



THE C ENTRE FOR D EVELOPMENT AND E NTERPRISE

APRIL 2007

VOICES OF ANGER

Protest and conflict in two municipalities



Report to the Conflict and Governance Facility (CAGE)

CDE provides South African decision-makers with detailed analyses, based on original research, of key national policy issues.

This report has been written and edited by Dr Sandy Johnston and Ann Bernstein.

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The Centre for Development and Enterprise
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Introduction

In late 2004, frustrations over poor service delivery and the quality of governance in certain municipalities fuelled a wave of protest, some of it violent, which in the following months spread to other municipalities in most parts of the country. In many respects each outbreak had its own profile and dynamics; local conditions and even the performance of specific individuals were among the triggers that set off confrontations. However it is clear that national issues also drove unrest in places that were often off the beaten track, and out of the minds of metropolitan analysts and policy-makers.

Among these issues are a shortage of skills, an absence of leadership and accountability over a wide range of governance functions, and a yawning gap between the formulation of ambitious policies and the availability of management resources and expertise on the ground to make them a reality. To these might be added a tendency to underestimate the strains and pressures of the restructuring and transformation of local government.

If the protests at failures in local government came as a rude awakening, they should not have. In some respects, local government structures have faced a much more thorough and demanding transformation than national or provincial spheres of government, and have been saddled with greatly extended functions. The sheer enormity of the task was clear from the start, and warnings were issued. Be that as it may, the unrest hastened and increased the already significant flow of studies and reports on local government.¹ Many of these reports contain valuable information, and will contribute both to debate and policy-making, but are often technical in character, not readily available to the public, and lack substantial first-hand, grass-roots input.

Having received funding from the Conflict and Governance Facility (CAGE), a project of the European Union managed by the National Treasury, CDE conducted two case studies of municipalities where violent protests had taken place. Its intention was to look behind the routine causes cited, namely 'failures of service delivery', 'poor governance', and 'a lack of capacity', but above all to air the grievances of people who could ultimately find no other way of expressing their discontent.

The first municipality studied was Phumelela in the Eastern Free State, one of the first to erupt, and a 'typical' case, at least in the limited sense that discontent there focused on inadequate services, notably the most basic ones of clean water and sanitation. The second was Khutsong, which forms part of Merafong City, formerly

a cross-border municipality which – until its integration into North West – straddled that province and Gauteng. The unrest in Khutsong had a very specific focus, namely the opposition of many residents to the absorption of the municipality into North West.

Both reports were researched and drafted by teams from the Centre for Development Support of the University of the Free State. CDE has edited and abridged these reports to produce this document.

PART 1

UNREST IN PHUMELELA

PHUMELELA LOCAL MUNICIPALITY consists of three small towns in the north eastern Free State, namely Memel, Vrede and Warden; their respective townships, namely Zamani, Thembalihle and Ezenzeleni; and their agricultural hinterland. The unrest in Phumelela followed an outbreak of violent protest in Harrismith (just south of Phumelela) in the Maluti-a-Phofung Local Municipality, during which one person was killed.² The Harrismith violence is generally recognised as the first in what became a wave of unrest in municipalities, mostly associated with protest at poor service delivery.

RESEARCHING PHUMELELA³

This report is based on:

- secondary research on socioeconomic conditions and infrastructure provision in Phumelela;
- interviews with current and previous municipal councillors, current and previous local government officials, community leaders, business owners, security services personnel, and officials of the Free State provincial government. The previous chief financial officer refused to be interviewed as he was involved in a court battle about his dismissal;
- eight focus group sessions involving 60 people in Ezenzeleni and Thembalihle. Three groups comprised people who had played a prominent role in the unrest, and five comprised people who had not taken part in the protests.

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Understanding small towns

Phumelela has a total population of about 50 000, comprising those of the districts of Vrede (about 32 000), Warden (about 16 000), and Memel (about 2000).

Vrede (meaning ‘peace’), the main town in the municipality, is situated in one of the two largest cattle-raising areas in South Africa, and has huge potential for meat processing. Warden serves a rich crop and stock-farming community. Memel is known for its scenic beauty, and the nearby Seekoevlei Nature Reserve is an internationally recognised wetland. Nature-based tourism has increased during recent years.⁴

All three urban centres in Phumelela are small towns. Given the general socioeconomic decline in many rural areas and small towns, confirmed in numerous countrywide studies⁵ and specifically in the Free State,⁶ this fact has major implications for this analysis and the capacity of those towns to deliver basic services.

The decline of small towns is caused by a variety of factors.⁷ Many prosperous mining centres have collapsed, among them coal mining towns in KwaZulu-Natal and the Goldfields towns in the Free State. Single-economy towns, notably railway towns such as Noupoot and De Aar, have declined due to Spoornet’s waning fortunes. In more arid areas, the decline in agricultural output as a result of the shift to niche rural activities such as game farming have significantly reduced farmers’ reliance

on small local centres. A typical phenomenon is that advances in transport technology and changes in retail patterns have provided farmers with better access to more distant regional centres, and diminished the role of smaller, more local ones. Due to these pressures, many of the smaller centres have lost formal sector jobs leading to a heightened dependence on state welfare among their residents, and the out-migration of skilled people.

In many areas where several smaller centres have been amalgamated into a single local authority, the loss of local government status has weakened the affected towns, and the new local authorities are often incapacitated by protracted and dysfunctional amalgamation processes.

Demographic trends in Phumelela

A broad overview of demographic trends in Free State and in Phumelela itself helps to highlight the pressures on service provision. Migration patterns in the Free State have changed considerably since the abolition of influx control.⁸ Under apartheid planning, black migration in the Free State was channelled to either the Qwaqwa homeland (northern Free State) or to Botshabelo and Thaba Nchu (southern Free State). Since the early 1990s, black migration, mainly from commercial farms, has been directed to the nearest towns. This resulted in a substantial inflow of poor, unemployed, low-skilled farm workers into small and middle-order towns. This influx of people has, in turn, increased the pressure on the provision of land and services. In the general context of increasing pressure on urban areas in the Free State, small towns have been particularly affected. These vulnerable urban areas grew at 6,5 per cent a year between 1991 and 2001. While this explosive growth declined to 3,0 per cent a year between 1996 and 2001, and is expected to drop further, about 190 000 people settled in small towns in the Free State between 1991 and 2001, drastically altering their demographic character and nearly doubling the population of many in only ten years.

The demography of Phumelela conforms broadly to this pattern, as table 1 below indicates. The total population of the municipality has declined slightly since 1991, but the balance between rural and urban components ('urban' defined as Memel, Vrede and Warden, with their associated former black townships) has been transformed. In 1991 the split was about two thirds rural to one third urban; now it is about 60 per cent urban to 40 per cent rural.

Table 1: Population change in Phumelela, 1991-2001

Date	Urban population	Rural population	Total
1991	17080	36007	53 087
1996	24112	21181	45 293
2001	29684	21206	50 890

While the influx of poor and unskilled people from the rural to the urban parts of the municipality has been the most marked demographic change over the past ten years, another noteworthy trend has been the growth in the number of households. Between 1996 and 2001, despite the decline in the total population, the number of households in Phumelela grew by 4,6 per cent a year. This growth has taken place exclusively in the urban areas; between 1991 and 2001 the number of households in the rural areas declined by 4,9 per cent. This trend in which households grow at a faster rate than the population is a countrywide phenomenon, and is regarded as an unintended consequence of the government's low-cost housing policy.¹⁰

Socioeconomic conditions in Phumelela

Phumelela is one of the poorest municipalities in the Free State (see box: **Poverty and unemployment in Phumelela**).

POVERTY AND UNEMPLOYMENT IN PHUMELELA

Some 78,2 per cent of Phumelela's population live in poverty, making it the third poorest municipality in the province.¹¹

Its unemployment rate is 38,6 per cent, the fifth highest in the province.¹²

Between 1996 and 2004 its economy grew at 0,22 per cent a year. The best performing sectors were agriculture (0,79 per cent) and community services (0,70 per cent); manufacturing and construction experienced negative growth of -3,84 per cent and -4,22 per cent respectively.¹³

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In this general context of poverty and economic stagnation, the poor state of infrastructure development has been an underlying reason for the social unrest, and requires a more in-depth discussion. Many media reports have focused on the poor state of infrastructure in Phumelela. A *Sunday Times* article about conditions in the municipality stated that the continued use of the bucket system was a 'potent symbol of demeaning conditions in the eastern Free State'.¹⁴ In addition, serious concerns were expressed in the local press about the municipality's inability to spend funds budgeted for infrastructure programmes. For example, in 2004 some R800 000 was budgeted for streets, but only R20 000 was spent.¹⁵ Table 2 outlines access to infrastructure in Phumelela based on four basic indicators.

Table 2: Access to infrastructure in Phumelela, 200116

Indicator	% and absolute number in municipality	Ranking in Free State (x 20)*
Households with bucket / no sanitation	45,5 (5 470)	13
Households without access to telephones**	16,6 (1 996)	18
Households without access to water or with access to water further than 200 metres away	11,3 (1 359)	15
Households without access to electricity	35,2 (4 232)	19

* The best level of access is ranked at 1 and the lowest level of access at 20.

** Refers to households without a telephone in the house (including mobile phones), telephones in neighbours' houses, or public telephones close by.

It shows that Phumelela is one of the most disadvantaged municipalities in the Free State. In addition, it has to provide infrastructure in three separate urban areas, which makes it more difficult to attain provision at scale. The municipal headquarters are situated in Vrede, but services also have to be provided in Warden and Memel, both about 60 kilometres away.

Infrastructure and service provision in Vrede, Warden and Memel

Water provision has been a major problem in Vrede. Due to drought, the original dam constructed for water provision was virtually empty by October 2004. Repeated complaints to the municipal manager were ignored.¹⁷ This led to a number of water breakdowns, and water was not purified or chlorinated. Residents of Thembalihle and Vrede lodged numerous complaints about water provision. The validity of these complaints was confirmed by a report on water provision by the Department of Health released in October 2004 which noted that water was of poor quality, clinic statistics were showing high prevalence of diarrhoea and skin irritations, and analysis of water samples showed a high content of bacteria, including E.coli.¹⁸

Poor water quality and growing interruptions in supply prompted the local ratepayers' association to undertake two independent initiatives: negotiating with the municipality for the re-employment of an ex-municipal official responsible for water purification;¹⁹ and building a pipeline at its own expense between the old dam and a new dam built in the mid-1990s. The ratepayers' association was later reimbursed by the municipality.

Poor water supply was compounded by sanitation problems. Two of the three pumping stations in Vrede were out of order for several months. The sewage spilled into the 'Spruit Sonder Drift' (which flows past Thembalihle), endangering the health of people living in the immediate vicinity as well as causing problems further down the river.²⁰ The health of animals was affected, which in turn affected their products (such as milk and meat) consumed by residents of Thembalihle.

In Warden, water supply, sanitation, electricity provision, and road maintenance and repair were all deficient. At a meeting with municipal representatives held on 16 July 2004, representatives of the ratepayers' association lodged serious complaints about

water provision.²¹ They stated that volumes of water were insufficient, due to poor planning for droughts; water quality was poor; and ageing pipes caused frequent interruptions of the water supply, leaving the town without water. Many households in Ezenzeleni had to share standpipes. These taps were poorly maintained, and often did not have water at all.²²

Residents of Ezenzeleni were also highly dissatisfied about the collection and disposal of sanitation buckets. Media reports about sewage being dumped in the river and not being treated adequately were amply confirmed in the focus group sessions and interviews conducted for this study. The waterborne system in the older part of Ezenzeleni also did not function appropriately.²³ In areas with bucket sanitation, buckets often remained uncollected for weeks, and were not properly washed.²⁴ Furthermore, the sewage was being dumped only 500 metres from the residential area, and the site had not been fenced off, thus creating a health hazard.²⁵

In the small town of Memel, the ratepayers' association reported that the water was no longer being purified, and that sewage in the streets was a common sight.²⁶ Waterborne toilets had been installed in the township of Zamani, but did not function because there was no water supply. Due to a broken pump, Memel was frequently without municipal water.²⁷

Electricity services had also deteriorated. Eskom provides electricity to Vrede and Memel, but Warden's electricity is provided by the municipality. The supply was frequently interrupted, with serious implications for residents and business people.²⁸ One participant in a focus group session stated:

There was one time when we did not have electricity supply for the rest of December. Our prepaid machine was broken at the time. We were told to buy electricity in Vrede. We had to hike to Vrede to buy R20 prepaid electricity. The intransigent attitude of the municipality was hard to take. We again wrote letters to the municipality, but as usual we never got any response.

