

Khutsong and xenophobic violence: EXPLORING THE CASE OF THE DOG THAT DIDN'T BARK

by Joshua Kirshner and Comfort Phokela



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EXECUTIVE SUMMARY

Early accounts of the xenophobic violence that swept across South Africa's townships in May 2008 suggested a link between high levels of poverty and violence towards foreign migrants, who were seen to be encroaching on the already limited resources of the locals. Political analysts, the media and academics alike turned their attention to the 'hotspots' of the bloodshed, notably Alexandra, but what was overlooked in this process was the townships, like Khutsong, where no incidents of xenophobic hostility were recorded. While it may seem peculiar to ask questions about why there were no brutal attacks on foreign migrants in some townships—particularly when several analysts are rushing to understand why there was—probing into why there were no attacks on immigrants in Khutsong offers insights into the response of South African civil society to the xenophobic violence of May 2008.

This article examines three issues that are of central concern to the question of why there were no attacks on immigrants in Khutsong in May 2008. The first of these relates to the way in which material demands were framed. In Khutsong, a protracted cross-border demarcation dispute was couched within the discourse of poor service delivery, and the target of the residents' anger was the local government, rather than the presence of foreign migrants. Secondly, the border dispute emphasised a notion of belonging that grants primacy to provincial boundaries (regardless of

residents' citizenship status or place of origin), whereas elsewhere, insiders and outsiders were distinguished, in large part, on the basis of their nationality. The third issue relates to the role of local leadership in giving direction to and shaping the attitudes and behaviour of residents. This study suggests that local leaders were decisive in the border dispute and in stemming the violence against foreign nationals in May 2008.

The following are key issues and recommendations for strengthening civil society responses to ongoing threats of xenophobia and challenges of local development in Khutsong.

Problems & recommendations

Emerging cultural conflicts with new immigrants from Somalia and Ethiopia and potential for new outbreaks of xenophobia

Encourage commitment to cultural diversity in Khutsong.

Form a Traders' Association of Khutsong that includes both South Africans and foreign nationals who engage in the local retail trade. The Association could set policy on matters such as pricing and other aspects of local commercial conduct. It could also facilitate social integration among small retailers and their customers, a key sector that has witnessed xenophobic attacks elsewhere in the country.

Role of social movement organisations in struggling for local concerns

Encourage the consolidation of the Merafong Demarcation Forum into a sustainable, long-term organisation—the Merafong Development Forum—to address ongoing development challenges now that Khutsong is part of Gauteng.

Role of local leadership

Train youth in leadership and anti-xenophobic consciousness-raising.

Offer leadership positions to youth within the MDF and other community groups.

Persistently high unemployment

Increase national, provincial, and municipal investment for public works and the creation of 'green jobs,' focusing on housing and infrastructure shortcomings for local township residents.

Environmental contamination

Implement a government-subsidised housing programme on land that is environmentally sound and uncontaminated, with optional relocation available for a range of income levels.

INTRODUCTION

Early accounts of the xenophobic violence that swept across South Africa's townships in May 2008 suggested a link between high levels of poverty and violence towards foreign migrants, who were seen to be encroaching on the already limited resources of the locals. Political analysts, the media and academics alike turned their attention to the 'hotspots' of the bloodshed, notably Alexandra, but what was overlooked in this process was the townships, like Khutsong, where no incidents of xenophobic hostility were recorded. While it may seem peculiar to ask questions about why there were no brutal attacks on foreign migrants in some townships—particularly when several analysts are rushing to understand why there was—probing into why there were no attacks on immigrants in Khutsong offers insights into the response of South African civil society to the xenophobic violence of May 2008.

The township of Khutsong, which is located just outside of the mining town of Carletonville, and which falls under the Merafong municipality, is no stranger to public violence. During the 2005-2007 period, residents of Khutsong were engaged in a pitched cross-border dispute against the local state, which, at the end of 2005 saw Merafong being incorporated into North West Province. Led by members of the Young Communist League (YCL) and key figures of the local branch of the South

African Communist Party (SACP), the people of Khutsong began to protest and the township turned into a scene of bloodshed and carnage. Khutsong was literally under fire. Commenting on the factors underlying the protests, Jomo Mogale, local chairperson of the SACP, was quoted as saying, 'We want to fall under Gauteng. There are many problems with service delivery in the North West. In Gauteng we receive attention on time.'¹ Another Khutsong resident commented that '[t]he North West is very hungry and poor [and] [t]here are no jobs.'² Six months prior to the national elections in April 2009, Merafong was returned to Gauteng.

This article examines three issues that are of central concern to the question about why there were no attacks on immigrants in Khutsong in May 2008. The first of these relates to the way in which material demands were framed. In Khutsong, the cross-border dispute was couched within the discourse of poor service delivery and the target of the residents' anger was the local government rather than the presence of foreign migrants.³ Secondly, the border dispute suggests a notion of belonging that grants primacy to provincial boundaries (regardless of residents' citizenship status or place of origin), whereas elsewhere, insiders and outsiders were distinguished, in large part, on the basis of their nationality. The third issue relates to the role of local leadership in giving direction to and shaping the attitudes and behaviour of residents. Local leaders were decisive in the border dispute and one of the aims of this study is to examine the role played by key figures in Khutsong in stemming the violence against foreign nationals in May 2008.

In the late 1990s and early 2000s, xenophobic sentiments towards foreign migrants, and harassment and abuse of Mozambicans in particular, were rife in Khutsong.⁴ This study seeks to provide plausible explanations as to why, a decade later, Khutsong residents pulled together to resist xenophobic violence in their township. How had the area changed over the last decade, and to what extent were these changes significant in halting the spillover of xenophobic violence into Khutsong?

Methodology

In approaching these questions, this investigation draws on 17 semi-structured interviews conducted in Khutsong during 5 visits to the township from August through to November 2009.⁵ The interviews were conducted face-to-face using a guiding list of questions, and interviewees included civil society leaders as well as local residents, both South Africans and foreign nationals. The civil society leaders interviewed included 3 representatives of the Merafong Demarcation Forum (MDF) and 2 from the Khutsong Women's Forum. A group interview with 15-20 local elementary school teachers and two follow-up interviews with MDF leaders were also conducted. In order to approach local residents, we

¹ 'Khutsong residents' next step,' *News24*, 20 November 2005.

