THE PROMISED LAND
Ratanang Informal Settlement

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SERI
socio-economic rights institute
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INFORMAL SETTLEMENT IN SOUTH AFRICA
NORMS, PRACTICES AND AGENCY

Report 1:  The Promised Land: Ratanang Informal Settlement
Report 2:  Our Place to Belong: Marikana Informal Settlement
Report 3:  Left Behind: Siyanda Informal Settlement
Report 4:  Here to Stay: A Synthesis of Findings and Implications from Ratanang, Marikana and Siyanda

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Photographs were taken by SERI staff: Edward Molopi, Alana Potter, Lauren Royston, Dennis Webster and Tiffany Ebrahim.

Cover photo: Dennis Webster
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INTRODUCTION TO THE RESEARCH PROJECT

1.1 THE RESEARCH SERIES

The Socio-Economic Rights Institute of South Africa’s (SERI’s) Informal Settlement Research Series is called “Informal Settlement: Norms, Practices and Agency”. It has produced three site-based research reports and a fourth synthesis report. The primary site-based research on which the reports are based was undertaken in 2016 and 2017, the reports were drafted and edited in 2018 and published in 2019.

This report, “The Promised Land: Ratanang Informal Settlement”, is the first of the three site-based reports. The second is “Our Land to Keep: Marikana Informal Settlement” and the third is “Left Behind: Siyanda Informal Settlement”.

Ratanang is located in Klerksdorp, North West province; Marikana in Philippi, Cape Town, Western Cape; and Siyanda in KwaMashu, eThekweni, KwaZulu-Natal.
A fourth report synthesises and compares findings across the three research sites.

Following the publication of the three site-specific and synthesis reports, SERI will develop a set of informal settlement policy briefs which build on the results. The diagram below depicts the progression of the research products graphically.
1.2 THE CONTEXT OF INFORMAL SETTLEMENT IN SOUTH AFRICA

Informal settlements have been part of the South African urban landscape for decades. In 2011 Statistics South Africa (Stats SA) calculated that 14% of households in South Africa live in informal settlements and that major metros have experienced an increase in informal housing over the last ten years. The persistence of informal settlements reflects the lack of affordable accommodation options available to poor households in well-located areas where systems of private and public allocation of land are failing, giving rise to systems of “self” allocation. Due to government’s hesitation to intervene in the land and property market, the availability of affordable, well-located, serviced land remains a significant challenge and poses a major obstacle to the provision of adequate housing for the urban poor.

National policy processes paid little attention to informal settlements until ten years after the introduction of the post-apartheid government’s housing programme. In 2004, Breaking New Ground: A Comprehensive Plan for Sustainable Human Settlements (BNG) and the Upgrading of Informal Settlements Programme (UISP) were released, which began to shift the narrative around informal settlements from “eradication” towards in situ upgrading in desired locations.

1.3 THE UPGRADING OF INFORMAL SETTLEMENTS PROGRAMME

The UISP prioritises the provision of basic services, sanitation, bulk infrastructure and tenure security before the delivery of top-structure houses. It aims to facilitate upgrading projects on sites where informal settlement residents reside and makes provision for the acquisition and rehabilitation of well-located occupied land. Municipalities are expected to work closely with informal settlements through extensive community participatory processes. The UISP does not require qualification.

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3 At the time of writing, ‘the land question’ was in the foreground of the formal political arena and the public discourse due to the prioritisation of “expropriation without compensation” by the Economic Freedom Fighters and, in response, its centrality at the African National Congress conference in December 2017 and in Cyril Ramaphosa’s (South Africa’s new president) state of the nation address in February 2018. The practical impact of this on government’s willingness to intervene in the market and on the daily lives of people living in informal settlements were not yet apparent.
in terms of income or nationality selection criteria. This means that informal settlement residents classified as non-qualifiers according to the housing subsidy scheme should be included as beneficiaries in upgrading projects, at least in the initial phases.

Municipal implementation of *in situ* upgrading according to the UISP is generally poor. The relocation of informal settlements to vacant land (called “Greenfield development”) and “roll-over” upgrading remain common practices amongst municipalities. Huchzermeier explains that the latter practically translates into the removal of all shacks from the land, their temporary reconstruction on nearby land, and the installation of layout and infrastructure according to conventional Greenfield procedures. A formal layout generally results in increased plot size and wider access routes and dwelling densities are reduced. Only a portion of the original population is re-allocated sites within the “upgraded” settlement, often leaving the majority of “non-qualifying” residents to be relocated and allocated sites elsewhere.

### 1.4 PROJECT ORIGINS

The origins of the project lay in the context of informal settlement upgrading at the time when the research was conceptualised: a good policy framework with little evidence of implementation on the ground; frustrated claims by residents who sought to engage the state on their upgrading; so-called service delivery protests as people took to the streets to voice this frustration, often met by a state which sought to silence dissent, sometimes brutally; and a ground breaking judgment in the courts. This judgment emerged after the residents of the Slovo Park settlement to the south of Johannesburg went the route of litigation, as an option of last resort after twenty years of broken promises, to compel the municipality to submit to provincial government for the application of this policy, the UISP. The Gauteng Local Division of the High Court ordered the City of Johannesburg to apply to the Gauteng Province for a grant to upgrade the Slovo Park Informal Settlement. The positive outcome of this case means that the UISP is binding on all municipalities and that the prospects for informal settlement upgrading elsewhere may improve.

### 1.5 RESEARCH QUESTIONS AND THEMATIC FOCUS AREAS

The research project was conceptualised against this background. At the heart of the project lay a concern that informal settlement upgrading tended to adopt a roll-over approach (described above), effectively replicating the conventional Greenfield method to development and thereby treating existing settlements as if they are blank slates.

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9 *Melani v City of Johannesburg*, South Gauteng High Court, Case No. 02752/2014 (22 March 2016) (*Melani*).
More specifically, the problem with this tendency is that it pays little attention to the existing arrangements, systems, patterns and procedures that make up norms, practices and agency in the settlements that are being upgrading. If this intervention approach were to be replaced with an alternative logic, then the approach would surely begin with what already exists. The research therefore turned on a single question: if UISP interventions are to result in meaningful change on the ground, how should they engage with the realities in the places they seek to improve? In turn, what is the nature of those local realities? What are the existing practices that characterise daily life in informal settlements?

More specific questions were developed, informed by SERI’s focus areas. How are people getting by without legally secure tenure? In the absence of official planning, how is land managed? How does housing rights litigation figure alongside these practices? How do people secure access to the basic water and sanitation? And energy? How do informal settlement residents make a living in the context of precarious residential circumstances? How does political life work for people in informal settlements, can and do they assert their agency? These questions led to the formulation of four focus themes for the research:

- Tenure security and land use management
- Access to basic services
- Livelihoods and economic life
- Political space

1.6 PURPOSE OF THE RESEARCH PROJECT

The purpose of the project is to draw portraits of the “local realities” in the site-specific and synthesis research, in order to better inform the participative informal settlement upgrading processes than the conventional blank slate approach would normally permit.

The site-based reports respond to the daily practices question by documenting and analysing findings in four theme areas in three different sites. They also offer preliminary site-specific directions for future intervention as well as highlighting general, broad implications for informal settlement upgrading and implementation using the findings. The fourth research report synthesises findings, comparing and contrasting themes across the three sites. It also considers the implications for upgrading in a comparative way across all three sites.

A subsequent phase of work will more fully develop the informal settlement upgrading policy and implementation implications of the research project as a whole. It will build on the preliminary directions and general implications contained in the three site-specific reports and the synthesis report in order to develop theme-based informal settlement policy briefs for tenure security, basic services, community participation and economic life.
INFORMAL SETTLEMENT IN SOUTH AFRICA
NORMS, PRACTICES AND AGENCY

Photo: Tiffany Ebrahim
2 INTRODUCTION

TO THE RATANANG INFORMAL SETTLEMENT RESEARCH REPORT

2.1 THE CONTEXT OF RATANANG

The Ratanang settlement is situated west of the Klerksdorp CBD in the City of Matlosana’s municipal jurisdiction. The municipality was previously referred to as KOSH, incorporating four mining towns- Klerksdorp, Orkney, Stilfontein and Hartebeesfontein. These towns previously comprised separate municipalities, which were amalgamated through the municipal demarcation process. The Klerksdorp Municipality officially changed to the City of Matlosana on 1 July 2005. The name Matlosana is said to mean ‘People helping each other to move from one area to another’ in Setswana.11 The defining slogan of the City of Matlosana is the City of People on the Move, a “play on words dating back to the forced removals during apartheid”.12

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12 SACN, Matlosana City on the Move?
The story of Ratanang, which means “love each other”, began in 1986 when the land owner gave permission to farm worker households to live on the property. The settlement experienced little growth until 2012, five years after the death of the owner, when over three hundred additional households occupied the land in a matter of days. The unexpected influx of residents, a significant number of whom were evicted farm workers, followed an alleged “call” by the existing occupiers to farm worker households and backyard dwellers in townships to occupy the vacant land with the hope it would be developed into formal housing as was done for evicted farm dwellers in nearby Jacaranda. In 2013 an estimated 380 households and a population of 1,241 were counted on the property. An assessment of the feasibility to upgrade Ratanang conducted by the Housing Development Agency (HDA) in 2013 recorded 421 households and a population of 1,288. In the absence of government-led basic service provision, the management of water, sanitation and solid waste was entirely community organised. No electricity had been supplied in the settlement; households made do with paraffin or firewood. To access health care, residents had to travel outside of the settlement, to clinics in Alabama or the clinic in Park Street in Klerksdorp, as visits from a mobile clinic had become erratic.

Klerksdorp’s dwindling economy, due to a decline in mining activities since 1996, had led to the emergence of an informal economy in the area. 53% of households in Ratanang earned money through informal work like “piece jobs” while only 23% of households had a member who earned a salary or wage. The informal economy in the settlement was comprised of small businesses like tuck shops, hair salons, and shoemakers. Some services, like “latrine diggers” were a response to the lack of basic services in the settlement. However the most reliable and pervasive form of income in the settlement was social grants, especially child grants. Other income came in the form of remittances from relatives and others living outside of the settlement.

The internal organisation and management of the settlement was administered by an Executive Committee established in 2012. Operating much like a local authority, the Committee was instrumental in the development of local norms and everyday practices like enumeration of shacks and site demarcation around which residents organised and managed their relationship to land. Another primary community

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15 SACN, *Matlosana: City on the Move?*

structure operating in the settlement was the Community Policing Forum, a protection and conflict resolution body against acts of crime and violence in the settlement, also established in 2012.

In April 2013, when the successor in title applied for an eviction order, many occupiers including members of the Executive Committee, left the settlement fearing for their security. A new committee was constituted which grew in prominence with time and expanded its role as the eviction proceedings unfolded. Section 26 of the Constitution and the Prevention of Illegal Evictions Act of 1998 (PIE Act) protected residents against unlawful eviction and required the municipality to provide alternative accommodation. At the time of writing this report, relocation had not yet occurred.
2.2 METHOD IN THE RATANANG RESEARCH

The qualitative study was conducted through semi-structured interviews, including both household profiles and life histories with 42 participants.\(^\text{17}\) The interviews were intentionally settlement focused as the research was intended to build its evidence base on the foundations of the experiences and perceptions of people living in informal settlements. The questionnaires were framed across the four themes: tenure security, basic services, sustainable livelihoods and political space. Interviews were held in either English, Setswana or Afrikaans and lasted between thirty minutes and two hours. The household profiles explored living arrangements, number of people living together under a single roof, ages of residents, monthly income, child care arrangements and settlement expansion. Life histories included individual and group recollections of the settlement history, community mobilising, and action taken against the eviction. In addition to interviews conducted within Ratanang, participants living in neighbouring areas were also interviewed. Considering the perspectives of stakeholders beyond the boundaries of Ratanang was methodologically important in order to contextualise the relational dynamics and establishment of support networks between the Ratanang residents and surrounding areas.

Multiple site visits were conducted, which consisted of both sustained weekly visits and day trips. Lengthier fieldwork trips took place in the first half of 2016, following which there has been a sustained presence of SERI’s litigation and research teams in documenting and resolving the City of Matlosana’s relocation plan for Ratanang residents through monthly steering committee meetings. Interviews were conducted with a range of stakeholders in and around Ratanang. Access to the settlement was initially facilitated through SERI’s litigation team, who introduced researchers to the community’s leadership structure and to residents themselves at a community meeting. Initial interviews were carried out with four members from the Ratanang Executive Committee, after which interviews were conducted with residents. In a few instances, follow-up interviews with the same key participants were carried out, especially when it came to narrating the strategic actions the community took in resisting the eviction in 2013.

