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**The New Struggle:
Service delivery-related
unrest in South Africa**

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The New Struggle:

Service delivery-related unrest in South Africa

By

Lucius Botes
Molefi Lenka
Lochner Marais
Zacheus Matebesi (Dept of Sociology, UFS)
Kholisa Sigenu

With contributions from

Doreen Atkinson
Sempe Mosothoane (Sektor Consultants)

For

Centre for Development Support (IB 100)
University of the Free State
PO Box 339
Bloemfontein
9300
South Africa

www.ufs.ac.za/cds

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Contents

Municipal protest in Phomolong (Hennenman).....2

“Our government is playing Lotto with us – the people have had enough”: Service-related conflict in Nelson Mandela Bay (Port Elizabeth).....62

Municipal protest in Phomolong (Hennenman)

TABLE OF CONTENTS

1.	Introduction	5
2.	An overview of municipal unrest in the Free State	7
3.	Socio-economic profile of Matjhabeng and Phomolong (Hennenman)	8
3.1	Historical and geographical perspective	8
3.2	Economic growth and economic potential	8
3.3	The Human Development Index (HDI)	12
3.4	Demographic change.....	12
3.5	Indicators in respect of infrastructure	14
3.6	The Matjhabeng IDP	15
4.	The narrative tale of the unrest in Phomolong	16
4.1	Prior to the protest.....	16
4.2	A description of the protest	17
4.3	An overview of the grievances of the protesters	20
4.3.1	Allegations against Councillor Tshabangu.....	20
4.3.2	Service delivery issues	22
4.3.3	Issues about housing delivery	23
4.3.4	Issues of economic development and employment.....	23
4.3.5	Regional identity	24
4.3.6	Ward committees	24
4.3.7	IDP processes.....	25
4.3.8	Differing perspectives in Phomolong.....	25
4.4	Reaction of provincial government.....	25
4.5	Reactions from opposition parties	26
4.6	Reaction of the South African Police Service (SAPS)	27
4.7	Impacts of the unrest	29
4.8	Descriptions of the protesters	31
4.9	Early warning signals.....	31
4.10	The lack of mediation	31
4.11	The role of the media	32
5.	Assessing the reasons for the unrest in Phomolong	33
5.1	The role of Councillor Tshabangu	33
5.2	Concerns around housing delivery	35
5.3	Overall service delivery at the time of the protest	38
5.4	Intergovernmental relations.....	41
5.5	Political power plays.....	42
5.6	Communication and managing ward committees.....	42
5.7	Unfulfilled promises	44
5.8	How leaders reacted.....	44
5.9	Economic participation and youth issues	45
5.10	Regional identity.....	45
5.11	Complaint management systems	47
5.12	Client interface	47
5.13	Billing and accounting	48

6.	The consequences of the protest.....	49
6.1	Improvement in payment rates and the financial situation	49
6.2	Restraint with respect to salaries	49
6.3	Improved service delivery	49
6.4	New elections	51
6.5	Preventing future protest	51
7.	Conclusion	53
	References.....	54

1. Introduction

A series of local protests (also commonly referred to as service-related protests) erupted in a number of municipalities in South Africa during 2004 and 2005. Some of these disruptions continued into 2006, with renewed protests occurring in 2007.¹ The Free State was the province with the largest number of municipalities where unrest occurred, although protest action in North West Province also became significant in early 2007.

One of the protests that turned violent took place in Phomolong near Hennenman on the Free State Goldfields early in 2005. This report aims to analyse the protests in Phomolong.² The case study is one in a series of four.³ The analysis is also conducted in the light of a brief overview of the generalised protest that featured in the Free State during 2004 and 2005.

After contextualising the protests within the Free State, the paper provides a socio-economic profile of Matjhabeng, and more specifically of Phomolong, so as to inform the events that marked the Phomolong protests.

Media reports were used in constructing a timeline of the events. In addition, the protest memorandum handed to the Matjhabeng Council is analysed in depth, while the impact of the protests and the reactions of the various role players are also assessed.

After reconstructing the narrative course of the protest, the report reflects on the role of various factors in fomenting the unrest. Finally, the report attempts to determine what has since changed in respect of service delivery, and government public relations.

The three main reasons for the protests should be stated at the outset:

- Firstly, there is a group of people who claim that the protest was directed against one specific councillor – Councillor Tshabangu. There is no unanimity concerning the allegations made against this councillor however, and some of the interviewees maintained that he did nothing wrong. In fact, very little hard evidence of misdemeanor could be found. These individuals also felt that the allegations were nothing more than a ploy to get rid of Councillor Tshabangu and that the protesters were envious of him.

For their part however, the protesters were of the opinion that the councillor had lost touch with the community and that he was corrupt.⁴ The gist of these allegations was confirmed during the focus-group interviews in Phomolong. As it so happened, many of the protesters were in fact former allies of Councillor Tshabangu.

- A second group of people suggested that the protests had not only been against Tshabangu, but also arose due to problems with service delivery. This view had it that Tshabangu had stood in the way of service delivery, and that because he proved to be unapproachable, the protesters had had no other mechanism to voice their anger.

The fact that protests had also occurred elsewhere, certainly suggests that service-related problems were central to the disruptions. That these particular protests turned violent however, might indicate that there was also a personal animus, or an orchestrated vendetta, against Councillor Tshabangu.

- A third factor, which is sometimes overlooked, points to the part played by the youth in the disturbances. Many young people see protest as the only way to release their

anger about their low levels of skills, and their inability to participate in the modern economy.

The line of argument presented in this report is that none of these three aspects can be singled out as providing the sole reason for the protest. Rather, we suggest that the interplay between these factors should be carefully analysed.

Our interviews also suggested that a number of other related issues should be considered as having played subsidiary roles in contributing to the general upheaval.

Methodologically, this report is based on three interlinked approaches:

- First, an extensive media and literature scan was conducted. Although most of the media reports were relatively superficial, focused as they were on the narrative of the unrest without any real background analysis, they proved to be pivotal in piecing together the chronology of events, as they unfolded in Phomolong.

As regards academic research papers concerning the protests, very little is available. This is despite the growing number of papers on post-apartheid social movements in South Africa.⁵ There is however some research work available that relates to protests that occurred in Phumelela and Khutsong, as well as in KwaZulu-Natal.⁶ Atkinson has published a scholarly assessment of the 2004 and 2005 local uprisings in South Africa.⁷

- The second methodological dimension of the study involved face-to-face interviews. These interviews were conducted with community leaders; councillors; ex-councillors; protest leaders; business people; officials (both provincial and local); and the police. About 20 individual interviews were conducted.
- The third methodological tool was a series of focus group meetings held with the Phomolong community. Two of these meetings were conducted with the leaders of the protests. Three focus group meetings were also held with ordinary citizens who had not participated in the protests. Focus groups generally consisted of from five to 12 participants. In all, approximately 50 people were interviewed in this way.

In addition to the main methodological approaches, three further activities should be mentioned. The research process started off with a workshop in Matjhabeng, Welkom. The aim of this workshop was to inform the relevant role players about the research.

The workshop also afforded local role players an opportunity to influence the main methodological approaches. At the end of the research effort, a termination workshop was also conducted. On this occasion the findings of the research were shared with those present. Stakeholders also had the chance to challenge the findings of the research team. Finally, two external reviewers were engaged to evaluate the research reports. Comments and suggestions received from these reviewers were incorporated, where appropriate, into the final report.

2. An overview of municipal unrest in the Free State

The *Sunday Independent* describes 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”.⁸

The *Weekend Argus* in portraying the atmosphere of grievance said: “Just a decade after the streets were burning, analysts are seeing evidence of a new season of symptoms of exclusion and frustration”.⁹ Atkinson concurs with the media’s observations 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.*¹⁰

In the light of the foregoing comments, two questions need to be answered: Why the Free State? And, following on from that, what lay behind the protests in Phomolong?

The Free State protests first erupted in Harrismith, in the Maluti-a-Phofung Local Municipality. In September 2004, about 4500 protesters barricaded the N3 highway and clashed with the police.¹¹ Their concerns were the usual ones of poor service delivery and included issues such as the lack of free basic electricity, and municipal corruption.

Atkinson, however, also relates the protest to the fact that most of the state funding accorded to the Integrated Sustainable Rural Development Programme (ISRDP), had been allocated to the former homeland area, QwaQwa, which lies within the municipality.¹² People in Harrismith felt ignored and excluded in the light of the large amount of funding channeled to QwaQwa.

The protest in Harrismith left one person dead, following a clash with the police, and there was large-scale damage to buildings and infrastructure. The protests soon spread to the Phumelela Municipality (Vrede, Warden and Memel).¹³

Many of the selfsame service-delivery issues were raised in Phumelela, whilst the white community also joined the protest.¹⁴ Service provision in Phumelela came to a virtual standstill due to an institutional lack of financial and technical expertise coupled with a dearth of proper customer management systems and political in-fighting within the ruling party.

Other Free State municipalities in which serious protests were reported were Mafube (Frankfort), Nala (Bothaville), Mantsopa (Ladybrand), Dihlabeng (Bethlehem and Clarens) and Matjhabeng (specifically Phomolong near Hennenman).¹⁵

These eight municipalities accounted for 40 per cent of the total number of municipalities in the Free State. Although similar protests were also experienced in other parts of the country, the scale of the Free State protests was such as to make them especially significant.

The ostensible reasons for the protests included general concerns about service delivery, nepotism, corruption, and the slow delivery of housing. These were the pretexts for the disturbances commonly cited in the media. But underpinning these were far more complex factors which need to be examined. This is precisely the aim of this case study of unrest in Phomolong.

3. Socio-economic profile of Matjhabeng and Phomolong (Hennenman)

This section poses the question whether there were any structural reasons for the conflict that erupted in Phomolong or, for that matter, in Matjhabeng Municipality. The analysis focuses on two aspects:

- Basic trends in respect of socio-economic conditions
- How Matjhabeng compares with the Free State and, more specifically, Phomolong relative to conditions pertaining within Matjhabeng.

3.1 Historical and geographical perspective

Matjhabeng Municipality consists of six towns and the commercial farming and mining areas surrounding them. The towns are Odendaalsrus, Welkom, Virginia, Allanridge, Hennenman and Ventersburg (see Figure 1). Odendaalsrus was the first town in the area and was established in 1912. Welkom, Virginia and Allanridge all developed after 1945 as a result of the gold mine industry.¹⁶ Hennenman is a small town established in 1927. It was declared a municipality in 1947 as a result of the discovery of gold.¹⁷

The 1950s to the late 1980s saw the Matjhabeng area experiencing rapid growth. However, as we shall see, gold lost its glitter in the early 1990s - with serious economic and social consequences for Matjhabeng.¹⁸

The protests in Matjhabeng broke out in Phomolong, a largely black suburb of Hennenman. It should be noted, however, that consonant with apartheid planning, Phomolong is located some six kilometres from Hennenman itself. Although Hennenman can be classified as a small town, its historical link with the Free State goldfields has resulted in its often being regarded as part of the Free State Goldfields urban cluster.¹⁹

3.2 Economic growth and economic potential

The economy of Matjhabeng has experienced severe stress over the past 15 years. Its economic decline was precipitated by a marked deterioration of prospects for the mining industry.²⁰ Compared with 18 other secondary urban areas in South Africa, comparable in size, the Free State Goldfields reflected the poorest performance in respect of economic growth; the second poorest performance as to the growth of formal employment; the worst ranking in terms of people living in poverty; and a per capita income that was considerably lower than that of comparable urban areas in South Africa.²¹

Yet compared with urban areas in the Free State, the situation in Matjhabeng is less alarming. The proportions of people living in poverty are lower than the Free State average, and the municipality contributes approximately 15 per cent of the Free State's economic output.²² What makes the economic decline in Matjhabeng worrisome though is how very accelerated the decline has been. It should of course be borne in mind that the relatively lacklustre performance of the Free State economy is directly related to the slowing down of the gold mining industry in the Free State Goldfields.²³ The mining sector decline can be attributed to:²⁴

- The drop in the gold price the late 1980s
- The depletion of gold reserves and the fact that, given the low gold price, it became too expensive to mine what reserves remained
- South Africa's entering the global economy. This changed the nature of mining as a greater degree of mechanisation became necessary with mining houses concentrating more exclusively on their core businesses in pursuit of global competitiveness, and in the perceived interests of shareholder satisfaction.

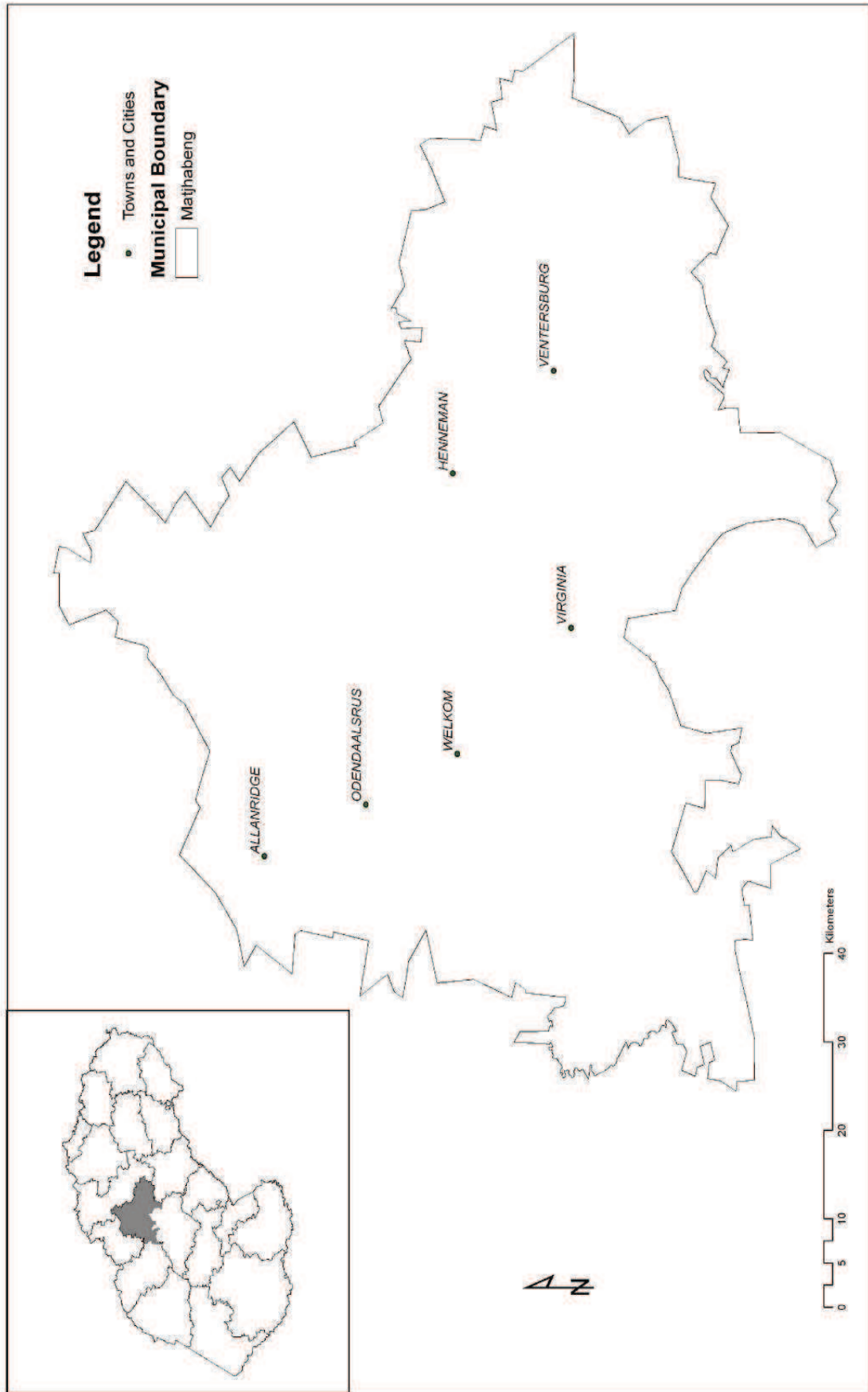
Within this context, three areas will be examined in more detail in this section:

- An overview of Matjhabeng's economic growth is provided for the last decade
- An analysis of the economy in Hennenman and Phomolong is provided
- Matjhabeng's economic potential is assessed in terms of the criteria of the National Spatial Development Perspective (NSDP). The profile of economic growth is reflected below in Table 1.

TABLE 1: A sectoral overview of the Matjhabeng economy, 1996 – 2004 (constant prices 2000 = R1000)²⁵

Industry	1996	2000	2004	Compound Annual Growth Rate 1996 - 2004	Contributing % 1996	Contributing % 2004
1 Agriculture	104,338	107,317	109,917	0.65%	1.2%	1.6%
2 Mining	4,680,381	2,933,941	2,364,760	-8.18%	52.2%	34.7%
3 Manufacturing	443,198	406,358	373,404	-2.12%	4.9%	5.5%
4 Electricity	123,954	86,128	71,008	-6.73%	1.4%	1.0%
5 Construction	153,265	101,793	112,282	-3.81%	1.7%	1.6%
6 Trade	936,035	889,748	997,564	0.80%	10.4%	14.6%
7 Transport	530,800	568,247	603,122	1.61%	5.9%	8.9%
8 Finance	638,999	669,400	715,961	1.43%	7.1%	10.5%
9 Community services	1,357,591	1,395,357	1,464,052	0.95%	15.1%	21.5%
Total Industries	8,968,560	7,158,289	6,812,069	-3.38%	100%	100%
Taxes less subsidies on products	543,182	457,065	478,562			
Total (Gross Domestic Product – GDP)	9,511,741	7,615,355	7,290,631			

Figure 1: Geographical overview of Matjhabeng



The following should be noted in respect of the statistics shown in Table 1:

- The economy of the municipal areas has experienced a torrid time during the past decade. The above table shows that the economy declined by 3.38 per cent per annum between 1996 and 2004.
- The faltering of the economy can be related mainly to the extraordinary shrinking of the mining sector. This contraction stood at more than eight per cent per annum for the period from 1996 to 2004. In 1996 mining accounted for some 52 per cent of the economy. By 2004, this sector's contribution had fallen to just below 35 per cent.
- The decline in the mining industry had serious impacts on other sectors of the economy. Manufacturing, for example, declined by two per cent per annum due to the drop in demand from the mining houses. The impacts are also evident in the declining economic growth rates for Construction and Electricity.
- Although the economy shrank due to the contraction of the mining sector, the decline in this sector did at least result in a more balanced economy (and possibly a more diverse one) as the dominance of mining was eroded. Despite a decrease in the growth rate of manufacturing, its proportional contribution increased from 4.9 per cent in 1996, to 5.5 per cent in 2004.
- Historically, the Matjhabeng area, specifically Welkom, was neglected in terms of decentralised government services. The contribution of the Community Services sector is still well below the Free State average²⁶ although there was a considerable increase between 1996 and 2004.

Having provided an overview of Matjhabeng, we now focus on an assessment of the economy in Hennenman and Phomolong. This assessment compares the economies of Hennenman / Phomolong with Matjhabeng (see Table 2).

TABLE 2: A comparison of economic growth per sector and the proportional share per sector in Matjhabeng and Hennenman, 2004²⁷

Sector	Economic growth per annum (%)		Proportional share per sector of the economy (%)	
	Hennenman	Matjhabeng	Hennenman	Matjhabeng
Agriculture	0.79	0.65	3.28	1.70
Mining	-8.18	-8.18	21.09	34.70
Manufacturing	-4.22	-2.12	11.23	5.50
Electricity	-6.59	-6.73	0.85	1.00
Construction	-4.86	-3.81	1.38	1.60
Trade	-0.48	0.80	12.87	14.60
Transport	-0.98	1.61	8.97	8.90
Finance	-0.02	-1.43	9.27	10.50
Community services	0.62	0.95	31.06	21.50
Total GDP	-2.86	-3.38	100.00	100.00

Overall, the same trends are visible in Hennenman as in Matjhabeng. The main difference, which should be noted, is the fact that the mining sector contributed a rather smaller percentage to the economy of Hennenman than to that of Matjhabeng.

Hennenman's economy was also slightly more evenly balanced than the Matjhabeng economy as a whole. The decline in mining was the same in both areas. Noteworthy too is the fact that the overall decline in the economy of Hennenman was approximately 0.5 per cent less than that of Matjhabeng.

With Hennenman having been less dependent on mining, the impact of the mining sector's decline was arguably of slightly less significance for Hennenman. Finally, it should be noted that the proportional share of the manufacturing sector in Hennenman was significantly larger than that for Matjhabeng.

The Free State Growth and Development Strategy (FSGDS) assessed the Free State spatial economy in terms of economic potential.²⁸ Although a number of serious methodological and conceptual reservations concerning this assessment could be raised,²⁹ the methodology does nonetheless provide a fairly good overview of the comparative levels of economic activity for the various urban settlements, as well as for the various local municipalities in the Free State.

According to the FSGDS assessment, Matjhabeng, within the Free State context, shows above-average potential while Welkom reflects high potential.³⁰ But according to the NSDP there are only three areas in the Free State with demonstrable potential, namely those centred on Bloemfontein, Harrismith and Kroonstad.³¹ Perhaps, to reconcile these differences in perception and taking into account the methodologies used, it would be fair to say that the demonstrable economic potential of Welkom and Matjhabeng is in decline.

In conclusion it must be pointed out that Matjhabeng, and Welkom specifically, have received very little support from provincial and national government by way of reversing their deteriorating economic circumstances.³² In fact, government reaction in respect of decline in the mining areas has been virtually non-existent.³³ At the same time, it also seems that the potential for the private and the public sectors coming together to address the situation has been scuppered by mutual suspicion and prejudice.³⁴

3.3 The Human Development Index (HDI)

The HDI is an index which measures human development by means of a combination of levels of educational attainment, income and life expectancy. The nearer the rating is to one, the higher the level of human development. The HDI for Hennenman and Matjhabeng is identical (0.52).³⁵ This is marginally higher than HDI for the Free State as a whole.

3.4 Demographic change

The demographic profile provided below focuses only on Hennenman and more specifically on the changes in Phomolong itself. Demographic trends in Hennenman and Phomolong largely mirror the dominant trends to be found in the rest of the Free State.³⁶ (See Table 3).

TABLE 3: Demographic change in the Hennenman magisterial District, 1980 - 2001³⁷

Year	Total	Urban	Rural	Growth p.a. (Total)	Growth p.a. (Urban)
1980	20 532	8 796	11 736	n.a.	n.a.
1991	25 157	12 727	12 430	1.86	3.42
1996	26 855	22 756	4 099	0.60	5.42
2001	23 353	21 488	1 865	-1.26	-0.52

Although a detailed discussion of Matjhabeng's Integrated Development Plan (IDP) follows in the next section, it is important at this stage to note that neither the initial IDP,³⁸ nor even the revamped IDP,³⁹ uses demographic trends to determine future tendencies.

The initial IDP provides evidence of how the population has grown, but does not attempt to develop future scenarios. In line with the main trends in the Free State, and specifically the Free State Goldfields, the following concluding comments are apposite:⁴⁰

- Between 1980 and 1996, there was a decided increase in the population of the magisterial district, more specifically in terms of the urban population. The urban population increased by nearly 5.5 per cent per annum between 1991 and 1996, while the rural population decreased from well over 12 000 in 1991 to fewer than 2000 in 2001. This can be attributed to the abandonment of the policy of orderly urbanisation in the early 1990s, and also the abolition of influx control in the mid-1980s.

At the same time that these trends were occurring, legislation such as the Extension of Security of Tenure Act (ESTA), which was intended to result in greater security of tenure for farm workers, was passed. In point of fact, ESTA was instrumental in precipitating increased migration from farms to urban areas. This was due to a rash of evictions, especially in anticipation of the legislation. Evictions continued once ESTA was in place, and only some of these were in compliance with the new legislation.⁴¹

- The figures for the 1996 to 2001 period show a decline in the total population, as well as in the urban population. This trend was caused by the massive contraction in mining employment as mines began to close down, or rationalise their staffing complements.

Overall, the figures suggest that the mid-1990s saw increasing pressure on urban areas to provide planned stands, services and housing. This was a phenomenon that most municipalities struggled to come to terms with.

Although, on the face of it, there was a decrease in pressure due to the reduction in overall population, this did not necessarily translate into any decrease in pressure in terms of the number of households to be provided for.

A comparison of household size between the 1996 and 2001 censuses shows that the average household size became much smaller.⁴² The consequence was that the declining population was offset by an increased demand for serviced erven, as the number of households increased.

3.5 Indicators in respect of infrastructure

With many of the social protests in the Free State being simplistically related to service delivery, a detailing of levels of access to basic services affords one a snapshot of the status quo vis-à-vis infrastructure provision. Such an assessment needs however to be complemented by a more comprehensive analysis of progress made, especially as pertaining to the delivery of housing infrastructure.

