CDS RESEARCH LEKGOTLA

SOCIAL DEVELOPMENT & POVERTY ISSUES

The cauldron of local protests: Reasons, impacts and lessons learned

CDS

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The cauldron of local protests:
Reasons, impacts and lessons learned

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1.   Introduction

Over the past few years municipal protests have become commonplace in South Africa. Although such protests have occurred throughout the country, it would seem that the protests in the Free State and the North West provinces have been more acute. *The Sunday Independent* characterises the unrest in the Free State, with specific reference to the protest in Phomolong, as having been caused by "a volatile Molotov cocktail of genuine grievances about the slow pace of delivery and a runaway rumour of half-baked allegations of corruption."[1]   *The Weekend Argus* describes the pervasive air of grievance among the people as follows: "Just a decade after the streets were burning, analysts are seeing evidence of a new season of symptoms of exclusion and frustration".[2]   Atkinson concurs with these sentiments when she writes: "For a Rip van Winkel who had fallen asleep in 1988 and awoken in 2005, it might appear as if the 'rolling mass action' of the end-of-apartheid period had simply continued into the dawn of democratic government in South Africa".[3]   Detailed assessments of these locally-based protests have, however, been rather limited to date.

This report attempts to summarise the reasons for this cauldron of protest since its first manifestations in September 2004, as well as its impacts, and the lessons that might be derived from the phenomenon. The report is based on four case studies as well as contemporary literature sources. All four of these case studies were conducted by the Centre for Development Support (CDS) at the Free State University and funded by the Conflict and Governance Facility

(CAGE). Two of the case studies (Phumelela and Khutsong) were, however, conducted on behalf of the Centre for Development and Enterprise (CDE)[4] who produced a summary document.[5] The two remaining case studies, namely those relating to protests in Phomolong and in Nelson Mandela Bay Municipality, were conducted by the CDS in 2007. It should be noted that the Khutsong case study differs somewhat from the others. In Khutsong the conflict is about the demarcation of the boundary between the North-West Province and Gauteng. Nevertheless, the Khutsong study is particularly instructive where it comes to deriving lessons concerning the appropriate handling of local conflicts.

Methodologically, the case studies entailed about 100 individual interviews with community leaders, councillors and officials. Roughly 300 community members (both protesters and non-protesters) were polled for their views by means of focus group meetings and the socio-economic assessments that comprised a dimension of the case study research.

> **"Just a decade after the streets were burning, analysts are seeing evidence of a new season of symptoms of exclusion and frustration"**

While the case studies provided detailed reflections on the protests, and the reasons for the conflicts, this report contains a somewhat more detailed discussion of the lessons to be learnt from the upheavals. The latent sentiment

in this regard is that although protests and local conflicts do reflect "voices of anger"[6] that should be heard, they also impact negatively on certain spheres, most especially the business and educational environments.

Against this backdrop, the document is structured as follows. Beginning with a discussion of the reasons for the unrest in the four localities, we try to identify the ingredients simmering within the cauldron of disaffection. Next we discuss the impacts of the outbursts of anger with a view to seeing in whose faces the boiling pot exploded. And finally, we consider the lessons to be derived from the disturbances, and the means by which one might restore the light and reduce the heat.

2. Reasons for the protests: an examination of the cauldron's ingredients

This section aims to asses the reasons for the protests. In general, the protests were regarded as having been sparked off by deficient service-delivery. However, in this section we shall try to analyse the reasons behind poor service delivery. It must be borne in mind that not all the reasons pertained in all four of the case study sites. In our opinion, however, it was various configurations of these factors that contributed to the protests.

Poor governance

"Governance" refers to the ability of institutions to take decisions. In the cases under review, poor governance contributed markedly to the protests. For example, the fact that the Phumelela Council did not meet for long periods of time resulted in a complete lack of basic decision making and direction. This left the Municipal Manager and the municipal officials rudderless and had the effect of hampering service delivery which contributed to the conflict and protest. In the case of the Nelson Mandela Metro, it took years for its draft Integrated Development Plan (IDP) to be accepted.

Individual political struggles

In most of the case studies there was evidence of political in-fighting. Some of these struggles were between local factions (Phomolong is a case in point), whereas others, for example Phumelela seemed to emanate more from provincial level. In the Khutsong and Nelson Mandela Bay municipalities there was evidence of deep ideological divisions within the tri-party alliance.

The protest in Phomolong is an example of how protesters, pursuing an agenda that involved getting rid of a certain councillor, managed to force the issue via recourse to violence.[7] There was no compelling evidence for any of the allegations made against the councillor in question. Despite their inability to prove their case, the protesters were able to capitalize on the rupture in communication lines between the councillor and the community, and this helped ensure that via their protest actions the councillor was finally compelled to resign.

