

# 7 Durban's Moses Mabhida Stadium

Arch of hope or yoke of debt?

SAM SOLE

## Fast facts about Moses Mabhida stadium<sup>1</sup>

- The stadium cost approximately R3,1 billion to build.
- From a distance, the stadium, and its grand centre arch, stands out as an unmistakable silhouette on the Durban skyline. At its highest point, the arch rises 106 m above the pitch.
- The stadium has the capacity to hold 70 000 spectators during the 2010 FIFA World Cup and 54 000 spectators in legacy mode thereafter.
- The Imbizo Place, a public space in the stadium precinct, houses 6 000 m<sup>2</sup> of shops and restaurants. There is also a museum that pays homage to South African sporting legends.
- On the northern side of the stadium, a cable car will take visitors up to the highest point of the arch, where they can disembark and take in views of the city. There is also a 550-step guided adventure walk up to a platform.

- 10 000 m<sup>3</sup> of concrete from the old stadium was crushed and reused in the new stadium.
- 400 tons of steel were recovered in a recycling process.
- There are 1 940 concrete piles under the bowl of the new stadium, which, if put together, would stretch 33 km.

## ON A CLEAR DAY YOU CAN SEE ... THE NEXT BIG DEAL

On a Friday in July 2009, the leaders of eThekweni municipality took the first ride in the R20 million funicular mounted on the 106 m high arch of Durban's new R3,1 billion Moses Mabhida stadium. A newspaper account captured the moment:

Eyes filled with tears, municipal manager Michael Sutcliffe took pictures of the sweeping views while Mayor Obed Mlaba repeatedly clapped his hands above his head, before shouting: 'Durban has done it! Durban has done it!' The head of strategic projects and 2010 planning in the municipality, Julie-May Ellingson, beamed from ear to ear as she quietly surveyed the sprawling city and ocean beneath her.<sup>2</sup>

But the euphoria of elites – who often derive direct advantage from such mega-projects – is belied by a sober assessment of the real economic and social impact of such spending. As the radical local shack-dwellers' organisation, Abahlali baseMjondolo, noted in a tart comment on the newspaper report:

We do not see Sutcliffe weeping when the poor burn, live without proper access to taps, face illegal eviction, are attacked by his police and private security ....<sup>3</sup>

So before we look at Moses Mabhida in more detail, it is worth sketching in some relevant background.

## SOME INCONVENIENT TRUTHS

### The 2010 FIFA World Cup: another ‘arms deal’?

The South African government has a habit of grasping at ambitious projects as a means of promoting economic development – despite the often tenuous evidence of a credible cost/benefit analysis. The Coega port and aluminium smelter, the Pebble Bed Modular Reactor and the decision to take on a risk-sharing role in the development of the Airbus military transport aircraft come to mind. But perhaps the classic example was the 1998 Strategic Defence Procurement package that saw a decision to spend some R30 billion (in 1998 rands) on re-equipping South Africa’s air force and navy.<sup>4</sup>

At a time when budgets were tight and post-apartheid reconstruction a priority, this acquisition was promoted on the basis that promised offsets of R110 billion would ensue.

In fact, the deal caused incalculable institutional damage, the capital costs crowded out funding for the operation and maintenance of the acquisitions – and a shroud of ‘commercial confidentiality’ precluded a proper assessment of offset benefits.<sup>5</sup>

Indications are now that decisions about the arms deal were clouded by corruption, political party interests and a sense of African inferiority that required vanity projects to demonstrate the ability of South Africa to compete with the best.

The drive to win the right to host the FIFA World Cup seems to have been dogged by similar motivations. The promise was repeatedly made that 2010 would be ‘the best World Cup ever’<sup>6</sup> – without analysing the cost of a developing country competing in the mega-event stakes with major economies like Germany or France. Neither was there any real interrogation of the costs and benefits of meeting FIFA’s stringent requirements – or of joining the internal race for ‘legacy projects’, which soon eclipsed South Africa’s modest initial bid. That saw both Cape Town and Durban touting new 70 000-seater stadiums that were not offered in the bid accepted by FIFA in 2004.

But before we consider the journey from a R54 million revamp of Durban’s Kings’ Park Rugby stadium – as presented in the South African bid book – to the expensive white icon that is Moses Mabhida, it is worth looking at the Swiss institution that has helped us along this path.

## The FIFA fiefdom

Most people know FIFA gets a huge income from selling television, sponsorship and advertising rights. FIFA's financial report for 2008 says total revenue was \$957 million in that year. The lion's share of this figure was attributable to the sale of television (\$556 million) and marketing (\$253 million) rights for the World Cup.<sup>7</sup>

According to Danny Jordaan, CEO of the South African Local Organising Committee (LOC), by October 2007 FIFA had signed contracts valued at \$3,2 billion and it was anticipated that this would even increase.<sup>8</sup> But an informal snap survey revealed the misconception that a significant portion of this money flows into the host country to assist in the funding of the event. This is largely incorrect.

FIFA makes almost no contribution to infrastructure costs. For the 2006 event in Germany, Du Plessis and Maennig cite major expenditures by FIFA to include 'payment to 32 participating teams in the form of prize money and compensation for travel and preparation costs (\$340 million).'<sup>9</sup> They quote FIFA's reported costs for the 2006 World Cup as being about \$811,5 million against television and marketing revenue of \$2,77 billion and tickets sales of \$260,5 million which was used to finance a \$260.5 million contribution to the German organising committee. FIFA's 2008 financial report indicates a contribution to the 2010 LOC of \$130 million, which is understood to fund the infrastructure and operations of the LOC.<sup>10</sup>

In June 2008, LOC chief executive Danny Jordaan told a parliamentary briefing that FIFA had given the South African Football Association (SAFA) \$20 million. Half of this had been allocated to the building of the headquarters building and the other half to preparing the team. Jordaan said that all operational expenses, including salaries for LOC members, were paid by FIFA.<sup>11</sup> Arguably, this contributes to FIFA's institutional capture of a body, which, though it includes cabinet ministers and deputy-ministers, is essentially answerable to the football governing body.