Four focus groups were conducted. The first engaged a group of community members across gender and age on the subject of local land use management and tenure security at Ratanang. It took place under the blue gum trees on the edge of the settlement. The remaining focus groups were on sustainable livelihoods and were organised around some key features of economic life in Ratanang. The first of these was conducted with three of the five members of the Utlwanang Society Stokvel on the far northern perimeter of the settlement in the home of one of its members.\(^\text{18}\) Among the key features of economic life

\(^{17}\) The names of all respondents in the research have been changed to ensure anonymity.

\(^{18}\) Savings club.
in Ratanang was the importance of social relations, and the work demanded in their maintenance, to the distribution of resources. *Stokvels* represented one of the rare occasions in which resources were held back from these distributive networks as well as constituting, for the residents who were able to meet the financial requirements of membership, the most effective form of saving.

The second sustainable livelihoods focus group was conducted with four recyclers. Recycling in the settlement represented an intersection of some of the central dynamics of livelihoods more broadly. These included the ways in which people responded to a lack of basic services by seeing a livelihoods opportunity in offering a series of services and the importance of a range of assets to the sustainability of livelihoods. These services both addressed the basic needs of the community and bolstered livelihood opportunities. However, it is important to note that, even with this provision, service levels in Ratanang could not be characterised as “basic”. In the context of recycling, these assets included natural assets, like backyard space to safely store waste, and physical assets, like the trolleys used to cart waste to and from recycling centres.

The final sustainable livelihoods focus group was conducted in one of the home-based *spaza* shops in the settlement with five *spaza* owners. While they constituted the most successful form of entrepreneurial activity in Ratanang’s stifled economic circumstances, these *spaza* shops faced significant challenges and the people running them grappled with obstacles that revealed the implications which limited tenure security and access to basic services had for sustainable livelihoods in informal settlement contexts.
This section of the report introduces Ratanang in order to provide context for the thematic sections which follow. In section three we explore local realities and practices in land use management and tenure. Our starting point was to understand the social relations that people had to land and to each other, based on the notions of tenure ‘arrangements’ and local legitimacy rather than a narrower focus on legal forms of tenure. We set out to understand what and how local rules or norms configured tenure in Ratanang, and the authorities that underpinned them. In the context of eviction, and housing rights litigation, we wanted to explore how legal protections in Section 26 of the Constitution and the Prevention of Illegal Eviction and Unlawful Occupation of Land Act (the PIE Act) figured alongside these local arrangements and what the implications for residents were.

The fourth section is a focus on access to basic services. The hand pump was central to Ratanang’s story: it provided a site for community engagement and organisation and a significant reason for the selection of the land. Local management arrangements with respect to water supply, sanitation, energy and solid waste are explored through the lens of community versus state supported services delivery. Residents had stepped into the profound gap in government water, sanitation and energy provision, with local artisans undertaking hand pump repairs, digging pit latrines, and collecting water or firewood for other residents. These services were lightly referred to as “tenders” by local residents, a wry expression of how they compensate for services ordinarily provided by local government.

In the fifth section of the report we discuss the livelihoods of the residents of Ratanang in the broader economic context of Klerksdorp. By profiling the informal and formal sectors of the city’s economy, as well as the local economy which developed in the settlement itself, we explore the various livelihood opportunities and constraints in people’s lives, and how they were able to sustain these livelihoods in conditions of severe scarcity and limitations. The research reveals that limited access to basic services and natural assets, like land, constrains the provision of new services and the creation of new markets in informal settlements. Furthermore, a view of economic life in informal settlements which has people’s experiences as its starting point makes plain the important role which social grant distributions played in people’s livelihoods in a broader context of entrenched and structural mass unemployment.

In the sixth, and final, section we consider the nature of political space in the lives of Ratanang residents. We identify and characterise these spaces by exploring how politics was articulated within the settlement between residents and community leadership structures, and external to
the settlement between residents, private property owners, the municipality and the courts. Using a bottom-up lens, we unpack various layers of power and contestation that informed the complex terrain residents navigated in the private and public sphere. This ranged from the recognition of mobilisation strategies against internal settlement experiences of violence and inequality, to a collective reaction against the threat of an eviction and community representation disputes.

Ratanang’s strategic resistance against an eviction that would have otherwise rendered the residents homeless draws our attention to the UISP and the provision of alternative accommodation through the Emergency Housing Programme. Generally, where *in situ* upgrading of an informal settlement is not feasible, the UISP states that as a last resort relocation is applicable. Ratanang is a case where upgrading of the settlement was ultimately rejected by the municipality, and relocation was offered to residents as an alternative. This section explores the ways in which Ratanang community representatives participated in negotiations around the proposed relocation, and the terms on which they agreed to be relocated in principle.

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3 TENURE SECURITY AND LAND USE MANAGEMENT

3.1 INTRODUCTION

The aim of this section is to paint a picture of the local tenure arrangements and land use management practices in Ratanang by considering the local norms and everyday practices around which residents organised and managed their relationship to land. As with the other themes, the research emphasised uncovering lived realities and local experiences. The framework informing the work is based on a variety of different sources


“I fear being evicted from Ratanang from the day I first built my shack to this day.”

“You can’t say “this is my place” when you’re not doing anything with it, when we are struggling, simply because you bought the place in 1975.”

“The biggest problem to development in Ratanang is that the land doesn’t belong to us, but we don’t want to move out and find other people being developed here.”
uses a three-part conceptual categorisation\textsuperscript{21} to unpack local tenure arrangements, which have been identified elsewhere as being social or off-register tenures:\textsuperscript{22}

- Land Access
- Land Holding
- Land Transfer

Within these broad categories more detailed questions guided the field research to investigate how tenure works locally, including: how occupation occurred initially and subsequently; how newcomers obtain access to the settlement; how secure access is and what threatens it; what evidence exists of land holding; how non-residential land uses are managed; how succession works (or is intended to work); what happens when residents leave temporarily or permanently; do people rent out space or sell it and on what terms. By characterising the social tenures, the section aims to contribute to a better understanding of existing practices as a basis for increased official recognition.

### 3.2 FINDINGS

#### LAND ACCESS

Initially, settlement in what was to become known as Ratanang occurred when the land owner gave permission to farm worker households to live on the property in 1986. A significant change occurred in 2012 when over three hundred additional households occupied the land after hearing about the prospect of subsidised development. Litigation followed an attempt in 2013 by the owner to evict the occupiers. Section 26 of the Constitution and the PIE Act protected them against unlawful eviction and required the municipality to provide alternative accommodation.

**Farm dweller residence from 1986**

Seven of the households living in Ratanang at the time of the research had been living there since 1986. They worked for Mr. van den Berg, a farmer and the owner of the land, for many years and settled there with consent.

Mr. van den Berg verbally agreed that the initial occupiers could live on his property in return for their labour on the farm. A few households lived in a face-brick house on the west end of the settlement close to the borehole pump, which they sub-divided into private sections of their own. One of the rooms


\textsuperscript{22} Hornby et al, Untitled.
was being used as a tavern selling traditional beer. Residents can sometimes be found sitting on chairs fashioned from wooden planks in groups of about five or six socialising.

Mr. van den Berg’s farm manager, Thama Motimo also provided consent to some additional households to settle on the farm. For example, Amy, his niece, recalled how she came to Ratanang from another farm in the Klerksdorp area. The farmer had denied her children permission to stay with her on the farm and she felt she had to move so that they could live together and because there were no schools nearby at the time. In her search for accommodation, she met with Thama, who “invited” her onto the property and gave her permission to erect a shack and live at Ratanang with her four children.

Mr. van den Berg passed away in 2007 and his daughter, Ms. Elna Elizabeth Cooks, was the successor in title. Ms. Cooks abandoned the property and neglected to maintain the farm. Neither did she challenge their occupation of the land until 2013. The original occupiers qualified for protection in terms of the Extension of Security of Tenure Act 62 of 1997 (ESTA). This Act applies to agricultural land in rural and peri-urban areas. It protects “occupiers” who are defined as people “residing on land which belongs to another person and who has … consent or another right in law to do so” against unlawful eviction, provides for more substantive tenure rights for farm dwellers on the farms they occupy and for and long-term tenure security to farm dwellers.

The 2012 settlement process

The settlement grew very little after Mr van den Berg’s death in 2007 but an influx of occupiers occurred in 2012. The settlement grew from approximately seven farm dweller households to over one thousand people in a matter of days.

When asked about the reasons for this growth, respondents referenced hearing “rumours” in neighbouring townships and farms of “an invitation” to occupy vacant land that was to be developed into formal housing. For example, a retired mineworker who owns a smallholding that neighbours Ratanang, Joe Modise remembered that the seven initial Ratanang households sent out “a call” for forty-four people to join them in an application they had submitted to the Department of Rural Development and Land Reform for formal housing in 2011. The message about “free houses” planned for the property reportedly spread by word of mouth and via radio adverts.

According to Kobas Lehang, the chairperson of the neighbouring Jacaranda community structure, Ratanang ESTA occupiers were inspired by what happened in Jacaranda, having witnessed the implementation of a rural housing subsidy project by the Department of Rural Development and Land

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23 Existing residents were attempting to make up a group of fifty applicants, a figure they had been told was a minimum requirement for submitting a subsidy application. Their strategy at the time appears to have been informed by the Jacaranda experience.
Reform in Jacaranda. They hoped for houses of their own by replicating the procedure.

Jacaranda is adjacent to Ratanang (see map below). It was a privately-owned farm which was informally occupied by farm workers several years previously. The farm owner had sold the property to the Department of Rural Development and Land Reform in 2004. A rural housing subsidy for sixty-four beneficiaries under the “Aganang Trust Fund” was subsequently implemented by the department. Lehang recounted that Jacaranda was well serviced with access to electricity, flush toilets situated in the backyard of each household, and seven communal taps on the property.
Regarding access to Jacaranda, Lehang went on to add:

*They thought they would come here and find houses that could be allocated to them, but every house here was built with a beneficiary in place... They wanted to come here but I didn’t allow them to. I stopped them and said not here. There aren’t any people that are going to come here. The only people allowed here are those who are beneficiaries of the Aganang Trust.*

Ratanang resident and Executive Committee member, Lebo Mokoena, said that she moved to Ratanang in 2012 following “widespread information from people and the radio that the homeless were invited to occupy this plot because it was to be developed into a permanent human settlement area”. Mr. Kgwdi, a member of one of the seven ESTA households, recounted that the unexpectedly high number of occupiers that settled in Ratanang as a result of the rumours of formal housing disqualified them from securing the housing subsidy for which they had applied to the Department of Rural Development and Land Reform.

Members of the Executive Committee recall that the leadership at the time guided occupation in 2012 but that, within a matter of weeks, they lost control of the occupation as the rate of new occupants dramatically increased. As the settlement started to grow, newcomers no longer asked for permission to set up their shacks, nor did they ask for permission regarding where they should do so, eventually reaching the stage where over 600 households had settled with a population count of over 1800 residents.24

Something that might look like a “land invasion” was in fact the product of multiple - sometimes conflicting - impulses and needs, and the rapid expansion of the settlement after the initial “invitation” was not the product of coordination.

**Reasons for moving to Ratanang**

The possibility of access to formal housing and secure tenure were the overarching reasons for occupation. Residents gave various reasons for going to Ratanang in 2012, ranging from unaffordable back yard rentals to the desire for independence from family and farm evictions. The property’s location in close proximity to the CBD and access to water were additional factors identified for Ratanang being a favourable place to settle.

Some respondents said the opportunity to move there took them a step closer to gaining a sense of independence and a home they could call their own. Others added that they saw the settlement as an opportunity for newly established families to raise their children outside the confines of living with extended family and paying rent. Those previously renting backyard rooms and shacks in Jouberton, a nearby township, reported paying between R250 - R500 per month.

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24 According to chairperson of the Executive Committee, Mr Molefe, based on their enumeration.
For example, Tshepang Maba was born in 1988 and grew up in Jouberton. His parents still lived in Jouberton at the time of the research. He met his wife in Jouberton (her parents were also living there) and they moved to Ratanang to find a place to live together. They had been living there since 2012. They did not have any children, but his wife was suggesting that they start a family soon. He did not think it was a good idea as they were already struggling financially even without a child and he thought that having a child would make things worse. He was unemployed and did piece jobs from time to time. His wife also did piece jobs and worked for a family in a former Indian Group Area close by. She walked to her place of employment.

Nene Dube, another respondent, moved to Ratanang from Elandsheuwel, an area next to the Klerksdorp CBD. She had been staying there with her husband at his place of employment. However, her husband left her for another woman. She had four children, two of whom stayed with her in Ratanang while the other two lived with their grandmother on “one of the farms” where they were attending school. They came over during weekends. She also had one grandchild who was one month old. She found out about Ratanang from Mike Elang, who was her boyfriend at the time. She moved in 2011/12 (she could not remember exactly when, but it had been four years).