In the case of Phumelela, media coverage pointed to deep-seated provincial divisions between factions in the ruling party, and those between council and management, being played out within the council itself.[8] In

Khutsong, the South African Communist Party (SACP) is pivotal in rendering the township ungovernable due to its dissatisfaction concerning the redemarcation of Merafong City as part of North West Province. Political tussles with the SACP also featured as part of the Nelson Mandela Bay disturbances. One councillor in this municipality confirmed the role of political power plays in fomenting trouble: "My area was also affected. I never thought that any unrest would happen in this area. I was dumbfounded; it was the work of hidden leaders."

The fact that many of these upheavals occurred within the twelve months prior to the local government elections furnishes further evidence of political jockeying for position. However, it must be granted that many of these protests did not end with the 2006 local government elections. This suggests that there was more to them than straightforward political struggle. In many cases protesters threatened to keep on taking to the streets if their concerns were not adequately addressed.

The nature of leadership in post-apartheid South African towns remains complex and obscure, and it will require a great deal more qualitative research for the dynamics of this to be fully understood. What we do know is that the township leaders who were prominent at the time of the 1995 and 2000 local government elections were absorbed into the municipal councils, either as Ward or as Proportional Representation (PR) councillors. While some were conscientious in discharging their duties as representatives, others were conspicuously remiss. In fact, there seems to be a common phenomenon – at

municipal, provincial and (as Khutsong shows) at national level – of public representatives whose demeanour is experienced as "arrogant", "distant" and "not accountable". These behavioural traits have had several unfortunate consequences.

> **The nature of leadership in post-apartheid South African towns remains complex and obscure, and it will require a great deal more qualitative research for the dynamics of this to be fully understood.**

Firstly, the party political structures within affected communities have had to develop a mode of response to this leadership style, and to the growing level of public grievances that it has precipitated. But there seem to be no formal mechanisms to deal with such cases within most of the political parties.

Secondly, this type of leader has unwittingly created an ethos of counter-leadership within communities. As public frustration with poor service delivery mounts, and people attempt to find responsive communication channels to vent their grievances, the attitude of delinquent councillors often becomes increasingly offensive. The question arises, if people continue to be frustrated at party political branch level, might they eventually break ranks and join competing parties, or even create new ones? Khutsong provides a dramatic instance of local leaders finding refuge in competing political parties (most notably the SACP).

Poor communication

In all the case studies there was evidence of poor communication with communities. In fact, institutional lack of transparency is arguably the single most important reason for the protests. A number of examples can be advanced in this regard. Most of the ward committees were not functional in the municipalities that were investigated. Where there were ward committees it sometimes seemed as though they functioned as mechanisms of exclusion as opposed to promoting popular participation. Said one respondent: "Ward committee meetings are held with only a select few. In fact, if you are not in the good books of ward councillors, you will not be given the opportunity to speak at public meetings". Another commented: "Before the protest, we had already written several letters to our councillor requesting a meeting to discuss our problems, but he did not bother to reply." The part poor communication played in the protests is betrayed by the fact that, in all cases, there were renewed efforts to make ward committees functional in the post-conflict period.

> **"Ward committee meetings are held with only a select few. In fact, if you are not in the good books of ward councillors, you will not be given the opportunity to speak at public meetings".**

Existing research has identified a number of factors which should be avoided in the context of ward committees:[9]

- ward committees should ideally not become a mere replication of the existing configuration of political power on the elected council;

- the ward committee should not be seen as an exclusive communication channel for the ruling party within the council, or for any of the other parties for that matter. The councillors and their political structures should already be performing this function independently of any ward committee;

- the ward committee should not be allowed to degenerate into a platform from which a losing candidate sets out to re-fight the municipal elections.

Ineffective client interface

The "client interface" refers to the point where the citizen meets the state – whether at the representative level (the councillor) or at the administrative level (the front-line official). An effective client interface is one that is *responsive*.

The citizen at the point of interface generally requires some kind of attention, action or feedback from the institution, and it is up to the front-line official or councillor to respond effectively to the client's problem.

An element common to all the protests was the deficient client interface. Residents could not get their problems addressed effectively. The problem was further exacerbated by the breakdowns

in fundamental communication between communities and councillors as already mentioned. Three points need to be made with respect to the lack of client interface.

First, it seems as if the lack of appropriate client interface (by councillors or officials) was instrumental in creating conflict. In many cases councillors and officials were experienced as being arrogant. This even included the frontline staff.

Second, most of the case studies revealed that no effective complaints management systems were in place – this despite the fact that in some cases toll-free numbers were available. Shortcomings related to complaints management included a lack of accessibility; no mechanism for capturing complaints; and no procedure for providing feedback to complainants. Until now, government policies and legislation have put particular emphasis on public participation during the *planning* phase. There has been very little attention to the issue of day-to-day responsiveness to citizen problems and queries.

Third, there seem to be no coherent systems in place to measure service delivery or the quality of the client interface. As an interviewee in Phumelela put it: "If I had to rate the municipality in respect of service delivery by means of the guidelines used to rate the hospitality industry, I would give it a ½ star for water and electricity, and a 0 star for sanitation before the unrest. With the slight improvements since then, I can give it 1½ star for water and electricity, and a 'minus 5' star, whatever that means, for sanitation.