It is not clear how many of these FIFA expenses will be clawed back from South African ticket sales to bolster FIFA coffers. The fact that it's hard to find out the size of the direct benefit to the host nation – versus the benefit to FIFA – is not surprising. Richard Tomlinson, Orli Bass and Udesh Pillay, in their

introduction to *Development and Dreams*, quote Horne and Manzenreiter as saying: ‘considerable secrecy and lack of transparency continue to pervade the undemocratic organizations that run mega-events’ and that individuals who challenge the secrecy ‘may become persona non grata’.<sup>12</sup>

There can be no *persona less grata* than British journalist Andrew Jennings, who has made a career out of alleging that FIFA, in the words of the Colombia Journalism Review, is ‘a corrupt fiefdom rife with bribes and vote rigging’. Yet Jennings, in his book *Foul! The secret world of FIFA*, provides a compelling portrait of how FIFA president Sepp Blatter has parlayed access to the patronage accruing to the World Cup into almost dynastic control of the world’s largest sporting and media event.<sup>13</sup>

This insight will be relevant when we consider the Moses Mabhida stadium in the context of Durban municipal manager Michael Sutcliffe’s own record – and the centralised and rather secretive way in which the city’s 2010 effort has been managed.

## Mega-events: more dreams than development

While the World Cup is profitable for FIFA and its chosen partners, the same cannot be said for host countries and cities. As Glynn Davies puts it in his contribution to *Development and Dreams*:

Whereas FIFA undertakes to provide the *entertainment*, it is necessary that the host country and, in particular, the host cities provide all the necessary infrastructure and services.<sup>14</sup>

There are significant infrastructure costs for South Africa – in the order of R30 billion and counting<sup>15</sup> – while the promised benefits are debatable, at best. Tomlinson et al write:

Economic projections are invariably erroneous, overestimating the benefits and underestimating the costs, and there is considerable debate regarding whether World Cups benefit or harm the host country’s economy.<sup>16</sup>

In their survey of the literature on the economic impact of mega-events Stan du Plessis and Wolfgang Maennig note:

The majority of these studies suggest that the sporting events or stadiums have little or no significant impact on regional income and/or employment.<sup>17</sup>

This was true even for the highly successful 2006 World Cup in Germany. Du Plessis and Maennig record that even for the hotel and tourism sector, the displacement effects of the World Cup on other forms of tourism meant that national occupancy rates actually declined for the World Cup period.<sup>18</sup>

Spending on mega-events also displaces public spending in other areas – with potentially serious consequences for developing countries. As Pillay and Bass note:

From an economic point of view, the cost of building a new stadium is not best described by the amount of money needed to build the facility but rather the value to society from the same amount of capital spent on the next best public project.<sup>19</sup>

Will building new stadiums in Durban and Cape Town contribute more to the economy than adding capacity to the creaking electricity grid? Privately, it seems that government officials are aware of the risks. Tomlinson quotes three local and international consultants who were undertaking economic modelling for the Treasury as reaching the conclusion that ‘the best we can hope for is that 2010 does not hurt the economy’.<sup>20</sup>

So, having sketched the dark clouds on the horizon, let us then return to how Sutcliffe, Ellingson and Mlaba came to be enjoying the view from the top of the eThekwin municipality’s iconic new arch.

## DURBAN – THE MARCH TO MOSES MABHIDA

### The original bid – and the invisible bid book

What is remarkable about the history of 2010 is how the appropriately modest proposals in the South African bid book became the highly-priced legacy projects exemplified by the new Durban stadium. As Tomlinson points out, the original bid book has by now become almost unavailable.<sup>21</sup> However, a copy seen by the author confirms that the proposal to FIFA was for Durban to host matches, including quarter finals, using King's Park ABSA rugby stadium. It was to be upgraded at a cost of R54 million.

There have been suggestions by the City that the 50 000-seater rugby stadium was not acceptable to FIFA. For instance, the Ezasegagasini municipal news sheet of 24 February 2006 stated:

The new stadium was seen as a 'new tourism product for the city' while the neighbouring ABSA Stadium could not be upgraded because it did not comply with the rules of the bid book.<sup>22</sup>

There is no real evidence suggesting FIFA had any problem with an upgraded ABSA stadium. The official FIFA bid assessment report of April 2004 had this to say:

In the opinion of the Inspection Group, if the 2010 FIFA World Cup were to start on the date of submission of this report, three stadiums in South Africa would easily be suitable for the 2010 FIFA World Cup. They are: Cape Town (Newlands), Johannesburg (Ellis Park) and Durban (King's Park), which have been venues for world events such as the Rugby World Cup.<sup>23</sup>

### The push for a new stadium

In early 2005 the eThekweni Municipality and the Province of KwaZulu-Natal adopted a '2010 and Beyond Strategy' aimed at positioning the city and province as Africa's 'premier sport and tourism destination'.<sup>24</sup> As early as April

2005, Ellingson told a reporter that the Greater King's Park district was going to be turned into a world-class sporting precinct that would include 'a new soccer stadium'.<sup>25</sup> In July 2005, when FIFA inspection teams visited the ABSA stadium again, the official line from Durban mayor Obed Mlaba was that the rugby stadium was still earmarked for Durban's 2010 matches.<sup>26</sup> But by the end of 2005, the lobby for a brand new stadium was in full swing.