Table 4 provides an overview of the changing situation:

TABLE 4: Infrastructure levels in Hennenman and Matjhabeng, 1996 and 2001⁴³

Infrastructure access levels	Hennenman / Phomolong		Matjhabeng
	1996	2001	2001
Water inside dwelling (%)	30.6	25.3	25.9
Water access inside yard but not in the house (%)	63.3	55	45.5
Water access by means of public tap (%)	3.4	13.4	23.8
Water access by means of public tap (further than 200m) (%)	n.a.*	9.2	13.9
Sanitation by means of a flush toilet	27.1	50.3	63.1
Sanitation by means of pit latrine (%)	10.6	13.4	11
Sanitation by means of pit latrine (not ventilated) (%)	n.a.*	12.6	10.2
Sanitation by means of bucket system (%)	60.1	28.6	16.2
No sanitation system (%)	1.9	3.5	9.2
Without electricity (%)	32.2	22.8	20.3
Informal housing units (%)	41.3	28.6	13.2

* Not available according to the 1996 census

The picture portrayed above presents a mixed bag regarding progress made with service delivery. It is almost impossible to derive any conclusive assessment as to whether Hennenman/Phomolong was worse off than Matjhabeng. Table 4 reveals that:

- In terms of access to potable water, there appears to have been a decrease in the percentage proportion of households accessing water on their stands, or within their houses, in Hennenman/Phomolong between 1996 and 2001. This was accompanied by an increase in the percentage of people accessing water by means of a public tap. This is probably an indication of an increase in the percentage of people residing in informal settlements and tends to confirm the aforementioned contention that the stabilisation of population figures does not necessarily translate into any reduction of the pressure for household services, or for land.
- When one compares access to water in Hennenman/Phomolong with that in Matjhabeng, a couple of points stand out. The percentage of households with access to water on their stands is considerably higher in Hennenman/Phomolong (55%) than in Matjhabeng (45%). Again, when water access by means of a public standpipe is compared, the percentage of people using a public tap in Matjhabeng (23.8%) is significantly higher than the percentage in Hennenman/Phomolong (13.4%). This suggests that there are comparatively more unserviced stands in Matjhabeng as whole than in Phomolong.
- The figures also present a significant decrease in the number of people utilising the bucket sanitation system between 1996 and 2001. However, the percentage of people using a pit toilet, or without any sanitation at all, increased significantly for the period

under consideration. This might once again be an indication of the proliferation of informal settlements.

- When comparing Matjhabeng and Hennenman/Phomolong's sanitation provision, the figures reveal that the bucket system is significantly more prevalent in Phomolong than in Matjhabeng as a whole. But the percentage of people without any sanitation in Matjhabeng is a good deal higher than in the case of Phomolong considered in isolation. This could once again be attributable to a greater degree of land pressure resulting from more informal settlements in the rest of Matjhabeng.
- There was a marked increase in the percentage of people with access to electricity. (see Table 4)
- The percentage of people residing in informal housing units declined in Hennenman/Phomolong between 1996 and 2001. This can probably be attributed to the housing-delivery process that occurred in Phomolong. Despite this improvement it should not be lost sight of that the percentage of people residing in informal housing units in Hennenman/Phomolong is clearly higher than that for Matjhabeng as a whole.

Overall, there is no clear indication that the situation in Hennenman/Phomolong was so very different from that which prevailed in Matjhabeng taken as a whole – an aspect extensively belaboured by the protesters, and on which comment will later be made.

3.6 The Matjhabeng IDP

The 2001 Matjhabeng IDP was, to a large degree, an integrated synthesis of the IDPs of the Transitional Local Councils (TLCs) that were amalgamated to form Matjhabeng. The following development priorities were identified in this IDP:

- Debt recovery
- Water below RDP standard
- Physical and supportive infrastructure for development
- Upgrading of infrastructure
- Loss control for water and electricity
- Water metering
- Maintenance of infrastructure, equipment and vehicles
- Prepaid meter systems
- Restructuring of the Development Service Centre
- Right-sizing of the municipal organisation

A number of points need to be made in respect of the 2001 IDP. In the first instance, priority issues were not translated into tangible objectives. This makes any evaluation extremely difficult. Second, as we shall argue later, the fact that debt recovery was identified as the top priority did not entail that the issue was in point of fact properly addressed. Matjhabeng has one of the highest levels of municipal debt per household in the Free State.⁴⁴ This raises the question of how something can be identified as a pressing priority and yet not find expression in effective operational procedures. Have IDPs become mere ends in themselves? Are they 'dead' documents that are formulated merely to comply with legislative requirements, but without their having any practical import?⁴⁵

Thirdly, the IDP's emphasis, in both its analytical and its strategic objectives components, is on ensuring a greater degree of access to services. This, in and of itself, is as it should be, and

is a definite requirement. The problem is that such a vision needs to go hand in hand with financial viability, and also need to find expression in these services being efficiently provided.

Tellingly enough, while the 2001 IDP identifies one of the municipal strengths as being its ability to maintain its existing infrastructure, it simultaneously earmarks finances as a major weakness. In the light of debt recovery also having been flagged as a top priority, it seems that there exists the tacit acknowledgement that, while the municipality may have the technical skills to carry out operations and maintenance, it cannot generate sufficient operating capital to do so.

Although the new draft IDP of 2007 reveals that many of the priority areas remain to be decisively dealt with, some comments are in order. First, there seems to be an increased awareness of the municipality's parlous financial situation. Second, there is some overt acknowledgement that improvements are called for in the municipality's communications with its citizenry. Third, the new IDP's programme of action reflects the itemising of projects per area in Matjhabeng. This is something that should help ensure a greater degree of transparency regarding the allocation of resources within the municipality.

In conclusion, it seems that the problems were not due to any lack of strategic planning. Problematic elements (with the understandable exception of the personal vendetta against councillor Tshabangu) were timeously identified in the IDPs.

Unfortunately however, the readiness with which problems were identified did not find its counterpart in the speed with which appropriate solutions were implemented. These technical issues will be discussed in more detail later.

4. The narrative tale of the unrest in Phomolong

This section commences with a description of the environment in which the main protests of February 2005 occurred. It then proceeds to outline the narrative course of events as gleaned from a scan of newspaper articles. These media reports were found to be the most reliable sources for reconstructing the history of the 2005 protests. The narration is followed by a consideration of the manner in which various role players reacted, as well as an account of the socio-economic impact of the protests.

4.1 Prior to the protest

Interviewees among the protesters, and ex-councillors, both asserted that in order to really understand the protests, one needed to take cognizance of a number of contributing factors that were in play prior to the outbreak of demonstrations.

The protesters said that they had sensed they were being neglected by the Matjhabeng Council around 2003. A number of letters were submitted to the council but, according to the protesters, the content of these was ignored. In the words of one of the leaders, "Later in 2004 we approached Council several times, but they wouldn't listen".

The question of responding to early warning signals is addressed in more detail later in the report, but for the moment it is important to note that the unrest did not erupt 'out of the blue' so to speak.

One interviewee, a councillor on the previous Matjhabeng Council, made the point that the protests did not start in Phomolong. A number of demonstrations had occurred in late 2004 and early 2005 in Odendaalsrus (Kutlwanong) and Virginia (Meloding), before the upheavals in Phomolong. The following reasons were provided for these initial protest actions:

- The mines were not appointing enough local people. The preference for appointment of Lesotho citizens was a bone of contention.
- There were complaints about municipal tenders for work in these areas being awarded to outsiders.
- The continued prevalence of the sanitation bucket system caused dissatisfaction.
- Serious complaints about the housing-delivery processes were voiced.
- Finally, the people were aggrieved that they did not receive information about what the intentions of the municipality were for their areas.

In Odendaalsrus and Virginia the municipality was able to respond adequately to these concerns and no violent protests ensued. But, as one interviewee (a prominent councillor) commented, “something strange” occurred during these protests. One of the protesters said to him that the protesters had been advised not to negotiate with him. The councillor’s take on this was that the protests had been orchestrated to get rid of him. He interpreted this as indicating that the protests were not in fact aimed at the municipality but at him in his personal capacity.

Three points, which are discussed at greater length later in the report, should be made at this juncture:

- Firstly, it is evident that there was a historical build-up to the protest.
- Secondly, a number of interviewees claimed that the successful management of the protests in the other parts of Matjhabeng, but not in Phomolong, proved that the protest was aimed at Councillor Tshabangu in person, arising out of how he was perceived within the Phomolong community.

We are inclined to agree that much of the protest was directed at Councillor Tshabangu, and also feel that the community’s concerns that service delivery was hampered by the ‘attitude’ of the councillor in question were not entirely without substance.

- Thirdly, it appeared as if the protests might also have been used by elements in the ANC to reflect negatively on their opponents within the party.

4.2 A description of the protest

The unrest in Phomolong started on Friday, 4 February 2005.⁴⁶ Protesters brandishing toilet buckets and banners, and armed with pipes and sticks, sang protest songs and blocked the streets in Phomolong. This was not a legal protest march.⁴⁷ In the words of one of the protesters, “We blocked the roads, not allowing anyone free movement into or out of Phomolong”.

Mr. Serake Leeuw, who was the Executive Mayor at the time, was asked to address the protesters. But the loud singing of the protesters prevented his being heard. The media reported that the protesters were not satisfied with the answers to their concerns provided by the Mayor.⁴⁸

However, one interviewee claimed that the mayor did in fact succeed in responding to the service-delivery issues raised by the protesters – and this to their satisfaction except on one count. When the protesters were informed that the municipal council could not suspend Councillor Tshabangu without due procedure being adhered to, “all hell broke out” apparently. The mayor then decided to quit the area and his car was stoned.

The police felt obliged to intervene and the protesters were dispersed by means of rubber bullets. The police confirmed that fifteen shots were fired.⁴⁹ According to press reports, a child was injured and one man was shot above the eye.⁵⁰ Significantly, during the focus group meetings, many people in Phomolong recalled the incident as having involved an injured child.

The police were roundly criticised by the protest leaders. It was alleged that the protesters had declared “war” on the police⁵¹ (an evaluation of the role of the police force is discussed in more detail later in the report). Later that afternoon, a further gathering formed to discuss the police action. Also, in the aftermath of the disrupted meeting, Councillor Tshabangu’s house was bombarded with stones.

Apart from the actual protest action, people working in Hennenman, and elsewhere in Matjhabeng, were prohibited from going to work. This was confirmed as being part of the protesters’ strategy. According to interviewees, outsiders who worked in Phomolong, such as teachers, could not gain access to the schools.

The mayor said to the media that the protests were unjustified. He claimed that progress had been made in the provision of waterborne sanitation, and that poor people had been provided with electricity coupons.⁵² The figures discussed earlier in this report appear to bear this out.

Friday’s protest was followed by a mass meeting, two days later on the Sunday.⁵³ The police were not allowed to attend this meeting.⁵⁴ On Monday, 7 February 2005, protesters threatened that, if their demands were not met, they would barricade the N1 highway at Ventersburg.

The next day the protesters regrouped and threatened to go ahead with their plan to block the N1.⁵⁵ Their main demand was that someone from the provincial government should address their concerns as they were unhappy with the responses given by the mayor on the previous Friday.

ANC Secretary General, Mr. Pat Matosa, arrived at midday to address the protesters. He promised that their concerns, amongst which were the problems attributed to Councillor Tshabangu, would be addressed as a matter of urgency. He also undertook to arrange for the ANC leader in the Free State, as well as the provincial premier Ms Beatrice Marshoff, to address them about their grievances.⁵⁶

Workers continued to be prevented from going to work, and the schools remained closed. There were also signs that people were being intimidated into joining the protests. One focus group participant recalled that: “Many people decided to remain indoors, because of the high level of intimidation. Some people were forced to join the protesters.”

Meanwhile, the ANC Executive in the Northern Free State was requested to attend a meeting in Welkom. Another meeting that “took hours” was held at the mayor’s office on 9 February 2005.⁵⁷ It was attended by the MEC for Local Government and Housing Mr. Benny

Khotsoane, the Executive Mayor Mr. Serake Leeuw, Mr. Ace Magashule the ANC leader in the province, Mr. Pat Matosa who was the secretary of the ANC in the Free State, and Ms Mathabo Mokabo Executive Mayor of the district municipality.⁵⁸

At this particular meeting, the residents of Phomolong were addressed by a number of the aforementioned delegates. Unfortunately the meeting turned sour - resurgent unrest was triggered when the people were told that there was no concrete proof of the corruption charges laid at the door of Councillor Tshabangu, and that he would therefore not be resigning his position.⁵⁹

The fact that the concerns about Councillor Tshabangu repeatedly led to renewed unrest, when the issue of his tenure was broached at these meetings, is indicative of the importance the protesters evidently attached to working him out of office.

Once the mass meeting, alluded to above, threatened to turn nasty, the gates of the sports centre where it was being held were closed to prevent people from leaving. The delegates were escorted out of Phomolong by the police.⁶⁰ Media reports said that stones had been thrown at the officials though nobody was injured.

Mr. Thabo Sethunya, one of the protest leaders, said that those who had left under police guard had forfeited any claims on the people's loyalties, and were not their leaders.⁶¹ The provincial government requested the mayor to probe the doings of Mr. Tshabangu.⁶²

Concurrently, some of the protests spilled over to neighbouring Ventersburg, where a shop was vandalised and where damage of more than R200 000 was reported in the township of Mmamahabane.⁶³ Meanwhile, media reports had it that, as of 11 February, the situation in Phomolong was extremely tense.

Over the weekend of 12 and 13 February 2005, the situation was reported to be calm however.⁶⁴ One of the reasons for the calm seems to have been the promise that the Free State Premier would address the residents.⁶⁵

On Tuesday 15 February 2005, a renewed wave of protest hit Phomolong.⁶⁶ This was triggered by the fact that the premier had visited Mmamahabane on the Monday but had neglected to come to Phomolong.⁶⁷ One of the protesters explained the subsequent reaction as follows:

The community really got angry when they heard that the Premier visited Ventersburg after the community there burned down the businesses of foreigners. We then decided that if that strategy worked for the community of Ventersburg, it would also work for us. We decided to destroy the businesses of the local Indians.

One respondent intimated that this somewhat racist resolution, calling for the looting of Indians' enterprises, was instigated by local businessmen who found themselves in competition with the Indians.

Already by the Monday evening, on the 14 February after the premier's non-appearance, children had begun barricading the entrance to Phomolong. The next day the looting of shops began. One shop was robbed of more than R10 000's worth of stock while damage to the tune of R25 000 was caused to a private vehicle.⁶⁸

All five schools were closed on the Tuesday and the Wednesday.⁶⁹ A proposed meeting between the police, and the community leaders who had participated in the protest, failed to materialise. Nineteen youths were arrested for public violence.⁷⁰ A 15-year-old girl was

treated for a rubber bullet wound.⁷¹ The police denied allegations that seven people had been hospitalised for rubber bullet wounds.⁷²

It was reported in the media that the MEC for Local Government felt that good progress had been made at a meeting on the Tuesday evening of 15 February 2005.⁷³ Task teams were appointed to improve the delivery of services.⁷⁴ The task teams were given three weeks to investigate the situation.⁷⁵

As a consequence of the protest a policeman on duty died of a heart attack.⁷⁶ By Wednesday the police presence had been strengthened with reinforcements brought in from Gauteng and KwaZulu-Natal.⁷⁷

During the week beginning 23 February, the media reported ongoing contact between the protesters and Mr. Benny Khotsoane, the MEC for Local Government and Housing.⁷⁸ At a meeting between concerned residents and business, a joint committee was established to find ways of addressing the problems.⁷⁹

The situation in Phomolong quietened down until 5 April 2005 when protests started to flare up again because no feedback had been provided on progress towards meeting the demands of the protesters. Police reinforcements were again brought in from Gauteng to assist with containing the potentially explosive situation in Phomolong.⁸⁰

Strong emotions were reawakened as protesters complained that they were not receiving adequate responses to their grievances. Once again the access routes to Phomolong were barricaded – this time by about 500 youths.⁸¹ Four youths were arrested on charges of public violence.⁸² They were charged in court, and bail was refused.⁸³

The next day the unrest escalated. Stones were hurled at the police office and the public library was set alight.⁸⁴ Fortunately the police were able to get the library fire under control and only a few books were damaged.⁸⁵ Six under-age individuals who had been arrested earlier on charges of public violence appeared in court on 13 April.⁸⁶ They were released into the care of their parents.⁸⁷

The Matjhabeng Council then resolved to suspend Councillor Tshabangu and the protests abated. Mr. Tshabangu finally resigned on 12 September 2005.⁸⁸

4.3 An overview of the grievances of the protesters

In this section, the demands of the protesters are discussed in more detail. The content of the demands is derived from the memorandum that was submitted to the Matjhabeng Council and, while the memorandum is used as the basis for the discussion, it is supplemented with inputs from the interviews.

The formal demands can be grouped into seven broad categories of complaint comprising the following: allegations leveled against Councillor Tshabangu; issues of service delivery; housing-related issues; economic grievances; regional identity; complaints about ward committees; and problems in respect of the IDP process. A more extensive discussion of the extent to which these grievances led to the protest is provided in Section Five below.

4.3.1 Allegations against Councillor Tshabangu

A number of serious allegations were leveled against Councillor Tshabangu. In the memorandum presented to the mayor, the grievances concerning Councillor Tshabangu were

raised under the rubric ‘Economic Development and Job Creation’, and under the subheading ‘Tender’. This classification is perhaps revelatory of the sentiment that the councillor had somehow deprived the community of economic opportunities.

The specific allegations, and associated demands, were as follows:⁸⁹

Councillor Sello Ernst Tshabangu has been identified to be interfering with the tenders that are allocated in Phomolong.

The problem has been identified that Clr. Sello Ernst Tshabangu fronted illiterate community members only to find that the councillor is the one benefiting, especially in connection with the local hall, RDP houses and municipal service accounts.

In the light of the aforementioned allegations, we therefore recommend the immediate dismissal of Clr. Sello Ernest Tshabangu

Matjhabeng Local Municipality must launch investigations with regard to all tenders that took place in Phomolong.

Allegations were also directed against Mr. Tshabangu in the media. Some of these were:⁹⁰

- Corruption in respect of tenders
- Having a sexual relationship with a 17-year-old girl
- Using building materials from the government’s subsidised housing programme for his house.

During the interviews with community leaders the following complaints were expressed concerning the councillor:

He took building material for RDP houses to build his own house.

There was some bias in the allocation of houses: he provided the families of his girlfriends with houses, even if they were not on the list.

When there were projects, Banks was the only one who was deciding about anything instead of appointing a steering committee for the project.

There were affidavits from the community proving these allegations.

Later in this report these allegations, and their relevance for the protests, are discussed in more detail. But one important point needs to be made at this stage. The allegations of corruption re the allocation of the tender for the hall in Phomolong dated back to before 2000 when the Phomolong TLC was still in existence.

At this time, prior to December 2000, many of the protest leaders were friends of Councillor Tshabangu – a point which was confirmed by a number of interviewees. This raises several questions. What did they know? Did they also benefit, assuming that anyone did? And if they were party to the misconduct, why did they subsequently turn on Clr Tshabangu?

Were these erstwhile friends of Clr Tshabangu’s really concerned about the alleged irregularities, or were they simply angry because they had not benefited sufficiently from the putative irregularities? In other words was their opposition to Clr Tshabangu predicated on

principle, concerning clean government, or was it primarily a grudge they bore him, because they had not benefited equally from the spoils of the alleged corruption?

Councillor Tshabangu was suspended in June 2005.⁹¹ On 12 September 2005 he resigned from the council.⁹² In his resignation letter he does not accept any guilt and claims that he does not know what the charges against him are.⁹³ Councillor Tshabangu confirmed this during an interview with the research team.

The vendetta against Councillor Tshabangu seems to be behind the fact that the protests took a violent turn. As we shall argue later the vendetta was not unrelated to the political aspirations of a number of community members. Getting rid of Councillor Tshabangu could have been a way to enhance their political careers.

4.3.2 Service delivery issues

A number of points, relating to the delivery of services, were contained within the memorandum. Specifically, the memorandum demands that the intended policy in respect of Free Basic Electricity should be implemented.⁹⁴

A further complaint arises out of the tardy provision of waterborne sanitation. The memorandum states that, “we are strongly against the white elephant sewerage system” and “the sewerage project in Phomolong has been dragging on for too long”.⁹⁵

Unhappiness also arose from the fact that the community had been promised a 24-hour clinic, by the Department of Health, but the new clinic they were provided with only functioned during the day.⁹⁶ Another bone of contention was the incomplete state of the new fencing that was being erected at the graveyard.⁹⁷

Many of the items highlighted in the memorandum came to be expressed again during the focus-group interviews along with concerns about the high municipal bills, the still uncompleted sewerage system, interruptions in the electricity supply, poor roads, and the lack of funding for small business development. The following quotes from the focus group meetings are illustrative of these grievances:

The sewerage pipes for flush toilets were installed, but this project, as with numerous others, was not completed. We never received any explanation about this project.

We believe that money meant for infrastructural development is being squandered on unnecessary things...

The clinic is also problematic. It is supposed to operate on a 24-hour basis, but is only open until 4pm. The doctor that visits the clinic only sees two out of 16 patients. We have informed our councillor for a long time that we do not want this doctor because he never physically examines patients. This might sound like a trivial issue, but such malpractices evoke anger and hatred in the hearts of the community. The least the community expects is for our leaders to address such unfortunate situations...

In the opinion of the protesters, there was a link between Councillor Tshabangu and poor service delivery. According to them he was not fit to act as a councillor as he was involved in “shady deals” and did not “listen to their concerns.”

An element of service delivery which requires specific attention, is that to do with housing.

4.3.3 Issues about housing delivery

Housing issues were central to the dissatisfactions expressed by the Concerned Group. Although a number of housing-related complaints were vented in the memorandum, they can be grouped into the following general issue areas:

- The memorandum refers to a number of housing units left incomplete.⁹⁸ Council was requested to institute action against the people responsible for this dereliction. A protest leader aptly summed up the disaffection thus:

People were promised houses, but only a few houses were built. We were told that there was no money to continue to build other houses. ... We could not understand as we were informed that funds had been received to build many houses.

- There were accusations of maladministration within the housing processes.⁹⁹ Specific reference was made to people earning more than the maximum income limit for accessing the housing subsidy – the current income limit is set at R3500 per month per household – but who, nevertheless, were awarded the subsidy. Apparently some beneficiaries received houses without having applied for them, whereas others who had applied did not receive subsidies.
- A third allegation revolved around the matter of horizontal equity in the housing environment.¹⁰⁰ Phomolong residents compared themselves with those who had received houses in Hani Park (an informal settlement in Thabong, in Welkom). Concerning the project in Hani Park, the memorandum alleges: “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”.¹⁰¹ The matter of horizontal equity within the housing delivery process will be returned to in due course in this report.

4.3.4 Issues of economic development and employment

The protesters made several complaints that reflected the disadvantaged economic environment they felt themselves to be subject to. There was deep concern about Phomolong people not being awarded municipal tenders. This problem was linked with Black Economic Empowerment (BEE):

*We want BEE to be clearly defined, since the emerging contractors in our community are only benefiting as subcontractors, not as joint ventures of 50-50 profit split and, as a result, play second fiddle to their white counterparts.*¹⁰²

The need for greater youth development was implied via demands for youth learnerships and the role of the Department of Labour in accelerating youth development.¹⁰³

A third aspect related to the use of municipal commonage land which it was said was leased to white farmers and not used in the interest of the community. The memorandum states that the municipality should, “stop using some of the farms belonging to the council at Hennenman as a source of generating income by renting them to white farmers”.¹⁰⁴

There were also gripes about the employment procedures of the Matjhabeng Local Municipality. The memorandum suggested that job application forms be made available at the Hennenman municipal office. The following reflects this frustration:

*Take notice that it costs the unemployed residents of Phomolong R28 return fare to collect application forms from Welkom and another R28 return fare to return them.*¹⁰⁵

There were also complaints about appointment procedures:

*Posts from Matjhabeng must be advertised and people must be employed according to the protocol and not by favours.*¹⁰⁶

This last may have been a barb aimed at Councillor Tshabangu.

4.3.5 Regional identity

The memorandum argued that the boundaries of the existing municipalities should be reviewed:

*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.*¹⁰⁷

This sense of being discriminated against was also reflected in the claim that only students from Welkom were awarded bursaries.¹⁰⁸

4.3.6 Ward committees

Phomolong Township is divided into two wards. The greater part of Phomolong goes to make up Ward Two, while the remaining quarter of the township forms a part of Ward Three. The protesters made two proposals concerning the ward committees.

Firstly, the memorandum wanted the committee for Ward Two to be dissolved as ward committee meetings were never held.¹⁰⁹ This was the ward for which Councillor Tshabangu was responsible. When interviewed, Councillor Tshabangu denied this allegation. Focus-group input was contradictory on this score. Some said ward meetings were scheduled and did take place, others denied this.

Secondly, in the case of Ward Three, which at the time of the unrest was under the control of the Democratic Alliance (DA), the demand was that this ward committee should also disband because Council was not responding to the recommendations submitted by it. Opposition councillors confirmed these sentiments and said that the ward committee's proposals had been deliberately ignored. Against this background, the memorandum stated that there was no point in continuing with the work of ward committees.¹¹⁰

In the focus groups, opinions about the ward committee system were also mixed. Some respondents indicated that "it was functioning quite well before the unrest", but others claimed that: "the ward committee system perpetuated discrimination and exclusion". And yet, despite this overall negativity, one of the protest leaders ironically remarked that:

The unrest could have been prevented by improving communication and information dissemination between the community, ward committee, ward councillor and the council.

4.3.7 IDP processes

Three main concerns in respect of the IDP can be extracted from the memorandum. The memorandum called for an educational campaign to be launched about IDPs because many people were ignorant of the concept and the participatory processes to be followed.¹¹¹ The protesters also maintained that, in any event, the community participation process was insufficient and ineffective.

More to the point, the protesters were especially aggrieved that they did not receive regular feedback about progress with the IDP. Indicative of the general confusion, the memorandum posed the question: “How are we supposed to make submissions?”¹¹² The sense of exclusion was also manifested by the allegation that all public hearings in connection with the IDP were held in Welkom: “How do we get to Welkom, as poor as we are?”¹¹³

4.3.8 Differing perspectives in Phomolong

It should be noted that not all the residents subscribed to the tactic of violent protest. One such individual remarked:

I disagree, I do not understand why the community had to take to the streets and destroy other people's property. Criminal elements were taking advantage of the unstable situation... it is actually very difficult for me to understand why it was protested in the first place. It will take me the rest of my life to understand. Although the concerns of the community were and are still genuine, these problems have always been there. Why do we have to behave like uncivilized people?

