2011:1716). More countries can be included within the analysis of fragility, which may allow for deeper investigation into ways in which fragility matters and into approaches or methods that can be taken to address fragility. Policies and programmes aimed

at decreasing fragility will differ depending on which criteria are assumed to be fundamental. Furthermore, an inaccurate understanding of fragility may cause cases of genuine fragility to be overlooked. In the long term, the idea of talking about fragile states will allow more actions to be taken in specific areas and countries in order to prevent further collapse which, in the long-run, will reduce the likelihood of national, regional or global crisis (OECD 2012:35).

Recommendations to increase stability and resilience

Fragility resides at one end of a spectrum which has resilience at the other end. Resilience, in this context, would refer to the ability of a state to cope with the changing nature of the expectations of a society and maintaining thereby the state-society contract (OECD 2008:18). Building up resilience would fall under Post-Conflict Reconstruction and Development (PCRD) which is defined by the African Union (AU) as 'a comprehensive set of measures that seek to: address the needs of countries emerging from conflict, including the needs of affected populations; prevent escalation of disputes; avoid relapse into violence; address the root causes of conflict; and consolidate sustainable peace' (AU PCRD 2006:4). One way of doing this is state building. State building is a means of building resilience and thus preventing conflict; it will enable equilibrium to be restored to a society and the state-society contract resurrected in order to prevent the country from derailing into full-scale conflict or civil war. State building is different from peacebuilding and refers to the 'purposeful action to develop capacity, institutions and legitimacy of the state in relation to an effective political process for negotiating mutual demands between state and society groups' (OECD 2008:14). It is the process of building a state to serve its citizenry more effectively (Fukuyama 2004:17). Peacebuilding is generally associated with post-conflict situations in countries which have experienced internal warfare, and can be defined as 'actions undertaken by national or international actors to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict' (OECD 2008:13). It is focused on transforming society by strengthening human security and addressing fundamental grievances, horizontal inequalities and the root

causes of violence (Menocal 2011:1718-1719). Both peacebuilding and state-building processes are conflict-prevention measures and are seen as vital to a stable society, but occur at different stages in the society's life span.

The OECD's *Principles for Good International Engagement in Fragile States and Situations* (OECD 2007a) assert that state building should be the central objective of fragile states and is vital in establishing an effective, legitimate and resilient state. Menocal (2011) elaborates on this by arguing that in its simplest formulation, state building refers to the set of actions undertaken by national and/or international actors to establish reform and strengthen state institutions where these have been seriously eroded or are missing. Yet, as with peacebuilding, the concept of state building has also evolved considerably over time. From a narrow preoccupation with building or strengthening formal institutions and state capacity, there has been an important shift within the international development community towards recognising that the state cannot be treated in isolation and that state-society relations are central to state-building processes. As such, the core of state building has come to be understood in terms of an effective political process through which citizens and the state can negotiate mutual demands, obligations and expectations. A fragile state is one which cannot deal with such societal needs and prevents effective development in the country. A fragile state is dangerous because of the large likelihood of violence and protest in the state, which would be further destabilising to any peace processes and development which might have been taking place in the post-conflict country.

Thus, one can see the links between state building and conflict prevention. Conflict prevention tries to tackle the causes of instability, build resilience and thereby prevent conflicts occurring. The international community is now making greater efforts towards bolstering state capacities, in particular by strengthening the ability of the organisation to practice preventive diplomacy and to employ and support mediation in order to head off potential crises at an early stage. Referring to the United Nations' *Agenda for Peace*, conflict prevention also extends well beyond traditional preventive diplomacy to involve a broad constellation of United Nations entities operating across a wide range of relevant

disciplines – poverty-eradication and development, human rights and the rule of law, elections and the building of democratic institutions, the control of small arms; all similar aspects to that of building up a state (Boutros-Ghali 1992:15-16). Often conflict prevention focuses on looking at the root issues of tension in a society and addressing those through training and capacity development in the community in order to pre-empt these issues heightening into protest, uprising, violence or conflict.