That is how I see things."[10] The proper monitoring of municipal services and client interface can go a long way towards helping councils manage strategic priorities more effectively. It should also assist in evaluations of the roles of councillors and officials. This implies a need for effective Monitoring and Evaluation (M&E) systems to assess municipalities' performance in responding to their citizens on a day-to-day basis.

Ineffective management

There were indications of deficient management in three different spheres which undoubtedly contributed to the protests: poor financial management, ineffective technical management, and a lack of general management.

Ineffective financial management contributed indirectly to the protests. Financial management includes aspects such as billing procedures, credit control mechanisms, complaint management procedures, and budgeting for expenditure (particularly Operations and Management for technical services).

Phumelela provided a text-book case of shoddy financial management leading to a general air of grievance. The lack of capacity within this municipality's Finance Department was confirmed by parliamentary report.[11] Evidence from Phumelela reveals that poor cash flow levels resulted in the municipality losing its credit record. This in turn resulted in a lack of maintenance for the tractors that were supposed to remove refuse and night soil buckets in the urban areas. The case was cited of a tractor with a puncture that could not be repaired because no private business would

undertake the job due to the poor credit record of the municipality.

In general, there seems to be ample scope for the improvement of municipal finances by the simple expedients of ensuring that basic financial systems and controls are in place, and that municipal accounts do in fact reach the appropriate recipients.

> **"If I had to rate the Municipality in respect of service delivery by means of the guidelines used to rate the hospitality industry, I would give it a ½ star for water and electricity, and a 0 star for sanitation before the unrest. With the slight improvements since then, I can give it 1½ star for water and electricity, and a 'minus 5' star, whatever that means, for sanitation. That is how I see things."**

The inability of the Phumelela Municipality to provide adequate water and electricity supply is a direct result of the loss of technical expertise. The report for Nelson Mandela Bay indicates that there were more than 50 qualified technicians in the service of the former Port Elizabeth municipality (therefore excluding Despatch and Uitenhage) in the apartheid era. This number is currently down to three for the greater Metro, with the result that specialist technical knowledge and skills to oversee infrastructure provision and maintain quality service delivery are

either very limited or altogether lacking.[12]

In addition to the problems of poor financial and technical management, there were also cases where the capacity of municipal managers and financial officers was held up to question. A parliamentary committee found that Municipal Manager of Phumelela was not competent to do his job[13] and that the Financial Manager was not suitably qualified.[14] The Financial Manager was dismissed and subsequently lost a court case in which he tried to force the municipality to reinstate him.[15]

Further evidence of managerial dysfunction in Phumelela emerged in the realm of basic human resource management. Managers did not receive job descriptions,[16] and no performance management agreements were negotiated or drawn up between the municipality, the Municipal Manager, the 'Section 57' Managers,[17] and the council.[18]

Housing administration and management

Poor housing administration and management, and a concomitant lack of housing delivery, have been central to many of the local conflicts.[19] Much of the protest in Nelson Mandela Bay revolved around housing delivery[20] and the inability of the municipality to provide for the housing and shelter needs of especially those households in informal settlements.[21]

Several points can be made in this regard. First, there was a problem of allocative justice as indicated by the absence of local systems of allocating

housing subsidies to individual applicants. Allegations of corruption and considerable dissatisfaction around who should access housing subsidies were commonplace, and constituted a specific contributing reason to many local conflicts.[22]

Specific concerns revolved around people who were on housing waiting lists, but who, when subsidy allocations were made, discovered these had been awarded to other people not on the waiting list. This was especially prevalent in the Nelson Mandela Bay Metro and in Phomolong. An interviewee in Phomolong described the problem in the following words: "The RDP houses that were built were given to young people who have illegally erected shacks while people who have been on the waiting list for many years, were ignored." This practice was corroborated by a resident from Nelson Mandela Bay: "The housing waiting list is not properly managed. We do not know how the officials decide on the people who should receive the houses. Some of the people in our area have been staying in these bad conditions for 17 years, but those who were there after them have already received sites. Something is not right."[23] There were also objections, especially from the coloured communities, that the municipality was giving preference to Xhosas with the subsidy allocations.

> **"The housing waiting list is not properly managed. We do not know how the officials decide on the people who should receive the houses."**

These grievances reflect several dimensions of institutional failure on the part of municipalities. They indicate a serious lack of transparency – if indeed there is a fair and coherent system of allocations, such system has not been revealed to the residents. But it would appear that there are no fixed and predictable criteria for allocation. Allocations seem to be made in response to any number of arbitrary *ad hoc* pressures, such as councillor preferment or ward committee whims. These are likely to be profoundly influenced by factions, patron/client relations, personal loyalties, or even bribes.

The equitable allocation of public resources is never easy, particularly in conditions of great need. Whose interests should prevail – those of people whose names have been on waiting lists for a long time or those who live in overcrowded formal houses? Should priority be given to new arrivals in town who are living in desperate conditions in shack settlements? Such decisions will inevitably be controversial and unpopular in certain quarters, but this is a political issue which councils must deliberate on. It may be possible to learn from best practice elsewhere. Councils must then take clear unambiguous policy decisions, which must then be relayed to the public and most especially to those on waiting lists.