4.4 Reaction of provincial government

Having provided an overview of the protesters' grievances, we now focus on analysing the reactions of the various role players, starting with those of the provincial government. There are good grounds for believing that provincial government officials did their utmost to resolve the protest.

The MEC for Local Government and Housing at the time, Mr. Benny Khotsoane, made a sincere effort to hear the people out. He was one of the first high-profile provincial government officials to intervene in the process, and he continued to play a crucial role.

The Premier also made known her concern about the situation:

We are acutely aware that some of the grievances by communities are genuine and based, amongst others, on the inability of our senior public servants to deliver. Local Government poses the biggest challenge for service delivery in the province. It is the single area where the greatest risk is to be found as a result of inadequate municipal capacity for delivery.¹¹⁴

Another contributory factor suggested by the premier was the poor communication between councillors and communities. It is difficult to fault the provincial government on the way in which it responded to the crisis, with the exception being the poor communication about the premier's aborted visit to calm the Phomolong community. This oversight was cited by a number of interviewees as being one of the triggers of the unrest breaking out again.

More importantly, the question arises as to whether there were any early warning signals, that province might have been expected to register, that grievances were escalating. Two warning

signs were the frequent public queries about housing delivery, and the high levels of municipal debt. This information should have been available at the provincial level.

The protests embodied implicit issues about the degree of co-operation, between the various spheres of government, which might reasonably have been expected to ensure satisfactory service delivery. Did the protests take place because of a failure of intergovernmental relations?

4.5 Reactions from opposition parties

This section deals with the reactions of the opposition parties in the Matjhabeng Council. As is to be expected, the opposition parties sought to make what political capital they could from the situation. Mr. Joe Seremane of the Democratic Alliance visited the area on 21 February 2005.¹¹⁵ He was of the opinion that the people of Phomolong felt side-lined, and that they were without any say in major decision-making processes.¹¹⁶ Mr. Seremane also noted the following concerns raised by residents:¹¹⁷

- Corruption with the construction of a community hall
- Problems with basic services such as refuse removal
- Serious problems with the housing construction process
- Large numbers of young people without any hope.

In the media accusations were exchanged between high-level government officials and opposition parties as to who the true instigators of the protest were.¹¹⁸ The DA's provincial leader called for evidence to be provided to corroborate the government officials' allegations.¹¹⁹

The DA invited the media to speak to all the ward committees so as to form their own first-hand impressions.¹²⁰ The provincial DA leader also claimed that the problems with service delivery were a direct result of "racial transformation" which "places power in the hands of political cadres"¹²¹

The African Christian Democratic Party (ACDP) implored communities not to resort to violence notwithstanding what they referred to as "poor service delivery, corrupt, over-paid and under-performing officials", and "incapable Councillors."¹²² The ACDP also asked for the municipality to be placed under administrative care on account of its qualified audited reports.¹²³

Perhaps the most telling insight articulated about the protesters' behaviour was that young people lacked hope. This suggested that the protests may have been triggered by fundamental sociological conditions and frustrations on the part of another 'lost generation'.

The fact that there was virtually no change in the voting patterns of Phomolong residents in the 2006 municipal elections could be interpreted to indicate a popular perception that no other political party would be capable of remedying the situation out of which the disturbances arose. It may also support the contention that it really was Councillor Tshabangu's actions that had precipitated the crisis, and that once he had been removed, the residents were not unduly perturbed by the consequences of the ANC's political dominance.

4.6 Reaction of the South African Police Service (SAPS)

As is typical of extreme events, viewpoints on the role of the police service in the troubles depend very much on 'where one is coming from'. The focus group meetings certainly produced mixed feelings.

Some participants opined that the police had reacted harshly by assaulting and shooting peacefully protesting children, whereas others felt that the police had to do whatever they deemed necessary to restore order. Some of the more positive comments that emanated from the focus groups are reproduced below:

The police played an outstanding role in trying to defuse the situation.

The police tried very hard to prevent the looting of shops but it seemed to be an orchestrated exercise which made it difficult for the police to prevent property damage.

I think the police played a very positive and crucial role in trying to calm things.

Our local police shared our frustrations as they were local residents themselves. They were very supportive...

It must be admitted that some of these commendations originated with respondents who were themselves members of the police force themselves. They saw their responsibility as having been to see to it that the protesters did not endanger other people's lives and property. But, all in all, despite the self-referential nature of much of this comment, the police force also came in for praise from the politicians.

As might be expected though, there were those who entertained very different notions concerning the part played by the police:

The police were there to ensure peaceful protests... but they turned out to be the instigators of the violence.

I don't want to lie; the police and soldiers contributed more to the violence...

The reaction of the police reminded us of the old era. Rubber bullets were shot at every moving object...I know of one child who was shot while standing near the door of their house.

The protests turned violent when the police started to use teargas. Some elderly residents are still bothered by their eyes as a result of police brutality. Arrested residents were thrown out of police vehicles which traveled at high speed. The police used apartheid-style methods to intimidate us.

Those arrested, were gruesomely beaten and ejected from vehicles moving at high speed.

SAPS reinforcements had to be recruited from other parts of the country, and this was resented by many of the protesters. The local police were only responsible for the overall

management of the police operation. Opinions about the role of the police differed according to whether they had been drawn from local reserves or from outside the Free State:

The police from Bloemfontein were very cooperative and understanding, they even tried to mediate between us and the council and things got out of hand with the arrival of police from KwaZulu-Natal. They felt that we needed to be beaten because we don't know what we want, and there were a number of casualties in process. That is when we started to attack the businesses and barricade all the entrances to Phomolong with burning tyres.

The reaction of the police was OK for the first three days of the unrest. The situation got out of hand when police from Bloemfontein, Welkom and Cape Town arrived. Armoured police vehicles were all over the place. Residents were assaulted at random.

In the beginning, only the local police were involved. They were monitoring the sporadic protests without taking any action. Later, when police from other areas arrived, torture and brutality was the norm...

The situation got out of hand when the police from Gauteng and KwaZulu-Natal arrived. They used rubber bullets and assaulted any person they came across.

Police reaction to complaints of police brutality was not unhelpful, on the face of it. The police announced, after the first incident of protest on 4 February 2005, that anybody with complaints about police behaviour should approach the Independent Complaints Directorate.¹²⁴

This was confirmed by a private attorney in Hennenman, who also said that evidence was provided in court that some police members had overreacted and arrested the wrong people. The allegations about the methods of the police who were brought in as reinforcements should be taken seriously, and they raise doubts about these members' training in maintaining public order.

There are many lessons to be drawn. The first has to do with the intelligence environment and the timely detection of signs that not all is well. The SAPS, despite protestations about the excellence of their intelligence systems, did not manage to pick up any early warning signals. Not even the police staff residing within Phomolong itself, warned of possible unrest.

Some interviewees suggested that the local police members failed to furnish their superiors with intelligence out of solidarity with the protesters. Some even went as far as to opine that it was the police themselves who were helping to organise the protest. This is possible as it could well have been the case that the protest was never intended to turn violent. The pressures that mass action and protest unleash are extremely difficult to control. Whatever the case the police were unable to pinpoint the ringleaders of the protest action.

The following observations may serve as lessons for the future:

- The identification of early warning signals should not be seen as the sole preserve of the police and the intelligence community.
- The identification of ringleaders makes the work of the police easier, because it renders negotiations possible. The SAPS inability to isolate the protest leaders was a major impediment to managing the protest effectively. The difficulty is compounded

by protesters often being inclined to conceal the identity of their leaders due to the risks entailed by this.

- Mediation should always be the first option. As one community member put it:

We are sick and tired of being treated like third-class citizens. Whenever we have complaints that need to be addressed, our government calls in the police. That is a waste of taxpayers' money. From the beginning, the situation did not warrant the involvement of the police. Dialogue should have been the order of the day.

- Ultimately it is the politicians' responsibility to defuse the atmosphere of protest, not that of the police. The Northern Free State police commissioner said that, while it is the duty of the police to ensure that individuals and property are protected, it is local government's responsibility to resolve the problems that give rise to trouble in the first place, as it costs the police time and money to maintain public order.¹²⁵

4.7 Impacts of the unrest

The unrest had considerable impact. Firstly, there was the impact on the education system. The schools were closed for about a month.¹²⁶ One of the headmasters in Phomolong claimed that in the process of mobilising people, "the schools were the first target."¹²⁷

Reports in the media also suggested that children had been taken out of school to participate in the unrest.¹²⁸ One informant said that:

Although there was initial resistance from the principal and teachers, learners were threatened and the school properties were endangered by protesters, prompting the principal to release the learners.

The mobilizing of children was augmented by the prevention of teachers residing outside Phomolong from entering the township.¹²⁹ Inevitably though, it was also alleged that some tardy teachers abused the situation to send children home prematurely despite the absence of any real danger.

The protests had a significant effect on matric pass rates. A local headmaster claimed that, whereas Grade 12 results had been steadily improving since the early 2000s, they fell from a 65 per cent success rate the previous year to just 59 per cent in 2005. This was in contrast to the overall trend in the Free State generally.

The headmaster ascribed this decline to the school days lost during the protests. It seems very difficult to insulate schools from local protest actions. When asked why the school governing body had allowed the children to join the protest, the headmaster said that, after the protests:

The school called all the parents, the school governing body, the Concerned Group, and the councillor together. 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.

This indicates that schooling is likely to continue to be a casualty of protests in future.

Another major impact was that on the economy. Workers could not leave Phomolong to get to their places of work. This was confirmed during the focus-group sessions: "We blocked the

roads, not allowing anyone free movement into or out of Phomolong.” This created serious difficulties for businesses in Hennenman.

One businessperson estimated that it cost the relatively small economy of Hennenman some R250 000 per day if the workforce were prevented from reporting for duty. This impact was also felt by the surrounding agricultural areas. For example tractor maintenance suffered and this in turn affected the agricultural sector as a whole.

There was however some sympathy for the protesters expressed by the business sector.¹³⁰ As a prominent businesswoman said: “We do understand the problems of the people from Phomolong. We want to help them but violence is not the answer.”¹³¹ But, as another respondent pointed out the stayaways were not good for maintaining national business networks:

*We have clients in many other parts of the country. They do not bother about our problems – they only want the work to be completed. More mass action will cut our throats.*¹³²

A further economic impact was that the properties of a number of mostly ‘foreign’-owned enterprises were damaged and goods were stolen. A community leader was forthright in his assessment: “There was some damage of property and businesses belonging to ‘foreigners’.” One businesswoman, who owns an undertaking in Phomolong, said:

Everything that was in the shops was damaged; they took all the groceries, windows were broken and some other things were stolen. Between ourselves and the Indians who rented two of the shops, estimated loss was R120 000.

She also complained about the problems and lack of support after the protest, saying, “Because of our loss, it is hard to bounce back into business again and no one is doing anything to help”.

There was a decided element of xenophobia to the unrest despite its supposedly being directed at a single councillor, as was alleged in some quarters. One of the so-called ‘foreign’ business people said:

The protesters were influenced by other business interests because we let two of our buildings to the Indians, and the protesters (who were jailed) later confirmed this to us.

In addition to the adverse educational and economic outcomes, the social fabric of the community was also damaged. A number of interviewees referred to the fact that a young girl had been shot, the library damaged, and an attempt made to burn the municipal office down. Some of the protesters were arrested, charged and found guilty of public violence.

The violence generated fear among people who did not want to be associated with it. A woman in a focus group expressed her fears thus:

The protest disrupted the normal social lives of community members. It was difficult to go freely to town to do shopping... church gatherings were also disrupted. It was better to stay indoors.

4.8 Descriptions of the protesters

Protesters were generally described as being young men and women, with the leadership being male dominated. As it so transpired, the majority of the leadership consisted of former associates of Councillor Tshabangu. Evidence also shows that many protesters were school-going children. School children were said to have been intimidated into joining the protests.

A local informant said: “Youth, both males and females were in the forefront of the protests and school kids later joined.” One of the protest leaders described the majority of protesters as being “male and female adults under SANCO (the South African National Civics Organisation) and later youth and learners were mobilised”.

4.9 Early warning signals

Mention has already been made of the importance of recognizing early warning signals. Most interviewees felt that the complaints, and special meetings, leading up to the disturbances could have been interpreted as harbingers of impending trouble.

Apparently a memorandum of grievances, and a letter from one of the DA councillors, had been delivered to the mayor during 2004. These too might have served as warnings that trouble was brewing. Focus group respondents had the following to say in this regard:

Yes there were warning signs as the community held numbers of rallies before protesting.

It should be remembered that our leaders had already made numerous attempts to meet the local councillors. We also handed over a petition, but nothing happened except for further empty promises.

Unless we are misunderstood, not a single community will wake up and suddenly decide to protest.

Essentially the message is that smaller protest actions should have been taken far more seriously than was the case.

4.10 The lack of mediation

Mediation is a common stratagem within the context of labour disputes and even sometimes in police work, for example, in hostage situations. In fact, conflict mediation was well institutionalised in South Africa in the transition period between 1990 and 1994.

A few of the councillors involved in managing the protest confirmed that they might have benefited from professional mediators’ advice. In fact, one of the protesters succinctly identified the lack of an appropriate mediation strategy by saying:

I don't think that there are any systems in place to deal with crises as they arise. There are competent officials that can help during unrest, they could have even helped to prevent and mediate the protests, but I guess they thought we were just bluffing.

Attempts to involve church leaders in mediation were not well received, and might have had the effect of aggravating the situation. One of the protest leaders recalled:

In terms of mediation, the ANC's Pat Matosa tried to calm us; he was followed by Rev. Lekota [a prominent Radio Lesedi pastor]. We felt insulted as we were challenging political wrongdoings. We could not understand why we had to be addressed by a pastor. We did not need any spiritual enlightenment...

Another suggested that:

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...

Attempts by more senior government officials to mediate the situation were not successful. As another protester put it:

The Minister of Defense, Mr. Terror Lekota, and the Premier visited us. The meeting that we had with them was not effective as the people wanted answers and not further promises... Frustration was mounting as our national and provincial leaders could also not shed light on our complaints.

In essence these leaders were loath to concede to the demand that Councillor Tshabangu should be dismissed.

One of the essential elements in mediation is that mediators should be able to convince the contending parties of their *bona fides*. The warring factions should feel that their points of view, and the passions with which they hold to them, are well understood and accepted. Clearly this did not happen.

Some interviewees also proposed that a small team of mediators (say, three to five people) at the provincial level would have been helpful in strategising how to defuse the situation in Phomolong. Basic training in conflict resolution, for councillors and Community Development Workers, would also have been useful.

4.11 The role of the media

The involvement of the media – particularly television – in civic turmoil has become the norm and may well have the effect of furthering the sense of drama, and the resolve of the protesters. The presence of the media might have egged on the protesters in Phomolong to resort to violence and more graphic forms of protest.

5. Assessing the reasons for the unrest in Phomolong

The protests resulted from a combination of factors. In point of fact, most of the people interviewed attributed the unrest to “poor service delivery” (although we found no common understanding of this), as well as to the alleged misdemeanours of Councillor Tshabangu and the fact that Tshabangu, in their eyes, was hampering service delivery. One of the protest leaders even accused the councillor of *preventing* service delivery from being implemented.

5.1 The role of Councillor Tshabangu

Earlier in this report, an overview of the allegations against Councillor Tshabangu was provided. The researchers asked people whether they thought Councillor Tshabangu was innocent of the charges of corruption laid at his door. Their response was mixed. Councillor Tshabangu continues to refute the allegations. In this section, two aspects will be assessed in more detail: the validity of the allegations; and whether matters could have been handled differently, quite irrespective of the allegations.

The issue of corruption in the construction of the community hall requires detailed discussion. Specific mention was made in the media about a document which appeared to indicate that a certain Mr. Mosikili and a businessman from Welkom, Mr. Rob Hatton, had formed a joint-venture company in September 1998.¹³³

According to this document, Mosikili was a director, owning half the company’s shares.¹³⁴ Mosikili said that his company had secured three lucrative contracts from various state agencies. These were the construction of a community hall for R2-million; a R3-million housing project; and a R3-million water reticulation project.¹³⁵

Mosikili also said that he had suspected that something was wrong when the community hall was almost completed without his having received a cent.¹³⁶ He approached his lawyer who uncovered documentation indicating that he had made over his shares in the company to Cllr. Tshabangu.¹³⁷

Mosikili found that these were documents which he had signed at the same time he had signed the company documents.¹³⁸ However, the disputed documents seemed - according to the media report - to be invalid as they lacked a selling price, a date and revenue stamps.¹³⁹ The CDS also obtained a copy of the document by means of which Mosikili maintained he had been tricked into signing away his share in the company.

The CDS agrees with the finding of the *Sunday Independent* that the document in question appears to be anything but valid. Hatton denied Mosikili’s allegations. He said that the company had never secured any contracts and that Mosikili had resigned.¹⁴⁰ According to Hatton, Mosikili arrived one day to claim his money. When Hatton explained to him that the company had not obtained any tenders, Mosikili resigned.

In an interview with Hatton, he confirmed that they had tendered for the construction of the community hall, but that they had not been awarded the tender. The company was dissolved after the resignation of Mosikili, and Hatton bore all the costs for the setting up and subsequent dissolution of the company. The registrar of companies certified that the company had never traded and that Tshabangu had never been a director.¹⁴¹

The foregoing suggests that there was a deliberate attempt to discredit Councillor Tshabangu, and that fabricated evidence was created to this end. There was no legally-admissible evidence that Councillor Tshabangu had been guilty of any wrongdoing. This was something he also asserted during the interviews.

As regards the allegations about his sexual relationship with a 17-year-old girl, the following points were made by the previous mayor. First, it is not against the law to have a sexual relationship with a 17-year old. Second, when this was discussed with the family of the individual, they said did not want to lay any charges against the councillor.¹⁴²

The issue of Tshabangu's sexual behaviour was possibly exaggerated by his enemies and used to increase the community's animosity towards him.

The third major allegation that was made related to the fact that the councillor had used building materials from an RDP housing project to construct his house. The councillor's response to this, when interviewed, was that he had appointed a building contractor to build his house, and that, should there have been any irregularities, these should more properly be laid at the door of the contractor.

What was Councillor Tshabangu's general stance in dealing with what he saw as an orchestrated campaign to besmirch his standing in the community? Firstly, he maintained that "some of the concerns are old and have previously been explained to the residents."¹⁴³ Given the community's hostility, his explanations had fallen on deaf ears. Either Tshabangu's explanations were insufficiently persuasive or the community was simply not predisposed to listen to him, or to give him the benefit of the doubt.

Secondly, he attributed the protests to power plays with a view to the next elections (which were about a year in the offing): "The protesters are gangs of people who lost in the previous internal elections. It is now election time again and now they come to the fore again."¹⁴⁴ He further asserted that:

I have already indicated that I shall not stand in the next election. I will only be available as a proportional representation (PR) member. It is my opinion that one should not be in a leadership position for too long.¹⁴⁵

Although none of the allegations of corruption against Tshabangu was ever proved, it is nevertheless necessary to reflect on the perceptions of the protesters concerning him. He was evidently an extraordinarily influential person. Sometimes interviewees preferred not to be drawn on matters pertaining to him.

Said one community leader, when asked about the reasons for the protests: "The other issues were allegations leveled at the then Councillor Banks Tshabangu, some of which were found to be true, but I would not like to talk about this one."

Although it was denied by Councillor Tshabangu, there is ample reason to believe that there was a breakdown in trust between him and the community in Phomolong. This was probably the overriding reason for the hostility against him. He was experienced as being arrogant and as not listening to people. The following comments bear this out:

The community has complained many times to the councillor, but he was so arrogant he could not even listen to them.

With Banks it was mostly personal issues that have just been clouded by non-delivery of services.

He was arrogant and he abused his powers; as a councillor he had to go because he was the one standing between service delivery and the community.

We complained to our ward Councillor, but he was never helpful.

It was decided that no one should vote for the councillor during the forthcoming elections. This particular councillor acted like a prima donna. He never listened to the people.

What are the lessons to be derived from all of this? In the first place, as already mentioned, there was a serious rupture in trust and communication between the community and the councillor. Secondly, it proved quite impossible to convince the protesters of his innocence.

This combination of factors proved lethal and rendered Tshabangu's political situation untenable. It is near impossible for a councillor to function effectively once the community's trust has been so irrevocably eroded. A number of interviewees contended that it would have been possible to replace him and thereby obviate the crisis that ensued:

One of the main factors that, perhaps, could have stopped the unrests, was the removal of one corrupt councillor. We were challenged to provide proof of the corrupt practices of this councillor, which we did. We knew that no one can just be dismissed, but our leaders decided to protect this man. The community felt that the ANC was protecting corrupt officials at their expense.

Another councillor pointed out that the ANC could have 'redeployed' Tshabangu as this is something that apparently happens quite often. That they did not do so is extremely telling, and may explain why the mediation attempts by senior ANC officials never went anywhere.

In summary, it looks as though the protesters were seizing on pretexts to rid themselves of a councillor whom they had experienced as not being receptive to them. As the research effort was not a forensic investigation, the research team did not try to make any hard and fast judgments concerning Councillor Tshabangu. The evidence adduced by the community as proof of culpability is vague and lacking in substance.

5.2 Concerns around housing delivery

One of the main grievances of the protesters concerned the lack of housing delivery.¹⁴⁶ A more detailed analysis is called for of the complex part that housing issues played in the protests. There are at least six facets of the issue that need to be examined.

However, before these considerations are analysed, it should be mentioned that Hennenman and Phomolong received approximately five per cent of all the housing subsidies allocated in Matjhabeng.¹⁴⁷ Considering that these two locales account for about six per cent of the urban population it is difficult to detect any obvious bias against Hennenman/Phomolong in the allocation of housing subsidies. Thus, the lack of housing development, given the constraints on resources, would not appear to have provided a compelling reason for the protests.

It must be remembered that housing is a provincial, and not a local responsibility. However, in the spirit of co-operative governance, different spheres of government are requested to work together. There are good reasons to contend that this 'co-operation' is not unproblematic.¹⁴⁸

Essentially there are problems surrounding who makes the decisions and who is financially accountable. In the Free State, the provincial government to a large extent performs the role of a developer. All decisions on contractors and where developments are to take place are made by the provincial government. These decisions are not always in line with either the local reality or municipal objectives.¹⁴⁹

However, when problems arise with the housing process, local councillors - such as Councillor Tshabangu – are held accountable for the dilemmas. In fact, in response to a query from the Public Protector to the municipality about the problems with its housing, the Executive Director responsible for housing rightfully retorted that:

All housing subsidies in the province are allocated by the provincial Department of Housing and Local Government. The procedures that are followed are therefore the responsibility of the province - based, of course, on the National Housing Code Manual.¹⁵⁰

A further aspect of housing delivery and administration arises out of issues related to the People's Housing Process (PHP)¹⁵¹. Although there are instances of efficient PHP housing delivery-programmes,¹⁵² the management model used for PHP in South Africa and the Free State has serious shortcomings.

Media reports reveal that there are a number of houses that have not been completed in Phomolong.¹⁵³ The applications are made via community based organizations (CBOs), but it is contractors who are mainly responsible for the construction. The company that received the tender for the construction of the housing units in Phomolong could not be contacted.¹⁵⁴

Residents said that building materials had been delivered to their stands, but that no building had ever commenced.¹⁵⁵ All of these problems are a consequence of institutions, set up to drive the PHP approach, but which found it extremely difficult to manage properly.

Obviously, the question is whether Councillor Tshabangu, or for that matter the local Council, could justifiably be held responsible for this. Unfortunately for them, once there are concerns, such as those expressed above, it is local government that must respond.

A third issue in respect of housing delivery relates to who should access housing at the local level, and what the levels of community participation are in these processes. Generally it seems as if community participation processes (about design, layout, settlement development, beneficiaries, and so forth) in current housing projects are not as rigorously observed as they were in the early days of housing delivery, in the transitional period between 1990 and 1994.¹⁵⁶

To a large extent housing delivery has been narrowed down to a process of construction, with limited engagement on the part of local people. Much of the conflict surrounding housing in Phomolong arose precisely over who should benefit from new housing projects. The following quotes provide evidence in this respect:

The Councillor was also dividing the community. He only consulted a certain portion of the community. In Putswasteen [grey brick] area, four families are sharing one housing structure. These are the people who should have received first priority when new houses were built. Our government, however, decided to pay more attention to people who occupied land illegally.

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.

There was a rumour going around in Phomolong that women who have no daughters will not get houses.

Only people in informal settlements get houses. The message that is sent out is “go to an informal settlement, you will get houses”.

My sister applied for a housing subsidy. When we enquired, we found that her subsidy was approved, but the girlfriend of one of the councillors was occupying the house. We have documentary proof of all this...

These comments raise profound questions about what the appropriate grounds are for selecting beneficiaries – those with urgent needs (shack dwellers), but who may be newcomers, or those who have been on the waiting list for a long time? Furthermore, was Tshabangu faced with a classic dilemma of allocation of resources – whatever he decided, he would have been bound to alienate somebody?

Again, why was there not a framework, approved by Council, in terms of which the transparent local allocations of housing subsidies could be made? For community members such a framework is even more essential in contexts where communications between them and their ward councillors are non-existent.

A fourth contributory factor was the quality of houses delivered under the auspices of the housing-subsidy programme. Allegations of poor workmanship are nothing new in the housing environment¹⁵⁷ and those emanating from Phomolong should hardly come as a surprise.

One community member had the following to say in respect of the quality of construction work: “Some houses have been built, but it is the same old story of inferior building materials being used and poor workmanship.” Another respondent confirmed this:

We also suspect that the so-called engineers and building inspectors of houses are in cahoots with corrupt councillors and contractors. We do not understand how they do their inspections on newly built houses which only last for about a year.