In addition, many of the roads in Ezenzeleni and Warden are so potholed that they are almost impassable.²⁹

Given the involvement of ratepayers' associations led by business people in the protests in Phumelela, it is worth noting the grievances of business people about poor infrastructure and service delivery, which had a direct impact on business operations. Business people in Warden provided numerous examples of how electricity cuts, interrupted water supplies and poor road maintenance influenced their business operations. The tourism industry was undermined by the potholed access road to the N3; businesses requiring refrigerated facilities lost their stocks due to power cuts; and filling stations could not operate during power outages. Incorrect electrical voltages destroyed electrical appliances. The municipality's poor service performance was negatively affecting investments in Warden and Memel, even though these towns have the potential to become important tourism destinations. Black business owners also experienced frustrations with poor municipal services. One businessman who participated in a focus group session stated:

I've got garbage standing here outside for about two weeks, I don't have space to litter anymore, unless I hire somebody to do it for the business to look clean, but every month I pay my business rates.

Business people also complained about a failure by the council to approve the subdivision and rezoning of land for business purposes. In general, there seems to have been no functional relationship between the local business sector and the municipality, and no meetings were ever held between business representatives and the council. Thus a business person from Ezenzeleni maintained during a focus group session that:

the municipality does not recognise the purpose and the role played by business within society.

The protests of 2004

Protest action in Phumelela took place intermittently from mid-September to early November 2004. However, for more than a year prior to the protests, various community groups had met with council representatives about poor service delivery. When violent protests broke out in Harrismith in the first week of September 2004, tensions heightened in Phumelela as well; numerous interviewees and focus group members confirmed the demonstration effect of the Harrismith violence on Phumelela.

In all three towns in the municipality the main protagonists in the protests were unemployed people and youths of schoolgoing age who referred to themselves as 'Concerned Youth Groups.' Although the violent incidents in the three urban localities took place at different times, a number of interviewees confirmed that there had been some contact among the groups in the three towns.

Violence in the municipality began on Tuesday 14 September 2004 when residents of Thembalihle outside Vrede held an illegal protest march. Tyres were set alight and a clinic was burnt down.³⁰ This followed a meeting the previous afternoon between the local Concerned Youth Group, members of the municipal executive, and councillors.

Protest leaders interviewed stated that they had set out to plan a peaceful and legal march, but it had been declared illegal by the police. They said they had submitted the documents required for a legal march to the magistrate's office. However, the police claimed that no such application was handed in, and that the march was therefore illegal. As a result, the protest was 'hijacked by the community' and 'people became more stubborn.' A focus group member recalled:

We returned peacefully. However, shortly after dawn that same day a group of youths began burning tyres in the township. This led to the vandalising of property. Thereafter the whole situation turned chaotic. We never planned this. . . but people got very frustrated.

On 22 September 2004, in a legal protest, 500 people marched to the Phumelela offices in Vrede.³¹ The participants were mainly young people associated with the Concerned Youth Group, but also included white members of the local ratepayers' association. At the same time, Thembalihle was barricaded, and a municipal official driving a tractor was chased away.³² The protestors demanded that the municipal manager vacate his office within seven days.³³ The main complaints of the protestors were the general condition of roads, high salaries of officials, poor service delivery, inefficient officials, insufficient sports facilities, dirty water, the poor condition of the roads in Thembalihle, nepotism, the allocation of housing subsidies to people who earn more than the prescribed limit for housing grants, and the inappropriate spending of available funds.³⁴ All these grievances were confirmed during the focus group sessions. Participants also mentioned the poor condition of roads in general, the allocation of housing subsidies to councillors' relatives, the incompetence of the municipal manager, the poor relationship between the municipal manager and the mayor, the lack of transparency in awarding tenders, and a failure to complete infrastructure projects.

Significantly, these complaints were addressed to the provincial premier and not to the municipal manager, mayor or council, signifying that the protestors believed that municipal politicians should be accountable to provincial government.³⁵ The Concerned Youth Group also asked the provincial government to intervene 'as the local ANC leaders have misled the people of Vrede'.³⁶ The premier and the provincial government were given 48 hours to respond. When they failed to do so, youths occupied the municipal offices, and were expelled by the police on Friday 1 October.

Unrest in Warden began in the same week³⁷ when residents of Ezenzeleni destroyed the municipal toilets, set the library alight, forced a local councillor to flee, burned tyres, barred the road to the township, and poured sewage from buckets and the sewage truck into the streets.³⁸ Because the road between Warden and Ezenzeleni was barricaded, people were prevented from going to work. In initial meetings between municipal officials and concerned groups from Ezenzeleni on 15 September, the municipal officials had been shouted down and held hostage by the protestors.³⁹ During this meeting councillors and officials were accused of nepotism and corruption. Specific concerns were raised about the salary of the municipal manager (R360 000 a year), and the fact that the mayor had bought a new 4 x 4 vehicle.⁴⁰ Overall, initial complaints were about poor and worsening services, nepotism, and dirty drinking water. They demanded that the municipal manager resign.⁴¹ During one of the meetings, councillors and officials were held hostage. They were only released once confirmation had been received that the Free State premier would visit Warden.⁴² One resident described the experience:

It was like Burundi. The local clinic was burned, and a few young boys wanted to torch the municipal tractor. The night soil truck was also overturned. As more and more litter was thrown in the road and burning tyres blockaded the entrance to the township, stones and other objects were thrown at the police. . . The police retaliated by using teargas.⁴³

Complaints in Warden, as reflected in a memorandum handed to the municipality on 21 October, included: inadequate water supplies; sewage being pumped into the

local dam; frequent breakdowns of water pumps, and a failure to repair them timeously; erratic removal of sanitation buckets; frequent sewage spills in Ezenzeleni; frequent electricity cuts; erratic electrical voltages; unqualified staff working on the electricity system; poor gravel roads in Warden and Ezenzeleni; and corruption in respect of the allocation of housing subsidies.⁴⁴ In conclusion, the memorandum stated: 'Further steps will be taken if the plea of desperate people is ignored.'⁴⁵ The final trigger for the unrest came when, as one focus group member recalled, residents 'were told that we had to be patient when we enquired about the water pipe which was causing us so much trouble', and that 'our initial grievances have not been forwarded to the provincial government'.⁴⁶

In the same week, unrest broke out in Memel when 500 protestors acting under the auspices of the Concerned Youth Group⁴⁷ broke the waterborne toilets that were not working, poured sewage into the roads, and barred the road between Zamani and the main village.⁴⁸ The police used shock grenades to quell the violence, and 14 people were arrested.⁴⁹ Residents also emptied night soil into a councillor's yard. They demanded a functional toilet system, better lighting, sports facilities, action in respect of unemployment, the allocation of sites for housing, a community hall, the completion of community projects, another school, land for a cemetery, a clinic, the allocation of land for business projects, and clean, running water for the residents of Extension Two.⁵⁰

On 24 September residents of Zamani and Memel held a combined protest meeting and marched legally to the municipal offices. A memorandum drafted by the local Chamber of Commerce and the Ratepayers' Association of Memel and Zamani complained about the quality of municipal water, and alleged that the water was not being purified. The memorandum also referred to a lack of refuse bins in Zamani and Memel; a lack of maintenance of sewerage pipes; the poor condition of streets (because the grader had been under repair for more than a year); blocked gutters, which caused flooding during rain storms; and the high salary of the municipal manager who was nevertheless never available. The memorandum concluded: 'In a nutshell, you as municipal workers are paid by the inhabitants of Zamani and Memel – we want to be proud of our town and Zamani. We demand immediate action. The time has come for you to change your attitude.'⁵¹

Several weeks later, on 10 November, the Concerned Youth Group in Vrede organised another march, demanding the immediate dismissal of the municipal manager. Roads were barricaded, and stones were thrown at the police. A municipal vehicle was burnt and the windows of the community hall were broken.⁵²

Interpreting the unrest in Phumelela

This sequence of events shows clearly that while poor and insecure living conditions associated with poverty and unemployment provided fertile grounds for discontent, problems of governance, administration, and intergovernmental relations greatly compounded the potential for unrest. The voices of discontent raised in focus groups

and interviews revealed how complex service delivery issues are, and how important local and human factors are in triggering protests.

Governance problems

A number of serious governance problems contributed directly or indirectly to the protests in Phumelela.

A divided and malfunctioning council

At the time of the protests, the Phumelela Council had 14 members. Eleven were members of the ANC, and the three others were members of the Democratic Alliance, Ratepayers' Association, and Freedom Front.

However, the ANC representatives were divided into two factions whose differences paralysed the body to the extent that, when meetings were convened, one of the two factions would simply stay away. According to an alternative interpretation, meeting times were manipulated to avoid engagement. Consequently, no council quorum was achieved from mid-2003 until the demonstrations in September 2004.⁵³

Two explanations were given for the division within the council. Some interviewees attributed them to ethnically based differences between Sotho and Zulu representatives. When interviewed, however, councillors (and ex-councillors) themselves rejected this interpretation. This seems to follow a trend: ANC members will freely speculate about ethnicity off the record, but will officially deny the influence of ethnicity in intra-party disputes. Other interviewees were inclined to view the split as an outgrowth of wider divisions in the ANC at the provincial level, which have made the Free State ANC structures a byword for volatility.⁵⁴

Whatever the reasons for the split, it expressed itself as a function of interpersonal differences: the mayor and a number of councillors constituted one group, while other councillors, supported by the municipal manager, formed another. The situation was probably aggravated by the fact that the municipal manager had been 'deployed' in this position by the provincial structures of the ANC.

As a result of these paralysing divisions, the council could take no decisions, leaving the administration without strategic direction for more than a year. The municipal manager had to manage the municipality without leadership from elected representatives. No policies or budgets could be approved, institutional memory of council finances and financial management systems lapsed, and no statements were produced for three financial years.⁵⁵

A further result of the malfunctioning council was that the council members made very little effort to communicate with their ward committee members on a formal and regular basis. The Free State premier eventually identified this breakdown in communications between the council and the various communities as one of the major factors that had contributed to the protest.⁵⁶

The split in the council led to a deterioration in service delivery, which was at the forefront of community grievances and protests. During a focus group session, one of the leaders of the protest reflected that despite the problems surrounding water services, '... our councillors saw it fit not to talk to one another.' Another stated:

We knew that the water crisis could be prevented if the municipality functioned normally... this is not what we expect from a democratically elected government.⁵⁷

The role of the mayor

A significant feature of the unrest in Phumelela was the degree to which respondents sought to personalise issues and explain events in terms of individual motivation. For example, a number of interviewees suggested that the former mayor had been instrumental in causing the protests in the three townships in Phumelela.

They alleged that the mayor had wanted to discredit the municipal manager in the eyes of the various communities, and had therefore spread 'untruths' about the municipal manager's incompetence. They claimed the mayor had spread a rumour that the municipal manager had increased his own salary by R110 000, which was then purportedly agreed to at an unconstitutional council meeting. (In fact, the problem was that the municipal manager had been unable to negotiate an increase for the previous three years.) This seems to have sparked off the unrest in Vrede. Furthermore, some claimed the mayor had arranged for the leader of the protests in Harrismith (in the Maluti-a-Phofung local municipality) to create unrest in the respective township areas of Phumelela so that the municipal manager would look incompetent.

It is impossible to verify these claims. But these rumours reveal several important aspects of the situation in Phumelela: the depth of popular distrust of the mayor; the contentious issue of salaries at the local government level; the abysmal level to which local politics had sunk in local communities; and the lack of professionalism that characterised the municipality's conduct.

However, the responses constantly indicate that the problem was not necessarily high salaries paid to municipal officials but the fact that, despite those salaries, the officials concerned failed to deliver adequate services. Neither the municipal manager nor the mayor had been forgiven for the shoddy municipal services.

The conduct and competence of councillors

Concerns about the competence of local councillors have been noted and documented across the country, and even expressed by national government.⁵⁸ The Free State premier too has asked serious questions about the efficacy of councillors. For example, in an interview with City Press, she stated that the ruling party would have to decide whether it had deployed the right councillors.⁵⁹ This comment highlights a questionable aspect of the relationship between party politics and municipal government.

The 'deployment' of councillors and officials by higher party formations is an odd conception of local democracy. If – as appears to be the case in Phumelela – this system of filling posts is no guarantee of quality, then frustration at a lack of capacity can easily combine with local resentments, jealousies, and rivalries to create combustible discontent.