There are also indications from the interviews conducted that considerations of 'horizontal equity' in housing require attention. Essentially, horizontal equity refers to equivalence in terms of the product received where beneficiaries believe they are entitled to an equal benefit. Some of these problems have already been identified in the Free

State.[24] Residents in Phomolong, for example, complained about a project in Hani Park, and alleged in their memorandum that "a house is being built on a stand, basic services such as water and sanitation are put in place already, but this is not the case with Phomolong".[25] Similar claims were also advanced in Nelson Mandela Bay.[26]

There may well be good reasons for differences in the level of service received by different communities – for example, due to the price of land, or the cost of installing infrastructure in rocky soil. But public representatives need to be aware of public feeling regarding such differences, and they need to explain these matters to their communities. Honesty and transparency is the only way to diffuse the tensions that may arise.

There are also a number of problems relating to intergovernmental relations in respect of housing-delivery processes. The South African Constitution states that housing is a provincial government responsibility. But the case studies suggest that, once something goes awry, it is local government that needs to address these problems. More specifically it is the local councillor who is held responsible, as was in the case in Phomolong.[27] This problem has also been identified in the formal academic literature.[28] Nelson Mandela Bay municipality was affected by the provincial government placing a moratorium on the allocation of housing subsidies to local governments. This occasioned major conflict with local residents who had been promised delivery of housing units prior to the moratorium coming into effect. As a former councillor stated: "In respect of

the housing problem, the provincial government only communicated with the local Department of Housing on issues related to housing. Not all politicians are informed about the complex issues around the allocation and building of houses… For example, the provincial Department of Housing will only inform us on a certain day that we should note about amendments made to policies which we have been sharing for months with the community. Unfortunately, people on the ground do not understand these complex issues. How do you go back to people and say 'Sorry, all the information that we have been sharing with you for the past six months has changed'?" In effect it is municipal councillors who have to bear the brunt of decisions taken at provincial level.

Perhaps the time has come to reconsider current arrangements concerning the financing of low-income housing. One of two things needs to happen; either, much more should be made of the accreditation of local municipalities, in terms of the Housing Act of 1997, so that municipalities do have the right to spend their budgets as they wish; or, alternatively, three-year rolling plans should be adopted to assist local municipalities to plan effectively for the medium term.

A further bone of contention is provided by shoddy construction, and the fact that there are so many incomplete housing units.[29] Lack of beneficiary consultation and involvement concerning the designs of the housing products handed over provide further grounds for complaint. Poor workmanship is evident from the fact that Nelson Mandela Bay has had to set aside R160-million to address

construction problems in the housing environment.[30]

Defective housing administrative processes also contribute to protests.[31] Concerns were expressed that people had submitted subsidy application forms, only to find out eventually that these had been lost in the system. As one respondent in Phomolong said: "Before the unrest, our people were constantly filling in forms for housing subsidies. These forms would then be sent to Welkom to be approved. Whenever we enquired about the progress made, we got the same reply over the years: 'The forms have not been signed'."[32] Although this statement might reflect a lack of understanding of the procedures involved, it nevertheless reflects negatively on the administrative process, and on the willingness of the municipality to give credible feedback to its constituents.

> **"How do you go back to people and say 'Sorry, all the information that we have been sharing with you for the past six months has changed'?"**

According to a number of private-sector developers, it also seems that policy changes have resulted in some of the housing related conflicts. It was an altered policy environment that precipitated the withdrawal of the private sector from low-income housing after 1999. The policy environment was changed to embark on a 'people's housing process', to empower emerging contractors, and to initiate a concerted drive for municipalities to engage in

housing implementation, and not mere facilitation.[33] According to private developers, this policy switch has been instrumental in slowing the pace of delivery, and has also resulted in a decline in the quality of the end-product. This in its turn has resulted in greater unhappiness, with their houses, amongst beneficiaries.

The economic impacts of poor service delivery

Poor service delivery contributes enormously to people's frustration, and to a loss of faith in the effectiveness and professionalism of their municipalities. For example, in Warden, Vrede and Memel, residents frequently experienced difficulties with their water and electricity supply[34]. The erratic electricity supply in Warden - where the infrastructure is old - impacted negatively on the business sector. Electricity cuts had serious consequences for enterprises such as restaurants and butcheries. The poor condition of the main road in Warden also resulted in a decline in tourism.

Affordability issues

Residents were sometimes unhappy with the amounts they were being charged for services such as water and electricity.

One respondent expressed this dissatisfaction as follows: "The community was not satisfied with all the services from the municipality, and the services were not affordable and they are still not affordable. The community was promised free water and electricity, but until now they are still not available."