A report in Durban's *Sunday Tribune* of 18 December 2005 quoted Ellingson as saying the feasibility of demolishing the old King's Park soccer stadium and building a new one had been 'discussed at a technical level'.<sup>27</sup> According to the report, Ellingson said the cost of upgrading Absa Stadium was between R350 – and R500 million and her unit questioned whether that money would be better spent constructing a new facility. 'There is a lot of work going on behind the scenes, but it is premature to say we will definitely do this or do that.'<sup>28</sup>

Yet it was clear which way officials were pushing: Mlaba was quoted in the same article as saying:

Absa Stadium is a rugby stadium and we need a specialist soccer stadium for 2010 and beyond ... We, as a city, are grateful to Absa Stadium for the way they helped us clinch the right to host the World Cup finals, but they will appreciate that Durban needs a new home for soccer.<sup>29</sup>

Indeed, there was a lot going on 'behind the scenes'.

The City's confidential proposal entitled *Durban, KwaZulu-Natal Beyond 2010 Strategy* appears to have been circulated to decision-makers around this time, though it is undated. It was formally tabled to the municipal executive committee on 21 February 2006.<sup>30</sup> The document makes an unvarnished punt for a new stadium to promote sport tourism, without any analysis of the viability of the proposal. 'A central feature of the strategy is to build a new iconic, world class multi-purpose soccer stadium on the site of the existing King's Park Soccer stadium,' it notes.<sup>31</sup>

Claiming the virtues of what it calls 'event-led development' the document says Durban has a long history of successfully hosting international events, such as rugby, cricket and the A1 Grand Prix, though it provides no assessment of their cost or value to the city.

Beyond 2010, it notes, the strategy would be extended to focus on major sporting events building up to the bids to host the Commonwealth Games and the Olympics.<sup>32</sup>

The document, whose author is not identified, states:

Essentially there is only one option if we are to host a semi-final match. Currently two options have been put forward, but we believe only one is able to meet the requirements of a semi-final for the FIFA World Cup. The first is to upgrade the existing ABSA rugby stadium and the second is to build a new iconic stadium in line with the city and province's broader economic development strategy.<sup>33</sup>

The upgrade option is presented as undesirable. While listing three points in favour of ABSA – its atmosphere, established reputation and tradition of 'after game' entertainment – the document made 12 negative points. They included:

- The cost of upgrading from 52 000 to 70 000 seats – R500 million
- The private ownership of the stadium
- Construction would interrupt usage and add R100 million to the cost
- The stadium was aging: built in 1956, its lifespan was limited.

The report continues:

Finally, an important consideration is that investing in the ABSA stadium is investing in a rugby stadium. This poses challenges to the uses of the stadium post the world cup and the associated costs. For this reason the province and the City have decided to opt for a new stadium on the site of the existing King's Park Soccer Stadium.<sup>34</sup>

The document suggests a new stadium can be built for about R1,6 billion (excluding VAT). It recommends issuing a Request For Proposal (RFP) for a professional consultant team to manage the design and construction. Tenders for construction would follow the selection of consultants. It was realised that Durban alone could not carry the cost of a new stadium, meaning that political and financial buy-in by the province and central government was necessary. 'Given the critical time frames, a final decision is required within three weeks.'<sup>35</sup>

## Fait accompli

The urgency was clearly driven by the fact that the LOC had to put forward final proposals for host stadia ahead of the FIFA executive committee meeting of 17 March 2006.<sup>36</sup> It is likely that the Durban strategy document was prepared for a meeting scheduled for 27 January 2006, to be held at the Presidency in Pretoria, where proposals were presented for both Durban and Cape Town to build new stadia.<sup>37</sup>

Cape Town had come under pressure from FIFA and the Presidency to consider the Green Point option, but in the case of Durban, the initiative seems to have come from the province. The new stadium proposals seem to have been endorsed then and there at the LOC meeting of 27 January. As early as 6 February, Deputy Sports Minister Gert Oosthuizen told parliament that a new stadium, costing R1,6 billion, would be built in Durban as one of five new venues to be built around the country.<sup>38</sup> In a newspaper report, eThekweni Municipal Manager Michael Sutcliffe was quoted as saying:

The upgrading of the existing [ABSA] stadium would cost at least R500-million. It's also already an old stadium and not truly designed as a top soccer venue. When we started looking at the figures we decided to build a new, better facility.<sup>39</sup>

The report quoted Brian van Zyl, CEO of Sharks Rugby, as confirming that Jordaan, as CEO of the LOC, had sent ABSA Stadium a letter on Friday, 3 February, stating that the venue would not be used.<sup>40</sup>

By 19 February, the City had already issued an Expression of Interest Document, calling for bids from consultant consortia to design and oversee the construction of an 'iconic' new multi-purpose soccer stadium.<sup>41</sup> So, when the new stadium proposal was formally put to Durban's municipal executive committee on 21 February, (just ahead of the crucial LOC meeting to finalise host city venues) it was already a *fait accompli*. Predictably, it was approved.

According to the minutes, Sutcliffe was mandated to conclude agreements between eThekweni, the Province of KwaZulu-Natal and national government 'on the respective contributions towards the stadium and related infrastructure as well as for on-going ownership and maintenance'.<sup>42</sup> He was also mandated to sign host city and stadium-use agreements with FIFA, which would commit

the City to supply the new stadium if FIFA accepted the proposal – though the necessary budgets to fund the project were not in place.

Initially it appeared the City believed all the funds for constructing the stadium could be sourced from the National Treasury. The municipal annual report for 2005/2006 noted that:

The objective to ensure that the new stadium will not impose ongoing financial obligations on the ratepayers will be realised by securing funding from National Government for the construction cost.<sup>43</sup>

That was not to be. But before we consider the escalating costs, we should pause to consider the controversies over the selection of the design/consultant consortium.

## FOREGONE CONCLUSIONS?

### Design selection – and muted discontent

The process went pretty much as planned. Submissions of Expression of Interest for the consultant consortium closed by 17 March 2006 and by 3 April six shortlisted bidders were invited to respond to the more detailed Request For Proposal (RFP). They would receive a fee of R1 million, if unsuccessful. The winning bidder would earn a fee of 14 per cent of the project cost (it was later negotiated down to 13 per cent).