² I. Lekota, 'Flames in Khutsong,' *Sowetan*, 25 May 2007.

³ By way of comparison, see Luke Sinwell's report on the factors underlying xenophobic violence in Alexandra in this volume.

⁴ Duxita Mistry and Anthony Minnaar, 'The Dilemma of Reporting *Crime and the Subsequent Withdrawal of Cases, Khutsong: A Case Study*', Institute for Human Rights & Criminal Justice Studies, TechnikonSA, May 2000. Also see Duxita Mistry, Anthony Minnaar, Jabu Dhlamini, and F. Kekana, 'Foreign Migrants as Victims of Crime in South Africa: A Case Study in the Gauteng Township of Khutsong.' Paper presented to the Xth International Symposium on Victimology: Beyond boundaries - research and action for the Third Millennium. Montreal, Canada. 6-11 August 2000.

⁵ Visits to Khutsong took place on 7, 12-14, and 19-21 August, 2-4 September, and 11 November 2009.

used a snowball technique to create a non-random sample that included South Africans and non-South African citizens. Gaining access to residents was facilitated by the fact that Comfort Phokela is a Tswana speaker and Joshua Kirshner is proficient in Portuguese. This enabled communication with local residents and Mozambican immigrants. Where possible, interviews were recorded and fully transcribed. Several respondents, however, did not consent to recording.

During the research for this study, we were granted permission to attend and observe two community meetings,⁶ one held by the Merafong Demarcation Forum (MDF) in which the Gauteng Premier, Ms Nomvula Makonyane, and the Provincial Executive Council attended. The second meeting was organised by the MDF and included only the organisation's members. To supplement the field research, we reviewed a range of secondary literature, media reports, and census data relevant to Khutsong.

Structure of this report

This report focuses on the demarcation dispute in Khutsong and how this experience influenced local efforts against xenophobia. The first section analyses the factors that led to the civil unrest in the township and the ways the community came together to challenge what was perceived as local and national government indifference to their concerns over their provincial status and access to public resources. In the sections that follow, we examine the ways civil society leaders articulated the demands of local residents and channelled local frustrations, and we then turn to the changes that have occurred since the previously documented instances of xenophobia in the township of the 1990s. Finally, the report discusses local reactions to the xenophobic attacks of May 2008 that occurred in other South African cities and townships, and it concludes by recapping the factors that contributed to anti-xenophobic action in Khutsong.

⁶ The meetings were held on 13 August and 3 September 2009.

Economic and demographic background

Khutsong, a Tswana word meaning ‘place of peace,’ was set up in 1958 as a satellite township to house mining labourers outside the ‘whites-only’ town of Carletonville.⁷ Khutsong is part of the Merafong City Local Municipality, which, until its incorporation into North West Province, spanned the southwest part of Gauteng and the northeast part of North West Province. Merafong includes Carletonville, Fochville, Khutsong, Khutsong South, Kokosi, Blybank, Welverdiend, as well as mines and commercial farms surrounding these population centres. The area has a dispersed spatial pattern that stems from apartheid planning and the location of gold mines.⁸

⁷ Sandy Johnston and Ann Bernstein, *Voices of Anger: Protest and Conflict in Two Municipalities. Report to the Conflict and Governance Facility (CAGE)*. The Center for Development and Enterprise, Johannesburg, 2007, 36.

⁸ Johnston and Bernstein, 2007, 36.

Merafong previously formed part of the West Rand District Municipality of Gauteng, which in 2001 recorded a population of 210 480.⁹ By 2007, Merafong's population had grown to 215 860.¹⁰ Before its incorporation into North West, 71 percent of Merafong's population fell in Gauteng and 29 percent in North West. Khutsong is home to 32 percent of the municipality's population. Merafong's economic base is the mining industry, which provides roughly 86 percent of its gross geographic product, and 64 percent of its formal employment. Employment and educational levels in Khutsong, however, are substantially lower than in Merafong as a whole. Its residents have lower average incomes than in other sections of the municipality, and parts of Khutsong consist of informal settlements. Moreover, the mining sector is in decline, and unemployment in Merafong municipality was recorded at 20.5 percent but is believed to be higher.¹¹



Map prepared by Chris Wray, Gauteng City Region Observatory

Public deliberation and the demarcation dispute

From 2005 through to 2007, Khutsong residents were embroiled in protests over the right to remain within Gauteng Province. The unrest gradually grew into a movement of mass resistance against the state. In October 2006, fewer than 5 percent of Khutsong's registered voters cast ballots in the municipal elections. Teachers and learners boycotted school and resisted all efforts from the

⁹ Statistics South Africa, 2001 Census, http://www.statssa.gov.za/timeseriesdata/main_timeseriesdata.asp. Accessed 10 November 2009.

¹⁰ Statistics South Africa, 2007 Community Survey, http://www.statssa.gov.za/community_new/content.asp?link=interactivedata.asp. Accessed 10 November 2009.

¹¹ Johnston and Bernstein, 2007, 32.

government to coax them back to the classroom. The sight of police armoured cars and helicopters patrolling the streets of Khutsong reminded one of the apartheid era. Protestors burned tyres, looted shops, and barricaded streets with rocks and debris. Although the anti-demarcation protests at times erupted in violence, the campaign raised political consciousness in the township in a way that was inclusive and strongly united¹².

In August 2005, the National Council of Provinces (NCOP) proposed that Khutsong be moved from Gauteng to North West Province.¹³ It was not the first time such a proposal was summarily issued, nor was it the first instance in which Khutsong's status would be plunged into uncertainty. Under apartheid, the National Party and the Bophuthatswana administration tried unsuccessfully to detach Khutsong from the Transvaal.¹⁴ In the 1960s, geologically unstable land that formed sinkholes was linked to property damage in the township. Provincial officials proposed a resettlement plan in 2000, but this was never implemented or clearly explained to residents.