Numerous problems with the administration of policies designed to alleviate the plight of the indigent also contributed to this state of affairs. Complaints that were commonly made concerned people registering for, but not receiving, indigent benefits, and people who were not informed, and therefore did not know, how to register.

The problem is both complex and profound. Indigent subsidy systems are notoriously difficult to administer. There are several points of potential failure:

- Creating appropriate definitions or understandings of "indigence";

- Assessing people's indigent status, including measuring their formal and informal incomes;

- Ensuring that all indigents are registered;

- Regularly checking to verify that people's indigent status is still current;

- Deciding on the amount of service which indigents should receive for free; and

- Dealing with indigents who use more than their allotted services.

These tasks require quite considerable administrative resources, as well as sophisticated management systems.

At more of a macro-level, the indigent subsidy system creates further challenges for municipal administration as a whole. A municipality receives a set amount of "Equitable Share revenue" from the national government. This is primarily intended to subsidise service delivery for indigents. However, it sometimes happens that a municipality has more indigents than can be comfortably afforded by its Equitable Share subsidy. This creates a difficult dilemma for these municipalities.

Should they reduce the amount of services each indigent receives? Should they adjust the criteria for qualifying as an indigent, in order to reduce the number of indigents on the list? Or should they cut back on Operations and Maintenance in order to subsidise the extra indigents?

> **Indigent subsidy systems are notoriously difficult to administer**

The current system of Equitable Share revenue and indigent subsidies can mean that a municipality experiences a net financial loss – with unfortunate consequences for its financial sustainability. A financially embattled municipality may therefore have a vested interest in 'managing down' the number of indigents on its books, because this would entail it having to extend fewer subsidies.

Very little of this complexity is generally understood by councillors – let alone appreciated by their constituents. Consequently, it is little wonder that ordinary residents may experience the indigent subsidy system as being erratic and poorly administered.

Regional identities at local municipal level

A pervasive sense of regional deprivation was found to be intrinsic to the pressure-cooker atmosphere that typified many of the local protests. There was an oft-expressed longing for the era of Transitional Local Councils (TLCs) prior to November 2000, when each town had its own municipality, specific to its geographical locale.

A memorandum handed to the Council in Phomolong stated: "We don't want to be part of the Matjhabeng Municipality that provides better services only to residents of Welkom in terms of employment, learnerships and services."[35] These concerns about neglect sprang primarily from two sources. Firstly, the complainants felt that their particular area was being purposefully neglected by the decision makers, in the urban area where the headquarters of the municipality were located. Secondly, in many cases interviewees claimed that the former TLC had been financially well off, but that since the municipal amalgamation "we are subsidising the bigger municipality."

It should be noted that this sense of regional deprivation could not be substantiated in the light of the basic statistics relating to access to services and infrastructure provision. A more in-depth analysis of the status quo in Phomolong, relative to Matjhabeng, corroborated the finding that, in terms of current levels of infrastructure and amenity, there was no hard evidence that Phomolong had been unduly neglected, or that other areas were being given priority at its expense.[36]

Strategic planning

Integrated Development Plans (IDPs) are the main strategic framework in terms of which local-level planning takes place. Except for Nelson Mandela Bay, where the IDP was still awaiting final approval, IDPs generally provided an accurate reflection of municipalities' main priorities. There was a close match between the grievances of the protesters and issues already flagged as being potentially critical in the IDPs.

The important point to be made is that it is precisely those issues that have already been recognized as potentially volatile, that spark protest when things go wrong. As one protester wryly remarked: "We asked for better services, but instead we got an IDP."[37] This sentiment clearly signals that much more attention should be paid to the speedy and effective implementation of the contents of strategic planning frameworks, than to their formulation, as though this latter process were an end in itself. The compilation of a sound strategic plan is just a precursor to effective service delivery.

> **"We asked for better services, but instead we got an IDP."**

Intergovernmental relations: Powers, functions and unfunded mandates

Reference has already been made to the problems associated with intergovernmental relations in the allocation of housing subsidies.[38] Overall, there is ample evidence that the system of intergovernmental relations has failed local government. The

problem is essentially one in which local government officials and councillors find themselves in the firing line, and have to deal with the fallout from provincial programmes and projects that miscarry.

Intergovernmental coordination also seems to be problematic. One councillor said that, "The municipality has its own plans and programmes, but is heavily dependent on funds from the national and provincial governments. The budget given to us by the province does not meet our targets. The budgets that are approved are often in conflict with what we have promised our people."[39]

Another respondent in Nelson Mandela Bay summarised the problem in the following words: "Province is slowing down the development process because the finances do not reach the municipality on time for the particular financial year. What is worse is that province provides but council answers [is answerable to] angry communities."

The system of intergovernmental relations is still in the process of being refined. Government's overarching objective is to decentralise most developmental functions to municipalities. However, this is a long and complex task, as the housing function well illustrates.

A great deal of decision-making (particularly on financial allocations) effectively takes place at provincial level, with little regard for municipal priorities. The IDP process is intended to harness national and provincial budgetary allocations for local priorities, but the process has thus far been fairly ineffective in making provincial

departments accountable to municipalities.