There were two significant features of the RFP document. First, it made the unusual demand that bidders might not publish material related to the bid ‘under any circumstances’<sup>44</sup> – which is unusual for an architectural competition. Second, it underlined the seriousness of the R1,6 billion budget limit by noting that consortia would lose half their million rand fee if their design cost exceeded this amount.<sup>45</sup>

The design brief called for an icon that should become ‘a symbol by which Durban becomes known’. The stadium should be an ‘Ode to Africa’, which would ‘welcome ordinary citizens and invite them into the precinct ... We would like to avoid the development of monolithic, intimidating structures.’ Representing Zulu culture was also important, though the stadium should avoid the cliché of a ‘fighting nation’.<sup>46</sup>

Among the bidders were some of the world's top stadium designers: HOK Sport, who designed London's new Wembley stadium, Cox Architects from Australia, and GMP, from Germany. They were to produce 3-D computer images as well as a large-scale model of the design.

On 15 June 2006 the result was announced: it was the Ibhola Lethu consortium, incorporating the German GMP design – boasting an iconic y-shaped steel arch rising 106 m above the pitch and supporting an extensive membrane roof. The construction contract was issued and Durbanites watched the stadium bowl grow and later the canterlevered arch make its slow progression from massive concrete foundations at either end to eventually join in the middle.

While there was occasional media scrutiny of the growing cost, the design attracted no real controversy. But then the citizens of Durban had no idea what the alternatives might have looked like, did they? Dissatisfaction about the blanket of secrecy thrown over the competing proposals – and concern about the true cost of the new 'icon' – rumbled in the local architectural community, a number of whom had been involved in competing consortia. But almost no professionals were willing to go on the record and risk alienating themselves from the city's powerful decision-makers. Only two have spoken up: Don Albert and Paul Mikula.

## An invertebrate beached on our shore

Don Albert is a Fulbright scholar and award-winning young architect. He trained at the University of KwaZulu-Natal but most of his practice is now in Cape Town, which is perhaps why he was willing to be so outspoken about the eThekweni municipality. In a feature published in Durban's *Mercury* newspaper on 15 October 2009, he said:

It is easy to be awestruck by the new Moses Mabida Stadium isn't it? Like a science-fiction invertebrate beached on our shore, it appears to have been bleached by the sun and hollowed out by the wind. An empty shell – albeit pretty – it is frighteningly haunting, and fragile. How often will it ever be filled? ... One knows that the balance sheet of its upkeep will be equally monstrous too, and that rugby will have nothing to do with it, which is a real pity considering the synergy that could have emerged with one of Durban's most bankable activities.<sup>47</sup>

More importantly, Albert regards unresolved questions about the appropriateness of the stadium as emblematic of what he calls the City's 'almost fascist' attitude to planning and public consultation.

What of the so-called competition for the stadium's design? Why has Durban not seen just why this building was chosen out of a shortlist of other equally meritorious schemes? Surely publication and public debate as to all their merits and demerits could have improved the design and defused nay-saying? Does the messy process of buy-in not matter, or, were commitments in fact made far earlier in the game?<sup>48</sup>

Albert points to a number of instances where the City has given the impression of wanting to simply bulldoze its way through public consultation, or avoid it altogether. At least two are tied in to 2010 – the beachfront redevelopment and the attempt to build a shopping mall on the site of the fresh produce Early Morning Market.

Take the Beachfront for example. Here the public has, again, been generally left out of the loop regarding our heritage, our most public of spaces, and most valuable natural resource ... Questionable procurement processes, ludicrous timeframes and scant regard for the public participation required by the Environmental Impact Assessment (EIA) process appear to have been the order of the day ...<sup>49</sup>

In the case of the Early Morning Market, the City had awarded a private developer the rights to demolish the historic building – where produce traders have been operating for a hundred years – and erect a shopping mall in its place. The market is in Warwick junction, where hundreds of thousands of mainly low-income commuters enter or leave the city by train or taxi. The informal street trade, served by a labour-intensive and low-cost supply chain centred on the market, provides a livelihood for thousands of very poor people and provides access to basic foodstuffs at a lower cost than is available at conventional shopping centres.<sup>50</sup>

The City's attempts to force out the traders to build the mall have created a broad coalition of resistance, including traders, the local Legal Resources

Centre, architects and academics. Several court cases are in train – and the battle is far from over. Albert comments:

One wonders why it is so hard for the City to do what is right ... We need to revert to a planning culture of genuine democracy, as opposed to one of foregone conclusions, litigation, crisis management, ‘blacklisting’ and spin.<sup>51</sup>

Sutcliffe’s response to Albert is a terse dismissal: ‘Mr. Albert’s paid editorial contains many incorrect facts and blatant untruths.’<sup>52</sup> Yet the unpleasant suspicion of ‘forgone conclusions’ hangs also over the new stadium – and it was raised, quite early on, by Paul Mikula.

## Fiddled figures – or sour grapes?

Paul Mikula describes himself as an ‘old socialist’. He says: ‘I didn’t want to get involved in the bids – it’s ridiculous to build a new stadium, given our other priorities.’<sup>53</sup> But he’s a prominent local architect and someone with a deep knowledge of Zulu culture and history – so it was not surprising that one shortlisted design team called on him to assist with fine-tuning their proposal. Predictably, perhaps, he thought they had a ‘fabulous project’, based on the concept of a traditional Zulu town or ‘Indlu’ and seeking to make the most of the spectacular location overlooking the Indian ocean. But the R1,6 billion ceiling made the costing very tight: ‘There was no money for extras – ours originally had a museum built in – but we had to take it out.’<sup>54</sup>

Feedback from the presentation to the City’s assessment team was positive and Mikula ignored rumours he had heard that ‘the thing had already been decided’. Following the announcement – and looking at the German-built arch (it was shipped to Durban two sections at a time) – Mikula was sceptical.