In mid-2005, the ANC government sought to change Khutsong's provincial status as part of an effort to abolish cross-border municipalities. Such a move was aimed at achieving administrative rationality by reducing the duplication of functions and improving inter-government coordination. The ANC had taken the decision in Stellenbosch in 2002 and confirmed it in 2004. The Constitution Twelfth Amendment Act, adopted in August 2005, gave legislative support for phasing out cross-border municipalities.¹⁵ The national government's deliberation was however marred by a lack of consultation with members of the local community.

Although the matter appeared to be settled, the ANC government issued a series of contradictory pronouncements. In late August and early September 2005, the Minister for Provincial and Local Government, Sidney Mufamadi, indicated that Merafong would be incorporated into North West. Following this, the Merafong mayoral committee stated that Merafong should remain part of Gauteng. In November, the local government portfolio committee of the Gauteng provincial legislature diverged from the national government by supporting Merafong's inclusion into the West Rand District Municipality in Gauteng. In so doing, it cited the results of an impact assessment and an analysis of public hearings on the issue.¹⁶ However, on 5 December of that year, going against the views of its expert committee, the Gauteng legislature approved legislation allowing Merafong to be incorporated into North West.¹⁷

Khutsong residents widely viewed the transfer to North West with mistrust. Firstly, they perceived the North West as a mostly rural province with inferior services to Gauteng. In contrast, Gauteng, South Africa's wealthiest province and home to its financial capital, Johannesburg, was seen as having better

¹² Alex Park.2009."A Tale of Two Townships: Political Opportunity and Violent and Non-Violent Local Control in South Africa." *Sociological Insight* 1:31-51.

¹³ V.Kanzapeza,'It is war: fears of loss due to border move fuel Khutsong violence, *Citizen*, 15 December 2005; R.Philp,'The Khutsong Rebellion,' *The Sunday Times*, 15 March 2009.

¹⁴ Johnston and Bernstein, 2007, 32.

¹⁵ Johnston and Bernstein, 2007, 32; I.Lekota,'Flames in Khutsong,' *Sowetan*, 25 May 2007.

¹⁶ Gauteng Legislature, Local government portfolio committee negotiating mandate on Constitution Twelfth Amendment, 29 November 2005, cited in Johnston and Bernstein 2007, 32.

¹⁷ C.Benjamin,'Gauteng does about-turn on cross-border municipalities; ANC dominated committee backtracks, *Business Day*, 6 December 2005.

public services. In particular, the prospect of long-awaited new housing projects and improvements dimmed once Khutsong was transferred to North West. Many local residents also believed the health and education systems in North West to be of a lower standard. Secondly, Khutsong residents strongly identified as part of Gauteng and felt that their economic ties were to this province. One community organiser noted that local residents are far more likely to work and to consume in Gauteng than in North West. The population centres and the provincial capital of North West are distant from Khutsong, and the transport connections are poor.¹⁸ Finally, the re-demarcation would ignore the miners' historical contribution to Gauteng's economy.¹⁹ As one Mozambican immigrant put it, "We did not want to be part of North West. We are Gauteng people."²⁰

The Khutsong Rebellion

Several peaceful protests and public gatherings occurred in Khutsong leading up to the National Council of Provinces (NCOP) and the ANC National Executive Committee's (NEC) decision in December 2005 on the demarcation of Merafong. Members of the Young Communist League (YCL) and key figures in the local branch of the South African Communist Party (SACP) spearheaded the protests, which spread in late 2005 as rumours mounted that Merafong City would be incorporated into North West. When the peaceful marches did not yield results, the SACP and YCL members organised to form the Merafong Demarcation Forum, a democratic group that galvanised the protest actions. Jomo Magale, a history teacher at Khutsong's Badirile High School, was elected to chair the forum, which included members of YCL, SACP, church leaders, teachers, business owners, taxi drivers associations, and members of the Congress of South African Students (COSAS).

The protests escalated as the NCOP formally announced its plan for demarcation. On Wednesday 2 November 2005, residents barricaded roads with burning tyres, wrecked cars, stones, and tree branches. Several protestors threw rocks at vehicles attempting to leave the township. Matric exams were cancelled that day, and learners vacated schools.²¹ Twenty seven youths were arrested for looting shops.²² On Thursday 3 November, residents set the municipal building on fire, looted shops, barricaded roads, and ripped out telephone booths. The MDF convened roughly 3 000 people in the stadium to air their grievances, and 30 youths were arrested for looting.²³ On Friday 4 November, the protests continued unabated. Local officials called in police reinforcements after thousands of residents started looting businesses. Several protestors stoned the homes of the mayor and other councillors, and a crowd petrol bombed councillors' houses, causing five of them to flee.²⁴ Nine people were taken into custody.²⁵

¹⁸ Mapotha Nkutha, former Young Communist League of Khutsong chairperson and Merafong Demarcation Forum representative, interview with authors, 13 August 2009.

¹⁹ Jomo Magale, MDF spokesperson, interview with authors, 2 September 2009.

²⁰ Interview with author, 20 August 2009.

²¹ 'Government must send clear message on riots,' editorial in *Sunday Times*, 13 November 2005, p. 36.

²² Johnston and Bernstein, 2007, 34.

²³ Jomo Magele, 2 September 2009; Johnston and Bernstein, 2007, 34.

²⁴ B. Ndaba, 'Councilors flee Khutsong in wake of violent protests,' *The Star*, 8 November 2005, p. 2.

²⁵ Johnston and Bernstein, 2007, 34.

On Saturday, 5 November, a meeting took place between MDF representatives and Mr Mufamadi. But it failed to resolve the ongoing conflict.²⁶ The MDF organised a protest march through the township, and youths set tyres alight. Police used rubber bullets to disperse angry crowds, but thousands of residents returned to the stadium for a public meeting. A week later, on Friday 11 November, police reinforcements were brought in from outside Merafong municipality as protesting residents gathered in the stadium to march to the police station.²⁷ The residents issued a memorandum to the police.