“Angry James”, a pseudonym one respondent used to identify himself, argued that people could not continue to rent in backyard accommodation with their children. For James, there was an important distinction between being a tenant in someone’s backyard and owning your own home which, he felt, allowed him the opportunity to leave an inheritance for his children. James went on to add the importance of seeking one’s “own place” at an early age. “You can’t start looking for your own house when you are 40”, he said. Being in his early thirties, he acted on this need to establish his own family and moved to Ratanang.

Pule Mohayi, an occupier in 2012, reported that, despite the lack of basic services in the settlement, the hand pump was seen to be a reliable source of water that helped occupiers decide to settle at Ratanang. Its location 6.5 km from the Klerksdorp CBD made it easier for occupiers to find and walk to employment opportunities, even if on a temporary basis.

After the initial occupation in 2012, the leaders of the settlement attempted to order life in Ratanang. According to a local rule that was reported to the researchers, those who arrived at the settlement after 2012 approached the leaders of the settlement to request a stand. Although many respondents concurred with this, suggesting that the norm was put into widespread practice, evidence also existed of people settling on the land without obtaining permission from the local committee.

The research found limited signs of access fees being either asked for or paid. Only Godfrey Motalepula reported paying a R22 registration fee when he moved to Ratanang and being issued a receipt.
by Molefe for the amount. Costs incurred by the occupiers were mostly for building materials, as well as labour and transportation for the construction of shacks. Most people bought their own materials to build their homes and paid community builders a fee of R400 if they could not erect it themselves.

**LAND HOLDING**

Enumeration was one of the more significant land management practices in Ratanang. Other observable practices were the local management of land uses, site demarcation and dispute resolution. The research also found evidence of local norms around extensions and the erection of new shacks.

**Enumeration**

Four enumerations took place in Ratanang. On two different occasions enumeration was a local process, driven by committee structures. Subsequently, it was undertaken during litigation with the community’s legal advisors and again by the municipality.

Initially, in the course of 2012, the first committee numbered shacks in three blocks – A, B and C. After the eviction threat the initial leadership left the settlement and the Executive Committee was elected. They led a new enumeration, using a “K-number” convention, without the block differentiation. Most shacks were marked with a K-number, which, according to Molefe, stands for “Kagisong”, a name that residents previously considered for the settlement until Ratanang was chosen.

Vuyo Nani, a 22-year-old man, moved to Ratanang in 2012 from “the farms”. He lived with his mother in Ratanang on a stand numbered K346, which he described having received from Molefe. They also had an A-number which they received from the first leadership in the initial enumeration.

Enumeration created evidence of occupation in two ways: on site with a visible number painted onto a home and being recorded by name on a list held by the chairperson, Molefe. Being in possession of an identity document and a shack number were pre-requisites for local registration. Respondents reported that the local enumerations gave residents a sense of belonging in the settlement and provided hope for future development. The record also served the function of a data base which the committee used in their engagements with the municipality to demand services. Further, respondents said that the enumeration gave them an address, critical for being located by others, including emergency vehicles.

Residents valued shack numbers and felt vulnerable without one. The research found instances of people without numbers looking out for opportunities to obtain one. For example, a resident reconstructed his existing shack on a site left vacant by his cousin with the purpose of “taking over” the shack number in order to benefit from any future opportunities associated with having it. The act of taking over a shack number was also a claim to be recognised as

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25 Respondents may have been disinclined to report payment, but the question was posed to multiple respondents and only one indication of payment was found.
a legitimate resident of the settlement in the here and now.

Nene Dube was a resident who did not possess a shack number. She saw the K number as a marker of belonging. Without it she said that she sometimes felt like she did not belong in the community. In addition, it meant that she had “missed out” on opportunities to register for a stand in the relocation because she didn’t have the K number. “You are not allowed to register for anything if you do not have a number”. Nene Dube recounted how she was at work at the time Mr Molefe recorded the K-numbers. She went to him afterwards to ask him to document her name on the list, but she remembers him replying that he had already passed her section by.

As well as being a record of household members and shack numbers, the register was also a database of special needs, with information about the residents such as the number of people with disabilities and women and child-headed households.

Having a number and being on the list functioned as proof of a local occupation right. Residents also drew on social networks as proof of occupation in the event of disputes. For example, Thabang Moagi indicated that people who lived nearby him knew that the shack he lived in belonged to him because he built it himself, and he had registered it with Molefe. For Godfrey Motalepula, the receipt for a R22 entry fee acted as evidence that he had rights to his shack.

Subsequently, triggered by litigation, another, related registration process occurred which identified and recorded names and personal details of all residents in Ratanang to create a list of occupiers who were making a claim for PIE protections. Lawyers submitted this list in court and periodically verified and amended it. Later, the municipality compiled its own list of occupiers in order to identify subsidy non-qualifiers.

**Land use and building management**

Construction and land use were managed in Ratanang according to a set of locally determined rules developed on the authority of the committee, especially its chairperson. The rules were extensively known and largely respected, although the research found evidence that some people chose to ignore them. Respondents felt free to make changes to their homes such as renovating, extending, moving out of their parent’s shack and building their own home, with and sometimes without, requesting permission from the committee chair, Dikgang Molefe. Those that sought approval generally faced no problems obtaining it.

According to Molefe, who spoke for the committee, extensions that added to an existing structure were allowed. Home extensions tended to take place when a family grew and further accommodation was needed to meet their needs. However, some occupiers demonstrated that they were hesitant to extend their shacks and make improvements to them because of the uncertainty about the future. Akhona Gofaone, for example, stated that although he was aware that he could extend his comparatively small shack, he chose not to because he did not
know “what will happen tomorrow.” This demonstrates the effect that the fear of eviction and uncertainty of the future had on the occupiers’ willingness to make improvements to their homes.

Others wanted to extend their shacks but could not afford to do so. For example, Nolan Canci, a young man living in registered shack K453, moved into Ratanang in March 2012 from Jouberton where he lived with his parents and his wife and children. He lived alone in Ratanang because his shack was too small for his wife and children to stay with him. They continued to reside with his parents in Jouberton when he made the move. He was unable to extend his shack because he could not afford to. His family visited him over weekends. He reported that, could he afford it, he would do so and that there were no restrictions imposed on him.

A well-known one-family-one-stand local rule existed in Ratanang according to which no one could build another shack within the yard or own another one within the settlement. In the course of the fieldwork, at least two new shacks were constructed in the settlement over a two-month period.

According to Molefe, residents knew that they were not allowed to build a new shack in their yard or anywhere else on the property because that would “be like bringing in a new person”. However, when it came to existing family members moving out, a more flexible approach was apparent. For example, Elizabeth Moseki moved to Ratanang with her mother in 2010. A total of ten people were staying together in one shack, including her siblings, her children and her partner. After two years Elizabeth approached Molefe for permission
to move out of her mother’s shack, given that it was overcrowded, and build a separate shack for her, her partner and children. Elizabeth stated that Molefe agreed to her request and gave her permission to build a shack diagonally opposite her mother’s, which is where she was residing at the time of the research. However, she was not allocated a shack number.

Although the local rule was generally respected, an example of non-compliance was the case of Sani Bephi, a recycler in her mid-forties, who was in the process of erecting an additional new shack during the interview. Sani Bephi said, “We did not inform Ntate Molefe about the new shack because we are still illegal. Once we have the land then we would have to report such things to him”.

Respondents reported that having a fence around a home served to bring a sense of possession and demarcated boundaries. However, few properties were fenced in practice. Solly Mani and Dima Medi did not have a fence around their stand and stated that they would build one for security purposes if they could afford it. For James Modi, fences gave people the “right to fight”: he explained fences in Ratanang as a way of establishing “my property”. The fence around a shack clearly demonstrated one’s property and gave a local right to defend it. In the absence of physical divisions, Dima and Solly established their boundaries verbally. Were somebody to build a shack near to theirs, they would discuss the best location and what would constitute a reasonable distance from their own dwelling. While these verbal arrangements generally worked throughout the settlement, the research identified that conflicts around boundaries were known to occur. Respondents indicated that community members solved their own conflicts in these matters.

An example of one of the causes of conflict in Ratanang was about the location of toilets too near to neighbouring plots. In certain circumstances these disputes were taken to Molefe who mediated between the two parties. Molefe recalled a dispute being brought to him between two neighbours who were arguing about where they should discard wastewater after bathing and washing dishes. Molefe proposed an accepted, practical solution, “Each resident should dig a hole in their yard to dispose of their waste water so that don’t spill onto the neighbour’s yard”.

Residents use their land for non-residential land uses such as keeping goods and animals, namely, dogs and chickens. For recyclers, who stored their goods in their yards, dogs were an important safety strategy. Recyclers used their yards for livelihood purposes: it was risky to do the work anywhere else (in open space, for instance) as the waste they collected was vulnerable to theft. Furthermore, there were graves in the settlement, where the farm dwellers had buried their loved ones.

TRANSFER

Many people came to the settlement to create a home for themselves, independently of their parents. Closely associated with the desire for a family home was the sense of leaving a legacy
for one’s children, but succession featured in the findings as something of a deferred dream. On one hand, people wanted to settle in Ratanang to create a home for their children to inherit but, on the other, tenure insecurity and adverse living conditions militated against the ideal.

Marie Seabe, for example, did not want to consider the possibility of leaving her current shack to her children. She hoped that in future she could give them something more certain. She said that one cannot own a home until that home has services. “I will belong here if the municipality brings services, otherwise it is just a place.” Other responses reinforced this finding: residents felt that they could not see their home in Ratanang as an inheritance for their children until they had tenure security and access to services.

Other findings around transfer included the existence of local norms in relation to temporary absence from the home and a local norm concerning the illegitimacy of generating income from rent. Concerning the former, if people left their shack for an extended but temporary period of time, they were required to report to Mr Molefe, and leave a copy of their ID with him. They were permitted to select somebody to “take care of” their shack while they are away. Regarding the latter, the committee insisted that occupiers were not permitted to rent out their shacks. Some respondents suggested non-compliance in practice, however, saying that renting occurred, on the basis that people had the right to do with their shacks as they chose.

THE 2013 EVICTION APPLICATION

Ms Cooks, Mr Van Den Berg’s daughter and the new property owner, applied for an eviction order with the support of Afriforum26 in 2013. Up until then, residents had been living with some local systems and procedures to manage the settlement and secure tenure locally. A key example was the A-B-C shack numbering system introduced by the first committee, which gave occupiers a sense of security and conferred some spatial order onto the settlement based on a three-block demarcation. With the eviction notice however, many occupiers left the settlement, fearing for their security, including the original committee members.

In addition to tenure insecurity, residents lived with other uncertainties and fears arising from crime, gender-based violence and attacks on their personal safety. For example, one resident reported on how a neighbouring white farmer dug a trench on his boundary as a physical barrier against Ratanang and shot at him on two separate occasions.

The following table charts an eviction and litigation time-line from the eviction notice to 2017 (when this report was written), showing how protective tenure legislation was brought to bear to defend the housing rights of the occupiers.

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26 Afriforum is a non-governmental organisation specifically focused on the “rights of Afrikaners as a community” living in Southern Africa. Available at https://www.afriforum.co.za/about/about-afriforum/.
<table>
<thead>
<tr>
<th>YEAR</th>
<th>EVENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 April 2013</td>
<td>The owner of the property, Ms. Cooks, applies to evict the occupiers.</td>
</tr>
<tr>
<td>13 May 2013</td>
<td>Pretoria High Court orders the City of Matlosana to submit a comprehensive report by 24 May 2013 about the provision of temporary alternative accommodation.</td>
</tr>
<tr>
<td>26 July 2013</td>
<td>Provincial Human Settlement’s official visits Ratanang on behalf of MEC, hands out food parcels and announces that provincial department will buy the land for <em>in situ</em> upgrading. However, nothing comes of this public statement.</td>
</tr>
<tr>
<td>15 August 2013</td>
<td>City of Matlosana submits an affidavit to the Pretoria High Court stating that it cannot accommodate Ratanang occupiers on any relocation programme.</td>
</tr>
<tr>
<td>6 September 2013</td>
<td>SERI files an answering affidavit on behalf of the Ratanang residents and an application for the North West MEC for Human Settlements and the Premier of the North West to be joined to the proceedings.</td>
</tr>
<tr>
<td>10 September 2013</td>
<td>Dr. Kgaswane writes letter to the Provincial Department of Human Settlements offering to sell his land for <em>in situ</em> upgrading of Ratanang. After meeting him, province declines saying it cannot afford the purchase.</td>
</tr>
<tr>
<td>25 March 2014</td>
<td>Case is heard and an order by agreement is granted. MEC and Premier are joined to the proceedings and ordered to file a report setting out what steps the state has taken, or will in future take, to provide Ratanang residents with suitable alternative accommodation.</td>
</tr>
<tr>
<td>18 July 2014</td>
<td>Municipal Manager of the City of Matlosana files a response report outlining the City’s plan to relocate Ratanang occupiers to Alabama over 30 months - from August 2014 to February 2017.</td>
</tr>
<tr>
<td>23 July 2014</td>
<td>Pretoria High Court hands down an interim order, agreeing to the terms of the City’s proposal of relocation and requiring the City to pay a rental of R6 000 per month to Ms. Cooks in the meantime for the 30 months Ratanang residents will continue living on the land.</td>
</tr>
<tr>
<td>July 2014 -</td>
<td>Steering committee negotiations proceed but do not resolve details of relocation plan, exceeding the 30-month period by one year at the time of writing.</td>
</tr>
<tr>
<td>September 2016</td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>Stalemate at steering committee due to contestation over relocation plan between Alabama ward councillor and municipal official; protest at Alabama regarding access to land, services and housing; large scale occupation of undeveloped property at Alabama, taking it off the table as a relocation site for Ratanang. Ms Cooks contacts the municipality claiming default on monthly payments.</td>
</tr>
</tbody>
</table>
The section on political space reports on findings regarding the steering committee in detail, including negotiations around the alternative accommodation order. At the time of writing this report, relocation had not yet occurred. Neither had the municipality made any emergency services provision at Ratanang. Many residents remained fearful about eviction and insecure, despite the protections of the law. Frustration levels were high, given the lack of implemented progress and the length of the negotiations process.