When he heard claims from someone in the industry that the Ibholo Lethu design costs had been deliberately understated – the story went that the cost estimate prepared by Ibholo Lethu’s foreign team was considerably higher than the R1,598 billion figure they had eventually presented – Mikula was concerned enough to write to City Manager Mike Sutcliffe to ask him to investigate. This was around the end of 2006: ‘It was not sour grapes,’ he says. ‘I was concerned

as a citizen and a ratepayer.<sup>55</sup> He received an acknowledgement of receipt but no response after that.

Attempts to trace the source of this rumour about the design costs have pointed to international construction consultants Davis Langdon, in London, whose local office in Durban formed part of the Ibholo Lethu consortium. Questions to Alan Willby of their London office went unanswered.

Lead quantity surveyors, Letchmiah Daya Mandindi (LDM), commented:

We are not aware about Davis Langdon in London being unhappy about any aspects of the presentation of the bid in Durban. Davis Langdon are and have been part of the Consortium from inception and have participated accordingly without reservations.<sup>56</sup>

Tim Ter Haar for BKS, the overall project manager, dismissed the claim outright:

No figures were arbitrarily cut. As the head of the consortium bid I was personally involved in the preparation and presentation of the budget. At the competition stage all budget figures were received from the respective engineering disciplines as well as the various QS's working on the project and LDM collated these figures and presented them for my review. It was actually amazing (we were very impressed with ourselves) that when all the budgets were put together that we were in fact so close to the actual budget ceiling value of R1,6 billion. In one of the discussions that I personally had with a representative of Davis Langdon in London, the particular individual did raise the perceived risk that the stadium roof construction would be over budget. This particular individual wanted us to believe that he knows much more about structural engineering than our own specialised structural engineers. It turned out he was 100% wrong and that we did indeed build the roof as anticipated at competition stage approximately within the calculated tonnage of steel ... Davis Langdon in London was never part of the Ibholo Lethu Consortium. They however approached the consortium through their local Durban branch [which was part of the QS team] and requested that we consider their possible involvement. We ... decided that they would not really add any value ...<sup>57</sup>

The City, too, dismisses the claim. In a detailed response, Sutcliffe said the City's own quantity surveyor had assessed the costings:

Mr. Philip Meadowcraft, a City Quantity Surveyor and member of the Internal assessment panel, reviewed the top 3 bids. His comments were that the winning bid may be short by around R100 million because according to the Deputy Head: Architecture, the original estimate of R1.6 billion may not have taken into account that an iconic building was required.<sup>58</sup>

Sutcliffe continues:

He also felt the second best bid was 'Worrying!' and was concerned that they had fudged their figures which could result in nasty surprises down the road. The third bid he felt was light and could possibly have failed properly to account for electrical and air conditioning. Generally he felt the stadium required R100 million more.

Sutcliffe said both the steel and concrete price increased substantially.

Also, and interestingly, the claims made by Ibholo Lethu consortium that their roof design (using an arch) would effect great savings overall have been borne out. For example, Cape Town, who are also building a 70 000-seater stadium have spent more on their roof than ours and over R1 billion in total more on their stadium.

He said he was satisfied the issues raised by Paul Mikula had been 'adequately covered'.

Whilst such matters are potentially serious, at that time a number of other rumours were spread by certain persons in the architecture profession who were clearly upset that they had lost the bid. This is partly understandable as all six consortia provided great bids but there had to be one award. Importantly, none of the losing bidders appealed the decision.<sup>59</sup>

## Unanimous, you say?

Sutcliffe delivers a robust defence of the selection process. He explains that an internal and external panel was established. The internal panel, which he named, comprised key officials from relevant City line departments and was chaired by Ellingson. ‘The internal panel was responsible for the thorough assessment of each of the consortia submissions.’<sup>60</sup>

Sutcliffe said there was also an external panel representing a broad range of professional and relevant disciplines, whom he also named. He said the panels jointly provided a ‘unanimous set of recommendations’ to the Bid Evaluation Committee (BEC).<sup>61</sup> However, it does not appear this is entirely accurate: speaking on condition of anonymity, at least three panellists said they were surprised at, or did not support, the decision to put forward Ibhola Lethu.<sup>62</sup>

The municipality’s BEC comprised council officials, though none, except perhaps head of housing Cogi Pather, had any experience of engineering design or project management and must have taken their cue from the panel recommendations. Sutcliffe said the evaluation committee gave the winning bid 85,55 points out of 100, followed by five bids which scored as follows: 81,95, 78,68, 75,69, 71,89 and 69,75.<sup>63</sup> The score consisted of four elements: quality (iconic statement, buildability, functionality and sustainability), consulting fee, price and empowerment.

The Bid Adjudication Committee (BAC), which sat on June 12, was chaired, as usual, by deputy city manager Derek Naidoo. It duly confirmed the award to Ibhola Lethu. Says Sutcliffe:

Of all the 2010 stadiums, the process adopted by eThekweni Municipality in the delivery of the Moses Mabhida stadium was the most open and transparent. We were the only city that followed a competition process. Six excellent designs, each with their own strengths and challenges, were produced but only one consistently met all of the pre-set criteria.<sup>64</sup>

And yet ... and yet ... Both committees (BEC and BAC) process all the City’s large contract awards. As functionaries without external oversight, they enjoy enormous discretion.

Durban also has a bit of a history. Some key tenders have been awarded based seemingly more on political connections than on performance. And some

of those tenders involved people now in Ibhola Lethu. Coincidence? Standard networking? Maybe, but it invites a closer look.