In the course of the following two years, the anti-demarcation protests grew into a movement of mass resistance. Although they occasionally deployed violence, the protests sparked a strong political consciousness in the township. According to Jomo Mogale, every Sunday there was a mass meeting, for a period of about a year. A group of women organised the Khutsong Women's Forum as a branch of the MDF, and school children were active in protests of all types, including demanding the release of arrested protestors.²⁸ Township residents were in open rebellion of the government and the ruling party. Protestors burnt T-shirts with Thabo Mbeki's picture, burnt their ANC membership cards, vandalised schools and shops, and burnt municipal vehicles and traffic lights. They also destroyed the municipal library and damaged the stadium, a swimming pool and other infrastructure.²⁹

To send a further message of their discontent, MDF leaders called a boycott of the March 2006 municipal elections, and only 232 of nearly 30 000 registered voters cast their ballots.³⁰ Meanwhile, all of Khutsong's councillors decamped to mine houses outside the township to avoid the house burnings, violence, and threats.³¹

Following the boycotted local elections, the Merafong Demarcation Forum appointed a legal team to challenge the demarcation in South Africa's Constitutional Court. Lawyers for Human Rights (LHR) represented the MDF and township residents in their effort to declare the move to North West invalid. The legal team sought to use the case of the Matatiele boundary dispute, in which residents of Matatiele successfully resisted transfer from Kwa-Zulu Natal into the Eastern Cape, as precedent to overturn the ruling.³² LHR director Rudolph Jansen said, "[t]he solution in Khutsong is not a legal one, but a political one."³³ In fact, the Constitutional Court's majority ruling dismissed the application, stating it was a political matter to be addressed by elected officials.³⁴ Clearly, a resolution of the issue would need to take into account the fears, needs, and aspirations of local residents.

²⁶ Johnston and Bernstein, 2007, 34.

²⁷ Several interviewees noted that the local police sympathised with the anti-demarcation protestors, so the North West government brought in police from outside the area.

²⁸ Interview with Pearl Khanyile, member of MDF and Khutsong Women's Forum, 13 August 2009.

²⁹ Johnston and Bernstein 2007, 35.

³⁰ 'The struggle continues in Khutsong,' *Indymedia Cape Town*, 28 September 2006, p. 2. This compares with 13,422 voters in the 2000 municipal elections, a turnout of 57,2 percent. Johnston and Bernstein 2007, 32.

³¹ Rory Carroll, 'Townships in revolt as ANC fails to live up to its promises,' *The Guardian*, 22 February 2006; Johnston and Bernstein, 2007, 48.

³² 'The struggle continues in Khutsong,' *Indymedia Cape Town*, 28 September 2006, p. 2; I. Lekota, 'Flames in Khutsong,' *Sowetan*, 25 May 2007.

³³ I. Lekota, 'Flames in Khutsong,' *Sowetan*, 25 May 2007.

³⁴ 'ANC meets forum over Merafong demarcation,' *SAPA*, 25 June 2008.

A key factor in contributing to the unrest was the government's **lack of clear communication with local residents.**

Khutsong residents felt that high-level, concealed deals were taking place, while their concerns were ignored. The local, provincial, and national structures of the ANC failed to consult adequately with the local residents and appeared to be governing by decree. According to Jomo Mogale, this was a "blunder."³⁵ The situation united the township and animated the protests, while creating broad-based support among local residents. The MDF and grassroots protesters framed the issue inclusively and stressed that all residents, regardless of nationality or ethnicity, were welcome in the struggle. It was a clear-cut battle against what was widely viewed as a case of political expediency at the cost of local concerns. The ANC might have avoided the violent revolt if it had facilitated public involvement during the transfer process, rather than taking local support for granted. Exacerbating the problem were rumours about offers to the Merafong City mayor of appointment as MEC in North West following the incorporation.³⁶

Moreover, the ANC government overlooked a strong grass-roots sense of identity and belonging in Khutsong, in which provincial borders were not viewed merely as a technocratic issue, but were believed to make a crucial difference for living conditions and livelihoods. Amid a high degree of mobilisation, protest leaders and the MDF explicitly chose not to target foreigners and instead to focus their discontent with state indifference and lack of accountability around the boundary dispute. "Our democracy should not only be representative, it should be participatory," said Mogale.³⁷

With the outbreak of the xenophobic attacks of May 2008, following on the heels of Khutsong's anti-demarcation struggle, Khutsong residents once again called attention to government's ineffectiveness by protecting foreigners in a way that the state appeared to be incapable. After three years of violent civil uprising, the MDF campaign highlighted its organisational capacity through non-violent coordination and anti-xenophobic action during a period of government crisis and breakdown³⁸.

³⁵ Jomo Mogale, 2 September 2009.

³⁶ Johnston and Bernstein 2007, 40.

³⁷ I. Lekota, 'Flames in Khutsong,' *Sowetan*, 25 May 2007.

³⁸ Alex Park. 2009. "A Tale of Two Townships: Political Opportunity and Violent and Non-Violent Local Control in South Africa." *Sociological Insight* 1: p. 46.

Timeline of events in the Merafong border dispute

1958 Khutsong is established as a township outside of the whites-only town of Carletonville.

1960s The National Party and the Bophuthatswana administration unsuccessfully attempt to remove Khutsong from the Transvaal.

1960s The Far West Rand Dolomite Water Association provides assistance to Carletonville residents regarding dolomitic land and sinkholes. Similar assistance is not extended to Khutsong.

2000 Councillors inform Khutsong residents of the dangers of unstable, dolomitic land and threats of structural damage to houses, proposing relocation. The plan is never implemented.

2002 ANC takes decision at Stellenbosch to eliminate cross-border municipalities.

August 2005 The Constitution Twelfth Amendment Act provides legislative support for phasing out cross-border municipalities.

Late August – Early September 2005 The Minister for Provincial and Local Government, Sidney Mufamadi, indicates Merafong Municipality will be incorporated into North West Province.

September – October 2005 The Merafong mayoral committee and groups including the local taxi association issue statements that Merafong should remain part of Gauteng.

October 2005 Peaceful protests and public gatherings take place in Khutsong, spearheaded by members of the Young Communist League (YCL) and the local branch of the South African Communist Party (SACP).

November 2005 Gauteng provincial legislature's local government portfolio committee goes against the national government by supporting Merafong's inclusion into West Rand District Municipality in Gauteng province, citing the results of an impact assessment and analysis of public hearings on the issue.