Given that there is surely substance to these charges, the way in which housing provision has been scaled down to a technical construction process, in which everybody receives the same product, has not proved conducive to fomenting ‘user satisfaction’ – quite the reverse in fact. The administrative side of housing provision also occasioned serious misgivings in the Phomolong context. As one respondent put it:

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.”

In a letter written in the name of SANCO’s Phomolong Hennenman Branch in 2002 to the Public Protector, the same complaints are aired. This letter says that:

For years, residents applied for houses according to a list from the Housing Board and many applicants have been long approved. Most residents were

*told to remove their shacks and sign certain documents, then promised that their houses were to be built within a few days, but for many years they have been on the waiting list in vain.*¹⁵⁸

Once again, this not only reflects negatively on housing administration, but it also bespeaks very poor communication mechanisms. Such repeated disappointments can only prove a fertile ground for public grievance and resentment. Clearly, the mismanagement of housing provision can play a major role in contributing to public frustrations.

Finally, there is another factor contributing to discontent in the housing arena. This relates to 'horizontal equity' in the housing environment. Essentially the question is whether all households, that receive housing subsidy support, also receive more or less the same final product. The memorandum handed to Council, that was alluded to earlier, also stated that people in Chris Hani Park (which is in Thabong near Welkom) received full services with their houses, while this seems not to have been the case in Phomolong.

Extensive research on housing delivery in the Free State identified potential problems with horizontal equity as far back as 2000.¹⁵⁹ In essence, the emphasis on housing size in the Free State resulted in a situation where the housing subsidy was used for the housing structure only. This meant that the land and infrastructure costs had to be funded from other sources.

The consequence of this was that infrastructure provision was neglected, and that housing projects tended to be located where stands were available.¹⁶⁰ In addition, this meant that infrastructure grants had to be co-ordinated with housing projects, but in practice this proved very difficult to do.¹⁶¹

Subsequently, the same subsidy amount led to the same housing size, but with large discrepancies in respect of levels of infrastructure. This was something that was pointed out in the memorandum. In fact, the Free State, on average, provided the largest housing units with the lowest levels of infrastructure.¹⁶²

The gender implications of this approach have also been articulated, with women arguably suffering most as a result of lower levels of infrastructure.¹⁶³

At the same time however, research also suggests that housing delivery in Matjhabeng has been hampered by an overemphasis on infrastructure standards on the part of the municipality, and the provincial requirement that houses be 40 square metres in size.¹⁶⁴

Because some communities received higher levels of infrastructure, communities such as that of Phomolong became resentful of what they took to be an unfair allocation of resources.

5.3 Overall service delivery at the time of the protest

The notion of poor or retarded service delivery was commonly cited as a reason for the protests in Phomolong, and it also featured in the memorandum handed to the council. What needs to be unpacked in more detail is what precisely is meant by the term 'poor service delivery'.

The research team feels that a distinction needs to be drawn between service access (*providing new infrastructure*) and service quality (*operations and maintenance of infrastructure*). The differing perspectives of the people and the municipal office bearers, along these dimensions, need to be understood in order to facilitate the analysis.

Access to services

The response from the mayor, in office at the time of the protests, tended to be couched in terms that reflected a preoccupation with infrastructure. For instance, in reacting to the first wave of protests in Phomolong, his response was to point out that 400 households had been provided with waterborne sanitation, and that another 400 would follow in the ensuing financial year.¹⁶⁵

The statistics provided by the Matjhabeng Municipality showed that, proportionally, Hennenman/Phomolong received a fair share of resource allocations.¹⁶⁶ The amount voted for the eradication of bucket toilets was in fact in excess of that its relative size within Matjhabeng might have warranted.

It is true, on the one hand, that Phomolong had a disproportionately greater percentage of households still using buckets than was the case with Matjhabeng, but, on the other hand, Matjhabeng, taken as a whole, had a much bigger percentage of informal settlements, without any sanitation system at all, than did Phomolong. The one advantage that Phomolong has in respect to sanitation provision is that its bulk water supply system is in close proximity.

However, despite the allocation of resources to Phomolong, actual progress with the upgrading of sanitation systems had been slow. It was hampered by inefficient contractors, and by disputes between the local labour force and the contractor.

A respondent in a focus-group meeting said: “The process of bucket eradication was very slow to non-existent.” Another respondent confirmed the ongoing technical difficulties with implementation:

A mainline for sewage was installed, but this is not working. Just last week, the Free State MEC for Housing had a meeting with the community. He informed us that many of the projects that are currently being carried out, do not meet the minimum specifications. How were these contractors appointed? People are slowly losing patience...

Protesters did not only riot about access to services. There was also deep unhappiness with the quality of the existing service, i.e. *operations and maintenance issues*. The breakdown in communication between the protesters and the council only went to worsen problems caused by the municipality’s deficient complaints management system. So it was that public frustration reached boiling point.

The bucket system

Much of the substance of the discontent about service delivery tends to be generated by the continuing use of the bucket system, and how this sub-standard service is actually managed. This became very apparent from the focus-group meetings.¹⁶⁷

From a pure sanitation-management point of view, the lapses in service quality arise out of the infrequent collection and emptying of the buckets, and how this is performed. As per one respondent:

During the removal of the buckets, they will line them up on the streets for hours before they can come and collect them. What does that say about our health, let alone our dignity as people? This is so wrong and painful.

The following quote confirms the situation: “People were tired of the bucket system. We were forced to remove the buckets by ourselves... the area was stinking and it was also exposing us to diseases.” Strong sentiments about the bucket system could well have ignited the emotions which characterised the protests.

Free Basic Services

The implementation of Free Basic Services, and Free Basic Electricity, to make these items more accessible and affordable, also seems to be a major problem area. Focus group members had the following to say:

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.

Another thorny issue is the indigent policy. Residents complete the application forms every year, but without success. We do not know what criteria are used to be declared an indigent resident. When people enquire about this at community meetings, the Councillor tells them that the applications are handled in Welkom and that he has no control over which application are approved or not.

It appears that the administrative requirements for qualifying for the free services have not been explained properly, or widely enough, and that the applications are poorly handled. The CDS requested details as to the number of people linked to the indigent policy (less than R1400 per month household income), but these were evidently not readily to hand.

Management of sewerage networks

Another serious malfunction that received media coverage was precipitated by defective management of sewerage reticulation networks and sewerage dams. The municipality was negligent in that failed to attend timeously to serious sewage spillages that occurred within its jurisdiction.¹⁶⁸

In general one's impression is that the municipality did subsequently make an effort to rectify many of the shortcomings discussed above, even if sometimes only at the level of fund allocations for enhanced services access.

Operations and maintenance still seem to be problematic, and this reflects negatively on the ability of the municipality sustainably to manage the sorts of issues that can function as flashpoints, when things go wrong.

There can be no doubt that service-delivery disaffection was pivotal to the Phomolong disturbances and that these dysfunctions were exacerbated by the void in communication between the community and their councillor.

The ingredients of the conflict seem to be a mix of inappropriate managerial responses; cash-flow limitations; technical deficiencies; affordability issues; the appointment of unprofessional contractors; and the expectations of a community which came to feel neglected. Community members could still deal with these issues for as long as they felt their concerns were being heard but the collapse of communication with the council's representative closed off the mechanism whereby the community could peaceably 'let off steam'. As one protester cynically remarked:

Service delivery in the form of development projects is an election ploy. We always see infrastructural projects starting all over the place during the time of elections, but immediately thereafter, nothing happens...

5.4 Intergovernmental relations

It has already been hinted at that deficient intergovernmental co-operation impacts on housing and service delivery. South Africa's Constitution is based on the principle of co-operative governance. Essentially, cooperative governance requires various spheres of government to work together in service delivery. What is illuminating in this regard is the tendency for the various governmental role players to blame one another for failures.

However, and more importantly for present purposes, it is clear that local government often finds itself being 'scapegoated' for what are, in point of fact, intergovernmental failures. Two salient examples of this in Phomolong revolve around the housing arena, and the matter of the clinic.

The mayor, at the time of the unrest, was quoted in the press as saying that some of the protesters' complaints could only be addressed by other government departments.¹⁶⁹ He referred in particular to the complaints about the hours the newly constructed clinic was keeping and said that this was not the council's responsibility.¹⁷⁰

The Department of Health had undertaken to provide the community with a clinic that would be open around the clock. But the new clinic only functioned with normal business hours. Although the provincial Department of Health should have been available to take the flak for renegeing on their promises, it was the mayor who had to stand in for the department and answer to the angry crowds. As one of the interviewees aptly put it, council was 'sold out' through an intergovernmental arrangement that fell apart.

Exactly the same type of argument applies to housing. All decisions about housing construction and management are taken at provincial government level. But the memorandum from the Phomolong community, for instance, demanded answers from the local municipality about the housing problems.

Obviously there should be ways and means for the municipality to manage these crossed-wires. But the important point to note is that, by default, it is local government that is held responsible and that needs to contain crises and protests, even though it itself might not be directly culpable for the problems.

It is perhaps worth noting, parenthetically, how odd it is that, according to the Constitution, housing remains a provincial responsibility, whereas with a number of other services, that might also involve large grants, the responsibility lies with the local level.

The following remarks derived from focus group interviews showcase the kinds of frustrations that poor cooperation, and the mismatch of powers and functions, can result in:

I think there has always been a good relationship between provincial and local government, but since, well, the local government is the one which needs to roll out services to the people, they should make sure that there are no hiccups between the two spheres of government.

The councillors and community leaders must be equipped with the knowledge on how the government systems are working. The reason is that some of their lack of knowledge is causing problems amongst the community. I am referring to things like budgets, IDPs, channels that need to be followed when the community needs something, relationship between the provincial and local government, the services that are being provided by province and the council, etc.

The service delivery problems experienced at the local level are not solely attributable to that level. Many of the problems are rooted in the relationship between local and provincial governments, for two reasons: Firstly, procedures of accountability are unclear, particularly in the minds of the public; and secondly, because municipal decisions can effectively be overridden by provincial decisions.

5.5 Political power plays

Political power plays and in-fighting within the ANC in the Free State are nothing new.¹⁷¹ As a councillor remarked: “You know we will always deny this in the media, but political factions in our party are rife.”

At the time of writing (mid-2007) an ANC regional conference in Lejweleputswa (the main town of which is Welkom) was derailed by means of a court interdict lodged by ANC members.¹⁷² Although no pat explanations will be hazarded for this phenomenon here, there is conflict between at least two groups within the ruling party and the Provincial Government and the ANC Party Executive inhabit two different camps.

In the case of Phomolong, it is unlikely that the protests can be laid at the door of any one of the province’s contending factions. The fact that *both* the ANC leadership and the provincial government executive council members were chased out of Phomolong seems to bear this out.

The unrest appears to have been spurred on more by *personal* grievances. The people wanted the mayor and Councillor Tshabangu out of local politics. Secondly, and which seems more plausible, is that once the unrest had erupted, various groups manipulated it to further their own agendas.

5.6 Communication and managing ward committees

There can be little doubt that the lack of basic communication between councillors, council, and community members was a fundamental cause of the protest in Phomolong. A resident from Phomolong was quoted in the media as saying that they resorted to violence:

*...because, as has been proven by experiences of other troubled townships in the Free State, it was the only thing that appeared to attract the attention of the ANC government.*¹⁷³

The conclusion to the memorandum submitted to council states the following:

*The Local Government: Municipal Systems Act¹⁷⁴ (Act 32 of 2000) requires municipalities to develop a culture of municipal governance that complements formal representative government with a system of participatory government. The Act further requires that municipalities encourage, and create conditions for local communities to participate in the affairs of the municipality.*¹⁷⁵

Evidence from the focus-groups corroborates earlier allegations contained within the memorandum handed to the council. Some of the comments made were:

Later in 2004 we approached council on several times, but they wouldn’t listen.

This policy of free basic services was not discussed with us..

We do not want to be consulted on a daily basis, but increased public involvement in local affairs would lead to better understanding and support of our leaders.

Yes, water is a big problem, but lack of consultation is a bigger problem. We feel like illegal immigrants in our own country. What have we done to be treated like this?

The municipality has a lot to do to improve their image amongst the communities it serves. Its interaction and communication with its constituencies is a disaster. How does the municipality expect people to respect and trust it when it is announced, for the first time, at 8:00 that the Mayor will be visiting a certain area at 10:00 that same morning? That is one of the reasons why many people are not aware of such meetings. But when annual reports are written, it would be stated that the communities were widely consulted...

The problems surrounding communication must be understood within the context of the problems associated with ward committees. As already pointed out, when the community memorandum was discussed, ward committees seem to have been a major sticking-point.

A couple of the current councillors opined that the ineffective management of ward committees was the single most important factor behind the protests in Phomolong. This claim was made despite the fact that the councillor for Ward Two, Councillor Tshabangu, insisted that his ward committee had been functional.

It is apparent that, notwithstanding mechanisms to ensure the proper election of ward committees, these committees become mechanisms of exclusion – only a few people are ever listened to and those who are seen as being in opposition are sidelined. As some of the protesters reported:

The ward committee meetings are only attended by people who are close to the councillors. We are not allowed to ask questions.

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.

In the past, ward committees were not effective. Only certain people were informed about committee meetings. Our councillors were distant figures...

Although functional ward committees are critical in maintaining contact the councillors and their communities, these committees still need to be managed such as to function inclusively. The evidence from Phomolong suggests that a significant number of people felt excluded – irrespective of whether ward committee meetings took place or not.

The manner in which concerns raised at ward committee meetings are addressed seems also to be crucial. Not only this, but the way in which feedback on community-identified problems is handled, was found to be decidedly problematic. To direct these problems via the right channels, and to follow-up on, receive, and disseminate an acceptable response is a formidable challenge. That this occurs but rarely is evident from the following:

Ward committee meetings are not effective because we are always being told that our complaints will be handed over to the appropriate people. We never receive feedback. We once complained by means of petition that was handed over to representatives of the Department of Housing. They promised to give feedback at our ward committee meetings, but this never happened.

The question of feedback remains a problem, even today. A current ward committee office-bearer encapsulates the situation thus:

People are beginning to lose hope in me. They report their grievances to me, which I forward to the councillor. I never receive any feedback from the councillor. In fact, my relationship with him is not one of the best. He is always unavailable to address the concerns of the residents. The residents are becoming impatient with us ward committee members...

The above points to the fact that there are serious shortcomings in respect of the ward committee system. By rights, councils should implement mechanisms to improve the functioning of the system.

At the same time, there is an urgent need to document stories of effective ward committees which might function as models of 'best practice'. The emphasis should be both on their functioning, and on the role they play in addressing community concerns and preventing social protest. A second aspect that requires debate is whether ward councillors should be paid more than their PR counterparts on the council.

5.7 Unfulfilled promises

Numerous respondents cited the issue of promises being made but not kept. Typical examples are the 24-hour clinic, and the speedy eradication of the bucket system. Whatever the reasons might have been for renegeing on these undertakings, the research team received many comments clearly indicating that empty promises are a major cause for concern.

Some examples in this regard are reiterated here: "Our councillor made many promises to us that were not met" and "We were not trying to prove any one wrong; we were sick and tired of empty promises."

5.8 How leaders reacted

The sensitivity, or lack of it, with which leaders react to expressions of public anger, has a major bearing on the trajectory that protests follow. In particular, their reactions in the media, are likely to serve as grist to the protesters' mill. Reactions from leaders can, no matter what their merits may be, fuel the flames of anger and inflame communities even further.

The former mayor was quoted in the media as having said that "the aggression of residents is not fully justified".¹⁷⁶ He also told the community to address their problems through their ward committees¹⁷⁷ and referred to the protest ringleaders as a group of "tsotsi's" (thugs) who were manipulating the volatile situation for their own benefit.¹⁷⁸

Two points need to be made in respect of these comments. First, to suggest that the complaints of residents are not fully justified - although this might even be true in many respects - does not help to build the level of trust needed to defuse near-riot situations. In fact, as one respondent put it: "at first they did not believe that the protesters were serious. They

made as if they have nothing to complain about". Secondly, to respond to the protesters in derogatory language simply provides the excuse some of them may well be looking for to indulge in renewed unrest.

5.9 Economic participation and youth issues

One of the more latent elements of the unrest is the want of appropriate youth development. Nearly all the protesters confirmed that the vanguard leaders of the protests were unemployed youths. This contention that the youth are being left too much to their own devices is borne out by the memorandum requests for learnerships and for information about the Department of Labour's developmental programmes.

Perceptions that procurement procedures willfully marginalise local people are also of relevance to the youth, as many regard the economic opportunities afforded by municipal tenders as their only path out of unemployment.

It is puzzling that only Mr. Seremane of the DA commented on this facet, while institutions such as the Free State Youth Commission have been largely silent in this respect. This phenomenon was also pinpointed by one of the young interviewees:

I learned that the gap between the community and the politicians should be narrowed. We are still a long way from narrowing the gap between the objectives of the council and meeting the needs of the youth.

This thorny issue will have to be tackled in future.

There is a real sense in which the municipality is made a scapegoat for the failure of the local economy to provide jobs. One might legitimately question whether it is really the task of the municipality to create jobs, or to see that people access learnerships. Labour is, after all, a national and not a municipal function.

That said, one could reasonably expect some initiatives by municipalities to promote employment, for example by using labour-intensive methods of maintenance, or by arranging for the Department of Labour to offer training for workers on projects. The Expanded Public Works Programme aims to do exactly this. Strictly speaking, though, it is not part of a municipality's core mandate to divert its resources into youth issues or job creation.

5.10 Regional identity

As already alluded to, issues of regional identity and bias were routinely cited as having contributed towards the protest actions. This came up in both the individual and the focus-group interviews. The following is apposite in this respect:

We had some dissatisfaction about service delivery in Phomolong and about the way Matjhabeng, or should I say Welkom, has neglected other towns.

The community feels that Phomolong is neglected by Matjhabeng and that everything is being done in Welkom.

The Phomolong community feels very much neglected by Matjhabeng Municipality, and they are still questioning their incorporation into this municipality.

Phomolong and other towns except Welkom are sidelined, and all resources are channeled into Welkom. We have been waiting for houses, sites, sewerage system until today but Thabong people all have this, why not us?

The best thing that can happen to Phomolong is not to be the part of Matjhabeng anymore.

Only Welkom people are benefiting.

Areas around Hennenman are fast developing, whilst we are still battling with dark streets in the evening. The street lights that are there, are not working. Have you seen how beautiful Ventersburg is? Why are we neglected?

Ventersburg does not have any informal settlements. Houses have been built right, left and centre in that area... That area has proper roads; we have to tolerate our muddy roads.

The people wanted flush toilets for some time; they were tired of the stench that has to greet them every week. Places such as Odendaalsrus and Ventersburg are laughing at us, because virtually no major developments have taken place here.

As previously noted there is no evidence to suggest that Hennenman/Phomolong was allocated less funding than would have been its proportional due. But the fact that their projects took so long to bring to fruition surely stoked the fires of local frustration. Three points should be made about this state of affairs:

- First, the amalgamation of disparate towns into single municipalities in many cases entailed an altogether appropriate rationalizing of bulk services. For example, the amalgamation would have facilitated the purchase of bulk services such as electricity and water at scale and, all things being equal, ought to result in more cost-effective maintenance.

The inherent danger in amalgamation though is that it can have the effect of seeming to distance government from the people. This could give rise to feelings of powerlessness. It could also impact negatively on Local Economic Development (LED) for the smaller towns in that more centralisation of government personnel tends to take place.

- Second, the positives of amalgamation should continue to be communicated. It should be possible to provide evidence of how capital budgets are allocated in a three-to-five-year cycle.
- Third, the benefits derived from centralisation should not be forfeited by neglecting systems of complaint management and client interface. As already intimated, a malfunctioning complaints management system, compounded by limited communication between the politicians and their constituents, foments feelings of exclusion and is a sure recipe for trouble.

5.11 Complaint management systems

If the lines of communication between councillors and communities do not function, then it is hardly surprising that communities will feel as though nobody listens to them. As one interviewee expressed it: “What compounded the situation is that we had nowhere to go; there was no complaint system in place”.

There is in fact a toll-free telephone service in place for registering complaints but interviewees intimate that it is not always answered. The level of frustration evinced by the following respondent is palpable:

We only have two pay points in the township. If we have a problem; we have to pay R10 to go to town to lodge a complaint. The municipal office is in town [six kilometres away]. When you arrive there, you will be informed that your complaint will be forwarded to Welkom. It all depends on your connections in the township - if you are well-known or not regarded as a troublemaker, you will be assisted without any hassles.

The fact that complaints had somehow to be lodged in Welkom was mentioned by a number of people, for example: “We have to travel to town or Welkom when we encounter problems with our bills or houses...” It would appear that certain matters can be attended to locally, but that in general administration has been centralized in Welkom.

The minutiae of how the system works are in a sense irrelevant, just so long as ‘works’ is the operative word, and complaints are dealt with expeditiously. One respondent drew attention to the way in which pay points had been decentralised and wondered whether a similar tactic might not work for complaint handling:

The sad thing about the new local municipality system is that we only have pay points in our areas. This has affected service delivery big time. When the community has complaints, they are informed to go to Welkom...

There needs to be some kind of system for complaint processing over and above that contemplated by the ward committee mechanisms, and there seems no compelling reason why this should not mimic the easy accessibility of the pay points. Any such system should also incorporate a monitoring element to benchmark complaint reaction times and to identify key performance indicators. There can be no doubt that this would eventuate in enhanced service delivery if properly implemented.

Whether such a system would prove to be the appropriate vehicle for dealing with demands for youth development programmes, say, is open to doubt and it should probably confine itself to dealing with the nitty-gritty aspects of municipal operations. Issues that involve policy-making and political deliberation should preferably continue to be escalated via the ward committees.

5.12 Client interface

What has come to known as the ‘client interface’ between the municipality and its constituents (‘where the rubber meets the road’) is of paramount importance, most especially in contexts where other channels of communication have been allowed to atrophy and where protest action is bubbling up. The following quotes are adduced as evidence for this contention:

We only have two electricity selling points. The one is operating efficiently, the other not. When these points are closed, we have to travel to Ventersburg and pay R16 for a return trip by taxi to buy electricity. R16 is a lot of money for this impoverished community. When we collected the R10 free electricity at the selling points, we were treated badly. There is a tendency to tell people to come the following day.

It is also a nightmare to buy pre-paid electricity. People are forced to go to town to buy prepaid electricity if the two selling points are closed or encounter problems.

We are being discriminated against at the Matjhabeng offices in Welkom. We are often told by the frontline staff that we people from Hennenman should leave our bad attitudes behind. People from Hennenman receive bad treatment at the Matjhabeng offices.

The above sentiments are worrying (inimical as they are to the *Batho Pele* ethos) and warrant the following comments about effective client interface:

- There is an issue to do with the physical situating of locations where certain services are accessed. Evidently there are serious problems with the availability of prepaid vouchers in Phomolong, and the fact that the system in Phomolong is unreliable and sometimes simply not available.
- The remarks reveal that even when the service is available the attitude of the staff leaves much to be desired.
- The inaccessibility issue is not confined to pure municipal business but extends to other government departments. The Department of Social Development is a case in point. One focus group member had the following to say:

It has been, and still is, very frustrating not to have offices of Social Development in Hennenman. It is our responsibility to travel to Welkom to assist our community with their grant applications.

The point here is that it probably does not make sense to have a dedicated office for the department in Phomolong, but a service could be extended on a weekly, or fortnightly, basis or possibly by means of a multi-purpose community centre.

- The Matjhabeng Council has no presently existing mechanism to measure and compare service delivery, client interface and the effectiveness of its service delivery. Such a tool could be used to identify and address strategic priorities. This too was identified as a lacuna by one of the focus groups: “There was no monitoring from the councils about service delivery and this was also problematic”.

5.13 Billing and accounting

Not too many concerns were raised about mundane administrative functions although there were reservations about the accuracy of the municipal billing system. A couple of businesses also flagged this as an issue.

6. The consequences of the protest

Conflict and protest may well result in positive outcomes. Although not directly related to the protests, a new Mayor and Municipal Manager were appointed at the Matjhabeng Local Municipality. A number of changes were subsequently observed to have been effected and these are outlined below.

6.1 Improvement in payment rates and the financial situation

In recent times Matjhabeng claims to have seen a marked improvement in its services payment rates. These have risen to 68 per cent resulting in an improvement of 200 per cent in the cash flow of the municipality, and a decrease of 77 per cent of its bank overdraft.¹⁷⁹

The mayor has undertaken to expedite payments to creditors and to Sedibeng Water (the bulk water supplier).¹⁸⁰ The mayor has also vowed to crack down on defaulters: “non-payers should not expect any grace from the municipality.”¹⁸¹

There are those, however, who are sceptical about this new leaf that has been turned. They point out that the improvement in cash flow was achieved mainly because creditors were not paid. Naturally this could have serious repercussions for service delivery in that creditors might be less likely to extend credit again. It is also asserted that next to nothing has been done to improve the billing system and to address existing arrears. A request for more detailed information to analyse the present state of play elicited no response.

What *is* beyond dispute is that, in the aftermath of the uprisings, the realization has hit home that concerted action is necessary to redeem the financial situation of the municipality. The challenge then is to sustain the improvements, pay the creditors, and produce an unqualified report from the Auditor General.

6.2 Restraint with respect to salaries

The improvement in payment rates has been accompanied by a dose of realism about salary increases. The current mayor suggested at a recent council meeting that all salary increases be held back until the financial situation of the municipality has improved.¹⁸² In this way community concerns about high municipal salaries are also assuaged.

6.3 Improved service delivery

Although a number of concerns persist in respect of service delivery, there have also been indications of improvement. The following remarks from the focus-group interviews confirm this point:

The service delivery is still slow but compared to 2005, it has really improved.

I think the services have improved a lot since the protests. The RDP houses that were outstanding have been completed and they are trying to get rid of the bucket system.

