

A Culture of Boycott

Reasons for the Fragility of South Africa's Democracy at the Local Level: the case of Umtata/Transkei

by
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1. Introduction

From April 1994 until June 1999, during the presidential term of Nelson Mandela, South Africa has been officially labelled a society in transition. Constitution, legal framework, public institutions and political structures were changed fundamentally. The starting point of this transition was not a revolution but the negotiated handover of power from the old Apartheid regime to governments on national, provincial and local level that had been elected democratically for the first time in South African history.

South Africa's new political dispensation was introduced from the top. At the bottom of society it is confronted with a *political culture* that has been shaped by the experiences of the past. The concept of *political culture* in this paper is not merely defined in the tradition of Weber, Almond/Verba and Diamond as a people's predominant beliefs, attitudes, values, ideals and sentiments but following Chabal/Daloz „as that which enables individuals to be mutually intelligible. It is thus possible to belong to a same culture but to have radically different values“¹.

This aspect in the concept of political culture is especially important for South Africa, a country which after 300 years of colonialism and 50 years of Apartheid has ended up with a deep division of its population. Much has been written about the pros and cons of this special South African heritage in respect to the formation of a new democratic political culture. Bratton/van de Walle come to the conclusion that the pseudo-democracy which the white minority enjoyed during Apartheid would make a democratic transition in South Africa easier than in any other African country². Mahmood Mamdani, on the other hand, strongly objects any “South African exceptionalism”. He regards Apartheid as just another form of the indirect rule colonial state – which “fractured the ranks of the ruled along a double divide: ethnic on the one hand, rural-urban on the other”³.

Research on the weakness of the African state, as it has been conducted for example by Goran Hyden, Jean-François Bayart or Chabal/Daloz, usually excludes the case of South Africa from any general observation because of its size and unique institutional history. But aspects of the “political instrumentalization of disorder”⁴ or the “economy of affection”⁵ can also be found in the South African context, especially within its former “Homelands”.

However, as weak as South Africa's democratic tradition might be, there can be no doubt that a large number of highly democratic institutions have been introduced during the transition period. This has been done even without a prevailing democratic political culture. Thus today a rapid democratisation of the legal and administrative framework meets a political culture that has been formed by an undemocratic society. How does this confrontation shape the work of the new democratic institutions?

¹ Chabal/Daloz (1999):10

² Bratton/van de Walle (1997): 179

³ Mamdani (1996): 27

⁴ Chabal/Daloz (1999)

⁵ Hyden (1983)

This paper gives some aspects of an answer to this question. It is based on an empirical study of the transformation process in Umtata, former capital of the Transkei “Homeland”, conducted between January 1997 and July 1999.⁶ Umtata, like most South African cities, struggles with the legacy of Apartheid. Huge investments are necessary to overcome the infrastructural backlog. Housing is the major issue of concern. But also in other fields much still has to be done. Only 50 per cent of the sewerage is treated, the waterworks are 50 per cent unserviceable, power cuts occur frequently, municipal roads are full of potholes, etc.

Money is always a major concern for the Umtata Council. The culture of payment of water, electricity and other rates is very poor. Umtata citizens are owing Council the equivalent of one years budget in rates. The City Treasurer estimates that only half of the rates billed to private households are paid. Business, central and provincial government also contribute to the financial crisis of Umtata. Rates for schools and other government buildings are overdue and very often there is a backlog in the transfer of provincial funds for projects in Umtata.

But shortage of money is not the only obvious problem. New housing projects are often retarded by the unclear ownership of commonage land. Over the last ten years, Umtata had to face a steady economic decline. Thousands of government jobs were lost with the decision to make Bisho the capital of the Eastern Cape Province. Retrenched mine-workers return to Transkei; unemployment is estimated to be as high as 60 to 70 per cent. The morale of municipal staff is always a reason for complaints by citizens and councillors. Local by-laws are hardly ever enforced, traffic offenders pass unpunished.

However, Umtata is still a vibrant town. It is the main centre of supply for more than two million people. Umtata is growing fast, half of its metropolitan population of 500.000 is under the age of 19. Big commercial developments and housing projects are under way. There was also an attempt to organise the city’s development and to put up an Integrated Development Plan (IDP).

For the first time ever all the inhabitants of Umtata were asked to participate in the shaping of their own urban environment and to find solutions for the troubles of their town. Important questions had to be answered, such as: How does the city deal with squatter camps and land invasion? What are the most important services to be provided by Council? How can the quality of services be improved? Which direction should the commercial development of Umtata take? How is it possible to create jobs? Where will the growing population live in future?

However, the whole process of putting up an Integrated Development Plan as required by national legislation was entirely consultant driven. Public participation in the IDP-workshops was very poor. Although the involved consultants produced highly professional reports, the major goal of the Integrated Development Plan could not be met. The vision for the development of Umtata still remains the issue of a few professionals. The bid to involve a wider portion of the Civil Society failed.

After one year of IDP workshopping only half of the planning process was done. And due to the backlog in providing the budgeted funds from Provincial coffers for the IDP consultants Council stopped the procedures. When the Consultants offered to finish their work even without having been paid for the first phase of the IDP, Council hesitated to give them green light. The reason for that being the strong suspicion that the Eastern Cape Province in the end might not pay at all and that the financial obligations would then remain with Council.

⁶ The complete study – Politische Kultur im Übergang, neun Fallstudien zum Wechselverhältnis von politischer Kultur und Entscheidungsfindung in Umtata/Südafrika – will be published in 2001.