November 2005 Protests spread in Khutsong amid rumours of the transfer to North West; SACP and the YCL activists form the Merafong Demarcation Forum (MDF). Residents barricade roads with burning tyres, wrecked cars, stones, and tree branches. The MDF convenes 3 000 residents in the stadium to air their grievances and march to the police station. Thirty youths are arrested for looting.

Early December 2005 The Gauteng legislature approves legislation allowing Merafong to be incorporated into North West, going against the decision of its expert committee.

Mid December 2005 Mufamadi (Minister for Provincial and Local Government) and the National Council on Provinces (NCOP) announce Merafong will be incorporated into North West.

Late December 2005 Khutsong is engulfed in smoke as protestors barricade streets with boulders and car wrecks. Municipal property is destroyed and the mayor's house is torched.

March 2006 Merafong Demarcation Forum calls a boycott of the March 2006 municipal elections, and only 232 of nearly 30 000 registered voters cast their ballots.

Mid 2006 Lawyers for Human Rights (LHR) agrees to represent the MDF and township residents in their effort to declare the move to North West invalid in the Constitutional Court. The case is later dismissed.

March 2009 All of Merafong City Local Municipality, including Khutsong, is reincorporated into Gauteng Province.

Local leadership and anti-xenophobia consciousness raising

Khutsong's elected leaders—the municipal mayor and 10 local councillors—did not lead the civil upheaval. Instead, local citizens took the lead in framing the issue and shaping the response. Jomo Mogale, a schoolteacher, Paul Ncwane, a former football star, and Siphiwe Nkutha, a 26-year-old activist were decisive figures in mobilising the protests.³⁹ Nkutha, local secretary of the Young Communist League and one of the Merafong Demarcation Forum leaders, stressed that the MDF didn't really lead, but rather the community members took up the fight together with the MDF. Jomo Mogale called it "a practical demonstration of democracy."⁴⁰

As observed in a *Sunday Times* piece,

Khutsong was the only place in South Africa with **neither elected leaders nor a government presence at the time of the attacks on foreigners** in May 2008. It was also the only large township on the Highveld to have experienced no incidents of xenophobic violence.⁴¹

Interviews suggested the leaders of the MDF wanted to "set an example to the country" through organising against xenophobia.⁴² Moreover, the leaders emphasised social solidarity in the community. The struggle against incorporation into North West offered an entry point for local political participation for many local residents, including non-citizens. As an elementary schoolteacher noted, "The idea of separation was not there. We engaged with foreigners, and they supported us."⁴³

³⁹ R. Philp, 'The Khutsong Rebellion,' *the Sunday Times*, 15 March 2009.

⁴⁰ Jomo Mogale, 2 September 2009.

⁴¹ R. Philp, 'The Khutsong Rebellion,' *the Sunday Times*, 15 March 2009.

⁴² Mopotha Nkutha, interview with authors, 2 September 2009.

⁴³ Teacher, Xlangabeza Elementary School, 14 August 2009.

Jomo Mogale, Mapotha and Siphiwe Nkutha, and other MDF leaders voiced the concern that the anti-demarcation struggle would “lose focus” if xenophobic sentiments were able to surface. Although the struggle concerned one type of border—that of province—other borders based on nationality and ethnicity were deliberately downplayed.

Mogale noted the MDF passed a community resolution that they would never harm foreigners. “We said these are our brothers and sisters. Our desire was to keep focus on our demands” and not get derailed by xenophobia. “We told people that attacking foreigners was wrong and morally indefensible. After all, we owe Africans a debt of gratitude as repayment for their sacrifices during the anti-apartheid struggle and for their contribution to building our mining industry. It helps that I am a history teacher. Zuma stayed in Mozambique during the liberation struggle, and Chris Hani was in Zimbabwe. We made these examples showing we have a history with neighbouring countries in the struggle.”⁴⁴

Building on this sentiment, interviewees emphasised that the protection of immigrants was not merely the result of individuals’ sense of morality. Rather, the MDF leaders called people into the stadium using loudspeakers from cars, and they explained the importance of defending immigrants’ rights and working against xenophobia as part of a civic commitment to the community. As one resident explained, “[t]he leaders explained that foreigners are also residents of Khutsong.”⁴⁵

This stance is underlined by the alliance formed between the Merafong Demarcation Forum and the Coalition Against Xenophobia, an association of groups that issued several public statements criticising the government and expressing committed support for immigrants in May 2008. This resulted in the MDF signing the Coalition’s ‘Pledge of Solidarity Against Xenophobia’,⁴⁶ on 25 May 2008, ‘committing it to do everything possible to “stop this violence.”’⁴⁷ By taking a stand on immigrant protection and connecting it to their struggle on demarcation, Khutsong leaders were able to make a strong statement against the national government.

Local organisers may also have made an instrumental decision to protect immigrants. Non-citizens might not have felt a direct stake in the boundary dispute in the same way that long-term residents did. However, the expansion of the violence could have been accompanied by the offer to protect immigrants if they were prepared to support the campaign by attending rallies and marching in the streets.⁴⁸ One interviewee noted that by marching along with protestors, he believed that looters would be less likely to target his shop. Furthermore, Khutsong was not completely immune to xenophobic attacks during the demarcation struggle. A report stated that in 2007, anti-government protests turned violent and resulted in attacks on several Somali-owned shops.⁴⁹ This, however, appears to be an isolated incident.

⁴⁴ Jomo Mogale, interview with authors, 2 September 2009.

⁴⁵ Tswana speaking woman, aged 55, interview with authors, 3 September 2009.

⁴⁶ Coalition Against Xenophobia, ‘Pledge of Solidarity Against Xenophobia,’ 25 May 2008. Retrieved from the Anti-Privatisation Forum (http://apf.org.za/breve.php?id_breve=18).

⁴⁷ Alex Park. 2009. “A Tale of Two Townships: Political Opportunity and Violent and Non-Violent Local Control in South Africa.” *Sociological Insight* 1: p. 46.

⁴⁸ Alex Park. 2009. “A Tale of Two Townships: Political Opportunity and Violent and Non-Violent Local Control in South Africa.” *Sociological Insight* 1: p. 46.

⁴⁹ ‘South Africa: Burning the welcome mat,’ Integrated Regional Information Network (IRIN), United Nations, 19 May 2008. <http://www.irinnews.org/Report.aspx?ReportId=78302>.