In order to achieve successful state building, a nuanced understanding of the causes of fragility (the root causes of conflict) in their various manifestations, as well as an appreciation of how this understanding should shape both the policy and the practice of state building, is required. Disequilibrium can arise as a result of extremes of incapacity, and/or elite behaviour, or crises of legitimacy. Resilient states are able to manage these pressures through a political process that is responsive. States that lack effective political mechanisms may be unable to manage the consequences – social disruption, unrest and violence, etc. This links to the five core principles of the AU PCRD, namely: African Leadership, national and local ownership, inclusiveness, equity and non-discrimination, cooperation and cohesion, and capacity building for sustainability (AU PCRD 2006:6-8), which should be included in any state-building measures. They must be locally owned and aim to develop the capacity of the people in order to ensure a long-lasting peaceful existence.

This paper seeks to show how aspects of fragility have seeped into areas of South African governance by looking at major policy problem areas in 2012, each of which highlights state shortcomings, if not failings. This paper will draw on aspects of state building to highlight recommendations by which the South African government could build resilience.

Part Two: Case study of South Africa

A brief summation of the apartheid system

Racially based discrimination in South Africa did not start with the apartheid government in 1948 but had its roots in the arrival of the first Europeans from

Holland in 1652. During the subsequent Dutch and British dominations of the Cape Colony, racial discrimination against the indigenous inhabitants, especially the Khoikhoi and the San, was intensified. The descendants of the Dutch, who became known as Afrikaners, were dissatisfied with the British hold over South Africa and in the mid-1800s established their own inland republics. Clashes between the British coastal colonies and the inland states culminated in the Anglo-Boer war (1899-1902), which ended with British authority being extended over the Afrikaner states which then became British colonies. In 1910, the four colonial areas of the country were united as the Union of South Africa. An uneasy power-sharing arrangement between the English-language speakers and the Afrikaners held sway until 1948, when the National Party took power in an all-Afrikaner coalition arrangement[1] (Saunders and Davenport 2000:21-377).

From 1948, racial discrimination was institutionalised under the system known as apartheid. Initially, the aim of the apartheid system was to maintain white domination while extending racial separation into all spheres of social, political and economic life. Starting in the 1960s, a plan of 'Grand Apartheid' was executed, emphasising the territorial separation of the African people on a largely ethnic basis. By the 1970s, the National Party had effected a massive re-engineering of South African society involving the segregation of every aspect of life – housing, hospitals, schools, buses, public benches, etc. A passbook or racial identity document was provided to every person of colour to be kept on them and shown on demand at all times. Inter-racial sexual relations and marriages were prohibited; and the interaction in general between races was kept to a minimum (Saunders and Davenport 2000:377-460).

This system of segregation was maintained until the 1990s when the legal framework of apartheid began to be dismantled in a series of reforms proposed by the last National Party leader, F.W. de Klerk. In a March 1992 referendum, a majority of whites endorsed President De Klerk's reforms. Despite continuing violence in the country, negotiators led by Nelson Mandela of the African National Congress (ANC) and De Klerk agreed in 1993 on a timetable for

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1   The 1948 Government was a coalition of two Afrikaner political groups, the National Party and the Afrikaner Party of Dr Havenga. In the early 1950s, the Afrikaner Party dissolved in the NP with Havenga being given a senior cabinet post.

the implementation of majority rule. After a plea from Mandela at the UN in September 1993, remaining international sanctions on South Africa were lifted. In October 1993, De Klerk and Mandela were awarded Nobel Peace Prizes. On 27 April 1994, the first democratic election in South African history resulted in Nelson Mandela becoming South Africa's first democratic president and the country started down a new path of ensuring equality and dignity for all (Saunders and Davenport 2000:460-506).

The transition to democracy

A huge task faced the new government of South Africa in 1994, namely, 'to undo the apartheid policy legacies – of poverty, inequality and racial segregation of service – in order to create a single, efficient public service that delivered on the basic needs of all citizens' (Managa 2012:2). In order to achieve this, the government passed various acts to encourage societal transformation and to remove all past discrimination policies from the statute books. The dismantling of apartheid's policies was a drawn-out process as parliament grappled to rescind the multitudes of discriminatory laws and to replace them with others that upheld the principles of democracy, justice and equality in a divided and racially-stratified society. These acts focused on rectifying the inequalities of the past by providing opportunities for previously disadvantaged groups to enjoy rights and freedoms hitherto denied them. The cornerstones of these rights and freedoms are highlighted in the Bill of Rights in the 1996 Constitution. The ANC government also instituted in 1994 a development plan to deal with issues of social justice and socio-economic rights. This was known as the Reconstruction and Development Programme (RDP) which pledged to develop the country, meet the basic needs of people and build the economy. The RDP aimed to address the issues of housing, jobs and inadequate education in the country. In terms of housing, the objective was formulated as follows: to establish 'decent, well-located and affordable shelter for all by the year 2003. In the short-term, the aim is to build one million new low-cost houses in five years. These houses will be funded by government and by business through a national housing bank and a national home loan guarantee fund. Government will provide subsidies and make sure that poor people can get finance for housing' (The White Paper