Modern municipalities are complex institutions, and governing them demands a range of competencies including the ability to read financial statements, make decisions in respect of large sums of money, and conduct long-term strategic planning.⁶⁰ However, many councillors in South Africa lack these competencies and experience.

Interviews and focus group members in Phumelela repeatedly mentioned the inability of the council to make appropriate budgetary provisions for maintenance and operations; develop (and abide by) financial procedures; and align budgetary process with the municipality's Integrated Development Plan (IDP).

It could be argued that officials should be responsible for many of these functions. However, this does not absolve councillors of their responsibilities of leadership, oversight and accountability, which they seemed incapable of discharging.

Empty promises

A universal problem of democratic politics is the gap between promise and performance. Media reports and focus group members heavily emphasised the dissatisfaction of citizens about the failure of councillors to honour their public undertakings.⁶¹ For example, Ezenzeleni residents believed that they had been promised a soccer stadium costing R5 million, but only toilets had been built next to an open piece of land.⁶² This issue shows the lack of communication between the Council and residents, because officials maintained that only R50 000 had been available for the 'stadium', and that either the community was wilfully misrepresenting council policy or that it had been wrongly communicated by councillors. Other perceived empty promises were a clinic in Ezenzeleni, and the eradication of the bucket system.

Focus group members recited a litany of broken promises and excuses. One stated:

What I learned from the protests is that our provincial, district and local officials are liars. They are quick to make promises, but when it is time to fulfil those promises, they look for scapegoats.

When asked how similar protests could be prevented in the future, an interviewee (a business person from Ezenzeleni) stated:

By making sure that whatever is agreed upon at the public meetings is done as promised.

A key issue is the ineffectiveness of the municipality's Integrated Development Plan (IDP). Completed in March 2003, Phumelela's IDP clearly identified all the problem areas and possibilities open to the municipality.⁶³ Specific community priorities cited

included water, sanitation, waste management, electricity and lights, street and storm water drainage, housing and land, education and training, and sport and recreation.

In short, the IDP identified all the main areas of weakness that led to the protests 18 months later, but nothing was done to address them. It is legitimate to ask: who read Phumelela's IDP, and at what levels and in what spheres of government? What did they do about it? In fact the IDP became a serious source of contention when an increasingly sophisticated and aware citizenry became aware that there was a huge gap between the paper plans produced by expensive and itinerant consultants and the reality of their lives. As one focus group member noted laconically:

We complained on a daily basis, but what we got was . . . an IDP.⁶⁴

Administrative problems

The weaknesses of local government in Phumelela were not only manifested by the council; the municipal administration was afflicted with its own problems.

Labour relations and human resource management

Agreements with trade unions, related to the unfinished business of amalgamating the former transitional local councils (TLCs) helped to cripple the municipality by frustrating good organisational and managerial practice and hindering the delivery of services. More than five years after the amalgamation, no viable human resource system had yet been put into place. There were several dimensions to this problem.

The first was a crucial loss of skills at the middle management level. At the time of amalgamation, each municipality had a town clerk and two or three senior managers. As part of the amalgamation process, new senior appointments were made, often over the heads of existing incumbents. This created resentment among them, and many of them resigned. The council could not replace these middle managers because of an agreement with trade unions that, except for section 57 managers,⁶⁵ no new staff would be appointed before the existing structure for amalgamation had been completed – which, when the research for this report was conducted, had still not been achieved.

By 2006 almost 25 per cent of posts were still vacant, creating a complete absence of accountants, engineers and human resource managers – the typical middle-management positions essential for service delivery. The technical expertise lost through resignations could not be replaced; this had serious implications for water, electricity, and sewerage services. Many of the service delivery problems that featured so prominently in the memoranda handed to the municipality can be directly related to the lack of technical skills. This was explicitly recognised in a later study of conditions in Phumelela by the Parliamentary Select Committee on Local Government and Administration⁶⁶ as well as by the Free State premier, who was quoted as saying: 'A lot of money has been allocated for infrastructural development, but because municipalities don't have capacity and skilled people, there has been a gradual backlog.'⁶⁷

Secondly, job descriptions had also not been finalised. Because of the lack of a proper organogram and personnel structure, no job descriptions were developed, accountability for required functions became vague, and workplace discipline deteriorated. This problem extended from the highest to the lowest level of the municipality. No performance management agreements had been drawn up for the municipal manager and section 57 managers, as required by the Municipal Systems Act.⁶⁸

Thirdly, the municipality had lost a great deal of its institutional memory. No one knew where the underground water pipes and electricity cables were located, as plans and charts had been lost, and none of the employees could remember this. Interviewees mentioned that municipal employees often inadvertently damaged electricity cables when they attempted to find water pipes, which led to power cuts.

Fourthly, this confusion about job descriptions led to a lack of discipline in the workplace. As one focus group member pointed out:

Some of the municipality employees openly stated that no one could dismiss them as their union would fight for them.

The general picture portrayed above was confirmed by another focus group member:

Municipal workers who have to deliver services are not supervised. Every month on the 25th [pay day] these workers get so drunk that they will not work for a couple of days thereafter. The problem is that the supervisors of the permanent employees also drink with their subordinates.

The absence of functional human resource systems left the municipality without the internal machinery to drive service delivery, or plan long-term strategic interventions. Managers started acting as front-line staff, managing complaints on a daily basis rather than spending their time on strategic planning such as replacing old infrastructure, amplifying water supplies, and addressing socioeconomic concerns. Neither ad hoc complaints (due to the lack of middle management), nor long-term planning issues (due to managers being drawn into day-to-day issues) could be prioritised and solved appropriately. One of the leaders of the unrest in Warden summarises this as follows:

When we raised our concerns about the water supply which is constantly interrupted, we were told that the dam is too small and can't cater for all the residents' – a matter which had already featured in the IDP, but nothing had been done to address the issue.

Poor human resources led to a lack of responsiveness to customer complaints, as the focus group discussions revealed. One participant stated:

Many of the incidents that we witnessed could have been prevented if we had officials who are accountable to the people.

Another added that the Phumelela municipality had become a 'haven for corrupt, incompetent and power-obsessed individuals'.

The above evidence suggests that the council and municipality were held hostage by organised labour. However, all of this had been said two years previously, in the Phumelela IDP. Among other things, it noted a shortage of equipment; a lack of proper credit controls; a dearth of skills at all levels; a lack of legal contracts, policies and structures; poor management of resources; a lack of effective communication with communities; and a lack of discipline among municipal employees.⁶⁹

The relationship between the mayor and municipal manager

It is extremely difficult to untangle the respective contributions of interpersonal dynamics and organisational factionalism to the breakdown of this relationship. However, it is clear that the conflict between the mayor and municipal manager resulted in a complete breakdown of trust between these two crucial role players. This caused a deep schism in the council, which led, in turn, to a complete breakdown in its decision-making role.

The financial situation of the municipality

The contribution of financial mismanagement to the municipality's problems emerged clearly in the aftermath of the unrest. In 2005 it was reported that financial statements had not been drawn up for three years, and that the council's finances were in disarray.⁷⁰ Since the appointment of the municipal manager in 2001, more than R5 million had been spent for which no provision had been made in the budget.⁷¹ Consumer debts rose to R28 million early in 2006 – an increase of 39 per cent over the previous year.⁷² This section analyses the financial problems of the municipality, and attempts to find links with the social unrest experienced in Phumelela.

Early in 2005 the Parliamentary Select Committee on Local Government and Administration conducted a study into conditions in Phumelela. Its report, tabled in May 2005, recorded the following about financial management in the municipality:⁷³

- Internal financial controls were non-existent. A total of R34 million had been budgeted for the 2003–4 financial year (this excluded intergovernmental capital grants, but included the equitable share grant). However, Phumelela's income was only R26,9 million, because of poor collection of rates and service charges. The budget had been calculated on the assumption of a service payment rate of 70 per cent, but only 54 per cent of service charges had actually been collected. The municipality had accumulated arrears of R33 million by the time the committee reported in May 2005 (these had increased to R41 million by June 2006).
- Expenditure on personnel comprised 47,3 per cent of the total budget – considerably higher than the 35 per cent guideline issued by the National Treasury. The heavy expenditure on salaries (and the consequent lack of revenue available for maintenance) was directly related to the fact that a number of people who had reached pensionable age could not be put on pension, as nobody in the municipality knew how to do this.

- The chief financial officer (CFO) – who had studied accountancy at university but did not complete his degree – was not competent to manage the municipality's finances.⁷⁴ He had replaced a previous incumbent who had been the CFO of the former Vrede Transitional Local Council. His predecessor was highly experienced, but was lost to the municipality as a result of an unresolved dispute about his status and pay. According to the parliamentary report, the municipality had lost a 'highly experienced financial official in a dispute that was probably avoidable or could have been sensibly negotiated'. By late 2006 the former CFO was still reporting for duty and drawing a salary without performing any functions, as no one had succeeded in resolving the dispute. His successor was eventually dismissed, but took the Phumelela council to court, claiming that the dismissal had been unlawful. At the time when the research was being conducted, the court case was still pending and he therefore refused to meet with the research team. The case has since been dismissed.
- Between 2001 and 2004, financial management became increasingly chaotic. Cheques were issued when funds were available, and no systematic payment procedure existed. No financial statements were available for the three years covered by the parliamentary report, and no one was able to reconcile monthly statements during this period. Intergovernmental capital allocations paid into the municipality's bank account were not recorded; separate cost centres were not created for these funds, as is prescribed by law. Because the municipality was short of cash, some of these funds were probably used for salary payments. Although specific instances of corruption are extremely difficult to prove in such a chaotic situation, there was certainly an environment of financial mismanagement in which corruption could easily emerge. Effective medium-term planning became impossible, and no link was developed between the budget and the IDP.
- Council-approved credit control and debt collection policies had not been implemented. People were experiencing serious problems with their municipal bills – which was amply confirmed by the focus group discussions. Municipal officials had failed to report to the council (as required by Section 71 of the Municipal Finance Management Act). Councillors were unsure whether the municipality was complying with its tax, levy, duty, pension, medical aid, audit fee and statutory commitments.

This situation had direct implications for technical maintenance. Tractors had not been repaired since 2001, and road graders had been broken for a number of years. This had a direct impact on refuse removal, bucket removal, and road maintenance. The fact that capital grants were not recorded meant that some of the funds meant to be used for maintaining and improving infrastructure could have been used for salaries. There is thus a probable link (although difficult to prove without a financial audit) between financial mismanagement, the lack of progress in respect of capital projects such as eradicating the bucket system and improving water supply, and the eventual unrest.

Financial mismanagement contributed directly to the protests. It contributed to citizen's loss of trust in officials and councillors and fuelled their resentment at the large salaries paid to municipal managers. The combination of poor delivery, managers'

comparative affluence amid residents' poverty, and their inability to account for the municipality's finances could scarcely have been more provocative.

Phumelela's financial difficulties were also partly caused by widespread poverty. Indigent grants make up 70 per cent of Phumelela's revenue, with rates and taxes providing the rest. But this tended to affect Phumelela's style of management. One respondent suggested that, because local revenues made up such a small portion of the municipality's revenue, managers were less inclined to pursue effective debtor policies.

A focus group member aptly summarised the situation in respect of financial management:

We blame the provincial government for the mess municipalities find themselves in. How can they entrust millions of rand to people who do not have basic financial management skills? The lack of skilled managers has created a situation where financial regulations are not complied with.

This conveys the important point that provincial officials should have detected the municipality's financial problems at a far earlier stage.

When, in December 2004, Phumelela was placed under provincial administration, much-needed improvements in financial management were introduced.

Phumelela's management style

The consensus emanating from the parliamentary report and media reports was that the municipal manager was incompetent.⁷⁵ However, according to some critics, the manager's role in the council's malfunctioning went beyond issues of skills or efficiency. A councillor from Warden was quoted as saying:

What happened in Phumelela was that the municipal manager was running the council. . . . He kept information from council, and if we don't get information, then no council can make decisions.⁷⁶

Certainly, both the Concerned Youth Groups and the ratepayers' associations in the three towns made the municipal manager's capacities a focus of their discontents, and demanded his resignation. The parliamentary report concurred with this verdict, noting that 'the suspension of the municipal manager was long overdue.'⁷⁷

However, the municipal manager was not alone in attracting criticism. The Concerned Youth Groups as well as the ratepayers' associations in all three towns portrayed all the managers, including the municipal manager, as arrogant, unapproachable, and unwilling to listen. Focus group members spoke of poor management, managers without appropriate qualifications, and an arrogant approach towards members of the community. Their comments included:

Our weak management systems and weak municipal manager resulted in unwarranted spending and numerous failed development projects.