In this way, local leaders attempted—though not always successfully—to create alliances within civil society through the construction of a unified political identity *as residents* of the area. This became the most salient form of identity in Khutsong, as opposed to South Africans versus foreigners.

Accordingly, **how “we” was defined, what its boundaries were, and who constituted the “others” differed from other places**—Alexandra and Ramaphosa, for instance—examined in this study.

Relations between South Africans and foreign nationals in Khutsong

Since its beginnings in the late 1950s, Khutsong has housed labourers for nearby gold mines. As in other mining areas, the mines attracted large numbers of immigrant workers as well as South Africans from outside the region to Khutsong.⁵⁰ The local branch of the National Union of Mineworkers (NUM), a Cosatu affiliate, has played an important part in the civic life of Merafong municipality. As a result of the fact that all mineworkers are allowed to join NUM regardless of nationality, and that the union structure has a ‘fraternal, openly socialist, fervently anti-racist and anti-xenophobic rhetoric’⁵¹, the union has fostered cohesive relationships between immigrants and non-immigrants.

Moreover, the range of employment opportunities offered by the gold mines has meant that immigrants did not pose a direct economic threat to the majority of Khutsong’s population. As pay scales in South Africa’s mines are strongly linked to skill levels, the arrival of unskilled workers from Mozambique, Zimbabwe, and other neighbouring countries did not directly challenge the wages of skilled miners, many of whom were South African citizens.⁵² Given the long history of labour migration to the mines, many foreign workers became well integrated into the Khutsong community, in some cases marrying locals and learning to speak Tswana and other local languages.⁵³ When the miners began to be retrenched, most of the workers stayed in the area.

While the vast majority of foreign nationals in Khutsong are Mozambican, there has been a recent influx of Ethiopians and Somalis to the township. Many of the newer arrivals own small grocery stores located in shacks and operate ‘tuck shops’ out of shipping containers. One Somali shopkeeper noted there are now five or six Somali-owned shops in the township. Some local residents have viewed the more recent migrants as undermining South African small businesses. The recent migrants are also socially and culturally more distant to long-term residents than the Mozambicans. Nonetheless, several Somali and Ethiopian interviewees said they were attracted to Khutsong as it seemed relatively safe and secure.

⁵⁰ See, e.g., J.S. Crush, Jeeves, Alan, and Yudelman, *South Africa’s Labour Empire: a History of Black Migration to the Gold Mines*, Boulder, CO: Westview Press, 1991.

⁵¹ Alex Park. 2009.“A Tale of Two Townships: Political Opportunity and Violent and Non-Violent Local Control in South Africa.” *Sociological Insight* 1:p.44.

⁵² Alex Park. 2009.“A Tale of Two Townships: Political Opportunity and Violent and Non-Violent Local Control in South Africa.” *Sociological Insight* 1:p.44.

⁵³ Schoolteacher, Xlangabeza Elementary School, interview with authors, 13 August 2009.

A Somali shopkeeper who has lived in Khutsong for one year (and South Africa for two years) stated that “[p]eople here do not discriminate. They are very friendly, especially the elderly. Young boys sometimes when they come back from school throw stones, but that is not a major thing. We feel comfortable and safe here.”⁵⁴ This shopkeeper noted that his shop, which he rents from a black South African, was once a bakery, and it was damaged in the demarcation protests. He recalled one incident in which a local customer, a teenaged male, had bought a bottle of paraffin. The customer later brought it back and claimed it was mixed with water. “We told him this was not water but paraffin. But even if it was water we don’t manufacture paraffin, we just buy it. We told him to bring it back so that we can refund him then, but he started... There were four of them and they started breaking things.” The shopkeeper quickly called the police, who came immediately and the boys dispersed.

When asked about their participation in the anti-demarcation protests, immigrants offered mixed responses. The Somali shopkeeper stated that he did not understand the issue clearly. “I don’t know a lot about this country. South Africa is South Africa for me. I can’t see the difference between being part of Gauteng and North West.”⁵⁵ Others noted that there was a degree of coercion to take part in the protests.

On the other hand, some immigrants felt sufficiently invested in the outcome of the protests, to such an extent, that they took to the streets alongside long-term residents. One Mozambican who lived in Khutsong for nine years said, “We did not want to be part of North West. We are Gauteng people.” He went on to explain that many immigrants were actively involved in the struggle as they felt it would improve public services. A schoolteacher at Xlangabeza Elementary School commented that foreigners were “united with us against incorporation into North West.” She added that both South African and foreign learners in her classes were keenly aware of the protests occurring around them.⁵⁶ One local resident, however, saw immigrants as disengaged because they are transitory, stating that they were “just doing their own things. They were not helping us.”⁵⁷

The discrepancy points to the need to distinguish between Mozambicans and newer migrants to the area, such as Ethiopians and Somalis. The former differ from the latter in many cases in terms of length of residence in the township, and along racial/ethnic, cultural and linguistic lines. Due to longer residence in the township and less cultural distance, many Mozambicans appear to have developed relationships and an understanding of local dynamics, such that they actively participated in the popular protests surrounding the boundary dispute. In contrast, the newer migrants arrived after these events had largely concluded, and many moved in after the xenophobic attacks of May 2008. When local residents talk about ‘immigrants’ and ‘foreigners,’ they may not be referring to Mozambicans, whom they have come to accept as part of the local populace. Integration of Somalis and Ethiopians, however, appears to be an ongoing challenge in Khutsong. As MDF leader Siphiwe Nkutha noted, “the issue of xenophobia is around the Somalis because they did not familiarise themselves with the people.”

⁵⁴ Somali man, aged 27, interview with authors, 20 August 2009.

⁵⁵ Somali man, aged 27, interview with authors, 20 August 2009.

⁵⁶ Interview with authors, 13 August 2009.

⁵⁷ South African Xhosa woman, aged 65, 20 August 2009. Translated by Comfort Phokela.

Examining earlier experiences of xenophobia in Khutsong

The acceptance of Mozambicans was not always the case. In the post-1994 period, xenophobic discrimination against foreigners appeared to be increasing in Khutsong. Despite a long history of migration to the area, Mozambicans faced frequent incidents of abuse by police, local authorities, and long-term township residents.