1994). In terms of employment, the RDP envisaged to attain a '5% growth of the economy and to create between 300,000 and 500,000 jobs in industry, trade and commerce within five years' (The White Paper 1994). In terms of education, the aim was that 'as soon as possible there will be 10 years of free and compulsory education for all children' (The White Paper 1994).

The RDP transitioned, in the mid- to late-1990s, into the Growth, Employment and Redistribution (GEAR) programme, which was more macro-economically based but still centred on the same principles. The GEAR plan, in turn, transitioned into the Accelerated and Shared Growth Initiative for South Africa (AsgiSA) in 2008, which envisaged a so-called 'developmental state' halving unemployment and poverty by 2014. These three plans, over time and collectively, established in the political imaginations of South Africa's citizenry a set of guidelines about what to expect from their government; it was the foundation for a post-apartheid state-society contract.

The status of delivery in South Africa

By the end of 2012 more protests – many, if not most, of them involving violent conflict and the destruction of property – were being recorded in South Africa than in the heyday of the struggle against the apartheid regime in the 1980s. There are many reasons offered for these protests but the primary one is dissatisfaction with the delivery of basic municipal services such as running water, electricity and sanitation, especially in townships and urban informal settlements. High unemployment, high levels of poverty, poor infrastructure, and the lack of houses add to the growing sense of dissatisfaction in these poor communities (Managa 2012:3). These protests come also in the wake of promises made during election periods that all or most of these issues would be addressed.

When looking at social conditions in South Africa, the likelihood of protests over a lack of service delivery should come as no surprise. Even though unemployment levels have dropped since 1994, they remain unacceptably high with one in four adults of working age without paying jobs. Most crime levels have fallen, with the prominent exception of murder, but infant mortality rates have increased for the first time since the mid-1980s, life expectancy for

black South Africans has declined and the rapid increase in access to education for black South Africans had slowed since the boom period of the 1980s and 1990s. Only 50% of the black age cohort was making it to matric and only 30% were passing.

Looking at the results of the 2011 South African census, things have not changed significantly in the last five years. Starting with education, only 28.5% of those 20 years or older have completed high school while only 33.8% of the population has some form of secondary education, and 10.5% of all people have no schooling of any form (SAPA 2012a).

There are close to 1.3 million households in South Africa without access to piped water, the majority of them black households. A quarter of households in the Eastern Cape do not have access to electricity; more than 22% of Eastern Cape residents do not have access to piped water, the census shows. Just over half of households have access to a flush toilet while two in ten use a pit toilet without ventilation. In Gauteng one in every hundred households is without any toilet facility whereas in Eastern Cape one in eight households has no toilet facility. In terms of housing, RDP houses are no longer a priority in the provincial budget and the considerable number of stalled or blocked housing projects has further negatively affected electricity provisions, piped water and toilet access (SAPA 2012b).

Two major state failings in 2012 highlight the shortcomings, if not failings, of the post-apartheid order. One, the lack of delivery of textbooks, and two, the Marikana massacre of striking miners. Each of these cases illustrates a serious conflict situation which has arisen because both the national government and the provincial authorities have failed or are perceived to have failed to provide for the basic needs of the people.

1. The Limpopo textbook crisis

In August 2012, it emerged that schools in South Africa's northernmost and largely rural Limpopo province had not received their complement of textbooks for that school year. In fact, most schools finished the year without the books. It was later discovered that several thousands of the printed textbooks in good

condition had either been shredded or dumped in open fields rather than delivered. Further investigations then revealed that Limpopo was just one example of a nationwide inadequacy and mismanagement in the procurement and delivery of schoolbooks, and further, that the Basic Education Department had known for at least five years that its provision of schoolbooks was inadequate across South Africa. In September 2012, the press reported that 80% of a sample of 200 schools nationwide had not been provided with enough textbooks for all pupils to have their own copies. The *Mail and Guardian* claimed to be in possession of another unpublished report based on a survey in 2012 that found about 30% of workbooks had failed to reach schools by April 2011. A third, publicly available report showed that every second 16 to 18 year-old pupil interviewed in 2007 and 2008 indicated that they had had to share desks and textbooks. Compiled by Social Surveys Africa and the Centre for Applied Legal Studies, this report, entitled National Study on Access to Education, was presented to the department in 2009 (John 2012).