3.3 DISCUSSION

Local rules were evident in Ratanang and constituted the settlement arrangements by which land was accessed, held and transferred. The local tenure arrangements can be characterised as off-register and social in character.27

The community led registration practice had the force of local legitimacy: it was carried out by an elected committee and served to confirm the identity of local rights’ holders before the land owner threatened tenure security. Visible evidence of numbered dwellings gave people a recognised right to be there. In due course legitimacy was sourced from an external authority: the lawyers at first, and then the court and the steering committee. Compliance with access control rules might be partially explained by the authority of the litigation process: the register had the backing of external authority. Registered residents had shared interests in containing the size of the settlement as they negotiated access to alternative accommodation.

Rights to occupy land in Ratanang were “self-allocated” in the 2012 occupation, informed by the authority of the invitation and social networks, via word-of-mouth. The local committee’s list of occupants and the house numbers provided evidence of these rights. The two local registrations or enumerations, which occurred under the authority of two different committees, gave people the physical evidence on their homes and the paper evidence of the list, in conjunction with verbal testimony from neighbours to assert, if necessary to prove, that they “belong”. Unregistered residents, those people without house numbers and whose names did not feature on the list, felt more vulnerable. They asserted their claims to live in Ratanang in various ways including reference to the length of time they had spent on the land and recognition by neighbours.

Other local rules included:

- Newcomers were not permitted. It was the duty of every resident to ensure that no new person entered the settlement.
- Renting out space was against the rules.
- People were not meant to sell or transfer their properties.
- People could make improvements and extend their shacks. However, a one-person-one-home policy applied: they could not build another shack within their yard or own another one within the settlement.

27 Hornby et al, *Untitled.*
Access control was a well-respected local norm: only a small number of new people had come into the settlement to reside and few unregistered occupiers existed. Although the other local norms were more or less practised, evidence existed of some non-conformity regarding the local access norm. For example, some people rented out their shacks and collected monthly rentals and others built new shacks within their yards to create more room for the needs of family members. The notion of “family property” might have been at play. While making a profit from sale to strangers was frowned upon locally, providing family members in need of a place to live was more legitimate.

The gaps between stated norm and actual practice could be seen as assertions of residents against the control of the committee or the legitimacy of the norm in question. Taking a more differentiated look at non-conformity, residents who were permitting family members access might have been asserting a claim to a social or family conception of property: unapproved occupation by family perceived of in different terms locally than newcomers with weaker ties to existing residents. Similarly, the existence of a one-person-one-home norm seemed indicative of a social conception of property. Locally unregistered occupation might have been evidence of how length of stay or verbal testimony were legitimate criteria for belonging which co-existed with the local recordal arrangements.

Despite the near absence of government provided services, the state was not altogether absent in Ratanang, as evidenced by the municipal enumeration, conducted in Ratanang to determine which households qualified for the housing subsidy at Alabama once meaningful participation was underway at the steering committee (see Political Space section below). This registration was the basis for arguing for exclusion as the information was matched up with the provincial housing subsidy data base to identify households who had evidently received another subsidy elsewhere.

In addition to the social tenures outlined here, and the functional security they tried to maintain, legal tenure security was brought to bear when the protections provided by PIE were invoked in the litigation process. These protections had the authority of Section 26 of the Constitution: using the highest source of legal authority available to them, the unlawful occupiers drew on the right to housing in Section 26 and the PIE Act case law in the litigation process to argue against unlawful eviction. Key principles derived from the case law and applied in the proceedings included meaningful engagement, the obligations of the municipality on

land that is privately owned and the provision of alternative accommodation if people being evicted would be rendered homeless. Ratanang is an example of where the rights of private land owners might be curtailed in favour of the occupiers invoking their rights to housing. In SERI’s review of the evictions case law, the point is made that the courts are engaged in a fine balancing act and that, under certain circumstances, the right to housing may trump the right to property.

Tenure rights were locally configured in Ratanang, backed up at first by the authority of the local committee institutionalised in an Executive Committee and then subsequently also the legal protections afforded by the PIE Act and the right to housing contained in Section 26 of the Constitution. These alternative authorities co-existed. They also interacted. Their interaction was perhaps best seen in the evidence-creating processes of community based rights recordal and litigation-required registration. PIE litigation often registers unlawful occupiers, conferring official status on local land recordal. The actors involved were the community leadership structures, lawyers and municipal officials. The sources of authority were local and socially embedded in the case of the former and “official” or formal: juridical in the case of the lawyers and administrative regarding the municipality.

At this point in the Ratanang experience, the eviction application had the impact of complicating the local land management practices set out in this section, making it difficult to entrench or further develop them.

29 Dladla v City of Johannesburg, 2017 ZACC 42 (Dladla).


4 ACCESS TO BASIC SERVICES

“Government officials only came to the settlement for the first time when we had a flood. Since then we get a water tanker once a week. But we have our own ‘mineral water’ here when the pump works. It’s better than the one government brings.”

4.1 INTRODUCTION

The basic services theme identifies the existing provision of services in the settlement, interrogates the relative presence of the state and explores the extent and consequences of community or self-provision.

In the case of Ratanang, government-led service provision was essentially absent. This section documents the strategies that residents employed to self-provide in order to survive. The availability and management of water, sanitation and solid waste was entirely community organised.

The section provides an account of community self-provision in Ratanang by beginning with energy and then moving on to education and health, water and finally, sanitation. It ends with a discussion about the findings.
4.2 FINDINGS

4.2.1 ENERGY

No electricity had been supplied to the settlement. In June 2015 the local councillor promised residents a paraffin subsidy which residents believed would include a once-off package of twenty litres, followed by two litres of paraffin per household three times a month. The promise was not fulfilled. Ishmael Mbete spoke about the paraffin commitment. “Mr Molefe and Mr Swart [DA Councillor] were the ones doing the registration. We were promised twenty litres of paraffin per household”.

With no electricity in the settlement, residents used wood fires, paraffin stoves, gas and candles for their heating and energy needs. Nneheng Malopi, one of the spaza owners in Ratanang, owned a solar generator while other spaza owners purchased petrol generators essential to run their businesses.

Paraffin was sold at R13 per litre which typically lasted a household one day. Because of the high cost of paraffin, residents supplemented their energy requirements with open fires. Wood for fires was collected from property development clearings and other sources in the vicinity. Jacob Moyo explained that his family supplemented their paraffin which they purchased from the local spaza: “We use open fire to cook outside in order to save on the paraffin. We get the wood from neighbours or from the trees nearby. Sometimes we have to pay R20 to get the wood from the neighbours and sometimes we get it for free.” While most residents collected, chopped and stored their own firewood, some residents offered a service to collect and chop wood for R5 to R10 per load. Some residents only used wood fires, without purchasing paraffin, like Peke Dlamini, resident at stand K170, who stored wood in her yard. She said, “We get wood just outside this place. People cut wood and dump it there.”

The consumption of paraffin and wood increased on cold days. Some residents like Sarah Modise collected and stored wood in their yards over the course of the year to ensure supply for winter and for cold days. Because they were unable to refrigerate food, residents often travelled or walked to town to buy food. The associated time and travel costs contribute to financial and economic burdens related to a lack of electricity supply.

4.2.2 EDUCATION AND HEALTH

The settlement is located far from schools. Most children attended school in Jouberton situated approximately 10 kms from the settlement. Ishmael Mbete, for example, indicated that, “my children go to Nkagisang Primary School and to a high school in Jouberton.” Jacob Johnson’s children also attended primary school at Nkagiseng. “There is a school bus that picks them up daily. The bus is free of charge.”

Residents reported that a mobile clinic providing primary health care visited Ratanang once a month.

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32 In March 2016
initially but that these visits had become irregular. For any other form of health care service needed, residents travelled to clinics such as those situated in Alabama and in Park Street in Klerksdorp. Nene Dube explained that, “the clinic doesn’t always have medication and we are told to go and buy our own. If I need urgent medical help I go to a clinic in Klerksdorp. I get medication from the clinic for free. We hire our neighbour’s cars to take us to the clinic in an emergency. The ambulance can take up to seven hours before they come”.

These clinics had a good reputation among residents and were considered reliable healthcare resources. Clinic access however came at considerable cost: either a R25 taxi fare or an hour and a half walk each way through open veld which was considered unsafe due to the number of assaults and thefts that had taken place.

4.2.3 WATER

The hand pump was the only local water source and a centrepiece in the Ratanang story. The community held meetings under the blue gum trees which surrounded it, livestock drank from puddles accumulated from overflow when jerry cans were filled, and clear conventions and rules were in place around its use, repair and maintenance.

Water was primarily collected by women, children and unemployed youth in twenty litre jerry cans and transported to households in wheelbarrows. Depending on pumping effort, it took between ten and twenty minutes to fill one jerry can. During the week there were not usually long queues, but over the weekends and other peak times, queues to collect water could get as long as twenty people. At an average collection time of fifteen minutes for twenty litres, collecting enough water for drinking and personal hygiene could take as long as five hours in a queue of twenty people. Those that could, indicated choosing an off-peak time, for example Peter Mosise would collect water at around 11am when there was seldom a line. Residents who were unable to fetch water could pay between R5 and R7 for someone else to collect water for them. Peter collected three twenty litre buckets which lasted him for three days while Nolan Canchi, who did not have a wheelbarrow or trolley, carried the water one bucket at a time. A twenty-litre bucket of water lasted him for two days and on days when he did his laundry he would take two buckets. No limits were placed on how much water residents could collect. Given the effort required to collect water this was not surprising. The hand pump was situated approximately one kilometre from the furthest households and 50 metres from the nearest, the original brick farm worker houses. Tshepang Maba explained that water was a significant problem in Ratanang. “There is only one tap in the community, but I don’t live too far off from the tap. In July 2015 we went for a whole month without water due to the water pump being broken. We would go to the nearby plot to request for water”.

The pump handle was stolen some years ago and there were subsequently approximately twenty handles owned and shared between residents. Although pump handles could potentially become a way to control the collection of water, the local norms around sharing pump handles were collaborative and contestations were not apparent.

The hand pump had been repeatedly repaired using low cost, locally available materials. Photographs of the hand pump captured at three intervals clearly illustrated the repairs and adaptations made over time.

Figure 6: The hand pump in March 2016

Photo: Edward Molopi
In March 2016, the head assembly and flange had been replaced by a sturdy tree branch, the spout had been repaired and the stand assembly was protected and kept secure with a truck tyre.

By the following month, in April 2016, most of these parts had been replaced with wood and a drum had been used to protect the pump cylinder. The tyre had gone.
By June 2017, the drum was still in place, a removable steel handle was used to pump the water and most of the stained logs had been replaced with sturdy branches. Rubber and wire were used extensively. There was no soak away, water that overflowed or leaked from the pump pooled and became a source of drinking water for livestock and domestic animals.

The hand pump draws water from an aquifer in the Middle Vaal (Midvaal) catchment area, which is one of nine water management areas in the country. The catchment area is characterised by favourable aquifers of high transmissivity, storativity and rapid recharge, but this also means that the aquifers are vulnerable to contamination33.

Gold mining activities over the past sixty years in the Klerksdorp Goldfield produced saline mine drainage that polluted water aquifers. The Department of Water and Sanitation has made efforts to dewater mines to improve the water quality, but recent water quality test results were not available from the Klerksdorp testing well.