This paper will argue that the involvement of the civil society into planning processes is so poor, mostly because the political culture is changing a lot slower than the political structure. Although South Africa's constitution is now one of the most advanced and most democratic constitutions in the world, the general perception of politics still remains highly influenced by the concepts of the struggle against Apartheid. Mass action and a culture of boycott continue to be the main means of political expression. A big rally in the stadium is valued much higher than the discussion about concrete – and often difficult – decisions in a small workshop. And despite all campaigning, non-payment of rates still carries the image of politically and morally justified resistance.

Political Culture in Umtata is a lot more confrontational than co-operative. There is also a lack of consumer mentality which hinders the development of service delivery. People who don't pay are not in the position to demand quality services. But without pressure from the public, municipal staff is not forced to respect its commitments. The result is a poor level of services which justifies non-payment. How can Umtata overcome this vicious circle? This paper will try to provide some aspects of an answer to this question.

The troubles of Umtata and the prevailing political culture are interrelated. The paper will look into this close relationship in four key areas. The second chapter shows the problems of getting people to pay for their rates, the third chapter describes how Umtata deals with pressing land invasion, the fourth chapter outlines the complete failure of all attempts to formalise and regulate the local taxi industry and the fifth chapter looks into the expectations of people in regard to the future of their town.

2. People don't Pay – the Rates Issue

In mid December 1998 the Umtata mayor Edgar Mapekula offered a very special gift to his citizens. Before he formally switched on the Christmas street lights he reported that Council had decided to charge 24,5 percent interest on outstanding municipal service charges from the beginning of 1999. „The announcement drew howls of disbelief from what was otherwise a jubilant crowd of city dwellers“ – so it was reported by the local newspaper the next morning⁷. Only weeks before this Christmas surprise Council had announced that it would start to disconnect defaulters who had not made arrangements to settle their debts or who didn't stick to those arrangements. At least R100 million of the outstanding payments of R156 million should thus be recovered from the citizens. Almost four years after the democratic municipal elections of 1995 Umtata Council finally seemed to show a determination to get tough on the rates issue.

This came almost two years after Judge Willam Heath, the head of the Special Investigation Unit, threatened to hold councillors personally responsible of any loss of income by not starting to collect outstanding rates. At a meeting of 23 Eastern Cape municipalities held in Umtata on 19 March 1997, he announced:

„I am not joking when I say that we are going to hold you responsible. If there are 15 on your Council and there is a shortfall of R5 million, all of you will be held responsible if you have not taken any effort to collect that money. You inherited a bad administration but if you were good enough to be elected, then you are good enough to face those problems. We will rely on your support but while we will hammer those people who do not pay their levies you are obliged as custodians of your towns to collect those arrears.“⁸

⁷ Daily Dispatch, 17.12.1998

⁸ Daily Dispatch, 20.3.1997

The installation of pre-paid meters for electricity was one of the measures taken by Council. At the end of 1997 it started the replacement of some 6000 electricity meters by these pre-paid meter boxes. 20 per cent of the installation costs of R4,5 million had been funded by the Development Bank of South Africa. Council calculated that the rest of the investment should be paid back after only three months by the drastically improved revenue.

However, things didn't run as smoothly as expected. It soon became obvious that the revenue out of the prepaid metering system was a lot lower compared to what used to be billed for electricity before the installation. One reason might be that people only started to save electricity after they were forced to pay for it in advance. Another reason is fraud.

The bypassing of electricity meters was a common practise in the past. But an additional problem came up after Municipality contracted a private company to install and service the new prepaid meters. This is what City Engineer Derek Hall experienced:

„The prepaid meters started to work. But what happened there: Siemens who put them in, their staff was going round two days later bypassing them. To the extent that Siemens fired their whole staff and started afresh. This prepayment meter arrangement is supposed to be infallible, but try to find something which is infallible in the context of Umtata, Transkei.“⁹

The municipality is not able to verify the amount of loss of electricity by fraud. This is due to the fact that there is only one bulk meter installed by Eskom to measure the amount of electricity provided to the City of Umtata. Inside the municipal boundaries there are no other bulk meters for suburbs, Townships or streets.

Besides private households and businesses government departments also demonstrate a very unsatisfying culture of payment, the single biggest debtor being the University of Transkei which is owing Council some R10 million. More than R500.000 is said to be owed by 12 public schools in Umtata. As a consequence thereof, electricity and water are cut off at every beginning of a new term. At the same time there are always arguments about the reliability of the municipal bills.

The underlying reason for all these problems seems to be a profound lack of remorse by the debtors, private as well as public. There is an obvious historic reason for it. Non-payment of rates was regarded as a proper means to fight Apartheid during the decades of the struggle. More than one generation grew up with electricity and water taken as something which was available without paying for. Whoever settled his bills with the municipality was regarded either as a traitor or at least as a little bit stupid. People asked themselves: Why should I be the one who pays when my neighbour gets the same services for free?

After the first democratic elections in 1994, people started to justify their ongoing non-payment of rates with another simple question: „Now that the government is ours, why should I pay for something which was free during Apartheid?“. The „Masakhane Campaign“¹⁰ could not yet change this attitude. It is true that most political leaders have announced their commitment to paying for electricity and water, but some of them don't even settle their own bills. Errol Spring was Umtata's mayor before the independence of Transkei and is now leader of the Presidential Project Team (PPT) which supports the transformation of the Umtata municipality. He says:

„I don't think anyone is too keen to start paying unless he has to. So one has to work quite hard on this Masakhane thing. The PPT has looked into the commitment of Council to pay their own private rates.