Furthermore, as of October 2012, it was found that within South Africa 3 544 schools had no electricity supply and 804 only a sporadic and unreliable electricity supply; 2 402 schools had no water supply and 2 611 an unreliable one; 913 schools had no ablution facilities and 11 450 were still using pit-latrines toilets; 2 703 schools had no fencings; 79% were without any library and only 7% of those schools with libraries carried any stock; 85% had no laboratory and only 5% had stocked labs; 77% were without any computer centres and only 10% had equipped computer centres; 17% of schools were without any sporting facilities (Veriava 2012).

Two civil society organisations, Section 27 and Equal Education, took the School's Education ministry to court in October 2012, demanding that minimum norms and standards for every school be set, which would include a set of regulations that will stipulate the basic level of infrastructure that every school must meet in order to function properly. These regulations will relate to important infrastructure like toilets, running water, electricity, libraries, safe classrooms and perimeter security. The policy will also stipulate that no school can operate without having a certain level of basic infrastructure. This will allow

schools to hold government accountable and put pressure on the government to deliver (Equal Education 2012). An out-of-court agreement was made whereby the department would make its best effort to implement the standards. However, to-date in late 2013, this has not happened.

Education receives the largest single slice of South Africa's budget. In the 2012-2013 financial year, Basic Education's allocation was R152.1 billion – 15% of the entire national budget. In 2010, Minister Motshekga promised that 'norms and standards for the physical teaching and learning environment will be set at the national level by the department of basic education' (John 2012). These would be 'effective from 2010-2011 financial year' (John 2012), Motshekga's June 2010 policy document declared. However, as of late 2013 these policies have not even been published. Clearly, the basic right to education in South Africa is not being met and is likely to stay this way for the foreseeable future. Until such issues as poor infrastructure, poor and lazy teachers and lack of resources are addressed the promise will remain just that, thus creating a pocket of fragility within the state and heightening the potential for protest, conflict and violence.

2. The Marikana miners strike

The decline in productivity of the mining sector in 2012 was stark. A contributing factor was worker unrest. It began at the Lonmin platinum plant in Rustenburg in mid-2012 where miners were demanding an increase in wages from R4 000 to R12 500 per month. The strike turned violent on 16 August when police opened fire on protestors, killing more than 30 and injuring 78. The strike then spread to other mines, including Amplats, Blesbok and Samancor. This brought the total number of mines striking to five across the gold, platinum and chrome sectors. Eventually the Lonmin mining strike was settled with a deal which resulted in a pay rise akin to what was being asked: the lowest paid underground worker would earn between R9 611 and R8 164, a winch operator would earn between R9 883 and R 8 931, a rock drill operator would earn between R11 078 and R9 063 and production team leader would earn between R13 022 and R11 818. *The other strikes were subsequently resolved but none received as high an increase as the Lonmin workers. South Africa did suffer as a consequence of its credit rating*

being downgraded and there is speculation that Anglo American Platinum will cut thousands of permanent jobs to ensure its long-term survival (Gunnion 2012).

The Lonmin strike illustrated many of the realities of South Africa 19 years into its democracy, some being the monopolisation of social issues by politics, growing inequality as well as the increase in the use of violence by protestors, but likewise perhaps the harsh reality that that (the use of violence) is the only route seen as being effective. The issue goes even deeper, however, to point to the fact that this was yet another strike in South Africa where the miners felt that they had no avenue to negotiate and mine-owners claimed they did not have the money to give any raises, even whilst Lonmin's chief executive receives an annual pay package equivalent to what the average rock-drill operator would earn in 400 years on the job. The miners are not provided accommodation near the mines and have to use their monthly salaries to either pay the vast travel costs or find alternative accommodation, whilst, in many cases, supporting a family back home.