Our municipal managers used to be security guards. . . we don't know how they were appointed.

What was sad was to see the municipal manager purifying water in his office. People got angry because he could afford to do that. What about the rest of the community?

Mr. Thithi [the municipal manager] was unapproachable – he was not afraid of chasing you out of his office with your papers.

Numerous interviewees stated that their complaints were neither listened to nor adequately addressed, by either councillors or officials. Comments by focus group members confirm this:

Residents reported their grievances to councillors, but they did not want to listen.

We really wanted to hear the response of the municipality. We didn't know what they were doing to the water crisis. They never returned to keep the community informed.

Before the protests, the municipality told us that they would solve the water crisis within a couple of days. They also promised that they would keep the community informed about any new developments. They never fulfilled this promise. Instead, we were often confronted by arrogant officials.

After four years of complaints and frustration, residents may believe that the only effective way to achieve this is through violence and confrontation. This is not born out of a desire to be violent. Instead, it is born out of belief that nothing will significantly change exclusively through non-violence and appeasement.

'Only the mayor approached us and promised to address our concerns. Our people were suffering, yet it took him that long to approach us. It was nothing other than window-dressing and political jargon.

Maybe they [officials and councillors] did not worry because they were still getting paid. They subscribed to the notion that their actions are not to be questioned. In this age of democracy and civilisation, it is a surprise that officials expect us to accept their behaviour without question.

Residents complain on a daily basis . . . there is no response, no one cares . . .

I did complain, but the attitude of officials at the municipality is disgusting. They do not have the time to listen to us.

He [the municipal manager] spoke very rudely and was arrogant to the people, to the extent that he was nearly beaten by people at that community meeting. People got tired of this style of not listening to them.

What could have been done to prevent the unrest? Responding to our letters . . . just giving us the little respect we deserve. The former mayor was staying here, we talked and talked to him, but he never responded to our grievances. He would always say that our concerns are receiving attention, but whenever we wanted evidence of this, he became dodgy.

I also complained about the high bills at the municipality, but they do not listen . . . When we meet our councillors it all ends up in promises . . . The community should have been consulted, we want to know the difficulties the municipality face, these councillors are our kids, we do not hate them.

These quotations point to a serious breakdown in communications between the municipality and residents, as the premier of the Free State subsequently acknowledged.⁷⁸ The lack of an appropriate complaints management and communication system helped to create the climate for the protests. There was no central complaint management system; as a result, residents directly approached the municipal manager and other senior managers who were ill-equipped to play the role of front-line staff, dealing with detailed problems. Those frontline staff who should have dealt with complaints were frequently unavailable, and when they were, complainants found them rude and arrogant.

Ward committees were inactive, and public meetings between councillors and the community rarely took place. One protest leader in Warden stated:

We were also very tired of not being informed about issues that affected us. No public meetings were called by councillors, and not a single ward committee meeting took place for more than four years.

This meant that councillors were unable to record complaints from the community. As one interviewee stated:

Ward councillors were not approachable.

The absence of a complaint management system seems particularly important. People tended to complain to their councillors, who seemed to lack an effective framework for dealing with them, including criteria for determining whether they had been dealt with timeously and effectively or not. One focus group member confirmed:

We do not have standard repair times in the case of a burst pipe. We are used to staying up to two weeks without running water.

Corruption and nepotism

Many allegations of corruption and nepotism were made at various stages of the conflict. These ranged from general allegations of corruption along the lines that councillors were paid without doing anything to more targeted – though still unspecific – allegations about employment at the municipality, tender allocations, and housing subsidies. Allegations of corruption were made in the memoranda⁷⁹ handed to the municipality as well as in media reports,⁸⁰ and also during the interviews conducted with leaders of the protest. A report by the auditing firm KPMG, completed in November 2005, uncovered gross irregularities in respect of the construction of RDP houses.⁸¹

The municipality's lack of financial management created an environment that made corruption possible, and this created widespread popular suspicions. Residents participating in focus groups expressed themselves strongly on this score:

Corruption is rife at the municipality. People are being appointed solely on the basis of their political affiliation. One can only guess what happens to the money received by the municipality from government.

Our municipality has been divided because of infighting between councillors and officials. Employing girlfriends and awarding tenders to families, friends and party loyalists has become the norm.

I regard all our former councillors as being corrupt. How was it possible for them to claim money from the municipality on a monthly basis when they were doing nothing? We know that no council meetings took place, or the ones that did take place, no resolutions could be taken because a quorum could not be formed on numerous occasions. In a normal situation, one would have expected them to complain to the provincial government about the situation.

There seems to be something wrong with the way tenders are awarded. We never get to know where and when tenders are advertised. For instance, the meter reading tender was fraudulently awarded to someone who was related to our former mayor.

Housing is a great problem. I've been living in a shack for more than 20 years. People who can afford decent houses are given RDP houses.

We are always told about new residential sites that will become available, but in the end only certain community members are allocated sites. We never had many shacks here. How people don't have a choice; they just build their shacks with every little piece of iron they can find.

Our children have fewer employment opportunities because if you are not an active ANC member, you will never get the opportunity to work on council projects.

I strongly believe that there has been widespread corruption at the municipality. Maybe things have improved since the provincial government became involved, but in the past unwarranted salary increases, irregularities in the allocation of tenders and RDP houses, and nepotism were rife.

In 2003–4 the RDP houses list was having a problem of corruption because the sister to the former mayor had a house in there when she was not entitled to have it, because she is married to a policeman who has a house in town.

Only card-carrying members of the ANC are assisted, and this makes the youth angry.

These allegations are difficult to prove or disprove without a full-scale forensic and criminal enquiry. However, they illustrate the bitter and endemic distrust and resentment felt by citizens towards the municipality.

Intergovernmental relations

Various issues related to intergovernmental relationships emerged from the interviews, both directly and indirectly. The most prominent is that of how housing subsidies were applied in the area. Housing is primarily a provincial government

function; municipalities are primarily responsible for allocating housing subsidies to residents, and for supervising housing contractors.

The allocation of subsidies in Ezenzeleni was a major problem and source of grievance, and many allegations of nepotism were made. The lack of a clear and transparent system of allocations probably promoted nepotism, and also fuelled suspicion and mistrust.

Indirectly, specific policy directives in the Free State have not been conducive to housing delivery and the improvement of poor living environments. According to the original white paper on housing, the low-income housing subsidy as determined and funded by the central government should be used for the top structure as well as water, sanitation, and electricity infrastructure.⁸² The Free State government decided that houses in the Free State should be at least 40 metres square.⁸³ This had two significant consequences. The first is that the Free State tends to provide the largest housing units, but with the lowest levels of infrastructure; this is because a relatively large proportion of the subsidy goes towards the top structure, with relatively little being available for infrastructure provision.

As a result, the housing subsidy has not helped to address major backlogs in respect of sanitation. This, in turn, means that the Free State is the province with the largest proportion of households still using the bucket system -- an aspect central to the unrest in Phumelela. Therefore, there is a clear causal path from the provincial housing policy to the protests in Phumelela.

The financial demands of the minimum house size also places tremendous pressure on municipalities to finance the planning and surveying of stands. Because a large proportion of the grants is used to build houses, municipalities are required to pay for township establishment and services. Given that many Free State municipalities are cash-strapped, they cannot afford to establish new townships with the result that housing delivery has slowed down.⁸⁴

The impact of the protests

When the interviewees and focus group members were asked what had changed as a result of the protests the answers were largely negative, ranging from a simple 'nothing' to grudging acknowledgments of some changes. Community representatives from former black townships in particular tended to express the view that little had changed in their day-to-day living conditions some 18 months after the protests. However, despite this perception, some impacts of the protest should be discussed in detail.

The most significant outcome of Phumelela's crisis of governance was that the municipality was placed under provincial administration. On 1 December 2004 the provincial executive council intervened in terms of Section 139(1)(b) of the Muni-

pal Systems Act, and assumed responsibility for specific executive functions. It acted to correct critical staff shortages and the placement of staff; collect all monies due to the municipality; restore sound financial management, administration and record-keeping; restore collapsed internal controls; and restore creditor management. The province had to ensure access to at least the minimum level of basic services, create a safe and healthy environment; and deal with pollution caused by sewage spillages in the municipal area.⁸⁵

The mayor and municipal manager were both 'redeployed.' The mayor was given a post in the Free State provincial administration while the municipal manager was given a severance package, but then appointed to a senior management position in the Maluti-a-Phofung Local Municipality. During 2006 he was the acting municipal manager in this municipality. The chief financial officer was dismissed and eventually lost his court case against the municipality for unfair dismissal.

Since the initial decision to place the municipality under administration early in 2005, three administrators have successively run the municipality. By mid-2006, when field research was conducted, financials controls had been significantly improved, and administratorship was lifted in November 2006. The key question now is whether the restored council and municipal administration will be able to deal with the major challenges still facing the municipality on a sustainable basis.

The municipality has also attracted the attention of other spheres of government. A sum of R26 million has been made available to eliminate the bucket system,⁸⁶ and engineers from the Sedibeng Water Board and the Department of Water Affairs have been appointed to help the municipality improve its water supplies. A project to upgrade the main road in Warden was initiated. Furthermore, the Minister of Water Affairs and Forestry has announced a storm water project in Ezenzeleni at a cost of R1,8 million, and in Zamani, a project for upgrading the purification works at a value of R2,7 million.⁸⁷ These allocations do not automatically resolve Phumelela's problems, and a visit to Memel in June 2006 revealed that that this project had stalled due to the employment of an inexperienced contractor.

The Free State government also recognised that the municipality lacked technical capacity, and in October 2004 the premier announced that an office had been set up in Phumelela to manage funds from the Municipal Infrastructure Grant.⁸⁸

Focus group members reported improved management of complaints, and communication with residents. At the time of the research, the ward committees were all functioning, and managers and councillors seemed more accessible. One business person from Ezenzeleni noted that, at least, 'the community is now informed when electricity is to be cut.' Another focus group member remarked:

Things are at least better now; we are now promptly assisted when we visit the municipality. Municipal employees getting drunk during working hours are a thing of the past. The expectation among residents is that our situation may improve in the near future.

Another confirmed:

We are not yet at a point where we are able to say that service delivery is at an acceptable level, but the management of the municipality has improved. There has been a notable improvement in the attitude of frontline workers at the municipality.

Furthermore, the council seemed to be performing its governance role more adequately (although it should be mentioned that the administrator still in place at that time was probably playing an important role in this regard). Researchers noted an apparently healthy relationship between the ANC and opposition councillors. Whether this was due to the influence of the administrator and the outside scrutiny that the council had attracted, or the removal of the municipal manager and mayor, the divisions between the ANC councillors which had contributed so much to the council's dysfunction before the unrest were absent. Once again, time will tell whether this improvement will be sustained.

However, protestors and residents in the former black townships were more skeptical about any positive outcomes of the unrest. Comments included:

We are still drinking water which is not good for human consumption; we still walk and drive on roads filled with potholes. Our refuse is still not removed regularly.

The quality of the water has improved, but the municipality can do much better.

It should be noted that there was no significant difference in the voting patterns in the 2000 and 2006 local government elections. In the most recent election the ANC retained its majority of 12 out of 14 councillors. Voter turnout decreased by 2 per cent, but this cannot be viewed as significant.

PART 2

UNREST IN KHUTSONG

KHUTSONG means ‘place of peace.’ Ironically, between December 2005 – when the national government passed legislation to do away with so-called cross-border municipalities – and October 2006, more than 80 reports appeared in the print media dealing with unrest in Khutsong. A further indication of discontent was the successful boycott of municipal elections in March 2006. A mere 232 of 29 540 registered voters cast their ballots on polling day – and 12 of these were spoilt.⁸⁹ This compares with 13 422 voters in the 2000 municipal elections, a turnout of 57,2 per cent.

Indeed, in March 2007, subsequent to the research conducted for this report, violent protests briefly resurfaced in Khutsong, following weeks of protests over poor service delivery in other parts of North West.

Khutsong forms part of the Merafong City Local Municipality which, until its incorporation into North West province, straddled the south western section of Gauteng and the north eastern section of North West, 75 kilometres from Johannesburg and 50 kilometres from Potchefstroom. Khutsong owes its existence to its role as township to Carletonville, one of the principal mining areas to the west of Johannesburg and the main centre of economic activity in Merafong City. Merafong City consists of the suburbs of Greater Carletonville, Fochville, Khutsong, Kokosi, Khutsong South, Wedela, Blybank, Welverdiend as well as mines and commercial farming areas surrounding these built-up areas. The area has a dispersed spatial pattern due to apartheid planning, the location of mines, and restrictions on development imposed by dolomitic land.