Water quality tests in the Midvaal catchment area more widely have indicated significant increases in concentration of Total Dissolved Solids (TDS), sulphate (acid mine drainage), sodium and chloride and nitrate, and groundwater is generally used

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for agriculture and mining rather than human consumption in the catchment area\textsuperscript{34}.

In 2003, the Klerksdorp testing well had low TDS, but more recent data was needed. Residents complained that the water didn’t taste good, which could be an indication of high salinity levels. The groundwater source had not failed in the memory of residents interviewed, and given the demand placed on it as a sole water source for at least 1,800 people, it was a high yield aquifer.

The hand pump however broke down every few months with an average down time of seven to ten days. When water stopped flowing, local community members with expertise in construction, irrigation and plumbing assessed and estimated the repair costs. The committee then collected cash from households to purchase the parts and/or materials needed.

Typically repair costs collected by the committee were given to Mr Molefe who counted the money collected publicly, in the previous instance in front of the community gathered under the blue gum trees surrounding the hand pump, calling out the names of the households that had contributed.

No or minimal labour fees were charged and spare parts were purchased from a local hardware store in the Klerksdorp central business district. Many of the community members that fixed the Ratanang hand pump had worked on farms where they repaired similar hand pumps.

When the hand pump broke down previously,\textsuperscript{35} each household donated R10 to purchase the materials to fix it. While money was being collected and the hand pump repaired, Ratanang residents purchased water from the adjacent Jacaranda settlement, paying R30 for a twenty litre jerry can of water. When the tap was broken Peke Dlamini said, “I bought water from Lehang, it cost me R5 for four buckets”. Ishmael Mbete explained that when the tap was broken people could buy water from Lehang for R15 per week and they could get as much water as possible. He had never used bought water though, he would beg for water from his neighbours. Peter Mosise reported that some people got water from the garage or in Meringspark, while Nolan Canchi said people would get water from wherever they could, “from the nearby farms” or they would carry containers to work and “bring water from there”.

In early 2016, the hand pump had broken down and residents could not afford to continue purchasing water from neighbouring settlements. The committee approached the municipality which sent a water tanker. The tanker has since arrived,


\textsuperscript{35} 2016
at no set date or time, twice a month. Residents reported simply noticing that it had arrived and took their jerry cans to collect water. Given the average duration of hand pump downtime, this was not sufficient and residents continued to purchase water from neighbouring settlements at high cost.

Many respondents reported that the municipality only provided water after “the flood”, a disaster that occurred at the beginning of 2016. Heavy rains flooded the settlement, destroying many people’s homes. For example, Nene Dube described how a water truck started bringing water to Ratanang: “It started coming in January after the visit from the officials - after the flood in January and they visited in February. It comes in once a week but doesn’t have a specific day, we never know when to expect it”. James Modi concurs, “government officials only came to the settlement for the first time when we had the flood” and adds that it came once a week. Sani Bephi said she heard that the municipality would no longer be bringing the truck because the tap had been fixed.

The tanker not only provided an unreliable service, but the water that residents collected from the tanker reportedly tasted bad. Residents noted that they preferred to use water from the tanker to wash laundry and to drink the water from the borehole. The opening quotation references the water quality concern, with the respondent identifying the borehole water as “mineral water” compared to what the tanker supplied.

Water consumption per person was difficult to establish, but when water is collected from a single source, consumption is generally low (between 5 and 10 litres per person per day in sub-Saharan Africa)\(^{36}\). This is well below the World Health Organisation (WHO) minimum standard of 20 litres per person per day, and the national minimum standard of 25 litres per person per day\(^{37}\) of water for drinking and personal hygiene.

The distance between most households and the hand pump water point was also significantly below the national standard which is within 200 metres of each household, as is the flow rate (set at not less than 10 litres per minute)\(^{38}\). The quality of the water was not known.

When water is collected from a water point located at a distance from a household, there are numerous

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\(^{38}\) Department of Water Affairs (DWS), Water Services Act 108 (1997).
points between collection and consumption at which it can become contaminated. In Ratanang, aside from whether the borehole water itself is contaminated, water could become contaminated at any point, from the two litre plastic bottle used as a spout on the hand pump, to the jerry cans used for collection (some of which used plastic bags for lids), to the buckets used to store water within households, to the cups and jugs used to ‘skeep’ the water from these containers and use it for drinking or cooking.

4.2.4 SANITATION

There was no municipal sanitation services provision. All of the latrines in Ratanang have been dug by residents themselves without government support and none met the minimum national standard for basic sanitation, which is a Ventilated Improved Pit Latrine (VIP)\(^39\). Latrines were unimproved, shallow, unlined pits covered by wooden or corrugated iron slabs, with corrugated iron and hessian superstructures. No latrines in the settlement had concrete slabs.

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\(^{39}\) DWS, Water Services Act.
Open defecation was not uncommon particularly amongst households living on the edges of the settlement. Respondents noted that snakes were a risk. Given the settlement was not electrified, open defecation in surrounding veld also posed security risks at night, particularly for women and girls.

Local residents made pit digging services available at approximately R500 per pit. People providing this service reportedly learnt about digging pits from sanitation projects in surrounding settlements.

A handful of households had purchased black plastic superstructures and appeared to provide more privacy than the predominantly corrugated iron and hessian superstructures which were in a reasonable but not ideal state of repair.

Latrines observed by invitation were reasonably clean and latrines observed without invitation were less clean but still usable. Observations were carried out in winter, there were not many flies and the latrines did not have a particular odour.
Pit latrines were shared between three and eight households. Some households had their own latrines but this was unusual; most latrines were shared between households. Most latrines were also locked during the day and householders with keys were reportedly at work. Overall, the householders that constructed and kept the latrine clean also locked and kept keys to access it. From this it was inferred that wealthier (employed) households invested in constructing latrines, and that access to latrines was controlled by the households that constructed and maintained them.

Tshepang Maba shared one toilet with three other households. They managed it by placing a lock on the entrance and each household had its own key. They took turns to clean it. He had good relations with his neighbours and if he could not afford to buy the disinfectant liquid on his week of cleaning he let them know and they assisted him with theirs. He explained that children were afraid to use the toilet because they feared falling in. Often they “just relieved themselves outside in the yard”.

Unless linked to a business, the more “public” a latrine, the less privacy it provided and the more poorly it was maintained.
When a pit was full, it was filled in with earth and an adjacent pit was dug. Pits usually lasted a year. There was evidence of at least one generation of previous pit latrines. From observation, residents were using latrines for faecal waste only. Solid waste management and recycling systems were evident.

Grey water appeared to be well managed and households had dug sluices for soak-aways near cooking stands.

No hand washing facilities were situated adjacent to any latrines in the settlement.

Diarrhoeal disease prevalence was reportedly high particularly in summer, but evidence could not be obtained from the visiting mobile clinic as none of the residents had contact details.
4.3 DISCUSSION

Ratanang lacked government-led basic services entirely. The availability and management of water, sanitation and solid waste was entirely community organised. Yet access to basic services such as water, sanitation, health care and electricity is fundamental to human dignity. As designated water services authorities, municipalities such as the City of Matlosana have a clear legislative duty “to all consumers or potential consumers in its area of jurisdiction to progressively ensure efficient, affordable, economical and sustainable access to water services”, which are defined as both water and sanitation services. The right to water and sanitation is necessary for the enjoyment of the rights to life, health, dignity and privacy. Access to basic services is the foundation of all human rights.

The at least 1 800 residents of Ratanang do not have access to any government-led basic services provision. With the exception of the sporadic arrival of a water tanker in recent months, the availability and management of water, sanitation and solid waste is entirely community organised. This reflects the degree of residents’ resourcefulness and their resilience and organisational capacity. It also places significant strain on limited resources and constrains livelihoods opportunities.

Community based management is the prevailing model of rural water supply in developing countries. Rural sanitation services are typically limited to facilitating behavioural change, or in colloquial terms, shaming residents through peer pressure into digging pits to cover their faeces, an approach officially dubbed Community Led Total Sanitation (CLTS).

In urban areas, given the public and environmental health consequences of higher waste streams, governments tend to allocate capital finance to water, sanitation and solid waste infrastructure, and public and private agencies are more interested in offering fee-based services. The extent to which these services are subsidised depends to a large extent on the degree of formality of the settlements. Overall, the more informal or rural the settlement, the lower the public and private sector investment in essential services provision.

It is surprising to see a similar trend in South Africa, a middle-income country with a clear legislative and policy framework and financing mechanisms for free basic services provision, and in which 90%...
of the population reportedly has access to piped water supply.44

The water and sanitation services in Ratanang by no means meet basic minimum standards by any measure - sufficiency, accessibility, affordability, quality, safety, dignity or security. The lack of such services is a clear infringement on the human rights afforded by the Constitution and the legislation, policies, standards and regulations which give effect to the Constitution.

In 2014 approximately 40% of the population in the North West reported municipal water supply interruptions longer than two days, better only than services in Mpumalanga and Limpopo provinces, where 60% reported interruptions longer than 2 days.45

Free basic services are only offered to residents able to register as indigent, yet the poorest households with most tenure insecurity are often least able to engage with onerous and opaque municipal administration systems, let alone produce the documentation46 required to register and receive free basic services. Indigent registers are known to underrepresent the people who can least afford to pay for municipal services.47

Even where government provides basic services, the poorer and less tenure secure the household, the less accessible, reliable and affordable these services become. Further, the widely adopted contractor-driven approach to providing basic services has undermined the role of users, limited the interface of municipal and health officials with communities, has negatively affected the accountability relationship between consumers and public service providers.

The water supply that Ratanang residents provide for themselves is at least as reliable as municipal water supply in the province in which Ratanang is situated. Residents are not reliant on government to ensure their access to water, and the lower-than-basic level of service that they access can and has been locally repaired and maintained over years. The Ratanang case begs a question: is self-provision a more desirable situation than depending on erratic municipal water services?


46 Documentation required to register as indigent in the City of Matlosana include the latest municipal account in his/her possession; a South African identity document; pension certificates and/or card /or affidavit and proof of income, City of Matlosana Indigent Relief Policy, 2016/17.

Community management however comes at high cost and is seldom if ever locally sustainable. Preventive maintenance is seldom undertaken, repairs are often slow and sub-standard, and committees struggle to collect or save sufficient funds to keep pace with the repairs and maintenance required, even of hand pumps. Community management also renders essential services provision to the vagaries of community dynamics and can generate conflict and build local elites rather than strengthen social capital.\textsuperscript{48}

In the South African context, the provision of basic water and sanitation services, to all residents in their jurisdictions, is a local government obligation. Institutional, planning, regulatory, financial and consumer accountability and participation systems to implement, operate and maintain these services, and the water resources that enable them, are a growing concern across the country.

INFORMAL SETTLEMENT IN SOUTH AFRICA
NORMS, PRACTICES AND AGENCY

Photo: Tiffany Ebrahim
5 ECONOMIC LIFE

5.1 INTRODUCTION

The economic life theme explores the livelihoods of the residents of Ratanang in the broader economic context of Klerksdorp. It profiles the informal and formal sectors of the city’s economy, as well as the local economy which has developed in the settlement itself in order to investigate the various livelihood opportunities and constraints in people’s lives, and how they were able to sustain these livelihoods in conditions of severe scarcity and limitations.

In the case of Ratanang, limited access to basic services and natural assets, like land, constrained the provision of new services and the creation of new markets in informal settlements. Social grant distributions played an important part in people’s livelihoods in a broader context of entrenched and structural mass unemployment.
The section provides an account of productive labour in Klerksdorp’s formal and informal economies and in Ratanang’s internal economy, distribution processes including social grants and remittances and consumption practices. It explores vulnerability and mitigation strategies, credit relations and savings. It ends with a conclusion about the findings.

The Klerksdorp economy, in contrast to provincial and national trends, has contracted since 1996, shrinking by 3% every year. This contraction is mainly due to the dramatic drop in mining’s economic contribution to the city from 58.48% in 1996 to 7.75% in 2011, related to the risks associated with deep mining and the depletion of gold reserves. Despite recent confidence spurred by possible Chinese foreign investment and suggestions that mining’s recession has encouraged a diversification of economic sectors, the local economy remains depressed and opportunities limited.

These macro-economic trends have directly affected the residents of Ratanang, who are mostly members of the South African population that “have been expelled from rural agricultural production systems but not incorporated into industrial working classes in the way that dominant developmental paradigms expected”. Many of the residents have lived through, either as children in their parents’ homes or later in life, the large scale displacement of farm dwellers in South Africa which saw about 3.7 million people evicted from farms between 1984 and 2003, as well as the mass retrenchments that went hand in hand with Klerksdorp’s dwindling mining sector. Margaret, for instance, came to live in Klerksdorp in Jouberton, and eventually in Ratanang, after her family was evicted from their home on a farm where they had been living near Ottosdal. Trevor Choke, who supported his family on erratic piece jobs, once relied on regular income from the work he did in the engineering department of a nearby mine.