This all points to the fact that in 19 years of democracy, typically low-paid black men are forced to migrate long distances from home in order to take up some of the most difficult and dangerous of jobs. In 2010, 128 legal mineworkers lost their lives. This is a marked improvement from the 309 in 1999, but still illustrates the harsh realities of the job and the increased dissatisfaction with the lack of development promised by the government, thus illustrating a pocket of fragility in the state and a weakened state-society contract and potential towards that of a conflict-prone state.

What are the causes of the protests and the implications?

While it can certainly be argued that for some social strata and in some sectors in South Africa things are improving, there is still a huge disparity within vast portions of the population lacking the most basic necessities of life. According to Jay Kruuse, head of the Rhodes University-based Public Service Accountability Monitor, a major reason for the lack of improvement in the country is that 'weak capacity, oversight and political leadership within municipalities have further eroded efforts to drastically improve access to such service' (Managa 2012: 3).

This links directly to the argument that the state-society contract has, in many municipalities, fractured because not enough is being done to meet the demands of the people in those areas and the public is therefore beginning to respond not only on the streets and on the mines but to a degree also at the ballot box. The ANC's share of the potential national vote (those who voted for the ANC expressed as a percentage of the total number of eligible voters) has fallen from 53.8% in 1994 to just 38.8% in the 2009 election, which brought the Zuma government to power (Managa 2012:4). Violent protest action against the state has increased over the past five years. The police reported that in 2011, they were dealing on average with four protest actions per day whilst the consultancy Municipal IQ reports a tenfold increase in major service-delivery protests since 2004 (Managa 2012:2).

However, there is an alternative argument which should be considered. Have expectations changed and risen in the society because the government has been providing more services to the people? Has this increased the expectations that the citizens now demand of their government? Or, are there more protests because the state has claimed that they will provide specific services which they have not delivered and thus expectations have not been met? Ted Gurr's theory of relative deprivation refers to the tension between one's actual state or life condition and what one feels it should be; as Gurr puts it, the 'perceived discrepancy between value expectations and value capabilities' (Gurr 1970:37). The intensity and scope of the sense of deprivation strongly determines the potential for collective violence. The more intense and prolonged a feeling of frustration, the greater the probability of aggression. Relative deprivation can happen in three ways: 1) 'Decremental deprivation' – value expectations remain constant while capabilities fall (for example: immigrants are taking over unskilled jobs, lowering conditions for unskilled labour); 2) 'Aspirational deprivation' – value expectations rise while capabilities remain the same (for example: exposure to a better way of life could raise what you expect for yourself, even though you cannot get it now); 3) 'Progressive deprivation' [the J-curve] – expectations grow [we expect continued growth] and capabilities do to, but capabilities either do not keep up or start to fall (for example: modernisation, depression in a growing country, or other change could cause this (Gurr 1970:37).

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Progressive deprivation is a complex notion to be considered within South Africa. This would involve looking at what was promised, what has been provided and what the people want today. One cannot overlook the fact that the ANC has delivered much over the past 19 years in many aspects. There can be little doubt that what has been delivered has produced some significant improvements in the basic living conditions of poor people as corroborated by Living Standard Measure data. Since 1994, for every shack constructed in South Africa, 12 formal homes have been built. Many more now have access to clean water and electricity. Between 1996 and 2010 the proportion living on less than US$2 a day fell from 12% to 5%. The racist legislation of apartheid has been abolished. The new constitution is liberal and inspiring. What has to be taken into account, however, is that while the government has introduced changes which have led to an increase in the living standards of underprivileged people, it had no means, whether through education or labour market access, to allow the same people to continue climbing the living-standards ladder. It follows that it could be explained as a form of progressive deprivation whereby the expectations of people grew and so too did their access to capabilities, but, over time, this access to new services was not maintained and a form of deprivation and dissatisfaction set in.

Following this argument, if we are right to assume that the ANC has delivered as realistically as it could and that there is nothing more it can do to curb the protest and instability, then what is needed – if the ANC wishes to remain in power – is a reformulation of the policies in the country to move away from redress and redistribution towards growth and employment.

However, on the other hand, it can be argued that those at the bottom of the social ladder have experienced little or no change in the 19 years of democracy (Daniel and Southall 2012:20-21). Reflecting upon the Marikana mining strikes, these protesters were still working and living in conditions similar to that of miners working under the apartheid government – far from their families, in poor and dangerous working conditions, placed in unsatisfactory living conditions and all this for a minimal wage. Very little had changed for them

in the past 19 years and thus protests about a lack of service delivery and poor wages took place. The government was unable to meet their expectations in the society and the contract was weakened.