The economic base of Merafong City is the mining industry, which provides about 86 per cent of its gross geographic product, and 64 per cent of formal employment. However the mining sector is declining and unemployment (narrowly defined) in the municipality is currently estimated at 20,5 per cent.

RESEARCHING KHUTSONG⁹⁰

This report on unrest in Khutsong is based on:

- secondary research on socioeconomic conditions and infrastructure provision in the municipality;
- in-depth interviews with four ANC councillors and one DA councillor, the executive mayor, four heads of municipal departments, the municipal manager, the IDP manager, the human resources manager of AngloGold Ashanti Gold Mines, protest leaders, business people in Khutsong, and Eskom’s customer manager;
- eight focus group sessions totalling 50 residents, four with protesters and four with people not involved in protests .

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A socioeconomic overview of Merafong City

Merafong City previously formed part of the West Rand District Municipality in Gauteng. It has about 210 480 residents. Before Merafong City's incorporation into North West, 71 per cent of its population fell in Gauteng and 29 per cent in North West. Khutsong encompasses about 32 per cent of this municipality's population.

Employment and educational levels in Khutsong are significantly lower than in Merafong as a whole. Its residents have lower incomes and therefore substantially lower standards of living than those in other parts of Merafong. A possible explanation for this is that other areas of Merafong are closer to the gold mines in the region, and therefore benefit from mining employment. This may have contributed to higher levels of frustration in Khutsong, and therefore also to the widespread protests. Infrastructure in Khutsong is also significantly worse than in other sections of Merafong. A major reason for this is the fact that 90 per cent of land in Khutsong is prone to sinkholes, and therefore unfit for human habitation. This has forced the local authorities to embark on a resettlement plan which has curtailed infrastructure spending in the area.⁹¹

Governance of Khutsong and Merafong City

The disputed and uncertain status of Khutsong is not a recent development. Under apartheid, the National Party government and the Bophuthatswana administration tried unsuccessfully to detach Khutsong from the Transvaal.⁹² The present ANC government's move to alter Khutsong's status stems from disillusionment with cross-border municipalities and a desire for achieving administrative rationality by doing away with the duplication of functions and a lack of co-ordination in governance. The latter was exemplified by the fact that Gauteng and North West never formally agreed on how Merafong City should be governed. The phasing out of cross-boundary municipalities was provided for by the Constitution Twelfth Amendment Act adopted in mid-2005.⁹³

Despite this apparently decisive policy intervention, the sequence of events, decisions, and communications intended to implement it has been marked by hesitation and confusion.⁹⁴ Certainly people at the grass roots could be forgiven for being confused by the contradictory messages emanating from government. The first two notices (on 19 August 2005⁹⁵ and 2 September 2005⁹⁶) issued by the Minister for Provincial and Local Government, Sydney Mufamadi, indicated that Merafong City would be incorporated into North West. Thereafter, submissions were made by different groups (taxi associations, ratepayers' associations, the Merafong mayoral committee, and so on) that Merafong City should remain part of Gauteng.

In November 2005, citing the results of an impact assessment and an analysis of public hearings on the issue,⁹⁷ the local government portfolio committee in the Gauteng provincial legislature went against the wishes of the national government by sup-

porting Merafong's inclusion into the West Rand District Municipality in Gauteng. However, on 5 December 2005 the Gauteng legislature approved legislation allowing Merafong to be incorporated into North West, thus overturning the decision of its own expert committee.⁹⁸

This was followed by a notice from the chairperson of the Municipal Demarcation Board (MDB) that Westonaria Local Municipality and Merafong City Local Municipality would be incorporated into North West. After receiving further submissions by a delegation from Merafong City, the Parliamentary Select Committee on Local Government and Administration recommended that Merafong City remain in Gauteng.⁹⁹ However, Mufamadi and the National Council of Provinces finally decided that Merafong City would be incorporated into North West, and that Westonaria should remain in Gauteng.¹⁰⁰

According to key Merafong officials, the community was divided on the issue. Most stakeholders in Fochville and Kokosi did not mind being incorporated into North West – to which these areas belonged historically – while Carletonville and Khutsong preferred Gauteng.

The protests in Merafong

According to interviewees and participants in focus group sessions, several peaceful protests and public gatherings had been held in Khutsong prior to November 2005 about proposals to incorporate Merafong City into North West. The Young Communist League and leaders of the local branch of the South African Communist Party (SACP) played important roles in mobilising these protests, which gained momentum in early November 2005 as rumours spread that Merafong City would indeed become part of North West.

According to some councillors, community leaders and residents there were many early warning signals. According to one councillor, the SAPS intelligence unit informed the local police that violence might erupt:

The way the leaders of the protests spoke in public, the hatred that they had for councillors and anything associated with the government, was unacceptable. They were at liberty to say anything during their public meetings. When we phoned the police, they told us that it is the councillors' responsibility to inform the community about issues that affect them . . .¹⁰¹

Another resident recalls:

Long before 14 December [the day on which the decision to incorporate Merafong into North West was announced in parliament] the community was told to wait until official confirmation was received. It was already decided that once we were informed that we would be incorporated into North West, we would revolt non-stop. Early warning signs could also be detected in the disobedient

behaviour of schoolchildren. Residents were already staging violent protests two months before the announcement. A day before the announcement, a night vigil was held at the stadium, and we knew that trouble is looming.¹⁰²

The protests escalated when the National Council of Provinces (NCOP) finally announced that Merafong City would be incorporated into North West. Burning tyres, the looting of shops and roads blocked with stones became a daily feature of the protests, as the following summary makes clear.

On Wednesday 2 November 2005 residents barricaded roads with burning tyres, car wrecks, large rocks, and branches of trees.¹⁰³ Rocks were thrown at vehicles wanting to leave the suburb. Some people who wanted to go to work were intimidated, matric exams were stopped, and learners were forced to leave school.¹⁰⁴ Twenty-seven youths were arrested for looting shops.¹⁰⁵

On Thursday 3 November angry residents set the municipal building on fire; looted shops; barricaded streets with burning tyres, rocks, branches of trees and car wrecks; and ripped out telephone booths and threw them into the streets. About 3 000 people gathered in the stadium to air their grievances,¹⁰⁶ and 30 youths were arrested for looting.

On Friday 4 November the protests continued. Police reinforcements were called in to assist when 6 000 residents started looting businesses. The homes of the mayor and other councillors were stoned,¹⁰⁷ and a crowd petrol-bombed councillors' houses, causing five of them to flee.¹⁰⁸ Nine people were taken into custody.

On Saturday 5 November a meeting took place between Khutsong community representatives and Mufamadi. This meeting failed to resolve the ongoing conflict.¹⁰⁹ A protest march took place, and youths set rubber tyres alight. Police used rubber bullets to disperse angry crowds, but 5 000 people gathered in the Khutsong stadium for a protest meeting. Forty-three people were arrested for looting.¹¹⁰

A week later, on Friday 11 November, police reinforcements were brought in from all over Gauteng as about 3000 protesting residents¹¹¹ gathered in the Khutsong stadium to march to the police station.¹¹² The residents handed a memorandum to police, and then moved back to the stadium to hold a symposium.¹¹³

On Wednesday 7 December streets were blockaded with burning tyres, cement blocks, trees and rocks. The police arrested seven protestors for looting and public violence. Officers fired rubber bullets and stun grenades into the crowd in order to disperse them after they had started throwing stones. Several people were injured.¹¹⁴

A week later, on 14 December, the NCOP announced that Merafong City would be incorporated into North West. In response, Khutsong residents burnt T-shirts with President Thabo Mbeki's picture printed on them, and burnt ANC membership cards. Five policemen were injured, and 57 people were arrested. Five houses were burnt down¹¹⁵ and a municipal truck was set alight.¹¹⁶ Smoke from burning tyres engulfed the township, and the streets were barricaded with boulders and car wrecks. Schools were vandalised.¹¹⁷ The municipal library was destroyed and electronic equipment

was stolen, with losses estimated at R8 million.¹¹⁸ A R350 000 council building used by the Southern African National Cancer Association was destroyed,¹¹⁹ and Khutsong's stadium, swimming pool, roads and infrastructure were badly damaged. The police shot at protestors as their armoured vehicles became targets for stones and bottles.¹²⁰ Residents used dustbin lids to shield themselves from rubber bullets, birdshot, and stun grenades. Residents then divided into smaller groups, destroyed ten houses, and also torched the mayor's house¹²¹. A councillor's minibus, car, and house were set on fire.¹²² The councillor was injured in the attack and had to be hospitalised.

A month later, on Thursday 2 February 2006, a march was organised by the Young Communist League (YCL) and the Congress of South African Students (COSAS). In a manner reminiscent of the liberation struggle in the 1980s, hundreds of children from Badirile, Relebogile and Tswasongu schools in Khutsong participated.¹²³

On Sunday 12 February 2006 some 150 SACP members threw stones at people attending an ANC election campaign in Khutsong stadium.¹²⁴ Three days later, a group of about 600 protestors, mostly women, marched to the police station waving banners and chanting slogans.¹²⁵ On 18 February, the national Minister of Defence and national chairperson of the ANC, Mosiuoa Lekota, visited Khutsong. He warned residents that those who participated in 'destruction' would be dealt with by police.¹²⁶ He invited people to attend a government *imbizo* in the Khutsong stadium the next day. On 19 February 2 500 protestors caused havoc outside the stadium. Angry residents protested by preventing people from attending the *imbizo*, and people who wanted to attend the meeting were threatened with the burning of their houses. Lekota had to be whisked to safety, while protestors sang freedom songs to prevent him from speaking. Police fired teargas and rubber bullets outside the stadium. Twenty-eight protestors were arrested and charged with public violence.¹²⁷

The next day, on Monday 20 February, 800 children from three schools in Khutsong marched to the police station, demanding the release of the 27 arrested protestors. Children gathered outside the police station and threw stones at police personnel. Teargas was used to disperse the crowd, and three youths and an adult were arrested. Three policemen were injured.¹²⁸ The next day, 27 people charged with public violence were released on bail.¹²⁹

The violent protests continued. On Friday 24 February the road to Khutsong was littered with debris and burning tyres. The township remained tense and angry in the aftermath of Lekota's visit.¹³⁰

This was a volatile context for the municipal elections held on Wednesday 1 March. Hours after the elections ended a house and a shack belonging to ANC members were set alight. A group of people ripped off the fence and security door of another house before setting it alight.¹³² The next day, after the new council had been inaugurated, the houses of two councillors were set alight.¹³³

Interpreting the protests

The decision to incorporate Khutsong into North West must be regarded as the major cause of the unrest that broke out in the area. However, as in most conflict situations, a combination of factors contributed to the sequence of events. It seems that, unlike many other protests occurring in South Africa in the same period, the unrest in Khutsong could not be described as being predominantly linked to poor service delivery.¹³⁴

A history of uncertainty

The first reason for the protests is the history of uncertainty that has prevailed in Khutsong for many years over the stability of the soil, and therefore the safety of residents and the security of their homes. For nearly 50 years, residents have feared for their safety due to unpredictable ground movements and sinkholes caused by dolomitic geological structures. The township has experienced ground instability problems since its establishment in 1958. At that time no geological surveys were conducted to determine the geotechnical suitability of the area for township development. During the 1960s dolomitic land in the Carletonville area became increasingly unstable and conducive to the formation of sinkholes. The municipality of Carletonville took note of this problem, and brought it under control via the establishment of the Far West Rand Dolomite Water Association with the assistance of the Council of Geoscience. In Khutsong, however, similar assistance was not provided, resulting in the continued development and growth of the township despite the ever increasing instability of the dolomitic land. Khutsong residents have had to deal with increasing structural damage to their homes. Houses that have taken years to finance and build are cracking and falling apart, thus greatly diminishing their value.

In 2000 councillors began informing Khutsong residents that many of them were in danger of having their houses collapse, and that they would therefore be relocated.¹³⁵ However, according to the Resettlement Business Plan for Khutsong¹³⁶ the municipality had often encountered sinkholes in previous years that had led to pipe bursts and other problems. The municipality embarked on a process to have Khutsong declared a disaster area, and its redevelopment as a presidential lead project.¹³⁷

Interviews conducted for this study revealed that the dolomite issue was characterised by poor communication, confusion, and mistrust. According to community members and leaders of the protests, it was 'simply a ploy used by the mining companies not to invest in Khutsong.' By contrast, the senior human resources manager of AngloGold Ashanti Mine asserted that the company was discharging its social corporate responsibility through BEE procurement initiatives in the broader Merafong City area, though Khutsong was not specifically targeted. Some respondents also felt that townships were being singled out for being unsafe.