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49 South Africa, like many other countries, has been affected by the economic downturn since 2008. As a result, economic growth has decelerated since the 2000 to 2008 period, when growth was consistently above 4%, to an average growth rate just over 2% between 2008 and 2012. Deceleration has quickened since 2014, and the first quarter of 2016 was the third time the country’s economy shrank since 2008. After contracting again in the fourth quarter of 2016 and first quarter of 2017, by 0.3% and 0.7% respectively, the country’s economy officially moved into recession (Stats SA 2017).

50 SACN, Matlosana City on the Move? P. 19.


5.2 FINDINGS

5.2.1 PRODUCTIVE LABOUR IN KLERKSDORP’S FORMAL AND INFORMAL ECONOMIES

While the livelihoods of people living in Ratanang were mostly sustained by informal economic activity outside of the regulatory reach of taxation and employment, zoning and trading regulations, some residents found work in the formal Klerksdorp retail, supply, and distribution sectors. 25% of households in the settlement had a member who earned a salary or wage compared to the 53% that earned money through more informal work like piece jobs. Ranging from assistants and tellers at nationwide retailers, like Bradlow’s furniture stores or Shoprite supermarkets, to machine makers for local farms and mines, to irrigation specialists, these few jobs were most often occupied by younger and middle-aged residents.

S’bu Masego, for instance, a man in his early thirties living in Ratanang, worked on contract for Servest, the largest black owned facilities management company in Africa, which offers a range of services in the United Kingdom and Europe as well. S’bu taught farmers how to install and operate irrigation systems. Most of his work was in and around the Free State province, although he was often required to work elsewhere in South Africa and on the continent. He provided training to small farmers in Zimbabwe and Zambia and was going to be sent to do the same in Ethiopia. In his spare time, S’bu studied irrigation farming at a college in Klerksdorp. He wanted to learn how to build, however, as he thought that there were more work opportunities in the construction industry.

Many Ratanang residents also relied on informal work in Klerksdorp for income. The informal work outside of the settlement was largely gendered, with women most often finding work as domestic workers and men doing any number of a variety of piece jobs, ranging from building, cleaning cars, to comparatively accessible garden work.

Domestic work in the homes of nearby majority white homeowners was significantly less frequently available than piece jobs but tended to be more secure employment on the rare occasions it was available. This is generally illustrated by the fact that many women living in Ratanang did not find work as regularly as the men who worked informally.

54 HDA, North West: Informal Settlements Status, p. 34.
55 We use the definition of informal work proposed by Chen (2008), which reflects an expanded concept of the informal economy formulated by the International Labour Organization (ILO), The Delhi Group, and WIEGO which sought to include the whole of informality as it is found in transitional and developing economies and as it reflects the reality of the ‘working poor’. The definition includes the self-employed in informal enterprises and the wage employed in informal jobs (i.e. unregulated and unprotected).
But among women who did find informal work in Klerksdorp, there were more examples of extended periods of employment than amongst men.

Josephine Mostsumi, for instance, while enjoying a security of employment very scarce among women living in Ratanang, had been working as a domestic worker in the same house in Klerksdorp for twelve years. She worked two days every week, taking the taxi into town and walking home again in the evening. She had worked in the same house since before her family moved to Ratanang from her mother’s house in Jouberton five years previously. James Modi, on the other hand, a 33-years-old who lived with his girlfriend and their three children, told of the unique financial security he and his family enjoyed during the seven-month building contracts he was able to secure, albeit very infrequently. His more insecure daily experience of walking the six kilometres into town in search of daylong piece jobs, which he was able to secure only irregularly, was more typical of the levels of uncertainty of his opportunities for work and was shared by many men, young and old, living in Ratanang.

While the 6.5km walk to Klerksdorp’s city centre along the short gravel road leading into Ratanang and then through the suburbs of Meiringspark and DeClercqville was onerous, it was widely cited by residents as one of the advantages of living in Ratanang and one of the chief reasons for those who did not want to relocate. It meant that residents were not compelled to pay the R12 taxi fare into town when they were looking for work – a cost that would make days without finding work even more expensive for residents. It also enabled livelihood strategies that relied on the ability to walk from home to a specific site and back again, such as the recycling work discussed below. Ratanang’s proximity to Klerksdorp was one of the key locational advantages of livelihoods in the settlement due to the kind of access which it afforded.

5.2.2 PRODUCTIVE LABOUR IN THE RATANANG INFORMAL ECONOMY

Despite the settlement’s locational advantages, the majority of residents were excluded from the Klerksdorp economy. Part of the reason for this was that poor people, like the residents of Ratanang, have not benefited from the few buffers to the city’s economic decline, which relied mostly on the extension of elite-orientated services like private schools and hospitals, and financial services. One of the responses to this exclusion was the development of a local informal economy in the settlement, which was central to both livelihoods there and the ways in which households met their basic needs.

Ratanang’s economy was dominated by services particular to the settlement. Local businesses included taverns and tuck-shops, referred to


collectively as *spaza* shops, hair salons, and shoemakers and menders. There were also instances of small-scale manufacturing. Anne and Ella Moseki for instance, both recyclers in Ratanang, knitted and sold beanies to other residents, especially during winter. Livelihoods focus groups conducted during the course of the research, however, suggested that the development of sustainable manufacturing or agricultural markets were largely curtailed by the lack of tenure security and basic services in the settlement. Thomas Tau, a *spaza* shop owner, had long sought to use his welding skills to extend his business to include making and selling different burglar-proofing bars. His efforts had been hamstrung, however, by the lack of electricity in the settlement, as well as by the difficulty of saving enough money.

Thomas and other *spaza* shop owners also spoke of the limitations that the lack of electricity in the settlement placed on their ability to diversify the offerings at their *spaza* shops. They were unable to sell hot food, for instance, as they could not power any stoves or microwaves.

Uncertainty surrounding the future of the settlement similarly limited the ability to create new services or tap new markets. Members of the *Utlwanang* Society *stokvel*, who viewed the threat of eviction or relocation as the most pressing threat to their livelihoods, were hesitant to invest in the land in and around the settlement despite being enthusiastic about the livelihood opportunity presented by planting crops. This echoed the hesitancy of *spaza*
shop owners to invest in the land, despite identifying it as the best natural asset to which they had access. Spaza shop owners complained about there being too few consumers buying from too many spaza shops, all of which sold the same items, due to their hesitancy to invest in their business and the limits placed on their ability to diversify their offerings as a result of a lack of tenure security and access to basic services respectively. While residents were driven to informal livelihood strategies by the depressed Klerksdorp economy, the range of these strategies was curtailed by a lack of basic services and tenure security.

**Services and the importance of assets in the local economy**

The services particular to Ratanang that characterise the local economy developed largely in direct response to the lack of basic services there. Some men, for instance, offered their services as shack builders, and others as latrine diggers. In Ratanang, where basic sanitation was for the most part absent, latrine digging was an important service. Men charged between R400 and R500 for the work of digging pit latrines two to three metres into the ground, before building a basic structure around it, most often from corrugated sheets of zinc. Other residents began using waste as a source of income. They gathered and sorted through the garbage that accumulated in the settlement as a result of the absence of refuse collection. They then pooled together to hire a private vehicle to transport the waste to a recycling centre, where they were paid for it according to the type and quantity of waste.

Residents who made a living by recycling also made daily trips out of Ratanang to nearby areas, like Meiringspark, where they collected waste to bring back to the settlement to sort through. Like most of these recyclers, Sarah Modise would leave Ratanang early in the morning to pull her trolley into town where she tried to fill it mostly with tin and metal objects before pulling the heavy load back to the settlement again to sort through. Recyclers identified the physical demands of this daily routine, which generally did not include breakfast or lunch, as key threats to their livelihoods because they made recyclers vulnerable to injury and crime. The daily work of recyclers is typical of how a range of different assets was central to people’s ability to leverage opportunities in this local economy. Their ability to make an income was altogether dependant on their trolleys (a physical asset), for instance, and they referred to their yards as the most important natural asset to which they had access. They were able to keep and sort through waste there with a greater sense of security as their yards were protected by neighbours and their dogs, in contrast to the open space in the settlement, for instance, where they said their waste was vulnerable to theft.

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58 Metals, for instance, fetch a higher price than plastic.
The assets central to livelihoods in Ratanang were wide-ranging. Eliza Mogi, for example, had extended her shack to include a shady seating area outside with tables, chairs, and board games. She used part of her shack to run a small *tlokwe* (a kind of beer) business alongside her *spaza* shop. She served scales (1l boxes) of *tlokwe* to customers, who sat outside in the shade she provided, drinking beer and playing board games. She stored cases of *tlokwe* inside her shack, each of which yielded her a profit of R38.

Eliza’s busy *tlokwe* business also underlined the importance of *polyvalent* assets to the livelihoods of Ratanang households. In the absence of formal-sector financial institutions, people with limited goods were inclined to invest in assets that had numerous uses. Eliza, like a few other residents, owned a small petrol generator. The generator served her family recreationally by powering their radio or television on occasions, as well as fulfilling a range of functions to improve the household income. Eliza levied other residents R5 to charge their cell phones with the generator, for instance, as well as using it to power fridges that kept the large amounts of beer she sold on the weekend cool, and to power a sound system that lent the usually leisurely board game area outside of her shack a more festive atmosphere over weekends. Eliza’s petrol generator was thus an asset of both consumption and investment.

Households that owned wheelbarrows were able to use them to collect larger amounts of water from the borehole from a single trip. Indeed, some residents without wheelbarrows fashioned their own equipment for water collection; some used old shopping trolleys and others built pushcarts from wood, plastic crates and wheels. Some residents provided water collection services at a fee using these trolleys, usually charging about R10 per collection – another example of how the lack of basic services in the settlement was often taken advantage of to fashion economic opportunities, such as the digging of pit latrines in the absence of toilets and water fetching in the absence of water.

Residents’ reasons for paying to have their water collected varied. For the most part it was because they were often too busy – with work, looking after their children, or with other household tasks – to fetch water, or there was nobody at home to fetch the water when it was needed. Elderly residents living alone also often did not have the strength to carry heavy water containers back to their shacks.

Some residents were more reflective when they explained why they utilised these settlement specific services, however. Godfrey Motalepula, for instance, said that he paid a neighbour to collect water for his household because “it is part of giving and job creation” in Ratanang. This was a reference to a range of reciprocal relationships that he thought were central to the social sustainability of the settlement. He felt that mutual acts of giving,
for instance, were central to personal safety in Ratanang. Godfrey Motalepula suggested that residents were better protected against crime if they could trust their neighbours. He and his neighbours shared food and money with each other when they could spare it for this reason. Godfrey was also quite explicit about the fact that reciprocity of this sort was vital to the security and preservation of assets: he nurtured strong relationships with his neighbours, specifically through acts of giving, to ensure his shack and his possessions were better protected.

Assets that are important to household livelihoods were thus often secured by relations of reciprocity and obligation that had been established and reproduced through actions that are traditionally ‘non-economic’ (giving, for instance). These social arrangements were often the result of the long and careful development of social ties and relations of shared obligations. Eliza Mogi recounted how a neighbour, who was already living in the settlement when she arrived, assisted her in setting up her spaza shop, teaching her about suppliers, mark-up, and the treatment of customers. Eliza said that she was entirely indebted to this neighbour for the success of her business. A relationship of reciprocity developed between the neighbours subsequently, and Eliza helped her neighbour in a range of ways, including giving her spare food when she could, or paying her daughter to collect water or to clean her shack.

5.2.3 DISTRIBUTION

As noted above, land-based livelihoods (both subsistence agriculture and production for markets) and wage labour were limited for people living in Ratanang as a result of tenure insecurity and a depressed local economy respectively. Their ability to access income often depended more on the success of their claims to more distributive livelihood forms – securing a transfer of resources from those who have them to those who do not, either in the shape of direct cash payments from the state or remittances through various social ties.

Social grants

The most pervasive and reliable forms of income for the residents of Ratanang were social grants, and in particular child support grants. This was borne out in the research, as well as being generally acknowledged by residents of Ratanang, who often said that the majority of people living there relied primarily on social grants for income. Grants did not necessarily make up the major part of a household’s income (although this was often the case); sometimes other forms of income, from employment for instance, brought more money into a household on a monthly basis. Grants were, however, invariably the most dependable form of income for Ratanang households.