The central point in both sides of the argument is that the government is seemingly unable to provide what the people now demand and expect. The unmet expectations have resonated in the increased service-delivery and wage protests, most of which were violent, as seen throughout 2012. If one refers back to the state-society contract, this contract has, regardless of the reasoning, been weakened and a form of equilibrium has been lost. This increase in protests is a sign that the country is moving towards a fragile situation, one characterised by a fundamental lack of effective political processes that can bring state capacities and social expectations into equilibrium. The fragile setting is not to say that the country is now at the point of being a failing or failed state but when looking at the fragility spectrum, there are aspects of the state that are indeed fragile, despite others functioning well or reasonably well – the tax-collection system, for example. It cannot be concluded that the government does not have the will to provide for the people, but only that they are physically not doing so at the moment. Furthermore, one cannot conclude that the government in South Africa is illegitimate. They are the majority elected party and have been since 1994. However, the fact that there has been such a vast increase in service-delivery protest implies that expectations are not being met and that people are dissatisfied with their current situation, which seems to point towards the fact that people are losing faith in the government to provide for them. The tendency towards protest has almost become legitimised as the means to air dissatisfaction in the country. This does not prove that the state-society contract is completely broken but does indicate that the situation is flawed and that the contract has weakened. If the situation is not rectified and conflict prevention measures are not used, it could develop into further widespread political protest and unrest, which could culminate in loss of support for the government as a whole and a slide towards that of a fragile state.

Recommendations to South Africa to increase stability and resilience

In South Africa, there is a need to execute effective conflict-prevention and state-building measures: 'purposeful action to develop capacity, institutions and legitimacy of the state in relation to an effective political process for negotiating demands between the state and society groups' (OECD 2008:14). There is a need for the state to develop a longer-term vision of, or perspective on, the policy-making process. This would involve taking into account its specific social and economic context and setting itself a series of immediate, medium- and long-term goals. It would need to be a common vision shared among all aspects of society in order to ensure the legitimacy and buy-in of the people. This can be done by reforming political institutions to be more inclusive of its citizens, more transparent in their actions and more effectively upholding the rule of law.

Recommendation One: Develop a more transparent and effective system of checks and balances

In South Africa, Parliament is supposed to act as the accountability watchdog over the executive, but since the Mbeki years it has not done so effectively. It has rather become more of a lapdog for the executive. Its lack of accountability can partly be put down to the country's electoral system of party-list proportional representation for general and provincial elections, which renders individual Members of Parliament not answerable directly to voters, but to party managers who determine their ranking on the list. Only at the lowest level – the municipalities – is there a system of constituencies (or 'wards') and then only for half of the seats.

In South Africa, the National Assembly is composed of 400 members directly elected by universal adult suffrage for a five-year term. The composition of the National Assembly is determined by proportional representation. One-half of the seats in the National Assembly – 200 seats – are filled from regional lists submitted by the political parties, while the remaining half is filled from national lists submitted by the parties, or from regional lists where national lists are not submitted. Party lists may consist of both a national list and a list for each region. The total number of candidates in a party list cannot exceed the number of seats in the National Assembly. The lists are closed, so electors may

not choose individual candidates in or alter the order of such lists. The number of seats a party holds in Parliament is proportional to the number of votes the party receives in the election. For example, in the 2009 election, the ANC received 65.9% of votes, which translated into 264 seats out of 400, and the first 264 people on the ANC list filled those seats (Alvarez-Rivera 2010). Once the ruling party has been elected, the President is then appointed by Parliament and sworn in. Once sworn in, the President is removed as a Member of Parliament but remains Head of State and Head of Government. This means politicians have little incentive to provide for their voters; and in many cases, as warned by Congress of South African Trade Unions (Cosatu) then chair, Zwelinzima Vavi, 'different lifestyles and material realities are creating a leadership which is not fully in tune with what members are facing' (Letsola 2012). Disenchantment with unions and with the leaders makes wildcat strikes more likely thus increasing the fragile nature of the state and causing more destabilisation and potential for widespread conflict as was seen in Marikana in 2012.