The confusion among residents about the dolomitic condition of the area was exacerbated by the actions of the municipality and individual councillors which contra-

dicted their public statements. While the councillors warned residents about the unstable land in Khutsong, some of them were extending their own homes. Protest leaders claimed that a road construction project had been awarded:

Why are these infrastructural projects allowed to continue when our officials know that they ultimately want to resettle the community?¹³⁸

The Municipality wants to relocate people to a place which was also regarded as being dolomitic. How do you understand this? If this is true, why are they taking so long to come up with a solution?¹³⁹

A municipal official stated that the Khutsong situation was poorly handled:

Centurion and Carletonville are also dolomitic, but the pipes and infrastructure in these two places have been handled well. In fact, I have never seen an issue being so mismanaged by the then government than this one [dolomitic condition of Khutsong].

Some members of the community accused the Merafong City municipality of misusing the dolomite issue to justify its failure to develop the area. This, they said, created the social conditions for uncertainty and made residents more susceptible to mobilisation. This was flatly contradicted by officials, who claimed that the municipality had tried very hard to inform residents of the need to relocate to safer residential land – in fact, it had made a far greater effort in this respect than the central government had ever made to explain its decision on the cross-border issue.

The cross-border issue

From the outset the cross-border arrangement was a considerable administrative burden on the municipality. Reporting to two provinces caused problems of communication and reporting which were handled by trial and error rather than systematically. The issue of demarcation was always contentious. According to the municipal manager:

Already in July 2002, on my arrival here, there were documents that dealt with Carletonville and surrounding towns' incorporation into North West. I also accompanied the mayor to the MEC [the Gauteng MEC for local government] where he explained the reasons why Merafong should not be incorporated into North West. Politicians openly stated that they were against the incorporation. However, it was a difficult situation for the mayor. His political party had taken a decision and he had to abide by that, unless he wanted to be labelled as disloyal.¹⁴⁰

All local politicians and officials interviewed expressed the view that Merafong City should remain in Gauteng. A document entitled 'Motivation by Merafong City Local Municipality to be included in Gauteng Province' serves as concrete proof of their consistent support for this resolution of the situation.

The management of the incorporation issue led to confused messages, poor communication, and high levels of mistrust in the community, especially among those already critical of the cross-border arrangement. In explaining the unrest, much hinges on the issue of consultation and its relationship to decision-making. Community stakeholders clearly believed that the point of consulting them was to have their expressed views determine the policy-makers' decisions. Anything else was regarded as bad faith and insensitive to local feelings. However, even an adverse decision might have been accepted if it had been better motivated and communicated.

According to the leaders of the protests, they had made several attempts to seek a peaceful solution to the demarcation issue. Initially, they had approached the Municipal Demarcation Board (MDB) and had been told 'not to panic' as a decision was pending. They were also assured that a decision could only be taken after several consultations with the local community had taken place, as prescribed by law.

These public hearings did take place. Firstly, the MDB gazetted its intention to incorporate Merafong City into North West in September 2005.¹⁴¹ Secondly, the chairperson of the MDB released a press statement about the re-determination of cross-border municipalities. The press release indicated that 'the Board agreed with some motivations provided, and decided to withdraw its re-determination notice.'¹⁴²

Subsequently, V Mlokoti, chairperson of the MDB, announced in the North West Provincial Gazette¹⁴⁴ that Merafong City would remain in Gauteng, and bear the municipal code of GT 484. This happened before the unrest erupted.

There was widespread support for this decision in the community. One protest leader recalled:

It was clearly stated that the Merafong Local Municipality would remain within the West Rand District Municipality. We celebrated in Westonaria when comrade Blade Nzimande, as leader of the SACP, also informed us about the decision. . . We celebrated on Thursday, but the following Monday we were shocked to receive information that the decision has been reversed, that we will now be part of North West. After this announcement, we started having peaceful protests. Meanwhile, the councillors were also busy with their own agendas. They were distributing a pamphlet which assassinated our [leaders of the Anti-North West Campaign] characters . . .

It was never decided to riot, but we got the message from our leaders that we cannot allow a government we voted for to take us for granted. Immediately after the announcement in Pretoria, we rushed into the streets and hurled stones, in fact anything that we could lay our hands on, at the police. The police reacted by firing rubber bullets at us. It was then that we decided to target the houses of councillors. I did not care what will happen to me, but I was prepared to sacrifice my life for a good cause, to die for my parents who are now suffering at the hands of a so-called democratic government.¹⁴³

It is evident that Khutsong residents saw the decision to incorporate Merafong City into North West as a high-level political decision over which the Merafong council had little control, either at an intergovernmental level or through ANC structures. To

some respondents, the sense of being ignored by the party clearly hurt more than the governance issues. Some respondents declared that the local ANC councillors had been 'sold out' by their national leaders, while others believed that Merafong City was given to North West as part of some high-level political deal in exchange for Winterveld, which was to be removed from North West and incorporated into Gauteng. Issues of process loomed large, with one resident stating:

Residents were not consulted. The mayor was always diplomatic in his interaction and dealings with the community. He approached the Faith-based Forum which consists of the pastors of all major denominations in Khutsong about the issue. We later realised that the ploy was for us to spread the news during our sermons that Merafong will remain as part of Gauteng. Some pastors began to label the mayor as a sell-out and refused to interact with him.¹⁴⁵

Another resident recalled:

We were sold out by our mayor, the most unpopular mayor in South Africa. He, together with all the councillors, knew that Merafong would ultimately be incorporated into North West, but they decided to keep quiet about it. The majority of us here [in Khutsong] were ANC members, but our party betrayed us. Minister Mufamadi and the provincial government delayed to inform us. Information leaked to us that the ANC was pushing for our incorporation into North West. In fact, this demarcation monster has been there for a long time, why the community was not consulted earlier still baffles our minds. The first time they made contact with the community was merely to inform us, and not to consult.¹⁴⁶

It is clear that those involved in the unrest had constructed a narrative of betrayal centred on the mayor of Merafong City. In contrast, those residents who had not participated in the unrest expressed sympathetic views about the predicament in which the mayor found himself, because he was responsible for the execution of national decisions over which he had little control.

The following comments are typical of the sentiments expressed by the leaders of the unrest and community members involved in the protests:

The amount of hurt, anger, distress and hatred we experience at the hands of our own government is immeasurable. We are facing a power-hungry and arrogant government who do not consult on issues that affect people on the ground.

Similar sentiments were found among the focus group participants who were not involved in the unrest. It was a great mistake for the government not to consult us,' one said, and another added: 'We cannot fight our own government.'

However, this interpretation has been challenged. According to one councillor, 'The mayor did inform the people. He went around and even addressed residents in their respective ward committee meetings. The ANC at national level was, however, not supportive.'¹⁴⁷

The municipal manager recalls: 'The decision taken by the ANC regarding the incorporation was explained to all ANC members.' At about the same time, however, local political jockeying was taking place because the party was compiling its lists for the local elections. 'The party political process was galloping ahead of the government demarcation process. Rumours about the impending appointment of the mayor as an MEC in North West further created misconceptions about his loyalty.'¹⁴⁸

However according to local ANC councillors, the ANC's national executive committee (NEC) started negotiations with the ANC in North West prior to any engagement with the residents of Khutsong. The NEC also apparently already knew that Merafong City would be incorporated into North West prior to the NCOP announcement. This fuelled the rumours exploited by the local protest leaders, and supports the interpretation that, instead of consulting local structures, the national ANC and government merely looked towards them to sell decisions that had been made already.

How do we reconcile these conflicting accounts? Many officials and councillors felt that the government was not doing enough to support the Merafong City Municipality. According to one official:

The way we have been left alone to deal with this issue was not good. The cohesion that was there [between the municipality and government] was broken. Provincial and national officials were supposed to come; instead they issued one document after another. Leaders of the unrest saw the confusion created by government releasing information in the Government Gazette without consulting with the Municipality as an opportunity to further their own agendas . . . there was no clear voice coming from the provincial and national governments. The Gauteng Legislature and the Demarcation Board were also not speaking with one voice. They were at all times saying different things. In the meantime, people got angry.¹⁴⁹

A protest leader also recalled the widespread confusion in official circles:

We were given a document which identified and clarified roles and steps to be taken by various functionaries, together with the time frames. The programme of consultations was never followed. The chairman of the Demarcation Board was even surprised when he learned that we have a copy of the document . . . We approached an advocate in the President's office for advice. We also approached the Public Protector, because the voting process in the National Assembly on the Cross-border Bill and the Constitution Bill was not fair. The summary of the voting process indicates that only 265 instead of 266 voted for Merafong incorporation into North West. As it was not a two-third majority, the computer rejected the result, but the name of the North West Member of Parliament was added with a ballpoint pen. This is fraud. . . We are now waiting for the decision of the Public Protector. He was expected to give his verdict on the 29th May, but the Speaker of Parliament applied for an extension. . .¹⁵⁰

Three months later, in August 2006, the protest leaders were still waiting for a response from the Public Protector.

In this atmosphere of confusion, poor communication and mistrust, community leaders under the banner of the SACP (some whom were former councillors) took the opportunity to mobilise opposition against incorporation into North West.

Some of the issues they raised were recalled by respondents. There were widely held perceptions that North West is rural and poverty-stricken, in contrast with a 'wealthy and progressive' Gauteng. They also believed that service delivery was poor in North West, and pointed to the fact that Gauteng boasted infrastructure and transport linkages that were far superior to those in North West.

Most of the stakeholders (councillors, officials, and community people) felt that it was advantageous to be part of Gauteng, the economic powerhouse of Africa.¹⁵¹ This perception was common, despite the fact that as part of North West Merafong City would probably get a larger 'equitable share' grant from central government, because it would have higher poverty ranking.¹⁵² The fact that Merafong City is also closer to the Gauteng legislature and provincial offices than to Mmabatho, the seat of the North West provincial government, was perceived as another negative factor.

Furthermore, they argued, migration and settlement patterns favour incorporation into Gauteng. People do not move from Gauteng to North West in significant numbers. Also, Mmabatho is very far from Khutsong, and the protesters felt that the re-demarcation would ignore the miners' historical contribution to Gauteng's economy.¹⁵³ Unemployment in North West is worse than in Gauteng, and levels of corruptions are believed to be higher.

Then there were the perceived costs of incorporation, including the costs of new number plates and official letterheads. Public servants had their own fears: North West does not provide the same salaries and benefits to teachers, police, and emergency service personnel.¹⁵⁴ Most heads of municipal departments also emphasised that their past experiences of the Gauteng provincial government had been much better than those of North West. Bureaucracy and red tape were also much worse in North West than in Gauteng.

Most of the respondents stated that the unrest could have been avoided by a public referendum and interactive *imbizos*, overseen by an independent organisation such as the IEC or the Institute for Democracy in South Africa (IDASA). Some also stated that the national government should have taken more trouble to communicate its vision to the community and should not have abdicated its responsibility after taking such an unpopular decision. From the many responses cited above, it is clear that a lack of alignment between national, provincial and local government decisions and announcements regarding the incorporation of Merafong City into North West were the main reasons for the unrest.

Many respondents, including municipal officials and protest leaders, believed the situation was further compounded by the attitudes of national political leaders.

The attitude of Mosiuoa Lekota, Minister of Defence and supposed official peace-maker in Khutsong, was particularly regarded as a major incendiary factor. The

Faith-based Forum would have preferred the top ANC official Smuts Ngonyama as mediator. As one cleric remarked:

Lekota was too harsh, and never wanted to listen to our side. The message about Lekota's attitude spread fast and people started asking whether this is really the kind of government that they have fought for.¹⁵⁵

He told us that when they [government] formed provinces, they never consulted people. Why should they now consult with us?

According to a leader of the protests, Lekota told them that government had 'brought an end to many wars in Africa and stopped the violent political clashes between the ANC and IFP in KwaZulu Natal, so who are the people of Khutsong to take the government on?'

Lekota's behaviour and attitude was further questioned by one leader who remarked:

Lekota also visited me, but he was very disrespectful. He told me that he will see to it that I am dismissed from the public service. I tried to reason with him that there would not have been a problem if people were duly informed about the government's stance on the issue. He then retorted: 'This issue should have been completed a long time ago, Mufamadi delayed the process.'