60 For the purposes of this research we define remittances broadly as the transfer into Ratanang of any money or goods from outside the settlement.
A substantial majority of households in the settlement that included children received a child support grant. The other grants that were most important to livelihoods in the settlement were the grant for older persons and the disability grant.61

The predominance of social grants in Ratanang reflects national trends in South Africa since 1994, which have seen the elaboration of a vast system of non-contributory social benefits that now transfers 3.4% of GDP every year directly to 44% of South African households.62 For the poorest 10% of South African households, social grants now make up 85% of household income,63 up from 73% in 2008 and 15% in 1993.64

Social grants in Ratanang call attention not only to the crucial role played by the state’s distributive functions to livelihoods there, but also to the fact that supposedly ‘non-productive’ people (the elderly, young children, people with disabilities) are key contributors to household incomes. At the local level, social grants raised important questions for how we understand informal settlement livelihoods and their sustenance. Conditions which are conventionally associated with losing an income, or with livelihood vulnerability (illness, disability, old age, needing to care for small children), were implicated in the ways in which most Ratanang households sustain their livelihoods.65 This brings into question conventional understandings of informal settlement livelihoods which criticise distributive state interventions for appealing to people seeking ‘hand-outs’ instead of people willing

61 At the time of the research, the main caregiver of a child qualified for a child support grant of R350 per month if they earned below R39 600 per annum, or if their combined income with a spouse was below R79 200 per annum. People older than 60 qualified for a grant of R1 500 per month, and people older than 75 qualified for a grant of R1 520, so long as they earned below R64 680 per annum or had a combined household income of less than R129 360 per annum. People between 18 and 59 and unable to work because of disability qualified for a monthly grant of R1 500 after submitting a medical assessment or report. South African Social Security Agency, “social grants”, http://www.sassa.gov.za/index.php/social-grants.


65 South Africa’s cash transfers, as in other welfare systems in the global South, are explicitly designed not to replace income that has been lost, but rather to enable the livelihood capabilities of those who receive them. This includes insulating informal livelihood strategies, and sometimes facilitating access to wage labour. Evidence suggests that cash transfers are the most direct possible approach to addressing extreme poverty and that in South Africa they have reduced the probability of poverty by 12.5% and the poverty gap by 47%. Department for International Development, “DFID Cash Transfers Evidence Paper”, Department for International Development (2011), available at: http://www.who.int/alliance-hpsr/alliancehpsr_dfidevidencepaper.pdf.
to play an ‘active role in their own upliftment’. The centrality of social grants to Ratanang residents’ economic lives puts the common sense linkage between livelihoods and production (subsistence production, land-based production, or wage labour) under strain, and demands that we begin to broaden how we understand livelihoods in order to include processes of distribution alongside those of production.

**Remittances**

Other important forms of distributed income relied on a range of social ties between residents and family or partners outside of Ratanang. Remittances, in varying forms ranging from cash to maize meal, came into the settlement, left the settlement, and circulated within the settlement itself.

Young families often relied on the support of their parents, or other family members living elsewhere, in difficult months. Thulani Mogosti, a 34-year-old man, and his girlfriend were both unemployed, and often supplemented the child support grants they received for their two children with financial support from his father, mother or sister, usually in cash amounts of about R200. Mavis Kenosi, who is 29-years-old and had been unemployed for 10 years, and her husband Anton Bosielo, who obtained piece jobs when he could, relied heavily on the money that both of their mothers sent them during difficult months.

Some elderly residents relied on the financial support of their working children. Jeremiah and his wife, both unemployed since his taxi broke down and he could not afford the repairs, relied on the financial assistance of three of their five children. One of their daughters, who worked part-time in a Klerksdorp shop, and his two sons, who worked at the Shoprite and Bradlow’s branches in Klerksdorp respectively, helped Jeremiah and his wife with money every month. Other residents relied on the income of partners working elsewhere. Ella Moseki, a 38-year-old woman living with her three children in Ratanang, relied, together with the three child support grants she received, on the money that her boyfriend made as an ironworker in Emalahleni in Mpumalanga.

Some Ratanang residents also sent remittances elsewhere. Akhona Gofaone financially supported his wife and two children, who were living with family in Mpumalanga at the time. He sent them about R1 500 every month and kept R800 to live off in Ratanang. Godfrey Motalepula supported his elderly mother, who lived nearby in Jouberton and whose old age grant was often not enough to see her through the month.

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66 HDA. *Informal Settlements: Improved livelihoods, the informal economy and local job creation*, p. 4.
5.2.4 VULNERABILITY AND MITIGATION STRATEGIES

The precarity and insecurity that characterise livelihoods in Ratanang comprised both external vulnerabilities – changes in social, economic, and physical environments beyond a household which compromised the well-being of the households and its members – and internal vulnerabilities – such as the illness or death of a family member, or familial conflict. Households’ ability to cope with external vulnerabilities was often compromised by intra-household or familial stresses.

External shocks and stresses on household livelihoods were wide-ranging in the settlement and included among others retrenchment, illness and injury, natural disasters such as heavy rains, and deaths in the family. The precarity of economic life in Ratanang was such that many households could not deal with these shocks and stresses. Joe Modise’s shack was flooded in heavy rains shortly after his arrival in Ratanang six years previously. The water destroyed many of the possessions he had brought with him during the move. He was still unable to replace what he lost in those first rains and it convinced him that the best possible future for the Ratanang community is relocation to Alabama, where proper basic services would mitigate the risk of shocks of this kind.

A sustainable livelihoods focus group conducted with some spaza shop owners during the course of this research revealed that together with natural disasters, like the flood from which Joe struggled to recover, and crime, the threat of eviction and uncertainty about the future of the settlement were understood by some residents as the chief constraints and threats to their livelihoods. Uncertainty of this kind had been hanging over the residents of Ratanang since they resisted an application for their eviction in 2013.

While appealing to their housing rights through litigation served the residents when they were under threat of eviction, they did not often mention the law as a source of certainty in the face of shocks or threats to their livelihoods. Rights were not the only source of livelihoods certainty and security. Security and certainty also stemmed from people living together, from the reciprocity of everyday life in the settlement, as already alluded to by Godfrey’s account of the importance of neighbourly reciprocity to safety and security or Eliza Mogi’s ongoing relations of obligation to her neighbour and her family.

Strong social networks were therefore reliable bulwarks against severe livelihood shocks. Frank and his wife were left with nowhere to live after their shack burned down in the aftermath of a quarrel. Unable to afford the materials to build a new home, and waiting for assistance from the municipality, they were living on the favours of friends and neighbours, whose shack they used for storage and sleep when it was possible. The roof of Precious Moagi’s shack was damaged and she had not been able to mend it since she lost her job as a domestic worker due to severe epilepsy. She and
her five-year-old daughter slept with her neighbour whenever it rained due to water leaks from the roof. Her neighbour also helped Precious Moagi, who only had a child support grant on which to rely since she lost her job, with food and money if she had any to spare.

Similar to the social securing of assets discussed above, this kind of material dependence on others was not a passive condition, but rather the beneficial outcome of careful and continued social labour. Precious, for instance, had been able to depend on her neighbour because she took care of her neighbour’s children when asked to do so.

These vignettes of the importance of strong social networks to the ability to sustain livelihoods through difficult times can be contrasted with the experiences of Geoffrey and Emma Modise, an elderly couple who had been living in Ratanang for five years. Geoffrey had previously lived with his wife in Jouberton before they divorced. Geoffrey said that he was keen to extend his and Emma’s comparatively very small shack (he said of his shack, “this is no house, it’s an mkhukhu.” A house has bricks”), although they had been unable to afford any additions or extensions since their arrival in Ratanang. The couple survived only off their old age grants and were unable to invest in any assets. Geoffrey had survived an attempted murder in his shack two years previously and still suffered physical disabilities from the stabbing. This episode further constrained Geoffrey and Emma’s already limited livelihood opportunities, and Emma had to do any demanding physical work alone, such as fetching water, for the household.

Geoffrey’s divorce happened as a result of extramarital relations between him and Emma, who had been his neighbour at the time. Coupled with their moving in together in Ratanang, this drastically compromised their social and family networks in Jouberton. Geoffrey and Emma also said that they had no strong relationships in Ratanang because people did not help each other in the settlement. They only knew and trusted two people in Ratanang: their neighbour Jeffery and one other neighbour.

Social networks, including kinship networks, did not unfold without conflict. They unfolded in the midst of conflict and involved bonds “fraught with social tension”. Nevertheless, claims to these bonds remained crucial to the security of livelihoods in the settlement.

Residents also invested in more institutionalised social networks and support structures. The most prominent of these was church. Residents attended church in the settlement, where there were Apostolic and Roman Catholic congregations, in the surrounding areas, and in the places where they lived before coming to Ratanang, most commonly Jouberton. Unlike more informal social networks,

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67 Shack.
being a member of a congregation cost money. Palesa Mothibi, who was part of a thirty-person Ratanang based church that began in 2013, had to pay R50 for the costs of food and transport for every church gathering. It cost Msaki Olebile two R10 taxi trips, for her and her boyfriend, to attend church every Sunday, as well as a R30 monthly contribution each.

Often the support of these social networks during shocks to household incomes was buttressed by changes in household consumption patterns (see below). Eliza Mogi’s family, for instance, survived the unexpected financial burden of her uncle’s funeral by cutting non-essential food items, like meat, out of their diet and eating less. Godfrey Motalepula, who relied on a monthly disability grant after suffering a stroke in 2008, faced severe financial difficulty after he lost his job, as a result of no longer being able to work after his stroke, and before receiving his grant for the first time. He and his family sustained themselves through similar forms of frugality and living “in difficult ways - sometimes starving.”

The state also played a central role in Ratanang households’ abilities to cope with vulnerabilities. The dependability of social grants, when compared to other forms of income in the settlement, meant that they were commonly counted on during especially difficult economic times and after severe shocks and stresses to household livelihoods. Mary Motalepula, for instance, said that her family was only able to survive her husband losing his job as a gardener in Klerksdorp because of the three child support grants that they were receiving for their children.

### Savings

The inability to cope with severe livelihoods shocks, or the drastic measures which such coping often demands, were also often closely linked to the obstacles to saving faced by Ratanang households. Saving helped households to mitigate these shocks to some extent. Akhona Gofaone, for instance, put whatever “extra money” was left over at the end of a good month for use in case of medical emergencies. However, the experience of many Ratanang residents provides confirmation that saving in the context of poverty is a difficult thing to do.

The extent to which Ratanang’s residents were able to save money was about more than precluding shocks to household incomes. It was also directly tied to the ability to establish more secure livelihoods. Henry Nkuna, for instance, lost his once full-time job as a machine maker for nearby farms and mines as a result of economic downturn. He had been employed part time since then but feared permanent retrenchment. If that were to occur, he hoped to open his own business in Ratanang as a boilermaker. He needed further training to do so, however, and could not save the required money to attend this training.

The most successful forms of saving in the settlement were stokvels, where residents, members of stokvels based both within Ratanang and outside of it, were able to shelter funds in a collective group less vulnerable to the everyday needs and demands that made saving in the settlement so difficult. Eliza recently started the Utlwanang Society, for instance, on the bedrock of experience.
she drew from being a member of a stokvel while she lived in Jouberton (she continued to be a member of this stokvel). Members paid a R20 registration fee to join, which funded the administrative requirements of the stokvel, such as the books and pens used to keep account of the money deposited and withdrawn from the stokvel. Utlwanang operated on the recognition that people living in the settlement had unequal resources, and monthly contributions to the savings club were consequently flexible. The stokvel met every month to discuss how the saved money should be used, and members were able to withdraw their contributions after a four-month period. Members were paid annually according to their contributions and withdrawals during the year. Eliza Mogi started the stokvel because people living in Ratanang have dreams and were not just “trying to survive”.

Godfrey and his wife, Mary Motalepula, had been members of a more established Ratanang stokvel, the Tswelelang Society, since 2014. The club also met on a monthly basis to discuss its savings and good deals currently available in Klerksdorp. Tswelelang was not as flexible as Utlwanang, and members were required to contribute a minimum of R250 per month, although they were encouraged to contribute R500. Savings were distributed in cash and grocery portions twice a year.

Many households were, however, unable to save both at the individual and household levels and in more systematised ways, such as stokvels. Accounts of residents’ economic motivations during the research were characterised more often by daily survival than by saving for the future. Ingrid, who lost her job as a domestic worker in 2013 after her employer moved
into a retirement home and had since relied heavily on the grant she received for her child and her boyfriend’s irregular piece work, wanted to join a savings club but did not have the necessary money. Palesa Mothibi and her boyfriend also wanted to join a *stokvel*. The money they received from their piecework as a domestic worker and a repairman respectively, and from the child support grants they received for their two children, was not enough to participate in a savings club.