## WHO BENEFITS? SOME OF THE USUAL SUSPECTS

### The bus boys

Craig Simmer is by all accounts a highly competent traffic engineer – and very much in demand as one of the few such specialists who is not white. No doubt that's one of the reasons his name comes up quite often in projects around Durban. But some of those schemes have been characterised by the kind of political patronage that critics of Ibhola Lethu complain of (without, it must be said, being able to point to any concrete irregularity). We will deal with three such schemes.

In May 2003 the municipality awarded the contract to take over the city's bus service to Remant-Alton. From the start the process was dogged by controversy. A week after the award the *Sunday Tribune* revealed that the man who headed the consortium, Jay Singh, was found guilty of bribing a municipal official in 1997 and fined R6 000.<sup>65</sup>

When the newspaper confronted deputy city manager Derek Naidoo, he was adamant the deal would still go through: 'The issue before the Tender Board was whether they could afford the price or not. The transaction advisor should have done the checks.' Curiously, the 'transaction advisor' from KPMG resigned from his audit firm and went to work for Remant-Alton not long after the award. City manager Michael Sutcliffe told the *Sunday Tribune* at the time: 'Nothing will affect this deal. This disclosure will have no impact.'<sup>66</sup>

Workers' representative Brian Robertson told the newspaper:

If you have a criminal record, you can't get a Professional Driving Permit to drive a bus. Our boss has one. We're concerned that Alton seems to get many government transport contracts.<sup>67</sup>

The newspaper also discovered that Alton's legal advisor, Rajan Naidoo, was a disbarred lawyer.<sup>68</sup>

But the Remant-Alton consortium had important backers. Its chair was Dr Diliza Mji, a former ANC provincial treasurer. And in 2005, Simmer was

brought in as a director, together with Lawrence Mazibuko, a former VIP guard to current president Jacob Zuma, as well as Mandla Gcaba, a notorious Durban taxi boss who also happens to be Zuma's nephew.

The company shuffled from one crisis to the next, consuming ever larger council subsidies. In mid-2008 the municipality was forced to buy back the bus fleet, but Remant-Alton continued to act as operator.<sup>69</sup>

By mid-2009, Remant-Alton could not continue. Without a tender process, using emergency provisions, the municipality appointed a new operator, Transnat, to take over. The man behind Transnat? Jacob Zuma's nephew, Mandla Gcaba.

And in September 2009 Singh, through his wife, got another eThekweni Municipality contract – this time a concession to develop the Westville Triangle middle-income housing project, worth about R40 million.<sup>70</sup> Sutcliffe comments:

I am aware that Mr Simmer was a share-holder and director of Remant Alton [from which position he resigned prior to the termination of the contract]. As you are aware RA tendered for and was awarded the contract by a multi-party committee.<sup>71</sup>

## Impilo Entsha

Impilo Entsha is also involved in the municipality's middle-income housing initiative – which identified land owned by the City that could be made available for 'gap market' development. Simmer was again on board as one of five directors. It is a private company, but according to one source: 'Derek Naidoo did a roadshow to promote the company. It was presented as a municipal initiative – he asked big business guys to cough up money for working capital.'<sup>72</sup>

Impilo Entsha won the right to develop one of the land parcels – despite questions about the quality of its bid versus other private-sector proposals. Comments Sutcliffe:

Mr Naidoo confirms that Mr Simmer is together with 55 other business persons and professionals a shareholder of Impilo Entsha. This is a City-endorsed project in line with government policy of initiating and supporting the establishment of Social Housing Institutes. This is the first broad based black empowerment initiative whose primary objective is to

contribute to social housing in the city. We confirm that this is a private entity.<sup>73</sup>

## Dolphin Whisper

Simmer was also a director of an ill-fated company, Dolphin Whisper, involved in a project at the city's upmarket Point Waterfront development – as was his business associate, Vaughan Charles, and Rajan Naidoo, the lawyer involved with Remant-Alton. The project, fronted by Nandi Mandela, granddaughter of the ANC icon, obtained an R85 million loan from the provincial development bank, Ithala.

Prainder Civils, another company linked to Jay Singh of Remant-Alton, started construction. But structural defects led to delays and litigation between Dolphin Whisper and Prainder. Dolphin Whisper was liquidated in 2008 after Ithala called up its loan.<sup>74</sup> In October 2009 it was reported that an investigation was under way at Ithala to determine why bank staff exceeded a loan ceiling of R15 million when they loaned R85 million to Dolphin Whisper.<sup>75</sup>

## Class A Cables

Charles and Mandela were involved in another controversial contract awarded by the City. It was an object lesson to those who challenge the municipality's decisions. In December 2004 Durban awarded a lucrative portion of a R140 million cable tender to Class A Cables. Competitor Themba Ndlazi, whose company won a separate portion of the contract, lodged an appeal with Sutcliffe against the Class A Cables award, claiming his offer was cheaper.

By July Ndlazi had lost patience with the process and went to the media, complaining he was being discriminated against: 'Why must I suffer because my parents are not well known ... because I don't belong to any political organisation?'<sup>76</sup>

In response, Sutcliffe criticised Ndlazi for jumping the gun before the appeal process was finalised and said the City's procurement processes were exemplary. What happened next belied that claim. Sutcliffe simply cancelled the whole deal, including the portion awarded to Ndlazi, which had never been the subject of an appeal.