⁹ Interview, 19.1.1999

¹⁰ Masakhane means „Let us build together“

And we have leaning quite hard on them, that they need to set an example. The Umtata councillors aren't too bad."¹¹

Councillors and local government in general still have a very bad reputation. This is not only true for Umtata. A poll by the Helen Suzman Foundation and MarkDate in late 1996 suggested that only 36% of citizens of all races were satisfied with their local councils. An Idasa Public Opinion Survey conducted in July 1997, found that in terms of perceived responsiveness to ordinary citizens, local government scored as low as 36%, with levels of trust at 31%. Among the three tiers of government, local government scored the lowest job approval rating, at 30%.

Zama Mzamane is a member of the Umtata regional executive of the ANC and was recently appointed as a councillor. He regards the legacy of Apartheid as the major reason for the lack of trust in local government and the culture of non-payment. And he believes that it will be a long process to convince people to start paying.

„Before the election for everybody – including ourselves – councillors were traitors towards the liberation struggle. We chased them away and so on. One of the tools we utilised in order to discredit them was to call on our structures not to pay their services. Because their budget is going back to the South African Defence Force to be used against us. But now through Masakhane campaign we hold meetings and try to explain: For any municipality to survive, everybody has to start to pay.“¹²

Councillor Zama Mzamane – like most of the other councillors – does not want to use force to bring people to pay. Lungiswa Ludidi is one of the consultants contracted by the municipality to work on the Integrated Development Plan for Umtata. She joins Errol Spring and Zama Mzamane in the belief that education is the key issue when addressing the culture of non-payment:

„In the workshop people were saying: We don't want to pay for water because we don't understand the metering system and so on. If you can teach us how to read these meters, then we know exactly what we are paying. So that's well and good. Education was their own priority.“¹³

Education can never result in quick changes. Education is difficult to organise, expensive and takes time. It is therefore obvious that Umtata will have to face a problem in collecting rates for years to come. This expectation was also pronounced on the national level by a recent study of the South African Institute of Race Relations¹⁴. At the same time revenue out of rates for electricity and water is by far the biggest factor in sustaining the municipality with its 1.300 employees. Since salaries always have to be paid first there will be no money left for the necessary service of existing and the investment into new facilities. A situation which is creating a lot of frustration. City Engineer Derek Hall pronounces it openly:

„The annual masquerade of preparing a municipal budget is a farce. I refused to attend a weekend long discussion about it in the Haven Hotel because I said it is a waste of time and money. It's pointless to have a budget which you can't finance.“¹⁵

3. This is Our Land – Land Invasion Outside and Inside Town

Only 100.000 out of a total of approximately 500.000 inhabitants of the Umtata metropolitan area are living inside the City boundaries. Umtata is surrounded by so called tribal land which in its majority is still allocated by traditional authorities. This, however, does not mean that

¹¹ Interview, 4.2.1999

¹² Interview, 28.1.1999

¹³ Interview, 26.1.1999

¹⁴ Corrigan (1998)

¹⁵ Interview, 19.1.1999

the 400.000 people staying in these rural areas within a radius of 35 kilometres from the City centre were living a traditional life. There is hardly any agricultural activity. Umtata's peri-urban population makes use of Umtata's facilities – shops, banks, government offices, schools, hospitals, etc. – on a daily basis. It was especially the availability of these facilities and the prospect of finding a job which made them move into the peri-urban surroundings of Umtata. But the peri-urban population does not contribute to the costs of running such a municipality. They pay neither rates nor taxes.

„There is almost no urban-rural linkage. (...) There is no widespread rural economy. Agriculture contributes only 18,2% of the Gross Domestic Product. The rural economy is a cash economy (derived from elsewhere) – very little derives directly from the land. (...) The peri-urban areas supply almost nothing to Umtata except labour. Conversely, Umtata does not supply small-scale or informal manufacturing or service industry geared to supplying the needs of the people in the peri-urban areas. (...) The only reverse linkage from urban to rural is a social one but is very strong. The towns become almost ghost towns at night, and over weekends in particular, as people return to the rural area.“¹⁶

In short: 400.000 people in peri-urban Umtata want to live in a City without having to support the City. Poverty is the most important reason for this. There is also a tendency of wealthier Umtata citizens to move into the peri-urban settlements and rent out their former homes in Umtata. And there are the people who wish to settle in Umtata but can't find the appropriate housing inside the City boundaries. All that happens very much in contradiction to what town planners would like to see.

„The existing housing stock in Umtata is effectively saturated and new housing provision has been unable to keep pace with demand. This together with other reasons, has led to an outflow of population to the peri-urban areas. If the bulk of urbanisation is to continue to be impressed in the peri-urban area it is likely that immense problems relating to the provision (and cost) of services, control of development, maximum utilisation of land and traffic congestion are likely to arise. In effect therefore, a concerted effort needs to be made to house, or facilitate the housing of, at the very minimum those people who now express a desire to locate in Umtata. (...) Peri-urban settlements should be viewed as areas of production and not consumption. It is therefore important that development policies do not create or support an artificial higher level of function. These should be located in the existing urban areas to strengthen their service base and to promote economic activity.“¹⁷

However, it is unlikely that the Umtata Council will be able to follow this advice of the Integrated Development Plan. This is mainly due to two reasons: Umtata's politicians are not willing to stop squatting and land invasion. And even if they decided to stop it, they might not be able to do so.