Currently the contractors are busy with the installation of a sewerage network and toilet structures with water-borne systems are also being built. With the housing backlog and completion of unfinished houses there is a lot of work to be done, but the Council, in conjunction with the province, are trying very hard although it is not easy.

Apart from monthly ward committees meetings, there is a newsletter and a toll-free number located in the office of the Mayor – these initiatives should be complimented.

The ward committees are functioning very well, there are regular meetings where the information is also shared with the community. The community members are welcomed at any times to my house when they need help, they don't have to wait for the meetings. The ward committee members sometimes conduct door-to-door visits to find the complaints of the people. Some of the complaints we can handle, but the majority of complaints are for the Council to handle, and it takes some time. (Council meetings take place quarterly).

Although there was some improvement in sanitation and housing after the protests, it is still not enough, and, if this does not improve, we will find ourselves on the streets again.

I think at first it didn't really bother them so much until they saw the seriousness of the situation at hand. But I think they have learned a lesson because now they seem to move with speed in delivering services.

Before the unrest, our elderly people were paying about R100 per month in municipal rates; this has at least been reduced to R35 now.

The role of ward committees was not satisfactory then, but it has since improved and there is one CDW to help.

Currently, ward committee meetings are held every second week and meetings with the general community at least once a month. At such meetings, the community is given a schedule of the forthcoming public meetings...

As a councillor and ward committee members we are trying to satisfy the community, but I can tell you that it is not easy and let's hope that there will be no protests and unrests again.

Evidently there has been improvement in respect of bucket eradication; communication; functioning of the ward committees; enhanced affordability; housing delivery; and in coordination between the local and provincial government structures.

While these improvements are directly related to the problems that sparked the protest action, there are still a significant number of these factors that have not been addressed yet. Some of the remaining concerns are captured by the following remarks:

Our electricity supply has also not improved. We sometimes have to spend weekends without electricity. We already know that when the weather turns bad, we might encounter electricity outages. The response of the municipality in restoring the electricity has also not been satisfactory. Why is something not done once and for all to the bad supply of electricity.

In 2006 and 2007 nothing has improved in terms of service delivery. We are still battling with the sanitation problem of then. It is now two years since the infrastructure for new flush toilets was installed. Up until today, not a single one of these toilets has water. This place is going to burn again... (This is a valid complaint as not all the internal connections have been made yet).

Unrests are likely to erupt in the near future as more factors connive to paint a gloomy picture. I have to caution you that the unresolved demands of the community could cause higher tension when new complaints arise.

While these concerns should not be dismissed out of hand, on balance it does seem that service delivery has improved. Continuing to fulfill these needs, all the while maintaining financial discipline, is likely to remain a challenge however.

6.4 New elections

Notwithstanding the social turbulence provoked by inadequate services and perceptions of neglect, voting patterns in the 2006 local government elections were little changed from those of the elections staged in 2000. In fact, the ANC even managed to oust the DA from Ward Three.

Fewer people voted in 2006 than in 2000. The voter turnout for Ward Two was 55 per cent in 2006, as against a figure of 63 per cent for 2000.¹⁸³ In Ward Three it dropped from 55 per cent to 49 per cent.¹⁸⁴

The fact that a new ANC ward councillor was elected could indicate that voters, by and large, felt that their grievances had been satisfactorily addressed. Perhaps voters saw their problems as having been attributable to their councillor as opposed to the party (the ANC) that the councillor represented. So instead of voting out the party, they were content that the individual in question had finally been sidelined.

6.5 Preventing future protest

Many suggestions were put forward concerning actions that it was felt could help to contain angry responses and protests in the future. Some of those most often advanced in the focus-group discussions were:

- develop effective ward committees
- identify community concerns at an early stage
- continuously communicate with the community about project goals, the progress made, and municipal issues
- invest in employee training
- establish an open-door policy
- treat all areas in the district equally

As to how relationships between the municipality and the community could be improved, to circumvent protest action, the following ideas were advanced:

- Accelerated services delivery
- Friendly frontline municipal staff
- Accountable politicians
- Improved communication structures and procedures, including improved consultation and interaction with the community

These suggestions are in accord with the identification of the factors that precipitated the protests in Phomolong. Greater accountability on the part of the local authorities would have a significant effect in re-establishing trust, and in restoring peoples' faith in the municipality.

To this end urgent attention needs to be given to ensuring that the municipality receives an unqualified audit report from the Auditor General. This is in fact one of the main indicators by which a municipality is evaluated in the Free State Growth and Development Strategy but it is something which the Matjhabeng Municipality has yet to achieve.¹⁸⁵

7. Conclusion

The protests in Phomolong reflected the challenges and complexities local government must contend with in ensuring adequate service delivery, and managing associated conflicts. Although fundamental socio-economic factors, such as poverty, no doubt played their part, a number of systemic municipal management problems supplied the community with plentiful reasons for protest. These issues must be addressed in such a way that new forms of exclusion are not promoted.

Essentially, the question posed by the protests in Phomolong, was whether the disturbances were mainly aimed at unseating Councillor Tshabangu, or whether they were a desperate last resort in an effort to do something about the many service related grievances the community harboured.

This report suggests that it was the mutual interplay of these two factors that provided the chief rationale for the protests. For example, the communication breakdown between Councillor Tshabangu and the community also undermined the provision of satisfactory services, but the channels for rectifying this were no longer functioning.

Noteworthy is that despite the many allegations directed against Councillor Tshabangu, the CDS could not find any irrefutable evidence of wrongdoing. The mass action which ensued was arguably based not so much on rational lines, as it was on emotive feelings of exclusion and neglect.

The experience of Phomolong shows how badly local service delivery can go awry when councillors are not held accountable to their constituents. Communication, accountability and service delivery go hand in hand.

Effective and timeous communication can help people gain insight into those elements of a project which are proving intractable. Accountability creates confidence in local political processes and facilitates effective interventions in cases of service delivery breakdown.

Although the Phomolong protests were of a piece with a robust democratic culture, there are also intimations of social alienation and disaffection, especially on the part of the unemployed youth. To some degree the municipality found itself scapegoated for social problems that it is not within its purview to solve.

Granted that efficacious municipal service delivery is important, there were other 'subterranean' factors informing the disturbances. To prevent similar protests in future, municipalities and government departments will need to work together to identify possible breeding grounds for grievances, and to undertake co-operative measures to address such grievances.

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**“Our government is playing Lotto with us –
the people have had enough”:**

Service-related conflict in Nelson Mandela Bay (Port Elizabeth)

TABLE OF CONTENTS

1.	Introduction and background.....	64
2.	Research methodology.....	66
3.	Socio-economic profile of Nelson Mandela Bay Metropole	67
3.1	Historical and geographical perspective	67
3.2	Demographic profiles.....	68
3.3	Economic profiles and growth.....	69
3.4	Access to infrastructure and services	73
3.5	The Nelson Mandela Bay IDP.....	73
4.	The unrest in Nelson Mandela Bay (Port Elizabeth) - a narrative.....	74
5.	Reasons for the unrest.....	77
5.1	Structural reasons for the protests.....	78
5.2	Systemic/management reasons for the protests.....	79
5.2.1	Housing delivery challenges.....	80
5.2.2	Empty promises.....	83
5.2.3	Issues of governance	84
5.2.4	Role of the media	89
5.2.5	Political opportunism and political factions	89
5.3	Project-specific conflicts	90
6.	Early warning signals.....	90
7.	Conflict resolution and mediation mechanisms	90
8.	Impact of the protests.....	91
9.	The Role of the South African Police Service (SAPS).....	96
10.	Client interface, communication and complaints	97
11.	Conclusions	99
12.	Measures to be taken to prevent future protest.....	99
	References.....	101

Very few South Africans take part in official participation exercises. And yet there have been hundreds, if not thousands, of public protests over the past year or two, according to government figures. So citizens do want to send messages to the government, but in a way which they, not it, choose. To hear them, government will need to devote more effort to listening to the protests in which citizens speak to it on their terms, and less to laws and policies that tell people how they can speak to it - Steven Friedman.

1. Introduction and background

South Africa experienced a significant number of municipal services protests during 2004 and 2005. The South African Institute of Race Relations (SAIRR) has indicated that some 6000 service delivery protests in approximately 40 municipalities have occurred throughout South Africa during the last five years.

The incidence of protest was reported to be the most prominent in the Free State Province, followed by the Eastern Cape (See Table 1 for a detailed mapping). Existing research indicates that a number of factors played a role in this regard. Some of the most prominent contributing reasons were:

- Protest in respect of municipal unrest is not (as many scholars suggest) only about an inability to access new services, but also about the inadequacy of existing services. Delivery of adequate services, in turn, is dependent on the technical ability of municipalities to provide these services.
- The protests were not limited to the poor. In fact, in Phumelela (Warden), a number of middle-class white residents joined the protests.
- The role of inefficient municipal governance and the role of inadequate municipal management have also been singled out.
- In general, client interface and appropriate complaint management systems were poor - when not altogether absent.
- A number of intergovernmental arrangements had the effect of making municipalities the scapegoats for the less desirable consequences of such arrangements.
- There was no early warning system in place to detect potential conflicts.

TABLE 1: Mapping the media reports of the incidences of local protests since 2004, per province in South Africa

Province	Number of incidences	Town
Gauteng	7	Pretoria, Vereeniging, Benoni, Bronkhorstspuit, Kliptown, Diepsloot, Carletonville
Northern Cape	3	Hopetown, Strydenburg, Kimberley
Eastern Cape	9	Despatch/Uitenhage, Grahamstown, Humansdorp, Nieu Bethesda, East London, Ntabankulu, Bisho, King Williams Town, Port Elizabeth
Free State	12	Harrismith, Excelsior, Welkom, Hennenman, Frankfort, Vrede, Memel, Warden, Clocolan, Ventersburg, Bothaville, Clarens
North West	5	Vryburg, Sannieshof, Klerksdorp, Mamusa, Ga Rankuwa
Mpumalanga	4	Rosenekal, Secunda, Standerton, Delmas
Western Cape	2	Cape Town, Knysna
Kwazulu-Natal	5	Durban, Kokstad, Matatiele, Harding, Cato Crest
Limpopo	2	Bushbuckridge, Tzaneen

The purpose of this paper is to analyse the reasons for the municipal unrest in the Nelson Mandela Bay Metropolitan area (Greater Port Elizabeth), in the Eastern Cape. Against this background the paper aims both to answer, and to build on existing knowledge, in respect of the following questions:

- What are the underlying structural reasons for municipal unrest? (Understanding the socio-economic situation and people's reaction to their environments)
- What are the underlying systemic reasons contributing to social protests in these municipalities?
- How can the shortcomings be addressed in advance, so as to pre-empt or mitigate social disruption?

The overall objective of the research is to provide guidelines to minimise both local protests and the accompanying impacts on local communities and civil society in general. Although protest or unrest is not necessarily negative, the unrest that South Africa saw during 2004 and 2005 had a number of negative impacts. In some cases people lost their lives, while in other cases physical and operational infrastructure was demolished. Overall, the protests were extremely destructive and could have been prevented. The research is relevant to the affected government actors in different spheres of government. It is aimed at those who need to

manage the conflict at an official or governance level. The research is also relevant to non-governmental organisations involved in conflict resolution and mediation.

2. Research methodology

The research commenced with a media scan of all reported service-related protests in Port Elizabeth (Nelson Mandela Metropolitan area). Some 40 newspaper clippings were analysed. Unlike other conflicts (i.e. Khutsong-Carletonville and Phumelela-Warden), which attracted the attention of the national media, the reported service-related conflicts were mainly covered by the *Herald*, a provincial-based newspaper.

The fieldwork in Port Elizabeth began with a consultative workshop on 13 April 2007. Provincial and local government officials, local councillors across the political spectrum, and people from the NGO and higher education sectors participated – 15 in total. The workshop had a fourfold purpose:

- firstly, to introduce the rationale and background of the proposed research;
- secondly, to introduce the Conflict and Governance Facility (CAGE), the sponsor of the research, and the Centre for Development Support (CDS), appointed to execute the research;
- thirdly, to share the intended research design (i.e. research aim and objectives, methodology, etc.) and invite comments and suggestions thereby allowing local stakeholders to co-determine the research agenda, the process and the envisaged outcome;
- lastly, to use local role players as strategic informants in snow balling possible useful sources and the people or organisations to be interviewed. The latter technique was very successful in that the workshop participants suggested some 45 people to be interviewed including prominent community leaders and local politicians, officials and other knowledgeable people regarding infrastructure provision, housing delivery and service-related unrests in the Metro. They also provided a range of documentary sources (i.e. planning documents, reports, and so forth) to be consulted.

The fieldwork, consisting of in-depth interviews and focus group workshops, took place from 18 to 20 April 2007 and from 2 to 3 May 2007. In-depth interviews were conducted with 30 people, and five focus group workshops (with 35 people in total) were facilitated (cf. Table A in the Annexure for a detailed profile of the participants), based on the names put forward by the participants at the 13 April 2007 workshop.

This had the benefit of increasing the validity and reliability of the information collected since the people to be interviewed were local role players suggested by local people. The research team also interviewed some additional people mainly from the business community and the safety and security sector. (See Annexure A).

3. Socio-economic profile of Nelson Mandela Bay Metropole

Pivotal to any analysis of conflicts and popular protests is an understanding of the broader socio-economic context. This section focuses on the socio-economic reality in Nelson Mandela Bay (Greater Port Elizabeth). The section will attempt to describe the structural reasons which led to conflict erupting in Nelson Mandela Bay (NMB). The analysis focuses on two aspects:

- Basic trends in respect of socio-economic conditions
- How NMB compares with the Eastern Cape and with South Africa

3.1 Historical and geographical perspective

The habitation of the bay upon which Port Elizabeth stands preceded the founding of the city by several centuries. For millennia small groups of hunter-gatherers, usually known as the San, occupied this southern tip of Africa.

Later, Nguni-speaking people arrived from the north, bringing with them a totally new way of life, that of farming. It was among these Xhosa people that the first African liberation movements evolved.

Bartholomew Diaz, the Portuguese discoverer, landed in 1482 at Algoa Bay, a large inlet of the Indian Ocean which was already inhabited by the amaXhosa. Later, in 1797, it was the landing place of early British immigrants to South Africa. By 1800 it was already functioning as a small town.¹

On June 6, 1820 Sir Rufane Donkin, the acting governor of the Cape Colony, named the town after his late wife, Elizabeth. In the same year a group of approximately 5000 British pioneers settled on the Cape Eastern Frontier.

Port Elizabeth became a municipality in 1861, growing rapidly after it was connected by rail to Kimberley ten years later. By 1900 it was renowned for its wool washeries, warehouses, canning factories and tanneries, and city status was granted in 1913.

Because of the importance of wool as an export, Port Elizabeth became South Africa's busiest harbour in the 1860s, handling 60 per cent of all foreign trade during this decade. By 1926 the automotive industry had become the major growth factor, with the demand for land and labour spilling over into the adjoining areas of Despatch and Uitenhage. In 1993, Port Elizabeth became the first city in South Africa with a fully democratic, non-racial city council.²

Nelson Mandela Bay is the only Metropolitan municipality in the Eastern Cape Province. It was established in 2000 after the dissolution of the erstwhile Transitional Local Councils (TLCs) of Port Elizabeth, Uitenhage, Despatch and parts of the Western District Council, Seaview and Blue Horizon Bay (see Map 1).³

MAP 1: Location of Nelson Mandela Bay and the Eastern Cape



3.2 Demographic profiles

A striking characteristic of the Eastern Cape, and particularly also of NMB, is the relatively high proportion of elderly people. The proportion of people older than 65 years is higher in Port Elizabeth than the national average.

The population growth rate is also higher for NMB than for both the Eastern Cape and South Africa, probably as a result of large scale rural-urban migration. In particular, the black community in Port Elizabeth is growing at the astonishing rate of 2 per cent per annum, which is higher than the figure of 1.4 per cent for South Africa and 1.57 per cent for the Eastern Cape.

TABLE 2: Demographic change in the Nelson Mandela Metropolitan Area, 1996 – 2004

Year	Total	Urban	Rural
1996	969 519	944 988	24 531
2001	1 005 774	980 167	25 607
2004	1 054 356	Not available	Not available

TABLE 3: Socio-demographic data for Nelson Mandela Bay, Eastern Cape and the RSA*

Indicator	RSA	Eastern Cape	Port Elizabeth (Nelson Mandela Bay)
Total population: 2004	47 279 837	7 284 341	1 005 777
<i>Black</i>	36 909 852	6 066 252	592 355
<i>White</i>	5 119 708	471 844	166 026
<i>Coloured</i>	4 094 578	716 544	236 160
<i>Asian</i>	1 155 699	29 701	11 236
Total population: 2010	47 392 059	7 680 901	-
Annual population growth rate: % (2004)			
	1.2	1.34	1.5 ⁴
<i>Black</i>	1.4	1.57	2.0
<i>White</i>	0.1	0.14	0.0
<i>Coloured</i>	1.1	1.19	1.2
<i>Asian</i>	0.8	1.13	1.1
Age profile % (2001)			
0-14 years	32.5	35.2	26.2
15-64 years	62.5	58.2	68.6
65+ years	4.9	6.1	5.2
Gender profile (%)			
Male	48.8	46.6	47.8
Female	51.2	53.4	52.2

* The following sources or databases were accessed in the compilation of the profiles: Statistics South Africa (Census 2001); South African Institute of Race Relations; RICON (Pty) Ltd – Regional Explorer (REX); South African Health Review 2005; Gaffney’s Local Government in South Africa (2004 – 2006)

3.3 Economic profiles and growth

The Nelson Mandela Metropole is the largest single economy in the province, providing 44 per cent of provincial value-added.⁵ Manufacturing is the principal economic sector in NMB, providing a third of all value-added and 23.4 per cent of formal employment.⁶

The automotive industry plays a major role in the economy, providing at least half of manufacturing value-added. NMB hosts two of the six vehicle assembly enterprises in South Africa, the Delta Corporation and Volkswagen.

Automotive components production is also important, with internationally known firms manufacturing engines, tyres, glass, body panels, interior fittings and plastic components. Catalytic converter production has grown rapidly and constitutes eight per cent of world production.

A growing metals industry has strong links to the automotive sector, providing aluminium and ferrous castings and forgings. Food processing, furniture, textiles and clothing, and light engineering are the other main manufacturing industries in the metropole.⁷

TABLE 4: A sectoral overview of the Nelson Mandela Bay economy and formal employment

Sectors	Distribution of GDP 2000*	Distribution of GDP 2004**	Distribution of formal employment 1999*	Distribution of formal employment 2004**
Agriculture	0.8	0.4 ⁸	2.3	2.7
Mining	0.1	0.04	0.2	0.2
Manufacturing	33.1	46.9	37.2	23.4
Electricity	1.8	0.7	0.8	0.4
Construction	2.6	2.0	5.3	5.2
Trade	13.2	10.2	14.6	17.7
Transport	12.9	10.3	4.6	5.9
Finance	13.4	15.3	8.8	10.4
Government and Community Services	22.1	14.0	26.1	34.1

* Eastern Cape Development Corporation (<http://www.ecdc.co.za/development/develop.asp?pageid=28>)

** www.Quantec.co.za.

Table 4 above shows that manufacturing as a share of the Nelson Mandela Bay economy has increased dramatically, from 33.1 per cent in 2000 to 46.9 per cent in 2004. Nevertheless, its share of employment has actually *declined*, from 37.2 per cent in 2000 to 23.4 per cent in 2004. Correspondingly, the employment shares of sectors such as Trade, Transport, Finance, Government and Community Services, and even Agriculture have increased. In particular, the increase in Government and Community Services is notable – which may (or may not) reflect improved service delivery effort.

The decline in employment in manufacturing is a matter for concern, because industry is an important productive sector for any economy. Manufacturing creates profitability and the opportunity for further investment, both upstream and downstream; it is also normally a fairly high-paid sector. The drop in manufacturing employment, alongside the concomitant rapid in-migration of rural people from the interior of the Eastern Cape, could create a recipe for poverty, deprivation and grievances.

Nelson Mandela Bay is a regional centre for many companies, and the strength of manufacturing ensures a strong financial and business services sector, which contributes 13 per cent of value-added and eight per cent of formal employment. Nelson Mandela Bay, a major tourism destination, is known for its beaches and entertainment, and also as a starting point for the Garden Route along the southern Cape coast.

Government services currently provide 22 per cent of value-added in the economy and 26 per cent of formal employment. Total employment in 1999 was estimated at 238 361, of which 215 003 constituted formal employment, and 23 358 informal (one tenth of the total).

The low proportion of informal employment reflects the strong manufacturing base. The 40 per cent unemployment rate is the lowest in the Eastern Cape, yet still reflects significant poverty in the large townships and informal settlements of the metropole.⁹

TABLE 5: Socio-economic data for Nelson Mandela Metro, Eastern Cape and South Africa *

Indicator	RSA	Eastern Cape	Port Elizabeth (Nelson Mandela)
Percentage of people living in poverty** 2004	49.7	69.3	39.6
Unemployment rate (%)*** 2002			
2003	37.1	39.2	46.4 (2001)
2004	40.8 40.4	49.4 50.0	
Annual per capita income: Rand (2004)	20 924	12 543	23 983
Annual per household income: Rand (2004)	79 488	49 778	97 691
Average economic growth (%) 2004	2.9 (1996-2004)	2.3 (1996-2004)	3.3
Percentage of people living in poverty** 2004	49.7	69.3	39.6
Growth forecasts (%) 2006	3.7	3.7	
2007	4.1	4.0	-
2008	3.8	3.7	

*The following sources or databases were accessed in the compilation of the profiles: Health Systems Trust; Statistics South Africa (Census 2001); South African Institute of Race Relations; RUICON (Pty) Ltd; Regional Explorer (REX); Gaffney's Local Government in South Africa (2004 – 2006);

** The proportion of people living in poverty is the percentage of people living in households with an income of less than the poverty income, which for 2003 ranged between R678 per month for a single person to R2 899 for a household of eight or more.

*** This is unemployment according to the *expanded definition* whereby one is counted as unemployed if one is: aged between 15 and 65; not employed or self-employed; available for employment or self-employment in the seven days preceding the interview; desirous of taking up employment or self-employment. As indicated by the latter part of the definition, the expanded definition also includes those who desire to work, but are discouraged from doing so (owing, *inter alia*, to long distances that have to be travelled to look for work, or because they have been looking for a long time and have not been successful in securing employment) (Mohr P. 1998. Economic indicators – revised edition. UNISA: Pretoria. p. 88).

Over the 1995 to 2001 period, the annual economic growth in the province averaged 2.4 per cent. Since the annual population growth was almost identical, real economic growth per capita was effectively nil. However, during 2000 and 2001 the Eastern Cape was the fastest growing province in South Africa with real GDP-R growth rates of 6.2 per cent and 5.3 per cent respectively, compared with the equivalent South African figures of 3.5 per cent and 2.8 per cent according to the Strategy Framework for Growth and Development 2004-2014.

A matter for concern is the high level of unemployment in the Nelson Mandela Bay metro – 46.4 per cent, compared to 39.2 per cent in the Eastern Cape and 37.1 per cent in South Africa as a whole (2001 figures). This suggests a high level of in-migration into Nelson Mandela Bay, an inability of the formal economy to provide more jobs, as well as shrinking manufacturing employment.

The Eastern Cape is one of the poorest provinces (almost 70 per cent of the population falls within this category). Among the Nelson Mandela Bay population, the proportion of people

living in poverty (39.6 per cent) is substantially lower than for the rest of the Eastern Cape, and even for South Africa for that matter.

The annual per capita income in Nelson Mandela Bay is almost R24 000, compared to just under R21 000 for South Africa as a whole, and significantly higher than the R12 543 for the Eastern Cape (2004 figures). The level of economic growth in Nelson Mandela Metro (3.3 per cent per annum) is also higher than that of the Eastern Cape, and South Africa as a whole.

Given the dramatic decline in employment in manufacturing, and the rapid in-migration of people from the rural areas, it is likely that income inequality in Nelson Mandela Bay has increased. A smaller number of people are earning formal sector wages, and the in-migrants are unlikely to find formal sector employment.

From a structural point of view, there are significant reasons why the protests took place in NMB. The unemployment rate has increased steadily over the past few years, and approximately one in every two persons among the working population is unemployed in the province. The results of these staggering conditions of unemployment are the second lowest per capita, and also the second lowest household, income levels (next to that of Limpopo) of all the provinces in the country.

Yet, a somewhat different picture unfolds for the NMB area. NMB shows per capita and household incomes that are not only significantly higher than the corresponding provincial figures, but also higher than the equivalent figures for the country as a whole. This can be ascribed to the fact that the average economic growth rate in the NMB municipality outperforms that at both the national and the provincial levels.

Another reason for this is the strong contribution of the manufacturing and community and social services sectors (see Table 4 above). However, it is likely that it is precisely the better performance of NMB, that functioned as an irresistible attraction to people living in the economic backwaters of the Eastern Cape, and which fuelled further in-migration at a time when the manufacturing sector in NMB was shedding labour.

According to the Strategy Framework for Growth and Development 2004-2014 of the Eastern Cape Province, some of the highest growth rates have been in the export-oriented manufacturing sector, although this growth has not had a positive net effect on employment.

Besides the community, social and personal services sector, the manufacturing sector was the second largest contributor to the Eastern Cape's economy (21.5 per cent) measured in Gross Value-Added (GVA) terms. This is the third largest contribution of a specific provincial sector compared with all the other provinces.

The Eastern Cape Provincial Government has made it clear that manufacturing, tourism, agriculture and agro-processing are being targeted as the lead sectors to propel the economy of the province in the next couple of years. In spatial terms this could mean that Port Elizabeth and Bisho-East London are probably the best situated for future economic growth.