Recommendation Two: Building up the opposition

Thus far in South Africa's post-apartheid history the party-political opposition has posed little threat to the ANC's dominance, except for a ten-year period in KwaZulu-Natal and currently in the Western Cape. In the 2009 general elections, an ANC splinter group, the Congress of the People, won just 7.4% of the vote (Daniel 2009:1). It has since spluttered on, amid infighting, financial difficulties and the defection back of some prominent members to the ANC. The Inkatha Freedom Party, which governed KwaZulu-Natal is withered away. In the 2009 national election, it won less than 5% of the vote. That leaves the Democratic Alliance (DA) which won 16.66% of the national count as the main political opposition to the ANC (Daniel 2009:7). However, so far it has failed to win over poor, black voters in any sizeable numbers. The DA governs the Western Cape which is the only province without a black African majority of voters, but is yet to win another province. Despite having a black deputy leader, the perception amongst most black Africans is that it is a 'white party'. The DA must therefore find a way to broaden its appeal without losing its existing supporters in order to become a viable challenger to the ANC dominance (The Economist 2012).

With a viable challenge from the opposition, the government might then be catapulted into upholding the state-society contract for fear of being removed from power; a vital point for state building and conflict prevention.

Without an effective or large enough opposition inside Parliament, the most important check on the ANC comes from outside party politics. Lobby groups and NGOs have a commendable history of holding the government to account and stepping in where it fails, although funding, whether it comes from the government or from donors, is limited. The media, too, remain critical. Some fear that a pending 'secrecy bill', a law intended to protect state information, will be used to stifle criticism of the government. The law has not yet been promulgated into law, and in the meantime the media, in particular sections of the press, continue to chastise the government about its poor performance and lambast it over corruption. Most important are South Africa's courts – especially the highest-ranking Constitutional Court – which have long been hailed as a safeguard against the ANC's authoritarian and corrupt tendencies (The Economist 2012).

Recommendation Three: Develop a more inclusive participatory mechanism which citizens can use to advocate for change and air their grievances.

At present, whilst there has been an increase in the number of eligible voters, an increase in the number of registered voters since 1999, and an overall increase in total votes cast since 1999, the number of people actually casting a vote between 1999 and 2004 actually decreased. In addition, the proportion of the voting age population voting for the ANC over the years has shown a steady and marked decline from 53.8% in 1994 to 38.8% in 2009. Furthermore, despite the increasing electoral margins for the ANC from 62.6% to 69.7% in the first ten years of democracy, the proportion of eligible people of voting age actually voting for the ANC has significantly decreased. In addition, the number of people registering to vote and those who actually come to the polls and vote is decreasing too with only 77.3% of the registered voters actually voting in the 2009 elections. A reason behind this could be the major dominance of the ANC in the party system, which has led to increased voter apathy and thus decreased political participation (Schulz-Herzenberg 2009).

Voter apathy is a dangerous trend in a state as it allows elite dominance to grow. If there is no threat to prospects for re-election, the value of elections as a means to discipline elite behaviour is eroded. Political uncertainty is good for democracy because it keeps politicians alert and makes them responsive to the citizenry (Schulz-Herzenberg 2009) and this uncertainty is maintained in a society where the electoral system motivates members of society to vote.

A move to make the system more participatory and allow citizens to feel they are more involved in the political system would make the chance of participation levels increasing realistic. Historically, in South Africa, protests have been the only recourse that the majority population had to display their dissatisfaction with the apartheid government, given that a large majority of the population were unable to vote or engage in any real civic participation before 1994 (Managa 2012:2). Where now, in many cases, promises made for services are perceived as not being fulfilled, the tendency is to resort to the street. It is a cycle of frustration which ultimately leads to protest. If citizens, however, are able to communicate effectively and see a positive impact, then the chance of them trusting the system is higher. This too, will ensure that the citizens feel that their best interests are represented in the decision-making process.

Recommendation Four: Develop a mechanism of accountability for action promised

There too should be the development of a mechanism which ensures that government, particularly at local or municipal level, starts implementing the provisions contained in the Constitution which provides an effective form of accountability for promises made. Furthermore, there is a need for a sector of society, in addition to the government, which is able to hold these departments accountable, whether it is civil society, the opposition or the judiciary.