A big area of prime land for the development of the City of Umtata has been invaded in 1995. The new settlements are called Mandela-, Slovo-, Hani- and Polla Park. Up to now there are no services for these areas. Some 20.000 inhabitants fetch their water from a municipal reservoir nearby or from communal taps in the nearest formal location. Polla Park is a squatter camp with nothing but shacks, the other three invaded settlements have big, sometimes fenced plots. There are tiny two-room houses with tin roofs, but most dwellings are quite spacious and well built brick houses. And there are also houses with 20 and more rooms which are hired out.

The land where these houses were erected lies right outside the municipal boundaries of Umtata. In the late 19th century it was taken by white farmers. With the „independence“ of Transkei these lands became state farms. Today the land is therefore legally owned by the National Government, but plans are ready to incorporate it into the Umtata municipal boundaries before the next local elections. That is why there is now a vacuum of responsibility for these lands.

¹⁶ Umtata Integrated Development Plan (1998): 4

¹⁷ *ibid.*: 8-10

The National Government does not want to deal with the problem of land invasion any more, nor does the Provincial Government want to interfere. And the Umtata Council has no legal right on lands outside its own boundaries.

The residents of the invaded lands make use of this vacuum of power. They are convinced that they have a right to stay where they are. Jonas Ndzambule acts as a speaker for Mandela Park, he says:

„The settlement started as early as June 1995. And Joe Slovo came and stopped the settlement. That we should wait for infrastructure. Joe Slovo was sent by Nelson Mandela. He was there, and he is the first person who gave the land to us. That land belongs to us. Because we need the land, and we have already demarcated the land. And then he said to us, we should wait for two weeks to get a response from the local government and housing department, from Bisho and Umtata as well. And after that there was nothing.“¹⁸

Actually there was a little bit more than nothing. In March 1997 the Umtata High Court heard testimonies in a case in which the National Government sought to demolish illegal houses in Mandela, Slovo, Hani and Polla Park. Ntsiki Mtshabe, a speaker of the squatters, made the point that „President Mandela said last year that we would not be moved and that Eastern Cape Premier Raymond Mhlaba had endorsed it“¹⁹. Raymond Mhlaba, who was present in Court, denied this.

In 1998 the court case was stalled „because both parties indicated that they would seek some out of Court settlement“²⁰. In the meantime negotiations have reached a deadlock. This is how Jonas Ndzambule as speaker of Mandela Park residents puts it:

„The problem is the municipality of Umtata during those years. Because the municipality is greedy for all the land around the area of Umtata. They don't want to develop, they just want to grab and sell plots at very high prices. That is the main thing. But they don't want to develop. Because even in town – if you look at the town, it's dirty. If you go to Ngangelizwe (Umtata's Township), Ngangelizwe started as early as 1940, but is still dirty. There is a bucket system, there are no toilets. How can the municipality develop Mandela Park and the other areas around Umtata without first developing the area within the municipal area of jurisdiction.“²¹

But how can the residents of Mandela Park expect services without paying for them? The consultants of the Presidential Project Team made a strong recommendation to the municipality to secure the necessary funds for the infrastructure before accepting the incorporation of the invaded lands into the City boundaries. Project leader Errol Spring says:

„If Umtata has to take over responsibility to administer these places, in theory what should happen is they upfront lay out the Townships and they sell the plots to recover the costs of the infrastructure. This is the only way a local authority can survive. And now it happens the other way around. People just move onto the land with no costs for themselves, build a house and the expectation is that when the local authority takes over it will give them all the services: sewerage, roads, water, electricity and all those good things. So my common sense would tell me that if Umtata has to take over these places, the government should give the 15.000 Rands subsidy for each of the plots to the municipality. And then they could use that money to install the services. And our advice is, to make this sure before you agree to incorporation.“²²

In 1998 Edgar Mapekula, the mayor of Umtata, spoke at a public meeting in Mandela Park and tried to explain this policy to the residents. But he did not succeed. This is how Jonas Ndzambule understood the mayor's speech:

¹⁸ Interview, 27.1.1999

¹⁹ Daily Dispatch, 21.3.1997

²⁰ Interview with High Court Judge Cecil Somyalo, 16.2.1999

²¹ Interview, 27.1.1999

²² Interview, 4.2.1999

„Mayor Mapekula once visited us last year. He told the people that this land belongs to the municipality. But the crowd was more than 5.000. So he was told by the people to move out of the land. Because he came and told the people that those plots which have been demarcated and allocated to the people already, are going to be sold by the municipality at the price of 15.000 for those with less income. And for those with higher income these plots would be sold at the amount of 40.000 Rands each. For the plot only without anything. He told us aggressively. And then he was chased out. That was the only solution. He called upon the police, Hippos were there and helicopters. He said to us: I am here as mayor of Umata, I come to grab the land, you are going to pay money to me, Mr. Mapekula. Because you have not paid for this land, he told us.“²³

This interpretation of the municipality's position seems to reflect what happened during the land invasion in 1995. Because at that time it was not just people moving onto empty land. The invasion was organised by local leaders of SANCO²⁴ and is said to have had the backing of SANCO's regional chairman, Max Mamase, then Minister of Housing and Local Government in the Eastern Cape. The plots were demarcated and distributed by the local SANCO leaders. And there was also money involved. Rumours say that people had to pay up to 2.000 Rands to SANCO for a plot. But this is denied by Jonas Ndzambule, who claims to be a SANCO executive himself:

„No, they didn't pay SANCO anything. We don't sell plots there. We used to have big gatherings with all the people who don't have houses there. And then in one of the meetings we held in 1994 we decided that each and everyone who applies for a plot must pay 10 Rands. It was agreed in Mandela Park by the majority. 10 Rands for those demarcated plots. That is the story. They were demarcated by SANCO.“²⁵

ANC regional executive and Councillor Zama Mzamane disputes Ndzambule's claim that the land invasion was run by SANCO:

„SANCO belongs to us. And it's within the alliance. This group of individuals who have resources claim to be SANCO. And I believe even their membership has long been expired. There are even business-people who just took the opportunity and jumped on when this land was invaded. We know the names. So those people do have capital, they wanted to take a plot there and make people to pay to them – which is illegal. That problem starts from there. Our ANC structures in Mandela Park agree fully with us.“²⁶

The public perception of this issue, however, is different. Lungiswa Ludidi, the consultant responsible for public participation in the Integrated Development Planning resumes:

„What they tell me is that Mandela Park was organised by these SANCO councillors. And once they were in power, now that they've been elected, they were totally against that. So hence is this fight. Why is this thing not sorted out? Because the same councillors who have been helping to make all that confusion, they managed to get a ticket to municipality. Now when they are there they are saying this thing is wrong. And then people say: never.“²⁷

But the majority party denies this sort of involvement. Temba Manyosi, a local ANC member of the Provincial Parliament, goes even a step further to interpret the whole land invasion as a political conspiracy by elements of the old Homeland regime to injure the ANC:

„There is a difference between paying to SANCO to get a plot of land and paying to an individual who happens to be a member of SANCO. If they were paying any money they were paying this money to groups that were leading the invasion of that land. The fact of the matter is that those people were instigated by certain individuals who would like to see the programmes of the ANC not succeeding, who would like to make sure that they are stopped. There are people who were in senior positions in the past government, the past government that never thought about providing houses for black people. Where those houses are being built they will try as much as possible to disrupt that programme. The invasion of

²³ Interview, 27.1.1999

²⁴ South African Civic Organisation

²⁵ Interview, 27.1.1999

²⁶ Interview, 28.1.1999

²⁷ Interview, 26.1.1999

that land was caused by people who were opposed not only to the ANC but also to the democratic transformation that is still taking place. Those are the people with means, who have got decent houses, who lived in town even before black people could come to this town. So there were stranded people without houses and there were those people who wanted the programmes of the ANC not to be successful. So they took advantage of those people who were frustrated and allocated them land forcefully calling themselves whatever. They would go to the extent of calling themselves SANCO or anything.²⁸

Such conspiracy-theories are highly popular not only in Umtata but in South Africa in general. However, the whole issue of land invasion is far too complex to be explained in such a simplistic way. May be the blaming of obscure elements is just used to avoid really getting into the matter. A public speech by the mayor who is then booed to silence by the gathered squatters does not replace serious talking about the obvious problems of the people living on the invaded lands. But the leaders from both sides flinch from putting down their public masks and sitting down to talk. Negotiations between municipality and representatives of the invaded lands have obviously broken down before they even started. Another reason for the reluctance to start talks is that both sides know only too well that by no means the invasion of this prime land for Umtata's development can be revoked. Even Temba Manyosi somehow admits this fact:

„In terms of the constitution we have reached a stage where it is impossible to evict them. So if the Constitution is against that and the Council still feels strongly that that land should be used in order to boost the economy, then a democratically elected Council will find a way of negotiating with those people to shift if that is still possible.“²⁹

Recently another factor came into the issue of the invaded lands. After realising that they would not get government support for their settlement, leaders of the land invasion looked for help elsewhere. And they found it in the chiefs of the surrounding area. Jonas Ndzambule, who acts as speaker of Mandela Park, explains:

„The land belongs to the Dalindyebo tribe. We are all Dalindyebo tribe. Originally we are from Gqogqora where there is a government forest now. People were removed there as early as 1960. Those people were moved by Matanzima's government to all these farms including Mandela. But Mandela was used as a grazing field at that time. It is the generation of those people who were moved from Gqogqora who occupied now Mandela Park.“³⁰

In the court case against them, Mandela Park residents choose a well known traditional leader as their lawyer. Chief Mwelo Nonkonyana is Chairman of the *Congress of Traditional Leaders of South Africa* (CONTRALESA) in the Eastern Cape and was Chairman of the *House of Traditional Leaders*, the official representation of traditional leaders. In the meantime he also became an active member of the ANC. In June 1999 he was given a prominent place on the ANC list of candidates and was elected into national parliament. In Umtata he works as an advocate. This is how he interprets the land invasion:

„Obviously municipality wants to grab the land belonging to traditional leaders. And traditional leaders want to protect their land and their people. Mandela Park was a farm. And these farms, they belong to us, so we claim. And our people therefore have got a right to occupy that land. But of course it was wrong for anybody to invade land. We don't want that at all as traditional leaders. Mandela Park was a prime land over which we were prepared to negotiate for development purposes and all that. But because of the situation that took place, our people went to that land and occupied that land because there was a shortage of houses around Umtata. And politicians came here, there was Joe Slovo and others, and they made promises and we were told even by the president that we were donated something and allocated that land. And in view of that in the eyes of the people it was all lawful.“³¹