Ndlazi went to court: Judge Kevin Swain agreed that Sutcliffe was not entitled to act as he did. He ruled the conduct of the appeal authority ‘was unlawful and this should have been apparent ... from the outset’:

Instead of conceding this issue, the merits were contested right up until the eve of the hearing ... the attitude of the first and second respondents [Sutcliffe and the City] unjustifiably prevented the applicant from performing its obligations in terms of the contract ... Such conduct ... is unacceptable.<sup>77</sup>

But it was a pyrrhic victory. The City had used other suppliers in the interim and, Sutcliffe claimed, the City’s requirements had now changed. A new tender would have to be issued.<sup>78</sup>

## What about Ibhola Lethu?

So what has all this to do with the stadium? Well, nothing, according to Mr Simmer. Except that the company where he worked, Iliso Consulting, was one of the consulting firms on the stadium, albeit with less than 5 per cent of the business. It was put to Simmer by the author that the Ibhola Lethu consortium involves a number of individuals with a problematic track record in respect of projects that seem to rely on political connectivity with decision-makers in the city. Mr Simmer was one of those individuals, it was suggested.

Simmer’s response was unequivocal:

I am not the traffic consultant on the Moses Mabhida Stadium. The traffic consultants are Iliso Consulting. I resigned from Iliso in September 2007. With regard to my involvement in the other entities that you mentioned, these are private businesses with no relation to the stadium. Any attempt to create a false link between these will be dealt with in the appropriate manner and I reserve all my rights in this regard.<sup>79</sup>

Which suggests that, while Iliso might be involved, Mr Simmer was not.

Except that one of the questions put to the city had been a request for the list of people who represented Ibhola Lethu when the final bid presentation was done. Sutcliffe’s response was admirably thorough and included providing that

list: it featured one Craig Simmer. When this was pointed out, Simmer confirmed he had attended the bid presentation representing Iliso, though why is rather a mystery as he ‘was not part of the technical bid preparation team and I reiterate that I have no further technical involvement in the stadium’.<sup>80</sup>

Mr Simmer may legitimately claim he is nothing more than an active fish in the small Durban empowerment pond – but, if nothing else, he is guilty of being just a little bit disingenuous.

## Bigger fish

The big boys in Ibhola Lethu are Bruinette Kruger Stoffberg (BKS), a fine old Broederbond firm that grew strong serving the Afrikaner nationalist project under apartheid.<sup>81</sup> In the democratic era, they have adapted well. In 2000 it was reported that Harambee Investment Holdings, a new empowerment group led by former defence minister Joe Modise, had bought a 30 per cent stake in BKS. The new BKS board would have Modise as chairman and it was envisaged the move would lead to ‘more successful bidding for SA’s public sector business’.<sup>82</sup>

After Modise’s death the Harambee consortium was restructured. A company called Bacarac Trading 76 now owns 40 per cent of BKS. According to the firm, the following Bacarac members are directors of the BKS board: George Negota (an attorney who is well connected to the ANC), Jitendra Jeena (Bacarac’s auditor), HK Kessie Naidu (a prominent Durban advocate), Cheryl Maduna (the wife of former minister Penuel Maduna), Peter Wingrove (who worked closely with Penuel at Sasol), and E.D. Magugumela. A trust linked to the family of prominent Eastern Cape businessman Mkhuseleli Jack is also a shareholder.

BKS, together with the German architects GMP, formed the core of three successful design and consulting consortia that bid on new stadia: in Durban, Cape Town and Port Elizabeth.

## The biggest fish: Tokyo Sexwale, Bulelani Ngcuka and the construction giants

The tender for construction quickly injected a dose of realism into the price calculations. The three shortlisted consortia tendered between R1,9 billion and R2,15 billion for the job – excluding the consulting fee. The South African-Italian joint venture, Mavundla/CMC, who were the cheapest, was excluded

based on an assessment of their capacity to perform under the very tight deadlines set by the World Cup. Mavundla went to court, but the real urgency of the project weighed against him and he withdrew.

The City chose the Group 5/WHBO joint venture. Group 5 had as empowerment shareholders both Minister of Human Settlement Tokyo Sexwale's Mvelaphanda group and Ilima Projects, in which the family of Bulelani Ngcuka, (the former head of the National Prosecuting Authority and the husband of the former Deputy President, Phumzile Mlambo-Ngcuka), has an interest.<sup>83</sup>

The established construction firms have done well out of the World Cup – to the extent that the competition authorities have launched an investigation. The firms have all denied any form of collusion or price fixing.<sup>84</sup>

## THE COST

### Business plan – what business plan?

The business case for Moses Mabhida was only prepared in August 2006, after the contractual commitment to FIFA to build a new stadium.<sup>85</sup> The document, prepared by Sue Bannister of the eThekweni Special Projects department, notes that a demand analysis was conducted with specific reference to the need for another stadium in Durban. The following conclusions were drawn:

- There is currently little unfulfilled demand in the city
- Soccer has relatively low attendances
- Rugby is the only successful sport and would need to be included in the new stadium
- The stadium will require anchor tenants<sup>86</sup>

Another study by Grant Thornton mentions that during the 2004/2005 season, the Golden Arrows soccer team, based in Durban, drew maximum attendance of just over 18 000. Average attendance was just over 2 600.<sup>87</sup>

The Bannister document reported that revenue and operating cost estimates had been developed, putting net World Cup revenues at R27 million and post-World Cup revenues at R24,5 million per annum (which included rugby, soccer, athletics and other event revenues as well as suite sales and advertising). Operating costs are estimated at R15 million per annum. Ms Bannister bluntly

concluded that on a capital return measure, ‘the project rate of return is essentially zero percent’.<sup>88</sup>

## Netting the Sharks – or not

Given that rugby was vital to the sustainability of the stadium, it might have been expected the City would bend over backwards to woo the highly successful Sharks Rugby franchise to consider moving from ABSA. Instead, according to a hard-hitting letter from Sharks director Doc Louw, there has been obfuscation and bullying.<sup>89</sup>

Ms Ellingson states that the municipality has ‘gone overboard in trying to assist the Sharks to come across’. This is a gross mis-statement ... Instead of co-operation and transparency, there have been threats (which were not even veiled) of roadblocks after every game (which have become a reality), withdrawal of traffic department support on match days, undercutting of hire charges for the stadium for non-rugby related functions, e.g. concerts, rallies, etc. no guarantees that ABSA Stadium would not be affected by electricity load-shedding on match days even if there was Test or Super 14 final on and more.<sup>90</sup>

Louw says the Sharks have been waiting in some instances, since September 2006, for a response from the municipality on key issues, which would inform their decision, such as:

- Will the Sharks be compensated for the loss in revenue from the naming rights for the stadium and advertising in and around the stadium?
- How will ticket revenue be allocated between the Sharks and the stadium operator?
- Will the Sharks be compensated for the loss of suite rentals as a result of there no longer being suites available?
- Will the Sharks be compensated for the asset it currently has, i.e. the stadium and outer fields all of which are subject to a lease with the municipality which expires in 2056 ... or does the municipality expect the Sharks and KZNRU to merely abandon this asset and move to the new stadium in which their various current income streams are going to be seriously affected?