All the officials and councillors interviewed agreed that the ANC's NEC and the NCOP (which eventually decided in favour of incorporation into North West) underestimated the strength of opinions at the grass roots and potential local resistance to such a decision. The MDB organised a public hearing in October 2005, at a fairly late stage in the incorporation process, which left very little scope for the involvement of and communication with local councillors / officials and the community. In fact, the Merafong council had little opportunity to influence this decision. Documents and the interviews conducted for this study show clearly that the decision to incorporate Merafong City into North West was neither transparent, nor properly communicated. Much more should have been done to inform members of the community about the reasons for the decision, and address their fears.

The timing of the decision was particularly unfortunate; taking such a sensitive decision just before local government elections is very risky, and it remains unclear why those in power believed this had to be dealt with so urgently just before the local elections.

As noted earlier, it is clear that the reincorporation decision was the main cause of the unrest. However, in the paragraphs that follow, we show that unemployment and poverty, political opportunism, service delivery issues, and others played important subsidiary roles.

Unemployment and poverty

The focus group sessions show that poverty and unemployment and the perceived failure of the mines in the area to contribute to broader development were a fertile breeding ground for protests. One youth leader spoke of poverty and frustrations about patronage:

When people are hungry, they are capable of doing anything. People are poor around here. We've got a social democratic government, but . . . democracy is killing us. People are given matchboxes to live in. . . In fact, the demarcation issue is but one of the factors that led to the protests. People have been hungry for quite a long time. How long have people to live in shacks? How long do our educated brothers have to wait to get a job opportunity at the municipality? We've got a suitably qualified geologist here, but only ANC members benefit from municipality posts. If you are not an ANC member, you will never be employed at the municipality. People are tired of being volunteers . . .¹⁵⁶

The mines were criticised for their lack of involvement in development in Khutsong. One councillor stated:

During my tenure I argued that mines should pay something to the Merafong Municipality. If you look at Khutsong, does it compare with other mining towns? Do you see any life here? No, not, our mines are useless. Our area is being destroyed daily by capitalists' mining companies, yet we receive nothing in return. Areas such as Krugersdorp, Randfontein and Kagiso benefit from the mining activities around here.¹⁵⁷

None of the various role players (protestors, councillors, officials, and business people) could provide a clear picture of the role of service delivery in the protests. But some did complain about poor service delivery. One protest leader claimed that the tender for the reading of water meters had been improperly awarded. There were also other allegations of nepotism and corruption from some of the residents involved in the unrest. A community leader maintained that the main cause of dissatisfaction with service delivery was the neglect of some areas of Khutsong:

Some areas in Khutsong are not provided with basic services such as running water, refuse removal and sanitation. Furthermore, where these services are provided, they are of such a low standard.

Political opportunism

Some of the officials, councillors and business people interviewed pointed out that some of the leaders who had mobilised the unrest were ANC veterans who had lost their seats as councillors in the 2001 election and had subsequently been sidelined by the party, and argued that those disgruntled figures had used the cross-border issue to mobilise community support against the national and provincial party structures.

Several councillors and community members interviewed believed that the protest leaders had been fighting for council positions. Some media reports also claimed that the protests of Khutsong residents had been hijacked by local politicians fighting their own power struggles.¹⁵⁸ This was reinforced by a representative of the Pan Africanist Youth Congress, himself a participant in the protests, who stated:

The ANC is full of power-mongers. The main reason for the unrest is not about the incorporation of Merafong into North West, but is the fighting between the SACP and the ANC . . . Our political leaders are acting without a mandate. They want personal glory and fame. The leaders of the unrest are members of the district Communist Party. The protests are signs of problems within the Alliance. I believe that these [violent protests] are the pilot project of the SACP to undermine other Alliance partners. It is [also] an attempt by former councillors to come back, hence their propaganda campaign.¹⁵⁹

Another interviewee stated:

It is not all about demarcation. It's all about politics. The previous councillors noticed that they were not part of the elections [not on party list], hence their interest in the protests . . .¹⁶⁰

A frustrated councillor said:

It is funny that people who know that the municipality had no say over the demarcation process could spread news that we are the ones who have been pushing for Merafong's incorporation into North West. They [leaders of the protest] were strategic. When they realised that they will not be part of council, they started forming the anti-North West forum.¹⁶¹

Although Khutsong was historically a stronghold of the ANC, the demarcation issue resulted in substantial support for the SACP. Some community respondents remarked that not even in the days prior to the new dispensation in 1994 did the liberation movement manage to assemble a few thousand supporters in the Khutsong Stadium¹⁶² – which the local SACP leadership now managed to accomplish.

But protest leaders vehemently denied that they had embarked on this course of action for personal gain. One stated:

We are not position-mongers. If we wanted council positions, we would have stood as independents. People are loyal to the ANC; we decided not to vote in the past local government elections rather than be disloyal and vote for other parties.

The role of the police

As may be expected in instances where legal and illegal protest actions merge confusingly with each other, participants sharply criticised the role and actions of the police. However, respondents did not make any allegations of a widespread or sub-

stantial abuse of power by the police. Indeed, the bulk of adverse comment was to the effect that the police had not been vigorous enough in protecting public and private property. According to one councillor:

I do not understand how the police operate. Orders to burn our houses and municipal property came from the meeting at the local stadium. Police intelligence was there, yet they did nothing to apprehend the master planners of the unrests.¹⁶³

One businessman reflected:

The security services have not done enough. I called the police, but they were not interested in me. . . . A case was opened, but it was never followed up.¹⁶⁴

Another businessman agreed:

No they have not done enough to protect my business . . . In fact, they turned a blind eye to crime that was taking place in front of their eyes. They have been too lenient. In fact, they were mere spectators. Although people have been arrested, it was just a smokescreen.¹⁶⁵

One explanation was that the police were biased:

The problem is that we have one policeman who openly sides with the anti-North West leaders. When we reported cases at the Khutsong police station during the time of the violent protests, we never received a satisfactory response. The matter was compounded by POPCRU who declared that they will not take actions against their members who are anti-North West. People are afraid to provide the police with information. Most of the youth who committed acts of vandalism and arson were arrested, but not the leaders who instigated the unrests.¹⁶⁶

Impacts of the unrest

The Khutsong unrest impacted heavily on the socioeconomic fibre of the community and surrounding areas.

Damage to property

By the end of April 2006, damage to public and private property amounted to about R70 million.¹⁶⁷ Damage to public property included the destruction of or severe damage to three municipal vehicles, some water pipes, a multipurpose community centre, and a library. Municipal pay point offices were burnt down, traffic lights destroyed, and telephone lines cut.¹⁶⁸

Damage to private property included the destruction by fire of the houses of seven councillors. This caused severe material and psychological damage, as one councillor attested:

My house was burned down. I lost about R1 million. In fact, I have lost everything that my late husband and I have worked so hard for. We had been collecting many expensive artworks over the years that are also gone. My children's clothes and books were also burned. I am an emotional wreck . . . my children are psychologically disturbed by what happened. I used to be a respectable member of the community – that is all gone now. The saddest thing of all is that the church's music equipment and cash that was in the house was also burned.¹⁶⁹

Decline in municipal service payments

The unrest adversely affected service delivery, which fuelled a resurgence of the culture of non-payment for services. Before the unrest, payment levels in Khutsong and Khutsong South were as high as 50 per cent, but in April 2006 payment levels dropped to a mere 12 per cent in Khutsong and 24 per cent in Khutsong South. According to an Eskom spokesperson, in Mid-2006 payment levels for their customers (480 small power users) in Khutsong were down from 87 per cent (prior to the unrest) to 43 per cent, resulting in an increase in outstanding debt from R37 280 to R439 580. Illegal connections had also increased significantly, as Eskom could only account for 45 per cent of the power drawn by Khutsong.¹⁷⁰

Deterioration in service delivery

Owing to the unrest, municipal officials could not venture into the area to maintain infrastructure. All payment points were burnt down, and all community development projects came to a standstill. For instance, Eskom had to negotiate with youth leaders (representing schoolchildren) to enter the area with vehicles with Gauteng number plates or with vehicles without number plates. In fact, the protesters indicated that they would stone any Eskom vehicle with a North West number plate.

The municipal manager reflected that services had deteriorated because municipal service delivery vehicles were still targets for vandals:

The relationship between the municipality and the residents of Khutsong is at such a low level that we urgently need external intervention.¹⁷¹

It thus seems clear that the decline in service delivery to Khutsong fuelled a resurgence of a culture of non-payment as well as vandalism, further detracting from the culture of public responsibility.

Impact on local businesses

The unrest had a detrimental effect on most businesses in Khutsong. It seems that smaller, informal businesses were hardest hit by the community upheavals:

We lost money during the unrest and immediately afterwards because our businesses could not operate normally. We also had to contribute financially to the Anti-North West campaign.¹⁷²

One small business person reported:

In total, I lost equipment worth R60 000 excluding the stock that was in the shop at the time. I am currently also losing R3 000 a month in rent for the past six months for the space next to the shop.¹⁷³

In late 2005 Eskom provided electricity to 126 SMMEs in Khutsong; by June 2006 this number had decreased to 35.¹⁷⁴

Some businesses were vandalised, and owing to the general levels of community tension, there was a breakdown in social trust, which had a negative impact on business confidence. One business person reported:

Which financial institution will finance our businesses in future? The viability of our businesses has been affected. We are psychologically traumatised, as we don't know what will happen next.¹⁷⁵

There were suggestions that the protesters had attacked some businesses because of their owners' political stance:

Personally, my business has not been affected, because I was involved in the mass action. I believe other businesses were targeted because the owners did not participate in community activities. Some businesses will never take off again as all their equipment and stock has been stolen.¹⁷⁶

Erosion of social capital

Besides its direct financial and socioeconomic costs, the unrest also had an extremely negative impact on Khutsong's social capital, largely because of its erosion of trust among individual residents and community groups. The intensity of the unrest and high levels of violence led to a culture of fear, with people being afraid to be associated with the ANC government.¹⁷⁷ As one council official commented:

The normal social life of the community was totally disrupted – criminals took over, and people were forced to join the violent protests. People do not trust each other anymore.¹⁷⁸

The extent of the devastation was vividly underlined by a councillor, who recalled:

One person was killed and many residents were injured. I know of 35 people who were arrested for public violence. Some of them were released, but the others are still in custody. In total, 12 houses were torched. We as councillors lost more than R5 million, and the municipality about R11 million.¹⁷⁹

According to a resident who did not participate in the violence, the consequences will probably be felt for many years to come:

Many residents want to leave this place. Ever since the unrest, it is no longer safe in Khutsong. Criminals are still exploiting the unstable situation that has been created. We do not know what to expect; we are at the mercy of evil forces in our community.¹⁸⁰

A crisis of legitimacy

Protesters in Khutsong did not accept their current councillors as duly elected, legitimate leaders of Khutsong, basing their claim on the successful boycott of the March 2006 local elections. As we have seen, only 232 of the nearly 30 000 registered voters cast their ballots in the poll.¹⁸¹ All councillors in Khutsong had to be relocated to mine houses outside the area owing to levels of violence, house burning and threats. Effectively, they were driven from their community. Opposition factions in Khutsong demanded that the IEC reverse its decision of a free and fair election in Khutsong and Merafong City.¹⁸² Tatotlo Makoko, secretary of the SACP in Khutsong, also claimed that:

Our people remain firm on the boycott of the local council which claims to represent them and at this stage (June 2006) there is no co-operation between residents and the municipality.¹⁸³

Therefore, the disgruntled residents of Khutsong decided to challenge the decision of their move from Gauteng to North West in the Constitutional Court.

The road ahead

Clearly, this case study has thrown up issues of substance as well as process. Residents could probably have been won over by better communication and closer involvement in the decision-making process; although arguably the issues of substance were so great that unrest would have broken out in any case. However, the interviews as well as media reports show clearly that there were some opportunities for compromise that were not explored.

It is difficult to gauge whether a more negotiated process would have avoided the unrest; after all, all the stakeholders interviewed believed the wrong decision had

been taken. However, all those interviewed agreed that the autocratic way in which the national and provincial governments handled the situation significantly worsened the scale and intensity of the conflict. Many people interviewed indicated that they needed a 'Codesa' for Khutsong, and that independent and capable mediation was necessary to start the process of peace-building and community reconstruction. As the municipal manager stated:

We now need a workshop facilitated by a neutral, respected South African. This neutral mediator should have the blessing of all spheres of government and the community of Khutsong. Any recommendations by such a mediator will have to be endorsed. We are also waiting for a plan of action from the Minister [of Provincial and Local Government].¹⁸⁴

A mining executive indicated his willingness to contribute to a mediation and conflict-resolution drive, as part of his company's corporate social responsibility.