²⁸ Interview, 28.1.1999

²⁹ Interview, 28.1.1999

³⁰ Interview, 27.1.1999

³¹ Interview, 1.2.1999

As a modern traditional leader and as an ANC politician Chief Nonkonyana does not want to oppose development. He asks the government to build the necessary infrastructure in Mandela Park, and he does not even object to the incorporation of the settlement into Umtata's municipal boundaries. But this concession would have its price:

„Mandela Park may be incorporated into the municipality but the point is that those people who are living there are protected by the legislation because they are staying for more than five years. Now we should demarcate sites for those people. There cannot be any eviction of the people there. All what is necessary is that streets must be made and infrastructure must be built there by the government. If then the government is going to take that land from us as traditional leaders the question of compensation will come into the picture.“³²

Taking all this into account the most likely scenario for the future of the invaded lands outside Umtata's municipal boundaries is that nothing will happen at all. The issue is very complex and neither side is ready to sit down and negotiate the problem profoundly. Negotiation would require the willingness to settle for a compromise in which everyone has to give up part of his claims.

In the case of Mandela Park and its surroundings, Umtata's Council might well excuse this stalemate with the fact that up to now it had no legal responsibility for the land in question. But it can not do so for the second area of land invasion, Zamakulungisa. Zamakulungisa falls fully within the municipal boundaries. During the independence of Transkei it was earmarked for industrial development. Access roads were built and the land came under the administration of the Transkei Development Corporation (TDC) which should market it. This plan was given up after the reincorporation of Transkei into the Republic of South Africa. Industries which had been attracted to Umtata with high subsidies started to move out of the town after these subsidies expired with the end of the Transkei as an „independent“ state. So the Council decided to use Zamakulungisa for housing development. But the negotiations on the transfer of ownership of the land from TDC to the municipality were very slow and are not finalised until today.

This again created a vacuum of power which was used by land invaders to build their homes. Invasion started there early in 1997. Soon after the first brick houses were erected, Council declared these building activities as illegal. Written notices to this effect were distributed from the air by municipal officials flying over the new settlement. The pamphlet which was signed by Town Clerk Monwabisi Malotana warned the squatters of losses likely to be suffered if they had been „tricked“ into buying sites from unauthorised sellers. „Such land transactions are illegal and contrary to established public policy governing such matters. All building activities taking place in this area should stop forthwith before legal action is taken.“³³ This position was emphasised six months later by Housing and Local Government MEC, Smuts Ngonyama. Invasions in Umtata had „assumed such alarming proportions that future development is being stifled and it is impossible to render services and upgrading“³⁴. Ngonyama described the land invasion as „corrupt and unpalatable behaviour“. Should it continue, the government would have no option but „to apply the law to its fullest extent“. Invaders would be „forcibly removed and relocated to places designated by local authorities“.

However, the tough announcements were not followed by any action. At some point Council even ordered bulldozers to start demolishing the illegal constructions. But after police did not turn up to protect the action, the heavy machines were withdrawn. City Engineer Derek Hall:

³² Interview, 1.2.1999

³³ Daily Dispatch, 14.3.1997

³⁴ Daily Dispatch, 26.9.1997

„We’ve tried to stop it. We had the police out there to serve notices, but there is no following when it comes to moving in and demolishing. We’ve lost 800 sites. We’ve more or less written this off as experience. We’re trying to save the other 1400 sites now. But this is the problem: nobody will do anything. And now with the new law, if they can stay there for six months, we have to find an alternative site before we can move them. It is a no-win-situation.“³⁵

Errol Spring, the former mayor of Umtata and leader of the local Presidential Project Team joins this frustration. And he finds fear to be one of the main reasons for the reluctance of Council to take a tough stand against land invasion:

„This is a major problem and we are quite disappointed. It takes political will to stop land invasion. They got all the legislative power to stop it. We embarked upon a project with them and tried to assist them. But when it came to the crunch, when decisions had to be made, they walked away. I think, it’s lack of political will. And it is also a lack of support for the local government from other authorities, police, security. One can hardly accept to take this kind of tough decisions if they know damn well that there will be toyi-toyis and threats on their lives and lockouts and they are not going to get the support from the relevant authorities. We are working on that from our side. But at this stage I am very disappointed in the support that local government is given by the police and other institutions.“³⁶

In Zamakulungisa, as well as in Mandela Park, the democratically elected bodies – local Council, provincial and national government – failed completely in taking things into their own hands. They are not driving the development but seem to be chased by it.

4. Taxi War – The Rape of Public Transport

The majority of Umtata’s inhabitants live outside town in a vast area of peri-urban settlements. There is therefore an enormous need of transport. Public transport used to be a state monopoly during Independence of Transkei. But the bus service of the Transkei Road Transport Corporation (TRTC) was very poor. Low frequency and speed, unreliable schedules and the very bad state of the buses left the population longing for an alternative. So people were very happy when taxis started to take over short and medium distance public transport around 1994. After only a few months the former monopoly TRTC had lost the competition with the Taxi industry. Some 300 abandoned TRTC buses are still kept in a depot in Umtata. Taxis proved to be much faster and started to service locations which did not have public transport before.