The Growth and Development Strategic Plan of the province is clear that manufacturing growth should not be limited to a modern, export-oriented enclave, but must develop strong supply and value chain linkages to agriculture and agro-processing.

The two Industrial Development Zones (IDZs), Kouga and East London, provide great potential to increase foreign investment in the province and further increase exports. These IDZs are targeting new manufacturing sectors for the Eastern Cape, and will expand existing high export value industries, thereby again emphasising the importance of Nelson Mandela Metropole and Buffalo City municipalities.

The expectation of employment in these areas is likely to increase in-migration, and place enormous pressure on the municipality to provide house and services at a rapid rate.

3.4 Access to infrastructure and services

Perhaps the picture portrayed in Table 6 below is the best empirical evidence that the people of Nelson Mandela Bay had good grounds for venting their anger about tardy progress towards improving access to basic amenities.

TABLE 6: Infrastructure levels in Nelson Mandela Metro 1996 and 2001¹⁰

Infrastructure access levels	1996 Nelson Mandela Metro	2001 Nelson Mandela Metro
Water access inside of dwelling (%)	63.7	32.4
Water access inside yard but not in the house (%)	20.2	32.9
Water access by means of public tap (%)	14.0	8.9
Water access by means of public tap (farther than 200m) (%)	1.0	9.9
Sanitation by flush toilets	83.7	52.8
Sanitation by means of pit latrine (%)	1.7	0.4
Sanitation by means of pit latrine (not ventilated) (%)	n/a	2.2
Sanitation by means of bucket system (%)	11.9	13.5
No sanitation system (%)	2.4	4.2
Without electricity (%)	28.6	24.8
Informal housing units (%)	26.9	22.6

Although there was an improvement in ‘sanitation by flush toilets’ and a slight improvement in reducing the proportion of households without electricity, and the number of informal housing units, for most of the other indicators of service delivery there was a decrease in households with access to improved services.

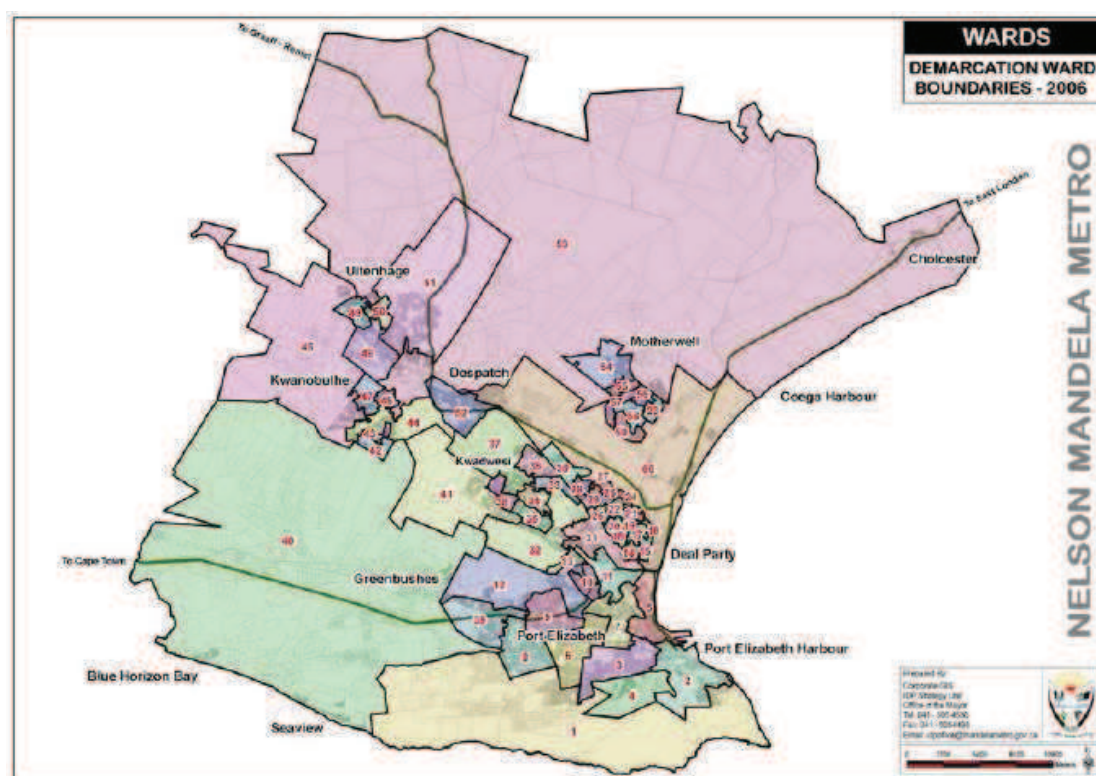
3.5 The Nelson Mandela Bay IDP¹¹

Before referring to the Integrated Development Plan (IDP), it is important to note that the IDP has been referred back to council and is therefore not an official document yet (refer to endnotes 11 and 12).

The main purpose of IDPs is to enhance service delivery and fight poverty through an integrated and aligned approach between different role players and stakeholders. The NMB has identified five municipal priorities as specific focus areas, namely:

- Municipal transformation and development;
- Service delivery and infrastructure development;
- Local economic development;
- Financial sustainability and viability; and
- Good governance and public participation.

MAP 2: Nelson Mandela Bay: Demarcation ward boundaries



Emanating from the above, the following mayoral priorities have been set:

- Integrated and improved service delivery;
- Streamlining of the administration to enhance efficiency and effectiveness;
- Intensification of the fight against poverty and unemployment;
- Elimination of illegal dumping of litter; and
- Enhancement of public participation and communication.

There are many positive aspects to the latest version of the IDP. Firstly, there is the acknowledgment that the successful implementation of the IDP depends on co-operative governance between the three spheres of government, as well as sound partnerships with strategic stakeholders. Secondly, it is accepted that good governance is linked to participation and communication (which emphasises effective ward-based planning). And finally, the priority issues are translated into tangible objectives, five-year deliverables and performance indicators. However, the socio-economic analysis is weak (for one thing the information is out of date) and requires some improvement.¹²

4. The unrest in Nelson Mandela Bay (Port Elizabeth) - a narrative

The service-related unrests in NMB erupted in Kwadonga, Motherwell on 11 May 2005 when people took to the streets. On 12 May 2005 people started to barricade roads with stones and burning tyres in Kwazakhele and New Brighton, while this civil unrest continued in Motherwell (see Map 3 below).



MAP 3: Location of protests in NMB

On 16 May 2005 people from Veeplaas and Kleinskool and residents near Govan Mbeki Street joined the protests that spread to Struan Road and Mavuso Street. Generally the unrest took the form of barricading roads with burning tyres and stones; demands to see the local councillors and mayor; marches to the offices of the Metro; and the handing over of petitions to the municipality. These disturbances and outbreaks of volatility lasted for the entire month of May.¹³

A group of 28 people were arrested on 30 May 2005 at an early-morning blockade of burning tyres and rubbish on Uitenhage Road, where they were protesting about housing delivery. Another crowd of 80 to 100 people from Chatty was involved in blocking the road linking Port Elizabeth with Uitenhage.¹⁴ On Monday 25 July, some protesters from Walmer Township threatened passers-by and motorists using Heugh Road and Victoria Drive, to draw attention to their dismal living conditions.¹⁵ On 3 September 2005 there was a protest march that coincided with the registration of voters for the local government elections scheduled for March 2006. Residents of informal settlements involved in the march were from Chris Hani, Greenfields, Edongweni, Ramaphosa (Motherwell), Joe Slovo, Soweto-on-Sea, and Veeplaas. The informal settlement leader and spokesperson for the people, Patrick Ncina, said: "We are not marching against the government, but we are tired of promises made and not fulfilled by our leaders."¹⁶ This is how a community leader from Kleinskool described the protests:

We eagerly wanted to meet the former Mayor, as a result, our application to march to the City Hall was approved. It was a legal march. We hired buses to transport sick and elderly residents. We had an appointment to meet the former Mayor at the City Hall. When we arrived there, he was nowhere. Another councillor came to receive our memorandum. We could not get an answer as to why the Mayor was unable to meet us. People then decided that we had to organise even bigger mass protests. This was when I realised that the people had had enough.

The fact that the mayor was unavailable at this crucial stage was a typical feature of the municipal protests. Senior politicians often show what seems to be a deliberate avoidance of angry crowds. Not surprisingly, this increases the political temperature of the situation. It is also symptomatic of an astonishing failure of leadership, cowardice in the face of conflict, and a tendency to avoid difficult situations.

It seems that the facilitative role that the former mayor, Mr. Ncube Faku, played, along with the combined ministrations of the municipality's Housing Portfolio members, the MEC for Housing, the national Minister of Housing, and the provincial premier played, defused the violent protests reasonably quickly. Protests in some areas stopped immediately after the communities were visited by delegations from the municipality and the provincial government. It had in fact been one of the demands of the leaders of the unrest that they get to meet representatives from the provincial government.¹⁷

The infrastructural damage resulting from the unrest was limited; in fact the only real damage reported was to the roads as a consequence of the burning of tyres. Besides some delivery trucks being stopped and company products being stolen,¹⁸ not a great deal of damage to private property was reported either.

Although the youth (especially the unemployed youth and school children) were at the forefront of the protests, older women and men were also involved.¹⁹ Many of these people lived in the informal settlements, thereby lending credence to the claim that it was the immigration of poor people provided the main structural dynamic that led to high levels of deprivation, and so stimulated the protests.²⁰ All sectors and age groups of the different communities were involved. It is ironic that the conflict originated in Motherwell, one of South Africa's Urban Renewal Projects.²¹

Another wave of unrest occurred in February and April 2007. However, these were due to the shooting of a boy who had apparently broken into a foreign-owned shop in Walmer, as well as to the eviction of some people who had not paid their rentals. As these were non-service related conflicts emanating from xenophobia and rental housing issues, the focus of this report will largely rest on the May 2005 disturbances.

5. Reasons for the unrest

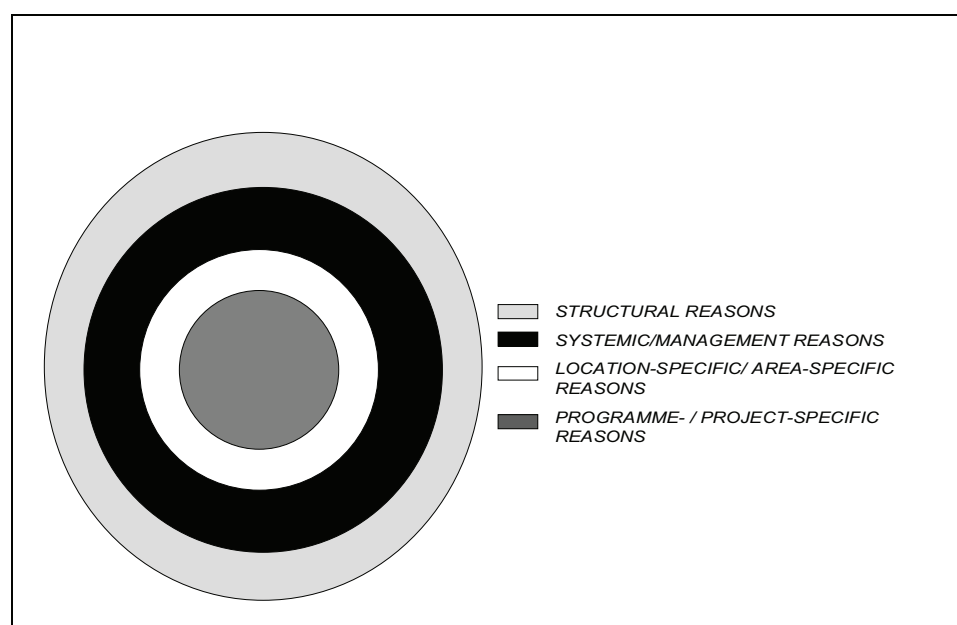
Conceptually, one could usefully identify **four layered types of reasons** for the service-related unrest (see Figure 1). The first layer of reasons is related to the external factors that contributed to the protests, the so-called **structural reasons**. These are the reasons over which local municipalities have little control, for example, prevailing conditions of poverty, inequity, unemployment, past legacies, and so on.

The next layer of reasons constitute the more **systemic reasons** for the conflict, such as: policies and practices of national and provincial government; weak inter-governmental relations; unfunded mandates; inefficient municipal governance; inadequate municipal management; problems in respect of the proper functioning of local governments; and poor service delivery by municipalities.

A third layer of reasons for service-related protests are **locality-specific reasons** –often the result of neighbourhood or ward dynamics where there are poor relationships between ward councillors and their wards; pertinent issues of lack of development dominating a specific area; or unresolved community problems.

The last layer of reasons for service-related conflicts can be coined **programme or project-specific reasons**. Often a development initiative associated with a specific group of emerging contractors, or the attitude and actions of a local developer linked to a specific project, can cause major dissatisfaction amongst end-beneficiaries, thus resulting in conflict.

FIGURE 1: Different layers of reasons contributing to service-related conflict in Nelson Mandela Bay



Before one can analyse and understand the reasons and dynamics of the area-specific service-related conflicts, due consideration should be given to some of the structural and systemic reasons by contextualising the situation in Nelson Mandela Bay. Owing to the focus and dynamics of the particular conflict in the Nelson Mandela Bay area, not too much attention will be given to conflicts at the project-specific level, although there was a High Court case (*Amakhaya vs. Nelson Mandela Bay Metro*) rich in information regarding project-specific conflict.²²

5.1 Structural reasons for the protests

There is a body of literature that suggests that structural reasons are the fundamental source of social protests. Six of these structural reasons are highlighted below.

First, **poverty** and its associated deprived socio-economic conditions, and unemployment, will remain major obstacles frustrating the service-delivery and developmental efforts of government. Many studies have indicated that employment should be addressed together with service delivery to ensure sustainable development, and to reduce, if not entirely eradicate, the underlying conditionalities for social conflict.

The second reason relates to the **amalgamation of municipalities** that has exerted huge institutional pressure on local municipalities and inhibited them from efficiently performing their normal service delivery and maintenance duties. In the case of the Nelson Mandela Bay Metro, Uitenhage, Despatch and Port Elizabeth constitute the newly amalgamated Metro. It has taken several years to resolve and synchronise the administrative system, created from the separate administrations of Port Elizabeth, Uitenhage and Despatch.

A further problem has been **the loss of skills**. It was stated that the number of qualified technicians in the service of the former Port Elizabeth alone (without reference to Despatch and Uitenhage) declines precipitously after the amalgamation. Several very experienced technical people, with from 20 to 25 years experience, were given severance packages during the amalgamation of the erstwhile TLCs. This had a markedly negative impact on service provision and maintenance according to the Acting Head of the Metro's Business Unit for housing and land.

The situation is exacerbated by the fact that NMBM cannot find suitably experienced people to replace the retrenched skilled staff, with the result that specialist technical knowledge and skills, to manage infrastructure provision and maintain quality service delivery, are either limited or altogether lacking.²³

One private developer indicated that, as a direct result of limited capacity, there were some R15-million's worth of building plans not yet approved by the building section of the Metro. Some of the politicians and community leaders interviewed maintained that there were too many 'chiefs' (administrators) and too few 'Indians' (technicians and personnel on the ground) to realise the development mandate of the NMBM.

There is also **tension between demographic and economic growth** in the Metro, on the one hand, and the **ability to provide adequate services**, on the other. The broader context to be taken into account is that, apparently, the current economic growth of the Metro is outstripping its ability to provide adequate serviced land.²⁴ This is congruent with a statement by Trevor Manuel, the Minister of Finance, at a recent conference on monetary policy in Cape Town, where he indicated that the current high economic growth rate in the South African

economy (more than five per cent for the past three years) often leads to supply problems, especially in the built environment sector (housing, public transport and water provisioning).²⁵

The Acting Head of the Metro's Business Unit for Housing and Land, however, intimated that there is land in abundance available, according to the Spatial Development Framework (SDF) for human settlement. The problem, according to this respondent, lies rather with complications occasioned by the erratic allocation of housing subsidies from national and provincial level.

Linked to the foregoing reason is **rural–urban migration**. For various reasons, people are moving into the metro in large numbers. Migrants from the rural areas regard cities as engines of growth and prosperity, which hold out the possibility of employment. Often the government is reactive when it comes to targeting rural areas for development and social service delivery. This results in dramatic urban population increase, putting severe pressure on the infrastructure and local service-delivery systems.²⁶

A further factor, cited by leaders from the coloured communities, is the **legacy of apartheid**, which divided many neighbourhoods into racial camps and which, to a large extent, still prevails today.

The final structural reason is the impact of **economic inequities** that cause **relative deprivation**. The Eastern Cape and NMB straddle two worlds: the one of severe underdevelopment, and the other one of modern, expanding industry. Perhaps nowhere else in South Africa is the stark reality of a dual economy as visible and severe as in the case of the Eastern Cape and NMB.

To illustrate this contrast - while 27 per cent of the value of South Africa's automotive industry is produced in the Eastern Cape, the province is also home to 27 per cent of the country's poorest households.²⁷ The question is the degree to which these multiple facets of the dual economy contributed to situations of relative deprivation which both precipitated and fuelled the popular protests.

5.2 Systemic/management reasons for the protests

Besides the structural reasons for social protests, a number of systemic reasons for municipal protest should be considered. These include:

- the process of municipal amalgamation, which disrupted administrative systems;
- housing issues (inadequate housing provision, structural building defects, and the role of local and provincial governments);
- sanitation (the bucket system and the sharing of toilets);
- unresponsive councillors; incompetent municipal officials; unfulfilled promises by politicians; lack of communication to community structures; community leaders and disgruntled politicians who incite the community; and
- the period leading up to local government elections - this is a period often prone to conflict.

In an attempt to unravel the Metro-related reasons for the conflict, the media reports, and the interviews and focus groups, pointed to there being a strong link between the social protests and a lack of service delivery and maintenance in Nelson Mandela Bay.

It also seems that the protesters rallied around the perceived lack of housing delivery,²⁸ and the inability of the NMBM to make adequate provision for the housing and shelter needs of especially those households in the informal settlements around Nelson Mandela Bay.²⁹ (Map 3 shows the areas where the social protests occurred).

5.2.1 Housing delivery challenges

Housing delivery policies and strategies

The changing housing landscape, in terms of policies and strategies, impacted hugely on the pace and quality of housing delivery in the Eastern Cape Province, and specifically in NMBM. After 1999, the private sector withdrew from the low-income housing environment owing to the policy shift which initiated the People's Housing Process (PHP).³⁰ The PHP envisaged empowering emerging contractors³¹, and entailed a deliberate drive for municipalities to function not only as facilitators, but also as housing implementers³².

There have been three distinct phases in post-apartheid housing delivery in South Africa:

- First phase: Massive roll out of newly constructed houses, predominantly driven by private consultants and big contractors (1994 to 1999)
- Second phase: Provincial housing structures took over the housing delivery drive (1999 to 2004)
- Third Phase: Local municipalities called upon to play a leading role in housing delivery – the so-called developmental local government role (2004 to the present)

The result of these paradigm shifts was, *inter alia*, that during the second and third phases, the actual number of subsidy houses delivered in the Eastern Cape dwindled from 240 000 (in 1998) to 137 000 (in 2005). Currently, the South African Communist Party (SACP)-aligned stakeholders still believe that housing provision should be left to emerging contractors, and that social and people's housing is the best way of ensuring that the maximum proceeds of the capital subsidy scheme remain with low-income communities.

By contrast, the neo-liberals within the ANC are of the opinion that there is a need for involving big private developers to speed up the delivery process.³³ This is a tension in ANC thinking. Owing to the magnitude of the housing backlogs, perhaps the best approach would be a compromise embracing both the emerging contractors and the formal big private contractors.

The lack of housing delivery and the poor quality of houses delivered

The main factors inhibiting housing delivery at the local level are: a lack of technical skills among emerging contractors; corruption in respect of tenders; the under-spending of the provincial Housing Department of R928-million (29 per cent of its housing budget)³⁴; non-completion of houses; and the poor quality of the materials used³⁵. The estimated backlog is about 80 000 houses, with 25 000 households being located in informal settlements.³⁶ People are particularly dissatisfied with the quality of the so-called RDP houses that they received.³⁷

It was estimated, based on research done by some consultants, that it could take R160-million to rectify the serious defects and structural problems in approximately 34 000 RDP houses.³⁸

This is in line with a report by the Auditor-General that 90 per cent of the low-income houses built in the greater Port Elizabeth are sub-standard.

There are several reasons cited for these quality-related problems with the houses. There is a lack of skilled sub-contractors,³⁹ since many have been absorbed by the Koega IDZ, and there is also a lack of supervision and quality control⁴⁰ - especially with regards to the projects funded directly by the provincial structures.

The following quotes, drawn from interviews with protesters and residents, portray the deficiencies in respect of the current RDP houses:

*Few will deny that the housing debacle has been created by the apartheid government. But our current municipalities are still perpetuating apartheid housing patterns. Most of the houses in Helenvale have small yards with only one toilet to cater for 20 to 30 people. If you have a car, there is nowhere to park it. These communal housing structures are an insult to us...*⁴¹

*People think that we have internalised the notion that inferior service is exclusively for us non-whites. If you want to get to the toilet, you have to move through someone else's place. It is a very uncomfortable situation. That is why there is so many tension and conflict between neighbours...*⁴²

*The people who have already received houses are not satisfied as their houses are of bad quality. These houses have been built on clay soil, which makes it very difficult to lay a proper foundation.*⁴³

*Our children have no place to play... in fact, there is no privacy. Some of the houses have such big cracks that our neighbours can see every movement. We complained about this since 1936. How can 26 people live in one house? We have to take shifts to sleep.*⁴⁴

*Our area is prone to rain, burning and sicknesses but the government is not building us houses. We have been living in this area since 1994. Our government is playing Lotto with us. The people have had enough.*⁴⁵

According to a Councillor:

*The people in Ward 35 have been promised houses but nothing has happened yet. They have been asked to register their names on a waiting list. This was done ten years ago and the list keeps growing bigger without any housing delivery. The community members are constantly knocking at the councillor's house asking to see if their names are on the list and the councillor has reported this to the housing officials but was told to refer the people to Bristol House to look for themselves if their names are on the list or not. Those who can afford to do so have seen their names but are growing impatient of the snails' pace of housing delivery in their area.*⁴⁶

A Housing Department official maintained the following:

Demand for houses is far greater than can be delivered. The Metro is trying to address the shack problems; however there are many other people who need houses, but who are not in shacks but in overcrowded houses. Province wants to use big companies (outsourcing). These companies however will still use the same contractors, but the big companies will be paid more. This is at the expense of Local Economic Development and quality is usually compromised. People

*register for houses and then move away without notifying the department. This makes management very difficult. Departments are not talking, but are rather in competition.*⁴⁷

Selective housing allocations and process of housing delivery

Some people complain that people in the informal areas are given first priority when it comes to the allocation of houses and that people living in bad settlement conditions in so-called formal areas are neglected. The following quote provides evidence in this regard:

*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.*⁴⁸

There were also objections, especially from the coloured communities, that the Municipality was giving preference in the allocation of housing subsidies to Xhosas and was also giving preferential treatment to recent land invaders.

*People in informal settlements got better treatment, hence the unhappiness among residents in the formal sections. In fact, residents were not satisfied that land invaders were relocated to better places when they had to endure hardship for many decades.*⁴⁹

Some people complain of being evicted from their informal dwellings without provision being made for alternative houses:

*Our biggest complaint at the moment is that we are being evicted from our shacks due to the promise of receiving houses. Sites have been allocated; however, we are still residing in shacks in these sites as the projects are at a standstill.*⁵⁰

Lack of horizontal equity in housing delivery

Another issue is the existence of different, competing public housing entities, which resulted in different housing products being delivered to the populace in one and the same area. This has the ability to foment huge conflict as feelings of relative deprivation become articulated.⁵¹

Dissatisfaction regarding 'horizontal inequity' is caused by differences in the type of final product, particularly as regards house size.⁵² A solution suggested by some private developers in Port Elizabeth is to link a housing subsidy to a specific product in an attempt to equalise delivery outcomes.⁵³

Availability of serviced residential land

Some opposition party spokespersons claimed that NMBM sold prime land, very suitable for 'infilling', for other purposes - such as a golf course. Others have indicated that the problems of Walmer Township are in part due to the fact that it is built on an old landfill area that renders it unfit for human habitation, as a result of the high levels of methane gas.⁵⁴ However, some of the private developers interviewed, and members of the Housing Business Unit of the Metro, claimed that the availability of serviced land for human settlement does not present any problem.

5.2.2 Empty promises

Unfulfilled service-related promises

One of the greatest modern theoreticians of the African revolution, and the founder of the Party for the Independence of Guinea Bissau and Cape Verde, Amilcar Cabral immortalised these words, “*Tell the people no lies and claim no easy victories*”. This is an important sentiment to bear in mind in analysing the reasons for, and impact of, the service-related disturbances in NMBM.⁵⁵ Prior to elections, and particularly prior to the most recent local government elections, local politicians freely made promises about housing delivery that they were unable to keep. The following quotes, drawn from interviews with residents, support this assertion:

During elections, politicians make promises they are not able to keep. They make a bit of progress but when new officials and councillors are elected, they do not continue with the already existing programmes. They change and come up with different plans. There is therefore a communication breakdown. For example, in Qaqawuli, sites were bought for residents and they had even been given numbers but these projects have been put on hold as a result of miscommunication. I do not even want to vote now. The ANC is not doing anything for us, the poor.⁵⁶

The problem of the municipality at the time of the unrest was that it will inform people that a certain number of houses would be built in terms of the IDP. When the municipality receives less money than expected, the municipality does not inform the community about this problem. The community does not understand all these bureaucratic procedures and managements styles. People become very frustrated when later informed that the municipality cannot deliver on its initial promises. In the 2005/06 financial year, the Metro did not receive any funding for new houses.⁵⁷

This has been an outburst of residents who were frustrated and tired of waiting for years for unfulfilled promises by government and municipalities.⁵⁸

According to a councillor:

Politicians would go out and inform the public about things that we as council have not deliberated on. This created confusion... residents would point out that some of us are very economical with information that they have to know about...⁵⁹

Many community leaders and other role players cited the issue of empty promises as being important in fuelling the protests. One person had the following to say in this regard:

As much as the government try to address the problems residents encounter, the expectations of the people on the ground is far higher than the promises made. People do not know democratic and, sometimes, frustrating processes... People want to see service delivery at a faster pace instead of being informed about why certain projects failed.