A lack of expertise has left many municipalities inadequately staffed, resulting in deteriorating service delivery. Although it must be acknowledged that some municipalities lack adequate funds to carry out their constitutional mandate to improve service delivery, some simply resort to under-spending the allocated funds due to lack of leadership and technical-competency skills. (Managa 2012:3). In order to address the poor state of our the delivery of services, there

needs to be a move to strengthen the human and resource capacity of the country, which will enable local government to deliver its constitutional mandate to the public, strengthen the national and provincial oversight and supervision of local government affairs, and allow prompt intervention to take place. There too needs to be a move to address the growing corruption and nepotism in the government and a mechanism to hold senior officials accountable when they fail to disclose their business or pecuniary interests. Mechanisms to enhance public belief that the government is always acting in their best interest can ensure legitimacy is maintained, the state-society contract is strengthened and the likelihood of violence decreased. This may be the only way to move the country away from becoming a fragile, weak state to one that is able to adapt to the changing expectations of the public.

State-building initiatives in South Africa to strengthen the notions of democracy, checks and balances, opposition and accountability will enable the society to move further away from the threat of a fragile state. State building is a key tenet of conflict prevention – in order to address issues before they derail into full-scale violence and, in some cases, civil war. Executing activities to address not only the issues at hand – the delivery of textbooks to one school, the increase in wages at one mine – would fundamentally change the structures of the society which dictate the inherent inequality and marginalisation. Drawing on the African Union's Post-Conflict Reconstruction and Development framework, this process must have aspects of local ownership and be inclusive of all citizens of South Africa. There must be a means of capacity building to ensure that any changes are sustainable. Finally, the process must be cooperative, led by South Africans to ensure the change meets the needs of the people. By addressing these structural issues present in the society, as illustrated in South Africa, one would be able to better prevent future conflict – conflict which could push a country, such as South Africa, which is already in a fragile situation to that of a fragile state.

Conclusion

A functional state-society contract is the foundation of a stable state, one in which there is consequently little potential for violence or destabilisation.

This contract is founded upon an understanding of the expectations between a society (the people) and a government. Where expectations are not being met, the potential of the citizenry becoming dissatisfied with the state increases and so does the potential for violence. In this paper, the proposition has been that the post-apartheid state has within it pockets or areas of fragility which are weakening the state as a whole. In South Africa, with the transition to democracy, a series of promises for 'a better life for all' were made to the population of the country. Nineteen years after this transition, there are still several sections of society for whom life has not significantly improved or who perceive that it has not changed sufficiently. The promise of equal education, jobs and better living conditions remains to them an illusion and this has led to escalating levels of discontent in the form of often violent protests and service-delivery strikes. In 2012, more protests were recorded in South Africa than since the end of the apartheid era. The Marikana mining massacre was one of the bloodiest protests since the insurrections of the 1980s and early 1990s. The status of education and the provision of resources in South Africa are dismal and the prospect to achieve a better life for so many in the townships and the far-flung provinces like Limpopo appears increasingly slim.

It is not argued that the government has not attempted to improve life for the people. In some aspects, it has indeed been successful, but it appears increasingly unable to meet the growing demands and expectations of the poor masses in the society. Whether it is because the government has given people false expectations or whether their expectations have increased over time is largely immaterial. The fact is that the state-society contract of 1994 is fraying and weakening, large sections of the poor appear to have lost some faith in the government's ability to meet their needs, and destabilising conflict between state and society has become prevalent. South Africa, it seems, is developing more pockets of fragility potentially leading the country towards long sequence of violent protests, and there is a vital need for conflict prevention measures to be put in place.

However, it should to be remembered that South Africa, as a post-conflict country, may have an advantage over other countries in similar situations in that it does have a thriving democratic order with free and fair elections and a strong rule of law system. The country has a firm foundation upon which it can rectify the

weakened contract and undertake the necessary conflict-prevention measures which will enable the state to again obtain buy-in from the people and recreate that balance between the state and society which prevailed in the heady days of South Africa's democratic dawn. Countries newly transitioned from conflict to a peaceful democratic society carry a risk that the negotiated agreements and peaceful development could unravel back into conflict situations. It is for this reason that this paper argues that it is vital to identify issues which cause tension in the society and to deal with them earlier rather than later; to address the roots of grievances of a society and reform the situation to one where the state and society are in equilibrium and conflict is at a minimum – thus moving away from a fragile state situation and towards a peaceful, stable and resilient situation.

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