The climate of xenophobia paralleled broader trends in the country. Until the passage of the Refugee Act in 1998, the South African government made no distinction in the Alien Control Act between different types of migration flows and different kinds of migrants. In particular, the Act had scant legal protections for so-called 'illegal aliens.' Under this framework, undocumented immigrants faced detention and deportation without court hearings or legal representation.⁵⁸ The Refugee Act, designed to regulate the legal status of asylum seekers in South Africa, also sought to institute a rights-oriented legal framework and to diminish anti-foreigner sentiment more broadly. Despite this effort, the post-1994 period saw growing anti-foreigner sentiment that associated immigrants with rising levels of crime and delinquency, while accusing them of undercutting South Africans for jobs and housing. Immigrants have been widely viewed as taking jobs in an economy with an estimated unemployment rate of 40 percent, but in which there is also a serious skills shortage.⁵⁹

In the late 1990s, researchers documented frequent cases of xenophobia in Khutsong. In a study undertaken in Khutsong by the Institute for Human Rights and Criminal Justice Studies of the TechnikonSA in 1998, a range of trends in anti-immigrant abuse in South Africa was in evidence, including being victims of crime, physical violence, extortion, bribery, and systematic discrimination.⁶⁰ The study noted the vast majority of foreigners living in Khutsong were Mozambicans, who described their relationship with the local police as "bad."⁶¹ In July 2000, a researcher at the Institute conducted focus group interviews with Mozambicans in Khutsong.⁶² The general finding was that Mozambicans—regardless of legal or unauthorised status—continued to be harassed and abused by police, state officials, and long-term residents. Allegations included cases in which following the arrest of foreigners in their homes, their front doors were left open so that nearby residents could claim their belongings. Sexual abuse of foreign women, especially undocumented women, by police officers was widespread. Mozambicans also alleged denial of access to primary health care and inability to report crimes to the local police, as on-duty officers frequently denied their complaints.⁶³

⁵⁸ Until 1998, all matters related to immigration to South Africa, including refugees and asylum seekers, fell under the purview of one piece of legislation, the Alien Control Act 96 of 1991. This Act was slightly amended by the Alien Control Act 76 of 1995.

⁵⁹ Tara Polzer and Loren Landau, 'Working migrants and South African workers; Do they benefit each other?' *South African Labour Bulletin*, 32, 4, 2008.

⁶⁰ Duxita Mistry and Anthony Minnaar, 'The dilemma of reporting crime and the subsequent withdrawal of cases, Khutsong: A case study.' Unpublished Report, Institute for Human Rights and Criminal Justice Studies, TechnikonSA, 2000.

⁶¹ Mistry and Minnaar, 2000, p.7.

⁶² Jabu Dhlamini.

⁶³ In the Mistry and Minnaar study, Mozambicans are treated synonymously with foreign migrants.

What changed in the period between the late 1990s and May 2008 in terms of the acceptance of foreigners in Khutsong? Shifts in the national-level legal framework, as well as local factors appear to have played a role. First, Mozambican refugees were not recognised as refugees by the apartheid government when they arrived in the 1980s during a civil war in their country. In most cases, they remained without formal legal status until 1993 when the government made a group refugee status determination. In 1995, 1996, and 1999–2000 the government offered three amnesties (for foreign miners, citizens of SADC countries, and former Mozambican refugees, respectively.) This last amnesty allowed an estimated total of 176 648 Mozambicans to receive permanent resident status in 2000.⁶⁴ In Khutsong, some Mozambicans have also gained citizenship status through marrying South Africans, while others continue to lack identity documents.⁶⁵ Clearly, the lack of legal status can create a broad range of difficulties leading to social exclusion for immigrants. Gaining permanent residency might have substantially facilitated social and economic integration for Mozambicans in Khutsong after 2000, as well as broader acceptance by locals.

Building on this change at the national level, local leaders in Khutsong showed determination in not losing focus on the demarcation issue driving their struggle. They felt that xenophobic actions would undermine their cause, and they sought to influence local attitudes towards immigrants in aid of full acceptance. This did not involve advocating for special rights or services for immigrants, but rather pushing for overall better services and resources for local institutions through organising to remain within the orbit of Gauteng. The goal was to uplift the entire community, including non-citizens residing in it, regardless of their legal status.

Responses to the 2008 outbreaks of xenophobic violence

In May 2008, as the violence spread from the townships of Alexandra to Diepsloot and working class communities of the East Rand, residents of Khutsong witnessed the disquieting events on the TV news. While the crisis unfolded, the MDF leaders invited community members to the soccer stadium, as they had done so many times in 2005 through to 2007. “They told us not to be afraid because of what was happening in the townships outside Johannesburg, Alexandra. They said whatever was taking place in Alex would not happen here,” explained a Mozambican man who has lived in Khutsong for 9 years.

In this way, Mogale and other MDF leaders conveyed the notion that our sense of humanity and citizenship does not end at the national borders.

The leaders explicitly **avoided drawing a rigid distinction between insider and outsider in terms of nationality**, or allowing this division shape grassroots protest.

⁶⁴ Tara Polzer, ‘Lessons from a border area: Why there is relatively little xenophobia against Mozambicans in Bushbuckridge, Mpumalanga,’ Submission to Open Hearing on Xenophobia, Hosted by the South African Human Rights Commission with the Portfolio Committees of the Departments of Foreign Affairs and Home Affairs, 2004.

⁶⁵ Mozambican male, aged 23, interview with authors, 3 September 2009.

The presence of a massive civic movement under the aegis of the MDF had created a strong sense of unity and common cause in the township. In most cases, foreign immigrants had not been regarded as a threat to local interests. The MDF publicly condemned the violence against immigrants that was spreading through the country in May 2008. Such actions demonstrate the importance of a focused and honest leadership.