According to another councillor:

People have also been relocated to sites that are far from the workplace, even though they were promised a certain area.⁶⁰

Social unrest, insofar as it is the expression of people's frustrations and unmet needs and aspirations, ⁶¹ can also be regarded as in a sense insuring democracy.

*We do not have taps in our yards. There is one communal tap, but to get your daily water supply, you have to wake up at 5:00 in the morning to beat the long queue. We are also not supplied with electricity... we only have one flood light. The Municipality's stance is that it does not own the land and, therefore could not develop it, did not go down well with the residents. This area had been neglected for many decades. If you phone any public office and state you are from Kleinskool, you get a feeling how irritated they become. We live a primitive life. Our children are ashamed to invite their friends from other neighbourhoods...*⁶²

Another person from Kleinskool revealed:

I am 70 years and have spent all my life in Kleinskool. We have been on the housing waiting list for more than 30 years without any success. What is surprising, is that we receive municipal bills indicating that we reside in houses... We tried to call our ward councillor, but he is very negative...

Local compacts that ought to drive and facilitate participatory processes in housing delivery are currently not functioning properly.⁶³

With regard to people's service delivery expectations, certain of the councillors cautioned that the expectations of the communities are sometimes unrealistic. The councillors also argued that many people acted as if the government owed them something – the so-called entitlement syndrome.

5.2.3 Issues of governance

Intergovernmental relations and unfunded mandates

Several newspaper reports⁶⁴ showed that the different spheres of government had actually accused each other of not living up to their promises, and also of under-performing in terms of housing delivery. It was quite clear that often local authorities would blame the provincial government and private developers for non-delivery, while councillors often blamed officials for not performing their duties properly.⁶⁵

Many community groups, in turn, accused the local councillors of not communicating with their constituencies sufficiently. A case (Amakhaya vs. Nelson Mandela Bay Municipality) in the High Court of Port Elizabeth revealed that different role players blamed each other for not performing their duty in respect of housing delivery.

The private developer (Amakhaya Construction) blamed the NMBM for lack of facilitation between conflicting emerging contractors in a low-income housing project in Uitenhage, while the local council accused the developer of improper facilitation of a housing compact relating to the same project. They also blamed the province for a lack of response.

Another dimension to this 'blaming game' occurs where the local authority accuses the province of excessive bureaucratization, and of not allocating and releasing subsidies in time, while the province berates the local municipality for its limited capacity for sustained quality delivery.⁶⁶ In this regard the opinion of the former Mayor was quite insightful:

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. The provincial Government is much to blame in this. 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'?

This issue reveals institutional dysfunctionality in several respects. Why does the provincial government inform municipalities in such a tardy manner? Do the municipal officials inform the council timeously? Are these matters discussed between the officials and the specific councillors for those areas? Is a strategy to inform the residents, and to salvage the municipality's housing plans designed, and if not, why not? And finally, why do the councillors not inform the residents about delays and obstacles?

Another councillor reported:

The municipality has its own plans and programmes, but is heavily dependent on funds from the National and Province 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

A further administrative problem, cited as often delaying housing delivery, is the fact that the financial year of the province is not synchronised with that of the local authorities. NMB politicians pointed to the phenomenon that all the 'upper tiers' of government expect local government to make good all of their collective promises – 'cascaded down' as it were.⁶⁷

It remains a huge challenge for local government to fulfill its normal functions as well as those entailed by 'developmental local government'. It has been shown time and again that municipalities have limited capacity to deliver on their development mandate.

This problem is worsened if municipalities are expected to perform new functions, or implement new programmes, without adequate costings – in terms of staff, skills, time, management and financial resources - of what these functions will entail. This is the ongoing problem of 'unfunded mandates'.

The focus-group of community members from Helenvale who participated in the protests confirmed this point:

It is no secret, however, that our municipality has battled to come to terms with the democratic way of doing things...We are now more informed about how the Government operates, but Government bureaucracy is stifling progress. The process of allocating resources to local municipalities is too complicated and we might now have to take on the national and provincial officials.

The role of provincial government

A moratorium was placed by the provincial government on the funding of new housing projects for a period of two years from 2004 to 2005. This meant, naturally enough, that the municipality could not deliver on its mandate of building houses for those two years.

The province's standpoint was to "first fix the mess of under-spending before we can fund new projects."⁶⁸ Another reason for the housing subsidy moratorium was that several projects remained incomplete. According to the housing subsidy process, as it is currently conceived, a housing project is only regarded as completed once title deeds and transfers are completed for all the end-beneficiaries.

Because some housing projects took 18 months to complete, NMBM struggled to trace and confirm beneficiaries who had drifted away while the houses were being built. This is a problem that particularly affects 'green fields' development. Often monies are withheld by national and provincial housing authorities simply due to a handful of end-beneficiaries being uncontactable.⁶⁹

People on the ground wanted the municipality to account for this lack of delivery. In the words of a former mayor:

*People fail to understand that housing is not a competency of the municipality. The municipality has no budget to deliver houses. The Provincial Government uses municipalities as agents to deliver houses. This, unfortunately, is not known by the public.*⁷⁰

Another councillor's input raises the challenge of unfunded mandates:

Unfunded mandates are a consequence of decentralisation. Local governments cannot suspend service delivery and wait until they receive money from National Government and Provincial Government. We are obliged to serve our citizens. Many areas such as HIV/AIDS and social services are usually unfunded mandates... This may potentially erode the finances of local governments if not handled carefully.

One academic at the Nelson Mandela Metropolitan University put it as follows:

*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 it is Council that is answerable to angry communities.*⁷¹

The role of local government - problems and challenges

Some people maintained that the roles and responsibilities of councillors are generally too poorly defined. Councillors do have a predominantly representative, and not a management, function to fulfill. Accountability relationships are unclear, and there is a lack of transparency.

Councillors were not created primarily to manage programmes and projects, but rather to select and monitor them. Some councillors are seen as anti-development. If they are not able to be in charge, they impede development. Councillors become targets for aggrieved community members, and scapegoats for officials. There are also power plays between councillors and officials.⁷²

An official had the following to say about the role of councillors:

*Councillors are sometimes part of the conflicts. They are constantly under pressure. They are the first targets from the community. This makes them very subjective. If the councillor is unable to solve a problem, they encourage the people to have the unrests.*⁷³

And a community leader supplemented this with:

The unrest happened because councillors are not in tune with the communities. They do not even understand the IDP. Most of these councillors are not even competent to do their job. They do not have enough education and awareness of their communities and are therefore unable to be vocal enough about the community's priority needs. Officials therefore dictate what should be in the IDP instead of the other way round. Councillors are also no longer passionate about their work. They are rather more interested in their wage. They are not involved in people's lives. They are only visible during election time. They are not mobilising the community to report back or inform council of the real needs of people on the ground. The Mayor usually holds Imbizos with Council, however, the councillors should be the link to the communities. This is currently not happening. Except these Imbizos, there are no other clear communication initiatives with communities.

One community leader from Helenvale remarked:

Our local governments are in shambles. Residents were openly stating that they are prepared to die to ensure that their children live a better life.

Several respondents indicated that there was a surfeit of senior staff at the NMBM and not insufficient troops. The IDP office was cited as an example. Although it consists of a senior manager with a staff complement of just six people, the IDP it produced was heavily criticised at a council meeting in April 2007.⁷⁴

Non-responsive local governance

The non-responsiveness of elected ward councillors, as experienced by local people, is evident from the following quotes:

Our councillors did not stay in our areas, they were not accountable. Previous councillors used to stay in the city in air-conditioned houses and remote-controlled gates. When we complained to these councillors about the fountain water which was messing up the area, they would go to their leaders and say that we requested money to have a big party.⁷⁵

The idea of dumping non-performing ward councillors on us is a recipe for future unrest. Our councillors are not residing in our areas. How can they champion our cause?⁷⁶

The community has not received any satisfactory responses on the petition handed over... We are still very emotional about the way our complaints are ignored. Our daily lives are filled by anger, grief and intolerance. Violence can break out any time... we are fed-up with the people who make our lives living hell...⁷⁷

Before the protest, we have already written several letters to our councillor requesting a meeting to discuss our problems, but he did not bother to reply. We have also marched on several occasions to the City Hall, but seemed not to have had an effect. Do we have to turn violent for our own Government to take cognizance of the massive problems we encounter? Our leaders and some municipality officials are swollen-headed with arrogance and disrespect. They lack accountability; it is disappointing and demoralising for us as paying residents to live with the fact that we are being deliberately ignored.⁷⁸

The following provides evidence of the positive impact a responsive councillor could have on a community:

Up to today, there has never been unrest in our area even though we are dissatisfied. This is because our councillor is available. He also has a complaints system.⁷⁹

Community members who participated in the protest were of the opinion that councillors who failed to hold ward committee meetings were failures, and that this was tantamount to a dereliction of duty. Regarding the functioning of ward committees, one community leader remarked:

No Ward Committee meetings were held in our area. We had to go to the school in Riverside to meet our councillor. However, whenever we wanted to air our grievances at such meetings, we were always told that the meeting was about Riverside residents and not Kleinskool...Our councillor had the guts to tell us that we are troublemakers and, therefore, does not have time for us. This is sad, because this boy grew up in this area...The ward council system can only be successful and serve as a foundation for community participation provided all residents are included, irrespective of political affiliation. A wider multi-party political contribution and participation is needed.⁸⁰

Some people also complained about the non-involvement of councillors in defusing the social unrest, all the while supposedly acting as the elected representatives of the people.⁸¹

Disjuncture between development objectives in IDP and needs of the broader community

Although the IDP referred to the provincial Growth and Development Strategy (GDS) it is unclear to what extent key priorities of the GDS feature in the IDP and what the level of integration is between the GDS and the IDP. The question is which will be the key strategic document or mechanism to drive economic growth and development at the local level? Will it be the GDS or the IDP, or both?

Many of those interviewed indicated that the IDP did not reflect the aspirations of the people well enough due to a lack of inputs by stakeholders in the IDP process.⁸² Opportunities for community-based planning seem to be limited. This is largely the result of poor communication between councillors and some ward committees. The councillors are simply not communicating with their constituencies on a regular basis.⁸³ Many people did however indicate that communications had improved as a result of the social protests.

Corruption and self-enrichment

There were mixed feelings about the issue of corruption. Some of the participants maintained that one had to have hard evidence to prove that someone was corrupt. Others, however, were less scrupulous on this score, and said that it was easy to identify corruption. This is captured in the following statement:

It is difficult to say with certainty whether officials or councillors are corrupt...Several houses were destroyed by thunderstorms in Port Elizabeth. What we know is that money was paid into a local disaster fund to fix those houses. Nothing, absolutely nothing was done to the destroyed houses. Where is the money? It is things like this that make us believe that there is corruption at the Municipality...The houses that were destroyed and not repaired are also one of the main reasons why people from this part of Kleinskool do not want to relocate to the so-called development friendly areas. They fear that they might be dumped into houses without any support from the Municipality...⁸⁴

5.2.4 Role of the media

Certain councillors and other political leaders from New Brighton suggested that the media had fanned the flames of protest in that their reports were coloured by sensationalism:

The media fuelled the unrest by giving the community more reason to be dissatisfied. Many issues were highlighted by the media, which the community did not complain about. The portrayal of violent protests from other areas which were beamed on TV, also motivated some residents to become instant celebrities.⁸⁵

5.2.5 Political opportunism and political factions

Many of the stakeholders who were interviewed identified the rift between the ANC and the SACP/Labour movements as having fuelled the social protests. Some also asserted that key Metro officials, who were SACP sympathizers, had instigated the unrest all the while ostensibly working for the council. Political groups, such as the SACP, were seen by the Director of the Urban Services Group, and certain private developers, as responsible for promoting the unrest agenda.⁸⁶

Other respondents intimated that ex-councillors were still setting the political agenda even though they were no longer in office.⁸⁷ There were councillors interviewed who also believed that the unrest had not been spontaneous, but that it had been carefully orchestrated by hidden leaders - a so-called 'third force'. This was seen as jockeying for position in anticipation of the impending local government elections.

According to one councillor:

My area was also affected. I never thought that any unrest will happen in this area. I was dumbfounded; it was the work of hidden leaders. The protest spread like wildfire from one area to the other; hence I believe it was the work of underground people. We tried to warn the community about this⁸⁸.

Another councillor said:

Certain [ANC] comrades influenced the public to resent... the unrest was primarily a manifestation of the nomination process, this was particularly the case in the Kleinskool area ... other factors apart from service delivery also contributed to the unrest. It was mainly disenchanted ANC members who were not on the nomination lists who led the unrest. They were frustrated because they were positioning themselves for the forthcoming elections.

Another councillor was of the opinion that the leaders had started the protests:

It started with us, the leaders. If we did not agree on certain issues at council or ANC meetings, some leaders would leave the meeting and mobilise the community. The attitude and behaviour of some political leaders actually indicated that conflict is looming...

The suspicion that a ‘third force’ had been fuelling the protests was however disputed by many other councillors and stakeholders who were adamant that the demonstrations were spontaneous eruptions of dissatisfaction, perhaps helped along by community leaders.

5.3 Project-specific conflicts

People experienced nepotism and favouritism regarding access to employment on government projects, especially housing projects. One community leader’s considered response was that:

Council favoured people who were close to political leaders. It was sad to see people from other areas working in your area when the job that was being done did not require skills that the locals did not possess. People raised eyebrows; they actually stopped the contractors from working.

As a result of certain locality-specific, project-related unrest, the local government introduced a toll-free hotline to report corruption.⁸⁹

Another case of project-specific was the Amakhaya Construction versus NMBM case alluded to earlier. As a result of this conflict, the developer lost R2-million when the court ruled in favour of the Municipality.

6. Early warning signals

According to the police and most of the stakeholders interviewed, there were no early warning signals of impending trouble. The social unrest took the entire Nelson Mandela Bay by surprise. Some councillors, however, indicated that they could detect that the people were very angry at the housing Imbizo held before the protests erupted. Although the participants’ questions were direct, and very emotionally put, people did not believe that violence was in the air. The councillor with the Safety and Security portfolio said that the municipality had been informed by the Intelligence Services concerning the looming protests.

7. Conflict resolution and mediation mechanisms

Most of those interviewed felt that it was unnecessary to put any conflict resolution systems in place at the local government level to pre-empt conflicts, or to engage in conflict resolution and mediation attempts to prevent social unrests. They argued instead that improvements in the client interface of the council – the ways in which the municipality interacts with the residents - and more responsive councillors, would go a long way in obviating future disturbances.

One councillor implied that it had never occurred to the municipality to engage external mediation agencies when he said: “We regarded the unrest as a political matter, which needed political intervention.”

Governance issues, which often contribute to lack of service delivery, need to be explained in very elementary terms to ordinary townspeople in order to enhance their understanding of the challenges facing developmental local government.

According to the previous mayor a major challenge in respect of communication is when the community does not know where to access information, and when they feel intimidated by information being presented in a complex manner.

Mediation attempts during the conflict were facilitated by the local ANC caucus; the former mayor and other councillors; ward committees; the provincial Minister of Housing; the premier; the national Minister of Housing; and the national government via the Izani Mvula Project – a project aimed at alleviating the plight of areas at risk of flooding.

Attempts at defusing the protests were however little more than *ad hoc* interventions by provincial politicians once the conflict was already underway. Conflict resolution and mediation mechanisms that might have forestalled the trouble were not incorporated into the municipality's planning or its operations. In one focus-group session the people asked that:

Councillors and the Mayor ensure constant communication with the people at all times. They should not wait for unrest to take place. They should not react, but should rather be proactive.⁹⁰

8. Impact of the protests

Conflict and protest have both negative and positive consequences. On the positive side, the disturbances served as a loud 'wake-up call' for the public sector politicians and officials to take the service-related problems in NMB seriously. Many questions arise.

Did the outbreak of violence result in the application of a measure of institutional pressure on NMBM to speed up service delivery? Did it, furthermore, contribute towards improving the client interface and open communications from NMBM towards the residents of greater Port Elizabeth? Did it, finally, contribute towards establishing a properly functioning ward committee system linked to an effective complaints system?

Some of the negative impacts related to effects on the education system; damage to property and infrastructure; economic and financial losses resulting from temporary decreases in productivity; and a possible erosion of the local and provincial governments' legitimacy in terms of both their capacity and their ability to improve and maintain service delivery. This last may well eventuate in future political decay.

One of the short-term impacts was that schools were disrupted as many pupils were in the forefront of the protests. The matric pass rate for Port Elizabeth decreased by eight percentage points from 75.8 per cent in 2004 to 67.8 per cent in 2006, although it is not clear to what extent this can be ascribed to the conflicts in Port Elizabeth.

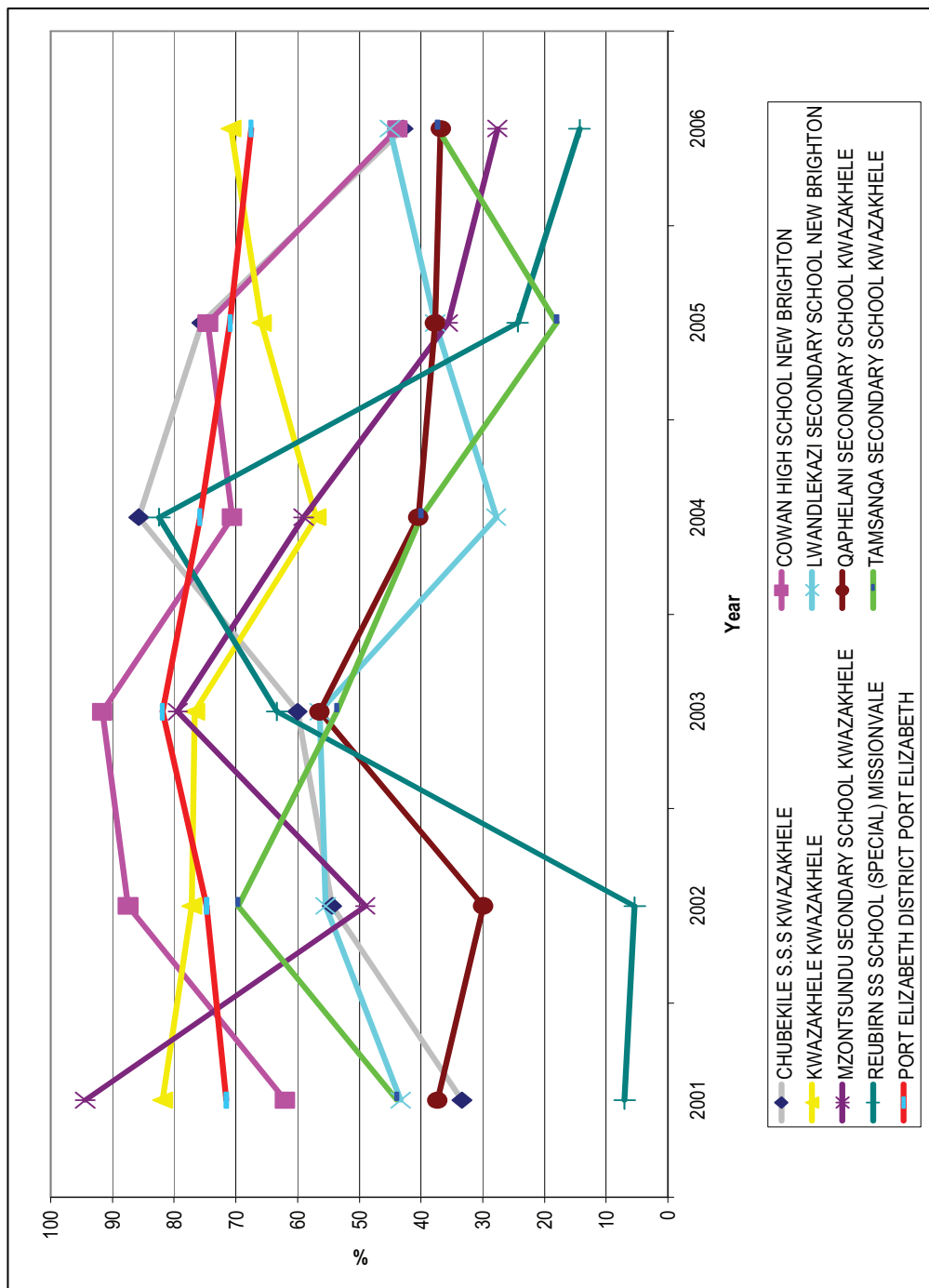
At the same time however, the pass rate for the province as a whole increased from 53.5 per cent in 2004, to 59.3 per cent in 2006, thereby suggesting that at least one of the factors responsible for the decrease in performance in Port Elizabeth surely can be laid at the door of the local disturbances.

When the matric pass rates for eight secondary schools in the areas where local protests actually occurred are compared with those for Port Elizabeth in general, the negative impact of the protests is very clear. (See Figure 2 below).

Some of those interviewed were at pains to point out that there had been limited financial and physical damage to property, but that public transport routes had been severely affected. Most of the traffic had had to take alternative routes.⁹¹

People had burned tyres on the roads, which caused long-term damage, while others had vandalised traffic lights. On the other hand there were stories told of how businesses had been looted and burned down.⁹² This is supported by the following quote from a focus-group interview with community members who had participated in the protest:

FIGURE 2: Matric pass rates for Port Elizabeth and selected schools in the areas where the local protests occurred.



Many businesses were looted. I know of one businessman who begged the looters not to burn down his shop, but take everything inside... some businessmen slept on the roofs of their shops to protect their businesses. The police did nothing to protect the poor businessmen...

Non-protesting residents were, as might be expected, often grossly inconvenienced. According to the former mayor, the protests had featured an element of general lawlessness:

Criminal elements had a field day. For example, streets entering some of the neighbourhoods were barricaded. To use alternative roads drivers were charged R10 which was a criminal offence.

All of the current councillors interviewed (eight in total, from across the political spectrum) indicated that the social unrest had had a salutary effect on the municipal officials and the politicians. Some protest leaders were also of the opinion that the unrest spurred on service delivery in certain areas.

It was said that the protests had awakened all levels of government to the fact that people's grievances need to be taken seriously, and secondly, emerging building contractors got the message that the government and citizens were not going to accept houses of sub-standard quality.

Politicians have come to be more circumspect when addressing communities⁹³ and now realise that it is important not to make empty promises to the people. This is not necessarily to suggest that councillors cynically make promises out of thin air. Many councillors, especially when they are inexperienced, do not understand the administrative practicalities of service delivery.

When these individuals make political pronouncements in the run-up to elections, they may well mean what they say. The problem is that converting promises into tangible products is often a much more difficult task than they imagine.

Naturally enough, while the electorate remembers the promises, it does not necessarily appreciate the complexities inherent in the institutional context, and this then gives rise to disappointment and frustration.

The disturbances underlined the important roles of communication and constituency interaction that ward councillors have to fulfill. As a direct result of the unrest a Metro magazine cum community journal (*Ubuntu*) was launched, and regular mayoral Izimbizos are held with portfolio heads within the Metro. People indicated that ward committee meetings are held more frequently nowadays.

The foregoing clearly demonstrates the beneficial net results that can be ascribed to protest action which is, in a sense, nothing other than democracy in action. As a group of political leaders in New Brighton put it:

In the past the ward committees were not effective. The Municipality's different portfolio committees are making an effort now to visit all the different wards. At such meetings, residents are afforded the opportunity to raise any issues, unlike in the past. Previous mayors never bothered to visit our area... the current Mayor visits all areas of PE.

This group of ANC politicians further stated that:

The unrest had a strengthening impact on our Branch. It made us aware that we urgently had to close the gap between the party and the community. The unrest helped the ANC in terms of liaising with the community. We tended to relax too much in the past. We have learned that democracy and political leadership is not about us, but about the people we serve.

From the community's point of view, the protests brought the ongoing discontent with the performance of the municipality to a wider audience. Community members from Kleinskool had the following to say:

What we have learned is that unity can bring results that would otherwise have been impossible... The community stood together, and I believe the government has learned not to take people for granted...

We also learned that people across racial lines have the same problems. Initially, we thought that black communities were not neglected as us. The widespread unrests showed us that we are actually in the same boat and experiencing the same difficulties...

I learned not to trust our public representatives. They are unscrupulous and only interested in furthering their own agendas.⁹⁴

It is significant to note that, while people may be disillusioned with the performance of an ANC council, they may still be reluctant to vote for an opposition party. (See Table 7 below).

Atkinson has written that, "... the municipal elections did not unseat the majority party; clearly, municipal elections are not about quality control; they are about symbolic issues unrelated to actual service delivery. The pressure of the populace will have to be felt at the barricades, not at the ballot box".⁹⁵

Certain ANC councillors were understandably quite happy with the outcome of the last elections, irrespective of people having taken to the streets:

Unbelievably, the ANC won the elections by a larger majority. I thought that we were going to receive far less votes as a result of the unrest and the many independent candidates. The election results showed the confidence and loyalty demonstrated by residents to the Party.

It is evident from Table 7 (below) that there was a very small increase in the proportional support for the ANC when the local government elections results for 2000 and 2006 are compared. However, the total number of valid votes cast decreased by 16 456 - from 567 842 in 2000 to 551 386 in 2006.