This issue straddles numerous governmental sectors. The most controversial are Health and Housing, but it also affects sectors such as Land Reform, Sport and Recreation, Arts and Culture, Economic Development and Agriculture. Ultimately, a process of careful analysis will be required for each sector, to determine which functions, contained in which pieces of legislation, should be performed at municipal level, and what level of financial support should be provided by national and provincial departments.

> **"Province is slowing down the development process … the finances do not reach the municipality on time"**

Many functions have already been 'informally' delegated to municipalities, without effective legal provision, or without adequate financial resources having been transferred. This is commonly referred to as the phenomenon of 'unfunded mandates'.

Unfunded mandates are often hidden within so-called 'funded mandates'. For example, the transfer of a capital grant for infrastructure may conceal the fact that onerous management effort needs to be undertaken by the recipient municipality, without this having been properly costed or remunerated. In this way, multiple capital grants to an under funded municipality may actually result in that municipality being worse off. It now needs to embark on many more management tasks, such as the

implementation of the capital project in question, or the subsequent maintenance of the contemplated infrastructure. Overheads in the form of senior staff time, front-line technicians, vehicles and supplementary machinery, have to be met by the local fiscus. This causes an ever more burdensome drain on the local budget, which, paradoxically enough, leads to a deterioration in technical maintenance and quality of amenity.

All municipal developmental functions need to be analysed and costed, using the principles of zero-sum budgeting, so that implicit functions are adequately accounted for by national and provincial and governments.

The lack of appropriate youth development

In many cases young people were at the forefront of the protests.[40] In fact, in some of the case studies, the protesters styled themselves as 'Concerned Youth Groups'.[41] The implications of the protests for the development of appropriate youth programmes have not been adequately thought through. There is an urgent need for effective youth development programmes at the local level. Such interventions should, *inter alia*, take into consideration that many young people are singularly ill-equipped for participating in a modern economy setting.

3.   Impacts of protest: Who got burnt by the cauldron?

Although the protests were not wholly negative, there were a number of destructive impacts.

Damage to public infrastructure

The impacts of the unrest were experienced, first and foremost, in terms of the destruction of public and private infrastructure. The burning (or attempt to do so) of vehicles, libraries and councillor housing, was a widespread feature of the protests.[42] The Khutsong upheavals had cost an estimated R70-million by April 2006.[43] Damage to private property alone was estimated at R5-million in Khutsong.[44] In other instances municipal equipment and buildings were either damaged or destroyed.[45]

> **There is an urgent need for effective youth development programmes at the local level.**

Declining service payments and a decrease in service delivery

The payment levels for services in Khutsong dropped from 50% prior to the unrest, to less than 20% by June 2006.[46] Payment levels to Eskom dropped from 87% to 43%, while there also appeared to be an increase in the number of illegal connections.[47] Pay-points in Khutsong were burnt down and the protests there resulted in municipal service delivery coming to a standstill.

Economic impacts

The economic impact of the protests varied from place to place. In most cases the economic impact on businesses in the predominantly black townships was more severe than in the traditionally white areas. The main reason for this

was that many of these areas were barricaded and nobody was allowed in.

Towards the close of 2005 Eskom was providing power to 126 SMMEs in Khutsong. By June 2006 they were providing electricity to only 35 of these enterprises.[48] Larger enterprises were also affected in that workers were not allowed to leave the townships. Business people in Hennenman estimated a daily loss to the economy of R250 000 as a result of the protests there. A further impact was that many of the protests degenerated into the looting of 'foreign-owned' shops.[49] There was evidence from Phomolong that local business people were instrumental in instigating such behaviour.

> **The protests degenerated into the looting of 'foreign-owned' shops… local business people were instrumental in instigating such behaviour**

Impacts on the education system

Education in Khutsong, Phomolong and Nelson Mandela Bay was seriously disrupted by the protests. In Khutsong there has been no schooling whatsoever since April 2007, this after school attendance in 2006 was also interrupted.[50] The headmaster of a school in Phomolong said that Grade 12 results had been improving since the early 2000s, but that the pass rate had dropped from 65% the previous year, to 59% in 2005 (this was at a time when the pass rate in the Free State had in fact increased from the previous year).[51] The headmaster attributed the decline in the pass rate to the time lost during the protests. In response to why the school governing body had allowed the children to join the protest, the headmaster said, "After the protests, we called [together] all the parents, the school governing body, and the councillor. The main purpose of this meeting was to try to come up with a plan that would prevent learners to take part in future protests. We are still trying to come up with a plan even now."[52]

In some of the conflict areas there were also allegations of teachers taking advantage of the protests to send children home – irrespective of orders to pupils to return to school.