Louw says the Sharks are still waiting for answers.

## Stadium plus

The stadium itself is only part of a much bigger spending plan set out by the eThekweni municipality. The stadium precinct development plan included:

- A People's Park and Heroes' Walk
- Underground parking
- A pedestrian link from the stadium to the beach
- A new railway station to serve the stadium
- An inner city 'people mover' bus service
- Warwick Junction infrastructure improvements
- Additional staffing resources needed for the 2010 effort
- Beach upgrades<sup>91</sup>

Bannister estimated a total capital spending requirement of R6 billion, of which all but R1 billion was assumed to be sourced from national government. Operating costs for the 2010 project were estimated at R805 million, of which the eThekweni municipality would bear a R430 million share.

Bannister was under no illusions as to the potential strain this spending would put on the City, which was being forced to borrow to fund its existing capital expenditure, even before the largesse of 2010.

Council will have to borrow R2,2 billion over the [three year] period to fund its current capital programme. The cost of borrowing this R2,2 billion ... is already causing a major strain on the operating account ... In addition, the Council has R3,3 billion in outstanding loans which will rise to R5,4 billion at the end of the MTEF period. Accordingly, any further capital expenditure could affect the viability and sustainability of the Council in terms of gearing.<sup>92</sup>

'Arising from the above, it is clear that the Council cannot provide funding towards a new stadium ....'<sup>93</sup>

## So how much are we in for?

It's very hard to say. Sutcliffe gave a figure of R3,1 billion in January 2009.<sup>94</sup> In response to questions in October 2009, he said the final construction cost:

... was estimated to be R2,55 billion (excluding demolition, but including piling, preparatory site work, diaphragm wall, Information and Communication Technology infrastructure, funicular etc.)<sup>95</sup>

This seems to exclude the consulting fees, which might account for the extra R550 million in the January estimate. Government figures put the real expenditure from 2006 to March 2008 at R860 million.<sup>96</sup> Durban's capital budget allocation for 2010 projects in the 2008/2009 year alone was about R2,27 billion.<sup>97</sup>

National government's original allocation of R1,8 billion toward Moses Mabhida has increased, but it is not clear by how much. The original R8,4 billion allocation towards stadium costs countrywide has been increased to R11,3 billion in the latest Medium-Term Expenditure Framework.<sup>98</sup> eThekwin's latest MTEF figures suggest an additional Treasury grant of R465 million for 2009/2010.<sup>99</sup>

Of course, this does not include the transport and other associated infrastructure costs that formed the basis of Durban's R6 billion estimate – though some projects seem to have been downgraded.<sup>100</sup>

## CONCLUSION

### A dream realised – or an expensive distraction?

Sutcliffe has vigorously defended his 2010 team's performance. He writes:

The stadium continues to win awards for its design, technologies, use of steel and concrete and for the incredible teams who drove it. There has been an incredible team driving this project.

At the head of that team from the city's side has been Ms. Julie-May Ellingson and from the ILC consortium side Mr. Tim Te Haar. In all the years I have worked in the municipality I know of no team which has

given the city such commitment, compliance and integrity as they and their teams have done.

The value for money they got in a time when exchange rates, concrete and steel prices went through the ceiling is borne out by the fact that of the three large stadia being built, Durban's Moses Mabhida has got the best values by far.<sup>101</sup>

But, given that we have spent billions, could all this energy and money not have been better directed? A national project to take South African to the forefront of cleaner and more efficient energy sources comes to mind. The R11,3 billion spent on stadiums could have converted more than one million households to solar geysers. As Don Albert notes:

It is easy to find fault in most urban development, and there with surely be successes that the Strategic Projects Unit and their teams will deliver, however ... isn't it time to refocus on what the meaning of 'strategic' really is? There is a crushing need for transportation that works, housing, education, health care and indeed truly sustainable development that the pragmatic likes of Ms. Ellingson could just as easily tackle.<sup>102</sup>

Given that the new stadium was a 'nice to have', not a FIFA requirement, its construction has inevitably displaced other discretionary spending that may have been more truly strategic – such as preparing Durban, as a coastal city, for the impact of climate change and rising sea levels. After all, Durban's beaches are a much more profound symbol of its enduring tourism appeal than a steel arch made in Germany.

Tomlinson argues that 2010 may have profound intangible benefits, in particular decreasing Afro-pessimism and celebrating African culture.<sup>103</sup> But he adds this caution: 'In economic terms, it may well be that 2010 will be to the disadvantage of most South Africans and exacerbate and contribute to inequality, both regionally and within cities.'<sup>104</sup>

Indeed, while there is no evidence of corruption, the benefits of this new stadium are highly concentrated – among big construction firms, empowerment regulars and the local political elite – but the costs, current and future, are spread wide. They will have to be financed through increased service charges

that will touch even the city's poorest. Whatever the true cost, what remains the real tragedy of 2010 is the displacement of huge quantities of scarce time, money, skills and energy for a project that amounts to little more than a month-long television show.

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