However, the excitement about the improvement of public transport soon ended because with the taxis also the taxi wars entered Transkei. Today one fourth of the incidents of the South African taxi war takes place in the Eastern Cape, the majority in Transkei. Every year around 100 Transkeian drivers and passengers lose their lives in Taxi wars. And still more die in shocking accidents, most of which are caused by unprofessional drivers and the unroadworthiness of their vehicles.

Passengers feel intimidated by the violence of the taxi industry. It is rare that they complain about the state of the vehicles or the poor skills of drivers. They are too scared to resist when they are asked to change taxis between rivalling associations. In a public discussion about a Metropolitan Transport Plan for Umtata in June 1998 all the participants agreed that a state run and controlled bus service would be a lot better than the violent taxi industry. But at the same time people had little hope to achieve such a change in public transport because it meant

³⁵ Interview, 19.1.1999

³⁶ Interview, 4.2.1999

„war with the taxi people“ – thus a confrontation with armed gangs whom the police are not able, and sometimes not willing to control³⁷.

So far every attempt to regulate the taxi industry in Transkei has failed. In May 1998 the last meeting which was called by the Department of Transport of the Eastern Cape in Umtata ended in a shoot-out between rivalling taxi associations. Anderson Maduneni, regional deputy director of the Department of Transport, is frustrated:

„These people just don't want procedures. They want first come, first serve. Our attempt to create a single Taxi Organisation for the Eastern Cape is very, very difficult.“³⁸

The taxi industry is a cash business. Neither taxi owners nor drivers have any interest in formalising their informal structures. And so far they have the means to keep any government control out of their business. But former mayor and Presidential Project Team leader Errol Spring warns in the strongest terms of giving up the fight to force the taxi industry into regulations:

„They are very rich, but they don't pay VAT, they don't pay taxes, they don't contribute to the economy. This is the problem. It is getting completely out of hand, it is ruining these towns. You have to tackle these things, you have to get discipline back. But no-one has the political will to say to these chaps: enough is enough. This is a law abiding country and you have to play within those parameters of laws and regulations. They just gave up, but you can't afford to give up. Because then you have anarchy.“³⁹

Taxi businesses don't pay taxes and are even able to avoid fines for road offences. In July 1998 Umtata's City Chief Traffic Officer, André Rossouw, declared publicly:

„I stand by what I have said before that nothing will ever scare me from what I think is right in my job. But I am not here to declare war on taxi people for no valid reason or merely to oppress them. I can't, for instance, prosecute them for driving unroadworthy vehicles when it is obvious that the poor state of municipal roads has indeed ruined their taxis. Taxis which are unfit to be on the road will be removed but prosecutions will be withheld unless written warnings were defied.“⁴⁰

This announcement came after months of protests and anonymous death threats on the person of the newly appointed Chief Traffic Officer. In April 1998 a municipal employee was shot near his home and it was speculated that the attackers mistook their victim for the police chief. After that incident the municipality hired two bodyguards from a Durban based security company to protect him. There was suspicion that the police chief was targeted even from within the municipality. Town Clerk Monwabisi Malotana said in a newspaper interview:

„I may also mention that the services of security personnel from our own pool were ruled out for other reasons of a confidential nature, based once again on reports from our intelligence sources.“⁴¹

The violence of the taxi industry and the involvement of sectors of the public service and the police make it uncontrollable. This also prevents the development of a healthy competition in the transport sector. Although the supply of taxis is much bigger than the demand, prices don't go down and there is no diversification of the service. On the contrary taxi routes are violently taken as a monopoly of taxi associations. With passengers being too intimidated to object, the warlords of the taxi industry keep the public transport outside the usual rules of business. And the state seems to have given up its attempts to formalise the public transport in Umtata.

6. Future – How People Look Forward

³⁷ Asendorpf (1999)

³⁸ Interview, 10.6.1998

³⁹ Interview, 4.2.1999

⁴⁰ Daily Dispatch, 22.7.1998

⁴¹ Daily Dispatch, 1.5.1998

Over the last years Umtata's citizens have seen how things developed on their own, without too much influence from formal structures such as local government, police, organised business, etc. When it comes to looking into the future, they might be more optimistic or more pessimistic, but they all agree that the changes won't come quick and well prepared. Mzukusi Ndara is the station manager of „Unitra Community Radio“, after the closure of „Radio Transkei“ in 1998 the only local media institution. He says about Umtata:

„This is a place where people come and go. There was a time when Umtata was seen as a place where at least the kids could get good education. Other than that there isn't that communal feeling and spirit. When we call a public meeting the turn out does not reflect the population that is there. It is only now that they start to learn to participate in community projects. Black people are used to resistance. But now it's time for development and construction. It is taking time. We always wanted to hide behind being a disadvantaged people, we have always had this protest culture in our mindsets. But now it's time to move away from that because you have to pay the rates so that other things can be done. People get there slowly, but there is still a long road ahead.“⁴²

It is striking how people in Umtata refer to the necessary changes in the political culture of their town in the form of appeals. This is even true for representatives of the ruling party, the ANC. Temba Manyosi, Umtata's member of Provincial Parliament, regards the disempowerment of Apartheid as the major reason for the delay of transformation:

„Some people will say: we will not go to register for elections nor will we go to vote because we were expecting this and that and that. What they are actually saying is that they did not expect to be called upon to take the initiatives to plan and to decide what they want. They were expecting that things would be done. It is difficult, it is very difficult. They have gone through that life of going to the mines, going to the factories, getting a salary and coming back after six months and going back again, not really having that inborn ability to decide for yourself that you want such and such a thing and planning for that. That is one area where we need to transform. And transforming now the whole population is another thing. By the end of ten years people will have picked up and taken upon themselves to decide their own destiny.“⁴³