4. Lessons learned and recommendations: How to turn down the heat?

This section briefly reflects on the lessons learned. The question is how to reduce the temperature of the cauldron of discontent. How can we ensure that we register a rise in the temperature before it is too late? Our analysis of the causes of the protests suggests several key interventions which could be applied by municipal or provincial governments to prevent renewed outbursts of anger:

- Improving the intergovernmental policy environment for housing delivery

- Strengthening the management of housing programmes at municipal level

- Enhancing financial management systems at municipal level

- Improving technical operations and maintenance systems at municipal level

- Sharing technical capacity amongst municipalities (district and local), to assist with the maintenance of infrastructure

- Boosting youth development programmes.

- Implementing efficient client interface and complaints management systems

- Strengthening the functioning of ward committees and the monitoring that these committees could perform

- Improving mechanisms to communicate budget allocations to various stakeholders in municipalities.

Evidence from municipal management, in the aftermath of the protests, points to some of these suggestions already having been implemented in order to address the situation:

- An increased emphasis on financial management aspects in at least two of the municipalities

- Implementation of a toll-free complaints number

- Mechanisms to improve client interface and complaint management systems

- Improved levels of participatory governance

- A renewed effort to have functional ward committees and to improve communication between residents and councillors

- Renewed efforts at improving basic services and the prioritisation of services and housing delivery

- Appointment of new officials and more competent managers.

Although the jury is still out on whether the above changes will make a difference or not, it remains to investigate what further lessons could be usefully derived.

Early warning signals

A number of points can be made concerning the importance of registering early warning signals. There are several institutions which ought to be able to detect early intimations of public frustration. Ward committees and ward councillors should be the first to detect public grievances. The National Intelligence Agency (NIA) should also be capable of discerning heightened public tensions regarding government service delivery and the police force should be aware of impending protests and threats to public order.

Our investigations suggest that early warning signals are unlikely to be picked up by the intelligence systems of the local police in township communities (Khutsong was the only locality where this happened). This is because, as the case studies revealed, communities are largely united around the problems and not even the SAPS personnel residing

within these communities are likely to volunteer this sort of intelligence information.

Given that key institutions might sometimes fail to recognize the harbingers of public disaffection, a number of other tell-tale signs should be monitored, as part of day-to-day municipal operations.

- High levels of non-payment, and ongoing municipal cash flow problems, could indicate that trouble is brewing. This can be determined by means of regular feedback between local and provincial governments.

- Another signal is the absence of regular ward committee meetings within a municipality. Record keeping in this respect is essential.

- Unceasing complaints around general service delivery, and more specifically housing related issues, are yet another indication that not all is well.

- Ongoing gripes about the roles of certain individuals within a specific community should set alarm bells ringing. Complaints about individuals should be taken seriously as the evidence from the case studies suggests that it is easier to manage emotions triggered by poor service delivery than it is to deal with passions aroused by the actions or demeanour of individuals who are out of favour.

One individual from Phomolong confirmed that pre-protest rallies and meetings should be read as early warning signals: "No community will wake up and suddenly decide to protest."

An alternative channel of warning signals is that provided by the deployment of Community Development Workers (CDWs). Although CDWs will never obviate the need to stay alert to other sources of intelligence, their ostensible 'embeddedness' within their communities, and their ongoing liaison with community representatives, makes them the ideal conduit for relaying intimations of brewing conflict. Such a role presupposes that CDWs function within the community as envisaged by the originators of the CDW concept and that they have not already been co-opted by councillors or special interest groups. CDWs can only be effective to the degree that they have not become part of the problem.

> ## "No community will wake up and suddenly decide to protest"

Use mediation to defuse the problem

There were a number of instances where sensitive mediation could have been used to address the main cause of a problem. Instead one found cabinet ministers reprimanding communities – as happened in Khutsong.[53] There is also evidence that incentives by way of increased budget allocations were held out to Khutsong residents, if only they would accept the contested redemarcation.[54] Another instance of poor handling of the situation was the use of a minister of religion to try and

placate the people of Phomolong. All that this achieved was to make the protesters even more furious. Said one of them: "Reverend Lekota also had prayer sessions at the local stadium, but we did not want him as we were dealing with community and not church issues. Rev. Lekota's presence further angered the residents. The situation became uncontrollable…"[55] The important lesson to be derived from these examples is that any attempt at mediation should be aligned with the main causes of the conflict if it is not to come across as patronizing and infuriating.

The need to deal with the actual root cause of the protests – the high level of frustration with government failure – must be addressed honestly, clearly and directly by provincial governments as well as political parties. It simply will not do to dismiss residents' grievances as inappropriate, or as arising out of misunderstandings. For mediation to be successful, the source of the grievances has to be identified and not wished away.

This is not to deny that municipalities may have good justifications for service delivery that is found wanting. Via a process of respectful mediation, community leaders could be presented with such information, so that they can arrive at a more balanced judgment of the situation. Mediation is essentially based on explaining conflicting parties' views to one another, so that a middle ground of mutual comprehension is created.

As yet, there has not been a case of successful mediation within the context of the township protests. This is an issue

which should be addressed by national and provincial governments.