Another way to start the peace-building process and restore the legitimacy of local government would be for Khutsong councillors to evacuate their seats and host a special by-election (overseen by the IEC).

PART 3

INTERPRETING THE CASE STUDIES

THE OUTBREAKS OF UNREST in municipalities that have threatened to restore violence as a feature of the post-apartheid political landscape have understandably caused widespread concern about the stability and sustainability of South Africa's democratic institutions. It is very difficult to see the disturbances in perspective, and to avoid the mirrored dangers of alarmism and complacency. However, we believe our case studies do provide some perspective on what these events might mean for our new democracy.

Firstly, it is not the intensity of the disturbances that should concern us most – on the whole, they have lacked the ferocity and scale of the periodic inner city riots in far more mature and established democracies such as the United States, the United Kingdom, and, most recently (in late 2005), France. This comparison should not be interpreted as an attempt to minimise the shortcomings of our own democracy, or the human suffering and loss in areas such as Khutsong. However, what is most troubling is that they have been widespread, repeated over a long period, and triggered by a variety of grievances, thus illustrating a persistent and general malaise in our system of governance. Our case studies also suggest that government interventions have been 'too little, too late,' and that inadequate measures have been put in place to rectify cases of blatant municipal failure. The 'redeployment' of ineffective municipal politicians and officials is one example of this.

Secondly, both case studies show that aggrieved citizens used a variety of peaceful and democratic means to make their views heard both before and after the outbreak of violence. In this sense, protest and violence have been part of a democratic process; they have not been used as a way of ending politics. These means were often mature and sophisticated, using the resources provided by the constitution (including the Public Protector) and a variety of lobbying opportunities.

In Phumelela, citizens' groups took active steps to find their own solutions to service delivery problems, among other things by financing a pipeline, and arranging for the re-employment of a water expert. Given the anonymity of the research process, the membership of the ratepayers' groups in Phumelela cannot be disclosed, but it can be assumed that most of their members were people with roots in the old South Africa. Far from subverting or withdrawing from the new political order – as many caricatures of small town whites would assume – they were trying to find creative solutions in a new context. In doing so, they co-operated with groups of frustrated township youths. Indeed, the Phumelela protests might be characterised as a coalition of the previously advantaged and the still disadvantaged against an incompetent and indifferent new elite.

Media coverage ¹⁸⁵ did pay some attention to underlying service delivery problems and cross-border issues, and also gave voice to complaints at the grass roots. In Phumelela in particular, events were covered by vigorous local and regional newspapers as well reporters from national papers.

Respondents in both areas under review criticised the police for failures of omission as well as commission. Councillors and officials believed that the police had failed to protect them and their property; demonstrators felt that they had been too vigorous. In Khutsong, supporters and opponents of incorporation into North West both

accused the police of favouring the rival cause. Pursuit of these issues would have required a separate and specialised research project. However, there were no allegations of large-scale police misconduct. Probably the most useful comments on the role of the police were that they should have taken more active steps to defuse the situation at an earlier stage of the Khutsong unrest.

In Phumelela at least, the unrest led to government action to remedy the local state of affairs. Individuals were removed from office, national government departments provided assistance, and administrative and managerial chaos was cleared up. However 18 months after the unrest, residents of the former townships were still waiting for significant improvements in their living conditions. The individuals on whom they had focused their frustrations might have been removed from office, but had gone on to equal or better posts elsewhere.

While these points may offer some grounds for relief in interpreting the implications of the case studies for governance and democracy in South Africa, they should not be seen as detracting from the gravity of the main message: local government in many places is in serious trouble. It is worth summarising some of the main points to emerge from the two case studies to make this message clear.

Economic and demographic realities

Phumelela is a classic example of a small municipality under stress because it faces several mutually compounding difficulties. There is, firstly, the uncertain place and role of small towns in a changing South Africa, which no government development strategy seems to adequately address. Secondly, there is the problem of the rapid migration of poor and unskilled people from the rural areas to small towns, which causes an increased demand for services without contributing to the local tax base. For Phumelela – and many other municipalities like it – these stresses came at a time of poor economic growth, and indeed negative growth in key employment sectors.

Phumelela has the dubious distinction of being described – in an official Free State government document – as ‘a place of low need and low potential’.¹⁸⁶ This piece of bureaucratic rationalism sums up an uncomfortable truth about South Africa today: nobody knows what to do with places such as Phumelela, whose small towns are faced with a disproportionate influx of people from their rural hinterlands and are acting as staging posts for onward migration to major areas of growth. The Phumelela crisis reveals the lack of planning for the economic growth that will be essential if such places are to cope when the administrators, supplementary staff from the National Treasury, and consultants move on to areas that are even worse off.

The fact that the municipal IDP did not do justice to the structural problems of Phumelela, and that its recommendations were not implemented, point to the weakness of integrated planning in weak municipalities. More focused assistance than merely helping with the pro forma task of writing IDPs is needed. It is questionable in any case whether responsibility for economic growth in places such as Vrede, War-

den and Memel – which suffer from multiple economic, demographic and spatial disabilities – is appropriately assigned. Local governments and the national Department of Local Government both lack capacity. Key national departments dealing with economic growth as well as provincial governments both need to play a more prominent role.

Institutional fragility

Since the amalgamation of municipalities in 2000, the question of institutional consolidation had never been adequately addressed. There is a widespread lack of appreciation in government circles of the difficulties of institutional design and establishment, and there has been an all-too-cavalier willingness to let municipalities destroy their own internal capacity. Provincial governments have been slow to recognise impending municipal collapse, and they have generally been reluctant to intervene until the situation has exploded. Thus far, Project Consolidate has been the main support programme available to ailing municipalities, but a more sustainable, structural approach will need to be found than temporary support for disaster-prone municipalities. In the case of Phumelela, there was clearly no point of contact between its strategic plan (the IDP) and the operational realities of municipal government. The municipality's organisational structure had never been finalised, and it had no appropriate design for dealing with its developmental challenges. Whereas its technical and financial departments should have steadily increased their skills and competence, their already limited pool of technical skills was allowed to hemorrhage away.

This raises the question of institutional restructuring, which includes institutional and racial transformation, hugely increased responsibilities for providing services, planning for economic development, municipal re-demarcation, and jurisdictional amalgamation.

Phumelela was singularly ill-equipped with the personnel needed to deal with these substantial challenges. Several senior officials seem to have been propelled into posts for which they were ill-suited or underqualified or both, by processes that had more to do with political manoeuvring than the public interest, transparency, or merit.

Because of its institutional fragility, the municipality faced numerous problems of incompetent human resources administration, political favouritism, nepotism, and misapplied racial transformation. Whatever the combination, the results were disastrous across all functions of management, especially in the crucial area of finance. The results of bad appointments were compounded by a complete breakdown of political leadership. When a party with a majority of 11 out of 14 cannot govern because of a split in its own ranks, there is something seriously wrong with governance.

According to all respondents, and corroborated by official reports, the mayor and municipal manager were less than competent, underqualified for these responsible posts, and had a very poor relationship, which helped to paralyse what little leader-

ship and management capacity the municipality did have. Neither of them appeared to behave with acceptable professionalism or maturity. Whether or not they were directly responsible for the political split that divided the ruling party and paralysed the council is not clear, but they presided over it and probably exploited it in pursuing their personal differences. The result was chaos. Nonetheless, these individuals were both chosen by political structures for reasons that were less than transparent, shipped into the municipality, and, when they failed, shipped out again by the same authorities and given posts of similar if not equal responsibility and reward.

This system of 'deployment' is used at all levels of South African governance and public service. In Phumelela and Khutsong it appeared to have the effect of eroding trust in the minds of the public. As interviewees and focus groups in both areas amply confirmed, it leads to profound cynicism about all public appointments, and encourages conspiracy theories about all political and governance issues. Responses in both areas were marked by cynicism, conspiracy theories, and anger fuelled by a sense of betrayal. It should be noted that this approach to appointments does no favours to the appointees themselves. Any incumbent known to be a beneficiary of the deployment system faces an inevitable credibility problem in the minds of citizens, especially when things go wrong.

Events such as the Phumelela unrest reveal incompetence, political favouritism, and a devastating lack of capacity, not only of technical skills but also of leadership, vision, and accountability. In Phumelela, managerial inadequacies and failures led – in a predictable vicious circle – to direct failures of service delivery; complaints from the public; a failure to deal with these complaints; more complaints, this time about process and officials' attitudes; and finally direct protest action.

Problems of appointments in local government run through all accounts of protest and unrest. If problems of nepotism, corruption, and political favouritism stemming from a lack of transparency in senior managerial appointments in local government are not tackled vigorously, more episodes of violent protest can be expected.

A lack of accountability and responsiveness

It is often stated that the local level of government has the potential to be most accountable and responsive. This is indeed the case, because municipalities have a wide range of powers that impact on people's lives in a very direct way. They are also situated close to where people live, and are democratically elected, which allow them to interact directly with residents.

But this potential for accountability and responsiveness is not automatically achieved. A great deal depends on the institutional culture within municipalities, and within the local branches of political parties. Despite the formal apparatus of multiparty democracy, and the claims of the ANC Alliance to a participatory heritage, neither functioned adequately in either Khutsong or Phumelela to communicate the voices of discontent, and channel them into demanding an effective response. The failure

of political parties is amply demonstrated in Khutsong, where local, provincial and national structures of the ANC all failed to communicate adequately with their members on the ground.

In the case of Phumelela, ward committees – supposedly an important vehicle for responsiveness and accountability – were completely dysfunctional. This is a common occurrence. Many councillors have little interest (or insufficient time, motivation, skills, or confidence) to set up functional ward committees.

Ward committees will remain weak instruments of local democracy until there are at least two changes in their political design: real accountability will only result when ward committees are independently elected, and can sanction their councillors. Only when residents can insist that ward committees are established, and that the members of such committees are not beholden to the councillor will they be regarded as effective channels of communication. In Phumelela, these channels of communication had disintegrated, leaving no effective means of expressing local grievances. It should come as no surprise that residents eventually resorted to violent protest.

Power as the last resort: the case of Khutsong

The case of Khutsong does not fit easily into any template of municipal protest, especially one that emphasises ‘service delivery’ as the principal axis of discontent. However the same pattern of failure to understand and respond appropriately to expressions of popular choice, misgiving, or discontent led to anger and escalating violent protests. The most disturbing feature of the Khutsong debacle is that all three levels of government were involved, with national government reserving the right to an effectively unilateral decision. It expected local party and government representatives to ‘sell’ this to disgruntled residents, approaching the grass roots only reluctantly, and under pressure too; behaving in a way that appeared to citizens as thoroughly authoritarian:

It was clearly the minister who pushed through the Khutsong decision for no apparent reason . . . The emperor had spoken.¹⁸⁷

There is a deeper, more systemic factor that contributed to the Khutsong crisis. It is remarkable that there are no objective criteria for the demarcation of provinces, in contrast to the demarcation of municipalities. Thus Section 25 of the Municipal Demarcation Board Act (1998) states that:

The Board must, when determining a municipal boundary, take the following into account:

The interdependence of people, communities and economies, as indicated by existing and expected patterns of human settlement and migration; employment; commuting and dominant transport movements; spending; the use

of amenities, recreational facilities and infrastructure; and commercial and industrial linkages;

The need for cohesive, integrated and unfragmented areas, including metropolitan areas . . .

Existing and proposed functional boundaries, including health, transport, police and census enumerator boundaries . . .¹⁸⁸

No such criteria are prescribed for provincial demarcation, and there was therefore no objective or statutory limitation on the government's drawing of geographical boundaries. Given this, politicians should at least have respected people's subjective sense of identity and belonging, but this did not occur.

Conclusion

Phumelela and Khutsong do not fit into some easily formulated template of unrest. Neither indeed do all the hundreds of examples of municipal protest that have flashed across the political landscape since late 2004. Our case studies show that local and even personal factors can play a major role in triggering off violent protests. However, these and other instances of unrest have something very important in common: they are all fuelled by people's sense of having been treated with indifference, and even contempt. Whether it is a leaking tap or incorporation into another province, citizens of this country have been in revolt against insensitive, unresponsive, and unaccountable political elites.

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