Errol Spring, the Presidential Project Team advisor, does not accept the legacies of Apartheid as the only reason for the backlog in Umtata's political culture:

„One of the weaknesses also is the lack of formalised communication between your local authority and your community structures. All these councillors have been elected by the ANC structures and they are very reluctant to have an open communication system with the communities. They seem to be overwhelmed and intimidated and they seem to be very scared. Scared of the confrontation, of knowing possibly that they are not meeting the expectations, they are not delivering the kind of services that is expected of them and then they are scared to go and face up to the problems and go and discuss the problems with the community. Some councillors in Umtata do it reasonably, others shy away from it completely.“⁴⁴

Neither the population nor their political leaders seem to believe that what happens in Umtata is up to them. Too strong is the experience of core issues such as the provision of land for housing, the delivery of services, the public transport, etc. developing more or less on their own in a vacuum of power. No wonder that the participation in the Integrated Development Planning is so low. But Lungiswa Ludidi, who was responsible for getting the public into the planning workshops, lays part of the blame with the politicians and the consultants who could not find the appropriate way of talking to the local population:

„This process is driven by specialists. And you could see in the workshops that they got frustrated. They got people and said they couldn't understand a damn thing with the engineering aspects. But I can't turn a person from Ngangelizwe to be an engineer all of a sudden when he is not. So they must try and make this thing understood. They've got the planning document, but I don't know if they understand how to

⁴² Interview, 25.1.1999

⁴³ Interview, 28.1.1999

⁴⁴ Interview, 4.2.1999

deal with people. When you are dealing with people you can't have a fixed period: in two weeks time you have to do this and that. Because it is a process. And at the same time you need to be accepted by the people before you do whatever."⁴⁵

There is a deep cultural gap between the way the entirely white group of technical consultants and the local Umtata population tend to deal with debates and development. Errol Spring agrees:

„The opportunities are here, but you've got to work through this phase. I am still optimistic, but one has to be very realistic. One can only do these things as fast as the community goes with you in the process. And that you got to win the hearts and minds of the people at the end of the day. Our culture is a very result-oriented culture. But theirs is not. Theirs is a process related culture where the process is all important. And whatever comes out at the end of the process is fine. We come in, we are impatient and we want things to happen. But that's not the way they work. And if you ignore the process you lose their support. They become anti. So one has to temper our need for a quick result and to ensure that the process is right, that everyone has the opportunity to participate, to give an input. It sounds good, but in practise when you try to get things done, it can be very frustrating."⁴⁶

Frustration is widespread in Umtata. But there is also hope and a lot of patience. The euphoric expectations of the time around the first democratic elections have vanished. But today you find quite a number of people in Umtata who understand development as a process that has to start with open debates. Unitra-Community station manager Mzukisi Ndara is one of them:

„Ours as a radio station is to be a vehicle, a facilitator for people to come together, to do the right thing and to grow. People are not tolerant for one another's views. So you also have to understand that for every point A you have, there is also a point B. There is another side to the story. We can't all think alike. People have different opinions. So the radio is only there as a vehicle to understand that there are all those opinions. And we need to understand, that we are all in this together. And we have a responsibility to build the country together."⁴⁷

7. Conclusion

Local democracy in Umtata was erected on a fragile base. New democratically elected or legitimised institutions are in place. But Umtata's political culture is still heavily imprinted by the experiences of the past – i.e. traditional leadership, Apartheid and the struggle against it. The new democratic institutions do not yet correspond with a widespread democratic political culture in the population. More money is certainly needed to overcome the infrastructural backlog which was left behind by the Homeland system. But Umtata's problems wouldn't be solved overnight even with full municipal coffers.

The state and its institutions are not particularly weak in Umtata. This is why the common theories on the African state do not help much to explain their specific characteristics. Even Chabal/Daloz's paradigm of the "political instrumentalisation of disorder" does not fully apply here. It is true that there is a lot of disorder in Umtata. However, this is not due to the lack of strong formal institutions, but because of their malfunctioning under a general political culture which does not yet trust them.

It is obvious that a new democratic dispensation cannot just be introduced from the top. Democracy is something which has to grow from the ground. It is true that there was a disappointing low participation in the workshops of the Integrated Development Planning. But it is also true that this was the first time ever that Umtata's citizens were asked to contribute their own ideas to the development of their town. And there was some participation at least. Next

⁴⁵ Interview, 26.1.1999

⁴⁶ Interview, 4.2.1999

⁴⁷ Interview, 25.1.1999

time there might be even more. But only under the predicament that politicians and government take up the results of the first planning process. When people see that their contribution has been taken serious and something came out of it, they will be happy to participate again in public decision-making. Debates are necessary. And it is also necessary to act decisively after the debate came to a conclusion.

Political culture won't change overnight. And this has its advantages. Because the perseverance of political culture makes communities immune to dictatorial populism. But political culture will change over a longer period. People will notice their rights and will become confident and demanding. This process can be accelerated by the political and administrative structures. As soon as they notably react to queries and complaints, people will see use in querying and complaining. Neither side must be afraid of that. When politicians face the challenge to explain their decisions to the public they will note that the attitude of the public towards them will start to change. Umtata is a vibrant city and it has the prerequisites for a positive development. It seems to be a good idea for its citizens to sometimes remember this.

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