The creation of skilled mediation teams could avert violent protests in the future. This can be tackled from more than one angle. At the local level, it is apparent that many politicians, senior officials, and even CDWs, could benefit from acquiring basic conflict management skills. At provincial level, some interviewees suggested that a small dedicated team (say, two to three people per province), able to facilitate mediation, might serve in defusing conflicts. Once such a team is in place, valuable institutional memory can be created to help deal with conflicts.

Institutionalise mediation

Effective mediation entails an improvement in the institutional mechanisms for listening and responding to residents. A range of instruments could assist in this regard - the effective use of ward committees; appropriate complaints management; feedback systems that work; and client satisfaction surveys. This should mean that complaints are remedied at a stage when they are still fairly manageable, instead of allowing them to fester to the point where public frustration becomes uncontrollable. All the same, institutional arrangements also need to be in place to deal with violent protests.

> **Effective mediation will also require an improvement in the institutional mechanisms for listening and responding to residents.**

Due to the political climate prevailing at the time, institutional mechanisms for conflict resolution were more prominent 15 years ago than is currently the case. Much could be learnt from the experiences of conflict resolution bodies such as the National Peace Secretariat (NPS), in 1994, and the Free State Centre for Citizenship Education and Conflict Resolution (CCECR) which functioned from 1998 to 2003.[56] Some of the lessons learned and suggestions made include the following:[57]

- By far the most incidents of conflict take place within the context of local governance. This includes structural, developmental and political conflicts which often lead to a paralysis of the structures of local government and delays, or total breakdowns, in service delivery.

- Conflict management bodies should be kept small, and tightly focussed, in order to be effective.

- The quality of the training given must be of the highest order.

- The *ad hoc* approach to addressing conflicts must be discouraged and be replaced by strong, well capacitated interventions.

- The utilisation of existing structures such as ward committees, and the promising new CDW initiative, could ensure that the wheel will not need to be reinvented, and that structures and initiatives already in place could be used to introduce conflict management mechanisms and disciplines at municipality level.

- A specialised conflict management desk could be established and housed in the office of the Member of the Executive Committee (MEC) or Head of Department (HOD) of the Department of Local Government and Housing (DLG&H). This need not entail a large deployment of resources as some of the managerial personnel are already involved in programmes supporting local government. This desk could consist of personnel tasked with the coordination of conflict resolution processes in the field, and with ensuring effective communication to decision makers in the upper echelons of the department.

- A dedicated conflict management team should be created at local government level. Ideally such a team should be small (about three people) and chosen from among community members who are acceptable to the community at large and who have demonstrated themselves to be capable of a large degree of impartiality. Such a team might consist of one elected councillor, one municipal official and a member of civil society residing within the community.

> **Institutional mechanisms for conflict resolution were more prominent 15 years ago than is currently the case.**

Experience has also shown that managing intra-party conflict between contending factions is not easy. Such factions tended to think that they did not

need external mediation as the party, even though in conflict with itself, would ultimately find a practicable solution to the conflict. In extreme cases the feuding factions within the party would even temporarily unite in an effort to keep the solution to the conflict 'in-house' – often leading to a prolongation of the feud in the process.

The role of the media

It was sometimes speculated that the presence of the media, and most especially television cameras, had the effect of artificially fuelling the protests. It seems as if playing up for the camera is an expression of the desire to 'become someone'. The media should arguably be more sensitive to their potential role in fanning the flames of these protests. Although the sensationalising nature of media coverage is a difficult area on which to make pronouncements, there *is* a great need for proper investigative journalism which can uncover the causes of the protests, and fairly convey all the protagonists' points of view.

Political or legal coercion does not minimise conflict

Two of the case studies showed that political coercion and legislative directions do not contribute to conflict resolution. In the case of Khutsong, the conflict was not alleviated by the redemarcation being confirmed by parliament.[58] Attempts in Phomolong to dampen the conflict by demanding legally sound evidence of the allegations against the councillor, proved fruitless. Although no such evidence could be produced this did nothing to quell the unrest. If anything, informing the community that there were no good

grounds for the allegations seems only to have aggravated the situation.

Understanding local in-migration patterns

Many IDPs and spatial development frameworks would benefit from a greater understanding of the factors informing new migration into the urban areas. Such an understanding could assist with planning, and ensure that enough land is made available in advance, as well as help with making provision for housing subsidies. Considering that the conflict between new and old residents on housing waiting lists was central in at least two of the case-study municipalities, a better understanding of migration trends would decidedly benefit spatial planning.

Rethink development approaches in small towns

Two of the case studies were derived from small towns, and CDE has already alluded to the pressures in these towns.[59] It needs to be more fully realized that many policies, some of them essentially good policies, nonetheless have negative impacts on small town environments. Small towns might also find it increasingly difficult to attract qualified municipal staff. The fact that the National Spatial Development Perspective (NSDP) designates some of these areas as being without much economic potential may also tend to reinforce a perception of regional inferiority, or purposive neglect, entertained by government. The more pressing problem in this regard is not so much the perceived lack of potential, as that very little is done to create the conditions conducive to these small

towns being able to realize what potential they do in fact possess.

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