If one considers that the population growth rate in 2004 for Nelson Mandela Metropole was 1.5 per cent⁹⁶ (cf. Table 2), at least nine per cent more people than in 2000 should have been resident there and might have been eligible to vote in NMB in 2006. Therefore, a much higher voter turnout could have been expected.

The decrease in voter turnout may have been due to voter alienation from the political system, due to people's disillusionment and dissatisfaction with local service delivery, thereby emitting an early warning sign of political decay, and the erosion of the legitimacy of local governance in Nelson Mandela Bay.

TABLE 7: Voting profile: local government elections, Nelson Mandela Metropole

Party	2000 Elections	2006 Elections*
African Christian Democratic Party	1.12	0.76
African National Congress	66.16	66.53
African Transformation Efficiency and Affirmative Movement/Alliance for Community Transformation	0.47	0.3
Azanian People's Organisation		0.3
Congress Movement of the coloured people in South Africa		0.7
Democratic Alliance	28.69	24.39
Independent Democrats		2.51
Inkhata Freedom Party	0.28	0.1
Liberal Party		0.1
Pan-Africanist Congress	1.1	0.73
United Democratic Front	2.18	0.88
United Independent Front		0.4
Vryheidsfront Plus (Freedom Front Plus)		1.13
Total valid votes	567842	551386

* These percentages do not total 100% due to the rounding of seat allocations

Source: Independent Electoral Commission

Another way in which people's disaffection could have manifested itself was in the dramatic increase in the number of independent candidates standing for the 2006 local government. Could this have been another sign of a growing discontent with the councillors of the ruling party? Community members reflected on this in the following words:

*We, the voters, also have a role to play. We should learn to vote with our minds and not our hearts. Irrespective how painful it is going to be, violence in our areas can only be prevented when we vote for individuals who are not arrogant.*⁹⁷

The local councillors who attended a workshop on 12 June 2007 to reflect on the findings of this research disputed this interpretation of political decay, and claimed that people all over the world tend to vote less as time passes after political independence has been gained.

One might also argue that the May 2005 local protests lent an important impetus to the strategic vision and development planning of the NMBM. It is noteworthy how the NMBM and its partners (Labour, Business, Civil Society and Government) in their Growth and Development Summit Agreement of 27 March 2007 identified *speeding up delivery of basic services* as a pivotal priority programme.

Other programmes are aimed at making Nelson Mandela Bay a preferred investment destination, at promoting it as a tourism destination, and at encouraging SME and cooperative development. Under its priority programme of speeding up delivery of basic services, housing is understandably at the core of the NMBM's development initiatives, followed by social infrastructure, electricity, water and sanitation, and then roads and storm water drainage.

9. The Role of the South African Police Service (SAPS)

People were ambivalent about the role of the police. Most of those interviewed wondered whether the police could not have done much better in terms of controlling the unrest situations. One community leader made the following comments:

We were waiting to be addressed by the then Minister of Housing as promised. However, a junior officer was sent instead, people got angry. The police responded by using rubber bullets... Some people's windows were ripped apart by these rubber bullets. The police were aware of our grievances, but instead of ensuring that the legal protest continued peacefully, they reacted by firing rubber bullets at protesters. Many protesters were shot, assaulted and arrested. I know of one man who has four rubber bullets lodged in his foot. There were not any court cases...

Another group of community members from Kleinskool not involved in the protests, stated:

Generally we were not satisfied with the reaction of the police from other areas. Our local police were sympathetic, because they knew our frustrations. They were not taking any action against the protesters, as they were protesting peacefully. The whole situation changed when police from other areas arrived. The police from other areas shot anyone in the streets with rubber bullets. Many elderly people were trampled as the protesters were trying to run away from the police. I know of one woman who was shot while waiting for her transport at the bus stop. She was shot three times at her leg with rubber bullets. She was also assaulted. There are many people around here who still carry wounds from the protests.

A Group of community members from Helenvale, who were involved in the protests, described the role of the police in the following way:

We cannot be naïve. The police had to do their job, but they were also settling their own scores with local people who were in the past unwilling to identify drug lords.

The police shot at residents who had nothing to do with the unrest. Many people were shot while standing in their yards. A young girl was shot with a live bullet whilst standing in the yard. Some of our children were forcefully removed and taken to the cells despite not being involved.

Many people were arrested in a very funny manner for public violence during the protests. Many people spent time in jail for reporting cases during the time of the unrest...

The police used rubber bullets to disperse the crowds that took to the streets. This the people could take, but when the word spread that people are being arrested randomly, we got more violent ... the police retaliated by shooting from a helicopter at people returning from work...

The following are some of the concerns highlighted in the individual and focus-group interviews:

- Police did not act proactively to restore order.
- The police had poor instructions. The way they followed instructions led to massive protests.
- People were arrested and subsequently released without trial.
- Too much force was used.

A few indicated that the police had done well to control the crowds to such an extent that very little damage was done to people and property. As one councillor put it:

The police acted very professional, they really handled the situation well. They were able to come over to the Municipality's offices. It was the police that encouraged the Mayor to address the protesters.

10. Client interface, communication and complaints

The 'client interface' refers to the interactions between the municipality and its residents, and is of relevance to both the administrative and the political components of municipalities. Any discussion on client interface should work from the premise that people have a right to know the short, term and long-term priorities of the municipality and to hold municipal officials and politicians accountable. As one community leader put it:

Officials also take too long to respond to community complaints, such as, garbage removal, fixing electricity faults, etc. This makes the councillors' duty to be very difficult because people do not blame the officials but rather see the councillors as incompetent.⁹⁸

Community members were as one that good communication is vital to prevent future unrests:

Protests against our own government can only be prevented when all channels of communications are effective and the wishes of people are respected... In fact, it will be a big bonus if our ward councillor is not part of the communication channels. The man is a cul-de-sac, he is a prima donna, and he is untouchable. There is nothing that we can discuss with him...⁹⁹

This situation can only be prevented when the voters are afforded an opportunity to lay charges against non-performing councillors. But will this ever happen? Our government is slowly, but surely, messing up the ideals of many South Africans. Our leaders need to be less pompous and arrogant...¹⁰⁰.

One councillor argued the following:

Both councillors and officials should not be reactive to people's needs and issues of service delivery. They should rather communicate their plans to the people beforehand and listen to people's real needs. In this way they will be proactive. "People need to hear the truth"¹⁰¹

In some instances, councillors and community members felt that the ward committee system was still new and for that reason not as good a conduit for client interface and communication as it should. Political parties are too involved in the formation of ward committees and therefore not making enough room available for the participation of all stakeholders. This impoverishes debate as it stifles fresh, dissenting viewpoints. Virtually everyone interviewed said that councillors and municipal officials should be made more accountable to the ordinary people, both for their actions and their omissions.

Communication is still a major challenge. There is a large gap between Council and residents and this needs to be addressed urgently. The Expanded Public Works Programme (EPWP), which largely involved the youth, helped to mitigate the gap that exists between Council and the community. The EPWP gave the youth the opportunity to have first-hand information as to how the government operates. Programmes such as the EPWP allow the community to participate and assist the government on delivering on its mandate. We need to involve the community more in certain areas.¹⁰²

It should be noted that communication is not only a problem of the government. Residents also have to be blamed because they do not attend community meetings when asked to do so. It is the responsibility of any loyal citizen to attend such gatherings and make meaningful contributions. Some people also have to be taught to go into a different mode of handling complaints. We need to educate people to move away from using violence and intimidation to consultation and open dialogue.¹⁰³

People know what they want, and that people do not necessarily want delivery pronto, but that they need open and trustworthy engagement with both councillors and political figures. There should always be community liaison and an exchange of new ideas and that this can only happen if all different stakeholders are involved in decision making. People should understand government, and government should make an effort to understand people before any project is implemented. For example, there is currently unrest in the Northern Areas because people have been promised a piece of land in which their houses were to be built, but now they are being relocated to an area far from economic opportunities - without any explanation. This is the case in Walmer as well, where people were promised a piece of land which had already been sold for Social Housing and not RDP housing.¹⁰⁴

Communication is the key, especially consultation with the key stakeholders, that is, the communities. People should own the housing process.¹⁰⁵

Owing to the unrest many new initiatives have been launched such as a toll-free hotline to report corruption and mayoral radio talk shows, and measures to ensure that ward committees are effective¹⁰⁶.

11. Conclusions

As the research results unfolded, it became clear that ineffective community participation and poor service delivery were the dominant issues. The results also illustrated that local protests in Nelson Mandela Bay were, in a sense, manifestations of “dysfunctional relationships between citizens and government”.¹⁰⁷

It is evident, from an analysis of the protests in NMB, that there was a multiplicity of factors that contributed to the conflict and the protest actions. These reasons can be grouped into four clusters: structural; systemic and management; locality-specific; and project-specific reasons.

But it was the institutional, and the management-related, reasons that took centre-stage. The political, governance, and local management structures in Nelson Mandela Bay Municipality failed many of the poorest of the poor, especially in respect of their housing and shelter needs, as well as of other basic municipal services, such as sanitation and refuse removal. People took to the streets and voiced their anger because of genuine grievances regarding the pace and quality of service delivery which should have been better provided for by the NMBM.

This, however, was only part of the problem and the situation was aggravated by a dearth of appropriate community participation and engagement at local government level. Mathekg and Buccus¹⁰⁸ make the point that local government institutions have not been able to live up to the expectations of their citizens. They argue that government institutions have failed to animate a latent participatory culture which has its historic roots in the anti-apartheid movement.

12. Measures to be taken to prevent future protest

What can be done to avoid similar service-related protests in the future? In the course of extensive consultation with the research participants, a number of measures were proposed that might help to obviate future disturbances. These are listed below.

- Sound intergovernmental relations should be ensured between the local municipality and the provincial and national governments.
- The burden of unfunded mandates upon the local authority must be alleviated. In order for the municipality to fulfill its role as a developmental local government, it is vital that there are no funding blockages between provincial/national and the local level.
- Delivery of basic services must be accelerated – most especially housing, sanitation and refuse removal.
- Participatory governance must be given effect to and find tangible expression in day-to-day practice. This includes, *inter alia*, a drastic improvement in client interface, regular communication between councillors and their constituencies, and ensuring the proper functioning of the ward committees to facilitate the so-called Ward-based Planning Process. Provincial and local governments should be more sensitive to the needs and aspirations of people on the ground.

There is a need for improved community-based planning efforts that feed into the formulation of IDPs. Councillors must be held accountable for regular interaction with the people in the wards. Municipal officials should visit all areas, at least quarterly, to explain the status of development programmes and to share information pertaining to service delivery. Through community-based planning approaches people should be incorporated into the IDP cycle to make participatory governance a reality.

- There is a strong requirement for the implementation of a complaints management system which is linked to regular client satisfaction surveys, with the ultimate aim of improving service delivery and client interface. Each ward is supposed to have a functional Ward Office where anybody can register a complaint. In order to ensure that complaints are followed-up and addressed adequately, such a system should be properly integrated with the operational system of the local municipality. An effective complaint management system could go a long way towards preventing the triggers of future protests.
- Finally, a mechanism to identify the early warning signs of potential unrest must be operationalised so that effective mediation can be initiated before it is too late.

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- ¹ Gaffney's. 2004. Local Government in South Africa 2004 - 2006. Official yearbook. Department of Provincial and Local Government.
- ² Gaffney's. 2004. Local Government in South Africa 2004 - 2006. Official yearbook. Department of Provincial and Local Government.
- ³ Nelson Mandela Bay, Integrated Development Plan 6th edition 25 May 2007, p. 30.
- ⁴ In the latest 6th edition of the IDP (p.30) a population growth rate of 2.5 per cent is used, which is too high according to our reputable data sources and the models used by the Actuarial Association of South Africa.
- ⁵ Nelson Mandela Bay, Integrated Development Plan 6th edition 25 May 2007, p. 30.
- ⁶ Rex data Global Insight.
- ⁷ <http://www.ecdc.co.za/development/develop.asp?pageid=28>
- ⁸ Owing to rounding, figures do not add up to 100 per cent..
- ⁹ <http://www.ecdc.co.za/development/develop.asp?pageid=28>
- ¹⁰ Statistics South Africa.
- ¹¹ The IDP refers to the final draft of the 6th Integrated Development Plan (25 May 2007).
- ¹² A memorandum from the office of the IDP Manager, Dr Vatala indicated that serious observations, challenges and shortcomings were raised as part of the feedback from the provincial analysis of the IDP draft. Unfortunately, the issues raised by the Department of Local Government and Traditional Affairs, could not be included in the final draft, as intensive interaction with the political leadership should take precedence so as to give political guidance.
- ¹³ Head of the Area Crime Combating Unit, Senior Superintendent Mgwebi.
- ¹⁴ Matyu J. EC police investigate 'third force', *The Herald*, 31 May 2005, p. 1.
- ¹⁵ *The Herald*, 27 July 2005. Ugly scene in the township forgotten, p. 4.
- ¹⁶ Matyu J.. Squatters to march in local election protest, *The Herald*, 1 September, 2005, p. 11.
- ¹⁷ Focus Group: political leaders New Brighton.
- ¹⁸ Councillor.
- ¹⁹ Head of the Area Crime Combating Unit and several councillors and community leaders.
- ²⁰ Focus Group: political leaders New Brighton.
- ²¹ The two overarching goals of the Urban Renewal Programme are: 1) to deliver visible projects that contribute to the development (renewal) of the dormitory townships of Khayalitsha and Mitchellsplain (Western Cape); KwaMashu & Inanda (KwaZulu-Natal); Mdantsane and Motherwell (Eastern Cape); Alexandra Township (Gauteng) and Galeshewe (Northern Cape); and 2) to demonstrate best practice in relation to integrated service delivery, extending beyond the delivery of urban infrastructure to include the way the urban development projects are implemented in South Africa. The URP focused solely on improved housing conditions, economic development and improved personal safety. (J. Rauch, 2002. Thinking Big: the National Urban Renewal Programme and Crime Prevention in South Africa's Metropole Cities. Centre for the Study of Violence and Reconciliation, Braamfontein, Johannesburg).
- ²² This case emphasised the importance of functional social compacts in low-cost housing delivery and the role and responsibilities of local government and emerging contractors. The Developer sued NMBM for not performing their role in keeping the emerging contractors to an agreed contract.
- ²³ Interview, Manager of the General Motors Foundation.
- ²⁴ Spies D. Growth in Metro too rapid for services. *The Herald*, 15 August 2005, p. 1.
- ²⁵ Leuvenink, J. Manuel skilder rosige prentjie van die ekonomie, *Volksblad*, 6 Junie 2007, p. 11.
- ²⁶ Macro-spatial planning is becoming a reality in SA, due to the National Spatial Development Perspective (NSDP), which encourages investment in areas with potential. The Provincial Growth and Development Strategy of the Eastern Cape tends to divert attention and resources away from the rural areas (i.e. with less potential). One may thus argue that the current National Spatial Development Perspective adopted in 2005 may contribute further to this process of rural to urban migration.
- ²⁷ Eastern Cape Development Corporation
<http://www.ecdc.co.za/development/develop.asp?pageid=28>
- ²⁸ *The Herald*, Dangerous ire over failure to deliver. 18 May 2005, p. 5; Matyu J. Premier flies in to tackle housing protests, *The Herald*, 19 May 2005, p. 1; Hollands. B. Top level talks on Metro housing crisis, *The Herald*, 25 May, 2005, p. 1.; Pearce C. Council drags feet on housing, *City Press*, 29 February 2004, p. 8.
- ²⁹ Matyu J. Protestors get new promise from Faku. *The Herald*, 17 May 2005; Matyu J. Squatters to march in local election protest. *The Herald*, 1 September 2005, p. 11.

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- ³⁰ The People's Housing Process (PHP) policy facilitates beneficiary involvement in housing delivery projects. This policy provides for PHP establishment grants to be used in assisting communities who are responsible for managing their own housing delivery, either by actually building houses for themselves or by managing the building of their own houses.
- ³¹ Interviews with two private developers and the General Manager of the General Motors South Africa Foundation.
- ³² Councillor.
- ³³ Interviews with Kobus van Wyk, Professor in the Faculty of Engineering, the Built Environment and Information Technology, Nelson Mandela Metropolitan University, and interviews with two private developers and the Manager of the General Motors South Africa Foundation as well as several councillors.
- ³⁴ Kirk P. Doubts fresh funds will reach housing in PE. *The Citizen*, 27 May 2005, p. 10.
- ³⁵ Interview with former mayor of NMBM Municipality, Faku. 2 May 2007.
- ³⁶ Nelson Mandela Bay Municipality Growth and Development Summit – Summit Agreement, 29 March 2007, p. 5.
- ³⁷ The Housing Crisis in the Eastern Cape 2000 – 2005. Rhodes University - Public Service Accountability Monitor & Urban Services Group, Port Elizabeth; Kirk P., Doubts fresh funds will reach housing in PE. *The Citizen*, 27 May 2005, p. 10.
- ³⁸ Nelson Mandela Bay Municipality Growth and Development Summit – Summit agreement, 27 March 2007, p. 5.
- ³⁹ Some DA Councillors were of the opinion that the construction, currently in progress at Koega, absorbed the more skilled building workforce although some private developers disputed this, saying that the main reason for the poor quality of the housing stock was predominantly the result of the dominance of emerging contractors in the housing drive without proper quality control from the Metro.
- ⁴⁰ The DA Councillor indicated that in some cases a cement mix of 1:40 was used by emerging contractors – to stretch their budget – instead of 1:8, resulting in major flaws in the dominant structure of the house.
- ⁴¹ Focus Group: community members from Helenvale involved in the protest.
- ⁴² Focus Group: community members from Helenvale involved in the protest.
- ⁴³ Focus Group: non-involved community members.
- ⁴⁴ Focus Group: community members from Helenvale involved in the protest.
- ⁴⁵ Focus Group: non-involved community members.
- ⁴⁶ Interview with Councillor.
- ⁴⁷ Interview with Phumeza Mbiza and Siphso Khohlakala, Housing Department, Nelson Mandela Bay Municipality, 19 April 2007.
- ⁴⁸ Focus Group: non-involved community members.
- ⁴⁹ Focus Group: political leaders New Brighton.
- ⁵⁰ Focus Group: non-involved community members.
- ⁵¹ According to DA councillors, one might find a situation within a single community where houses differ in size from 28 square metres, to 40 square metres, and up to 45 square metres as a result of different housing entities driving the delivery processes.
- ⁵² DA councillors.
- ⁵³ Interviews with two private developers.
- ⁵⁴ According to the Acting Head of the Metro's Business Unit for Housing and Land the methane gas is a direct result of the fact that the area is an old litter dumping site. Since the layer of rubble underneath the surface is almost 3 – 4 meters deep this causes high methane gas levels. This area is also unfit for human habitation due to the loose nature of the sub-soils, mixed with rubble, causing soil instability. This was confirmed by some councillors.
- ⁵⁵ With recognition to Brown K., *Business Day*, 1 April 2007, p. 9 and Matavire M. Bhisho has reneged on promise, says ANC. *The Herald*, 19 May 2005, p. 9.
- ⁵⁶ Focus Group: non-involved community members.
- ⁵⁷ Focus Group: political leaders New Brighton.
- ⁵⁸ Matyu J., Residents dismiss claims of a third force in protests. *The Herald*, 2 June 2005, p. 13.
- ⁵⁹ Councillor.
- ⁶⁰ Councillor.
- ⁶¹ The Head of the Crime Combating Unit particularly mentioned housing, sanitation, water and refuse removal as the main things the protestors complained about.
- ⁶² Community leader: Kleinskool (ward 53 – informal settlement)
- ⁶³ Kobus van Wyk.

- ⁶⁴ Matavire M., Bhisho has reneged on promise, says ANC. *The Herald*, 19 May 2005, p. 9; Gibbon A., Metro housing crisis: Way behind in housing delivery. *The Herald*, 2 May 2005, p. 4.; Matavire, M., Probe into housing Metro shortfall. *The Herald*, 22 July 2004, p. 9.
- ⁶⁵ Interview with former Mayor of NMBM Municipality, Faku. 2 May 2007.
- ⁶⁶ Matavire, M., Metro seeks to improve on poor housing record. *The Herald*, 22 August, 2005. p. 5.
- ⁶⁷ Kobus van Wyk.
- ⁶⁸ According to the Director for Design and Implementation in the Infrastructure and Engineering Department of NMBM the “mess” refers to under-spending regarding housing subsidies by NMBM and housing delivery targets not met by NMBM.
- ⁶⁹ Acting Head of the Metro’s Business Unit for Housing and Land.
- ⁷⁰ Interview with former Mayor of NMBM Municipality, Faku. 2 May 2007.
- ⁷¹ Dumile Damane, Nelson Mandela Metropolitan University (Development Studies)
- ⁷² Felix, C. Personal Interview. Director of Urban Services Group, Port Elizabeth. 18 April 2007.
- ⁷³ Phumeza Mbiza and Siphoh Kohlakala, Housing Unit, Nelson Mandela Bay Municipality, 19 April 2007.
- ⁷⁴ Kobus van Wyk and DA councillors responsible for housing and land.
- ⁷⁵ Community leader from Helenvale.
- ⁷⁶ Focus group: Community members not involved in the protests from Kleinskool.
- ⁷⁷ Focus group: Community members not involved in the protests from Kleinskool.
- ⁷⁸ Community leader from Kleinskool (ward 53 – informal settlement).
- ⁷⁹ Focus Group: Community members not involved in the protests.
- ⁸⁰ Focus Group: Community members not involved in the protests.
- ⁸¹ According to the Head of the Area Crime Combating Unit of the SA Police Service, in most of the uprisings which occurred during May of 2005, councillors did not even bother to meet with dissatisfied members of their wards. This statement was also echoed by some community members interviewed.
- ⁸² Felix, C. Personal interview. Director of Urban Services Group, Port Elizabeth. 18 April 2007.
- ⁸³ Chief Executive Officer of Port Elizabeth Chambers of Commerce and Industry and DA councillors responsible for housing and land.
- ⁸⁴ Focus group: Community members from Kleinskool not involved in the protests.
- ⁸⁵ Focus Group: political leaders New Brighton.
- ⁸⁶ Felix, C. Personal Interview. Director of Urban Services Group, Port Elizabeth. 18 April 2007.
- ⁸⁷ DA councillors.
- ⁸⁸ Current councillor.
- ⁸⁹ Councillor.
- ⁹⁰ Focus group: non-involved community members.
- ⁹¹ Councillor and the Head of the Crime Combating Unit.
- ⁹² Community leaders from Helenvale and Kleinskool.
- ⁹³ Interview with former Mayor of NMBM Municipality, Faku. 2 May 2007.
- ⁹⁴ Focus group: Community members from Kleinskool not involved in the protests.
- ⁹⁵ See Atkinson D. 2006. Taking to the Streets: has developmental local government failed in South Africa? In State of the Nation, HSRC Press, Cape Town, 2007.
- ⁹⁶ Global Insight, Rex data.
- ⁹⁷ Focus group: Community members from Kleinskool not involved in the protests.
- ⁹⁸ Councillor.
- ⁹⁹ Focus group: Community members from Kleinskool not involved in the protests.
- ¹⁰⁰ Focus group: Community members not involved in the protests from Kleinskool.
- ¹⁰¹ Councillor.
- ¹⁰² Felix, C. Personal interview. Director of Urban Services Group, Port Elizabeth. 18 April 2007.
- ¹⁰³ Interview with ANC councillor.
- ¹⁰⁴ Felix, C. Personal interview. Director of Urban Services Group, Port Elizabeth. 18 April 2007.
- ¹⁰⁵ Dumile Damane Housing Department, Nelson Mandela Metropole University.
- ¹⁰⁶ Community-based Planning (CBP) was successfully launched by the municipality in March 2007, when 600 Ward Committees, Community Development Workers and Community Leaders from Civil Society were trained as well as 120 Ward Facilitators. A total of 720 participants were trained on CBP.
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- ¹⁰⁸ Mathekga Ralph and Baccus Imraan, s.a. The challenge of local government structures in South Africa: securing community participation. *Critical Dialogue – Public Participation in review*, pp. 11-17.

ANNEXURE A

LIST OF INTERVIEWS

Name	Institution	Capacity
Prof Kobus van Wyk	Nelson Mandela Metropolitan University (Faculty of Engineering, the Built Environment and Information Technology)	Professor
Mrs S de Beer	Department of Social Development	Manager
Mr Andre Gibbon	DA Councillor	Spokesperson on housing
Mrs Elizabeth Trent	DA Councillor	Spokesperson on land and infrastructure
Snr Superintendent Mgwebi	SAPS: Area Crime Combatting Unit	Heading Crime Combatting Unit
Inspector Johan Snyman	SAPS: Area Crime Combatting Unit	Inspector
Mr Roger Matlock	GM South Africa Foundation	General Manager
Mr Odwa Mtati	Port Elizabeth Regional Chamber of Commerce and Industry	CEO Designate
Mr Gerhard Luck	Southern Africa Development , Research & Training Institute	Director
Mr Toto van der Merwe	Amakhaya Private Developer	Owner & Manager
Mr Thomas Stewart	Hadeda Development	Director
Mr Dumile Damane	Nelson Mandela Metropolitan University (Development Studies)	Housing
Mr Felix Clive	Urban Services Group	Director
Cllr Pula Lunake	Nelson Mandela Bay Municipality	PAC Councillor
Cllr A. Du Plessis	Resource Centre West End Ward 35	Ward Councillor
Mr Siphon Khohlakala	Housing Department	Project Manager
Ms Phumeza Mbiza	Housing Department	Project Manager
Cllr Lulamile Ngaka	Disabled People of SA	Manager
Mr Lawrence Troon	Wonderwonings Advice Centre	Ward Councillor
Dr Sithembele Vatala	Nelson Mandela Metro	IDP Manager