Several newer migrants chose to move to Khutsong following the xenophobic attacks, because they perceived it as relatively safe. A Somali shopkeeper stated, "We came here when the trouble was over and we saw everything was okay, that it was safe. We talked with the elders, and that is when we opened our shop."⁶⁶ A Mozambican who operates a small fruit stand outside his home had relocated to Khutsong from Alexandra following May 2008. His father had worked in a mine outside of Khutsong and "[h]e knew that it was more peaceful here."⁶⁷ When asked about the move, he noted that there are less job opportunities in Khutsong than in Alexandra, where he held relatively well-paying jobs in construction. However, he does not plan to return: "I have nothing left there."

Aftermath and rapprochement with the ANC

The three-year campaign of boycotts, barricades, and burning ended in victory. The sustained actions earned Khutsong the right to return to South Africa's richest province, Gauteng, and it pulled the wealthier mining town of Carletonville, as well as Fochville and Wadela along with it.

In October 2008, newly-elected Gauteng Premier Paul Mashatile presided over the "legislative process" to return Merafong to Gauteng.⁶⁸ A two-thirds majority in parliament voted for the return. The process concluded in March 2009 when the National Council of Provinces passed a bill returning the whole of Merafong to Gauteng before the national and provincial elections. Local residents staged a public celebration, and many can still be seen wearing T-shirts declaring "Khutsong 100% Gauteng," "Gauteng 4 ever," and "GP 4 ever." The victory has occasioned efforts towards reconciliation between the community and the ANC. Mogale thanked the new ANC leadership for "listening to the masses," saying, "We'll encourage people to vote for the ANC [in the April 2009 national elections]."⁶⁹

Khutsong remains a loyal ANC membership area, but many residents joined the SACP during the struggle. The township is now the largest SACP branch in the country.⁷⁰ According to Mr Mogale, the SACP is now in a healing process with the ANC.

While some see a healing process, others see fissures emerging within the MDF over its relation to the ANC and the direction it will take now that the demarcation struggle has concluded. Those who

⁶⁶ Interview with authors, 20 August 2009.

⁶⁷ Mozambican male, aged 23, interview with authors, 2 September 2009.

⁶⁸ 'Move to get Merafong under Gauteng on cards,' *The Star*, 8 October, 2008.

⁶⁹ 'Hola, GP, hola!' *The Star*, 20 March 2009, p. 3. Incidentally, in 2007 Mogale was fired from his job of 23 years at Badirile High School by the North West education department for allegedly inciting school boycotts. Following the return to Gauteng, Mogale was reinstated.

⁷⁰ R. Philp, *the Sunday Times*, 15 March 2009.

came to the MDF from leadership positions in the SACP, including Sipiwe and Mapotha Nkutha, have campaigned for the ANC in the 2009 elections and feel the party's new leadership seeks to rectify its mistakes regarding Khutsong. Others from outside the tripartite alliance, such as the Pan African Congress or the United Democratic Movement, have criticised the rapprochement with the ANC and accused those who championed it as "selling out." According to Mapotha Nkutha, the MDF "has lost focus. It is not longer operating for the right cause because it is now the centre for intimidating other organisations linked to the ANC."⁷¹

While the details of reintegration with Gauteng were being finalised, the local community turned to pressing environmental concerns. Geological studies have confirmed that 90 percent of Khutsong's residential area, which houses 25 100 families, is situated on high-risk dolomitic zones that are unsuitable for human settlement. Findings from the Water Research Commission have also shown "heavy metal and radionuclide contamination is closely associated with rivers and wetlands downstream of major mining operations in the Khutsong area."⁷² Families living on geologically unstable land will have the option of relocating to 18 000 new housing units being built in a green field development located in adjacent Khutsong South. The development will include a mix of rental housing, bonded houses, and government-subsidised housing. Crucially, however, the move to new housing will be optional for the affected Khutsong residents.

⁷¹ Interview with authors, 13 August 2009.

⁷² 'Thousands of new houses for Khutsong,' *The Star*, 16 February 2009, p. 7.

The provincial boundary dispute was deeply contentious for Khutsong residents from the beginning. The national government sought to remove an administrative burden and increase rationality. Local officials might have sympathised with Khutsong residents' discontent and mistrust of this decision, but they failed to act in a decisive and transparent way. The Merafong Demarcation Forum, a civic group made up of representatives of various organisations, stepped into the breach. The management of the incorporation of Merafong into North West was marred by poor communication with members of the local community, and this situation created mistrust that exploded into protest and full-fledged civil revolt. Protest leaders framed the issue as one in which local residents' views were not considered by government. The governing party for which they had voted, overwhelmingly seemed to rule by decree while taking local support for granted. In particular, local councillors and the Merafong City mayor appeared to have betrayed the wishes of the majority of residents.

In this climate, local civic leaders took the decision that foreign residents were not to blame for the problem, and they repeatedly called on protestors to avoid taking out their frustration on Khutsong's growing immigrant population. This effort towards acceptance of the immigrant population was

facilitated by the long history of many foreign nationals in the community as a result of mining industry's dependence on workers from outside South Africa. Perhaps more importantly and similarly to the conclusions drawn by Park⁷³, this paper has argued that after a prolonged and pitched battle with governmental authorities on the disputed provincial boundaries, when the xenophobic attacks spread through several townships in May 2008, Khutsong residents were able to shine a harsh spotlight on governmental failure by demonstrating their ability to protect local foreign residents in a way that the state was unable to do. Anti-xenophobia actions in Khutsong were not only morally just, but also an effective way to express outrage with the local and national government.

As this report has emphasised, the factors that underlie the avoidance of xenophobia in Khutsong centre on the demarcation struggle and its construction of a unified front that included foreigner nationals residing in the township. Although not all foreigners actively participated in the protest and unrest, a strong and moral leadership fostered solidarity and responsibility towards local residents, including non-South African citizens. Moreover, the demarcation struggle had a very specific focus, and 'the enemy' was the government. The overarching objective of the struggle was improved service delivery for all residents, rather than granting special attention to foreigners. These conditions contributed to the avoidance of xenophobic attacks in Khutsong in May 2008 and thereafter. Questions remain, however, as to whether social integration of newer Somali and Ethiopian migrants can be achieved and the gains against xenophobia can be maintained.

⁷³ Alex Park. 2009. "A Tale of Two Townships: Political Opportunity and Violent and Non-Violent Local Control in South Africa." *Sociological Insight* 1: p. 47-48.