**Credit relations in and around Ratanang**

The difficulties of saving meant that families in Ratanang often did not have enough money to see them through a difficult month.69 At times like these, households were driven to loaning small amounts from *mashonisas*,70 both in Ratanang and in the surrounding areas, at interest rates often in excess of 50% per month. Rose Thobakgale and her boyfriend were sometimes required to borrow money from a local *mashonisa*, usually in amounts of R200 at 50% interest per month. Rose used some of the three child support grants she received to repay the loans and had never missed a payment. This was because the tacit collateral for these loans was often a family’s South African Social Security Agency (SASSA) card, which was taken from them forcibly after they defaulted on a payment and was kept from them until they were able to pay. Once a family no longer had access to its grants, the repayment of loans became especially difficult as they would have usually planned the repayment to coincide with the payment of their grant, which they in turn used to pay their outstanding debt, as in Rose’s case.

Considering the ubiquity of social grants as a source of income for Ratanang households, SASSA cards were among the most vital assets to their livelihoods as they were the means by which grant money was accessed. During difficult times then, families were sometimes forced to convert what would conventionally be understood as a sustainable asset or access to income into an insecure asset; a bond for volatile debt relations.

Credit performed important social functions in the settlement as well, however. Local businesses, as well as providing essential goods and services to the residents of Ratanang, often played important support functions through extending credit to residents. James Modi, for instance, relied on the credit that was made available to him at his friend Jame’s *spaza* shop, which was close to his shack. In difficult months he was able to get some basic household necessities, like bread, paraffin, and milk, as well as enjoy some beers, with the assurance that he need only pay when he was next able to. In return for the favour of this credit, James sometimes assisted Jame in collecting the debts owed to him by other customers.

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69 5% of Ratanang households are reported as having no income (HDA 2015).
70 Loan shark.
Sophie Babusi and her boyfriend, who had lived in Ratanang with their three children for a comparatively short period of time – they moved there in June 2015 – also relied on the credit provided by a nearby spaza shop. The owner of the shop, which was one of the biggest in the settlement, charged no interest on the credit he provided to Sophie, and repayments were extendable on condition of discussion – once she explained to him why she was unable to make a payment on time, he was usually willing to give her more time to repay her debt.

5.2.5 CONSUMPTION PRACTICES

Ratanang residents generally bought their basic household requirements, including bread, milk, paraffin, matches, and candles, at spaza shops in the settlement. The rest of their household requirements were mostly purchased at wholesale outlets in Klerksdorp, often after rigorous price comparisons between different outlets or informal discussions in the settlement about specials on offer. Akhona Gofaone, for instance, bought the majority of his household items in Klerksdorp, but at different stores according to which offered the best prices for different goods. Price comparison had been institutionalised in the Tswelelang Society stokvel, which met monthly to discuss, among other things, what specials were available in the various Klerksdorp supermarkets.

While they were the exception, some subsistence practices had developed in Ratanang. The limited access to water in the settlement made for unfavourable subsistence gardening conditions, however there were examples of households with vegetable gardens. A tenure security focus group conducted during the course of this research revealed that the vegetables grown in these gardens were generally for household consumption and were not sold. Similar constraints limited the ability to keep livestock at Ratanang, although a few households kept goats and chickens. Eliza Mogi, for instance, kept nine chickens in a run in her yard. She sold the larger eggs they laid and kept the smaller ones for her family.

Ratanang was also a site of consumption for people who did not live in the settlement. This was especially true of the taverns, which counted on the patronage of people from a range of different nearby areas, such as Jouberton and Alabama, who came to Ratanang to socialise and drink, especially over the weekends. This was both a source of income and tension. While people who visited from outside to enjoy themselves at Ratanang’s taverns were undoubtedly a source of extra income for the settlement’s small economy, they were also regularly referred to by residents as criminals and were commonly condemned for the crime and safety issues in the settlement.
5.3 CONCLUSION

The residents of Ratanang relied on a range of different practices, skills, locations, assets and relationships to sustain their households’ livelihoods. Broadly speaking, they made money outside of the settlement (in both the formal and informal sectors), within the local settlement economy itself through a range of informal practices and projects, as well as from direct payments from outside of the settlement in the form of social grants from the state and remittances from family living elsewhere. Many residents also borrowed money in an intricate set of credit relationships in and around Ratanang.

Livelihoods in Ratanang relied both on ‘productive’ and ‘distributive’ labour. The first refers to wage labour, or the production of goods and services that meet people’s own needs directly or can be sold. The second refers to the work of engineering distributions of goods produced elsewhere; that is, the effort of building and maintaining social ties through which resources are circulated.

Household livelihoods in the settlement were comprised of plural and flexible mixes of income, which residents managed to generate from these kinds of labour, and other assets, enabling them to meet their basic needs and enhance their capabilities to weather and recover from shocks and stresses. Households were at once implicated in market relations, in the form of wage labour and commodity consumption; state structures; informal networks; and various credit arrangements. Livelihoods in Ratanang were precarious and insecure and were sustained through frequent improvisation.

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71 Ferguson, Give a man a fish: Reflections on the new politics of distribution, p. 88.
72 Ferguson, Give a man a fish: Reflections on the new politics of distribution, pp. 89-90.
73 The Sustainable Livelihoods Framework (SLF), which we use in this research as a departure point for what constitutes a livelihood, seeks to organise the factors that constrain or enhance livelihood opportunities and account for how they relate to one another. One of these factors are ‘livelihood assets’, which comprise human capital, social capital, natural capital, physical capital, and financial capital Harvard Humanitarian Initiative “Sustainable Livelihoods Framework”, available at http://atha.se/content/sustainable-livelihoods-framework.
INFORMAL SETTLEMENT IN SOUTH AFRICA
NORMS, PRACTICES AND AGENCY
6 POLITICAL SPACE

Victoria Bakang first heard about Ratanang in 2011 and moved there in 2012 because she was looking for a place of her own. She felt that she was old enough to live without her family. While she was living with her mother in Jouberton Ext. 10 she contributed R400 per month to paying rent. Victoria had been working as a caregiver at Flamwood Frail Care Centre since 2006. She learned about Ratanang by word of mouth from colleagues at work. When she visited the site, she found “plenty of people this side, and everyone was busy marking sites for themselves”. She estimated that there were about 70 households setting themselves up at the time. At first, she was reluctant to build a shack of her own on the property because she was not sure how permanent her stay could become, but “when you’re desperate you … do whatever it takes”. She wanted to live an independent life from her family in a way that was affordable to her. “I wanted my own place. It’s not nice to rent. Then I decided to stay until today.”

6.1 INTRODUCTION

‘Political space’ in this research refers to the multitude of ways in which people seek to advance their socio-economic rights. Litigation is one of these. The theme aims to identify others and discusses the extent to which they, and litigation, expand or constrict political space. What are these spaces? How can they be characterised? How is politics articulated internally between residents and community leadership structures, and external to the settlement between residents, private property owners, the municipality and the courts? Using a ‘bottom-up’ lens, derived directly from the voices of residents, the research aims to discern, to the extent possible, layers of power and contestation that inform the complex terrain which residents of informal settlement residents navigate in the private and public spheres.

74 Julian Brown, Associate Professor in Political Studies at the University of the Witwatersrand, provided an invaluable sounding board on several occasions as the conceptual framework for the political space theme in this project developed, for which the researchers are enormously grateful.
In the context of informal settlements, engaging with the state is an important way in which residents and their representatives attempt to carve out political space. Participation in local government decision-making around access to basic services is a core principle of the numerous policies and laws which provide for formal channels of participation. However, the systemic exclusion of communities from formal means of participation often means that engagement with the state happens outside of official participatory channels. These voices are often ignored, leading to frustration and increased ‘service delivery’ protests. Given this context, the research is particularly concerned with ‘community participation’. What does the evidence reveal about whether or not it occurs, the nitty-gritty of its mechanics, and perceptions about its impact?

In documenting the strategies that residents of informal settlements use to expand political space, the section develops a portrait of how local politics is articulated in Ratanang. It provides a view from ‘the ground’, focusing less on the arena of formal politics and more on its local expressions and enactments, although interactions between formal and local politics are evident.

In Ratanang the research found three ‘spaces’ in which local politics was being articulated. Firstly, a local space via two primary community organisations – the Community Policing Forum (CPF) and the Executive Committee. This space can be characterised as being institutional in nature and it co-existed with the more physical political space of the settlement itself, as the process of occupation was an expression of making claims for land and belonging. Secondly, an official, juridical space of litigation and the courts articulated politics through the eviction proceedings and alternative accommodation order. The third, a product of the legal process, was located in the engagement between community and state, institutionalised in the shared space of the local steering committee.

The section begins with a time line of key events and then narrates a more detailed account of the three political spaces. It ends with a discussion about the findings, considering how the local, juridical and municipal spaces worked and interacted.

6.2 FINDINGS

6.2.1 POLITICAL SPACE DYNAMICS

The time line below tracks key milestones in the processes that residents of Ratanang have used to express their voices and advance their socio-economic rights, identifying various avenues to expand political space from land occupation to organisation, participation, negotiation and litigation. The time line shows that politics was enacted in multiple physical ‘sites’ such as the settlement, the courts and the council chambers.
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1986</td>
<td>Seven farm worker households come to live on the land with consent. It is a working farm, with maize as the main crop.</td>
</tr>
<tr>
<td>2011</td>
<td>The farm manager leaves the farm. About thirty households occupy the land, joining the farm workers. At this stage no leadership structure exists and occupation is unregulated.</td>
</tr>
<tr>
<td>2012</td>
<td>Due to a public call to settle on the land, broadcast on community radio, an estimated 360 households occupy the land. At this stage Dikgang Molefe, who occupied in 2011, is now chairperson. The Community Policing Forum is established to combat crime in the settlement.</td>
</tr>
<tr>
<td>2013</td>
<td>The property owner seeks to evict the occupiers and a residents' committee structure is established, with Molefe elected as chairperson. They instruct SERI to represent them in court. ESTA protects the original occupiers and the remaining residents are protected by the PIE Act.</td>
</tr>
<tr>
<td>2013 and 2014</td>
<td>Litigation process unfolds culminating in a structural order from the High Court in October 2014 which postpones the eviction application and requires the municipality to convene a local steering committee in terms of the Emergency Housing Programme in the National Housing Code to plan for the relocation of Ratanang to alternative land.</td>
</tr>
<tr>
<td>2014</td>
<td>In the course of litigation, the committee splinters amidst allegations of bribery on one side. Further, and likely related, approaches differ on engaging the municipality.</td>
</tr>
<tr>
<td>2015 and 2016</td>
<td>Steering committee is established, and meetings commence. Ratanang representatives participate with their lawyers, and both factions are represented. Hostility between them is apparent in the meetings. The municipality appears to capitalise on the division. The court orders monthly meetings but the committee loses momentum towards the end of 2015. Meetings are less regular than required and occupiers push for compliance.</td>
</tr>
<tr>
<td>April 2016</td>
<td>Momentum is regained and municipality commits to servicing Alabama Ext. 4 with water, sanitation and electricity. Threats of violence emerge from existing occupiers at Alabama, should Ratanang relocate there. As a result, Ratanang representatives agree on, and push for, the need for Alabama representation on the steering committee. Other steering committee members dismiss the concerns about violence.</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>June 2016</td>
<td>The municipality introduces a three-part classification of residents, following an enumeration and verification against the provincial housing subsidy data base: qualifiers for relocation to serviced stands with “RDP” housing in future; qualifiers for relocation only on the basis of having received housing subsidies already in another province; non-qualifiers on the basis of having received housing subsidies already in North West province.</td>
</tr>
<tr>
<td>September 2016</td>
<td>Municipality undertakes relocation by 31st October 2016 but later in the month reports that provincial government rejects prioritisation of Ext. 4 over Ext. 5 (although province is generally absent from steering committee itself). Servicing levels change to a stand pipe per household and weekly refuse removal. No commitments to sanitation or electricity are provided. Relocation date shifts to 31 December 2016 but Ratanang representatives doubt the credibility of this undertaking and argue that they will not relocate until services have been provided. They also push for emergency services at Ratanang and argue for alternatives to be explored, with the original service levels. Negotiations at the steering committee stall when the ward councillor for Alabama accuses the municipality of bad faith due to the unlikelihood of servicing Ext. 5 with two thousand people currently in occupation. He raises the spectre of violent conflict should Ratanang relocate there.</td>
</tr>
<tr>
<td>February 2017</td>
<td>The thirty-month time period elapses without relocation having occurred.</td>
</tr>
<tr>
<td>2017</td>
<td>The steering committee effectively collapses. Protests related to access to land occur in Alabama and shortly thereafter Ext. 4 is occupied <em>en masse</em> by residents of Alabama. The property owner contacts the municipality in writing, requesting that the default on monthly payments be rectified.</td>
</tr>
</tbody>
</table>

### 6.2.2 THE COMMUNITY POLICING FORUM AND THE EXECUTIVE COMMITTEE

The Community Policing Forum (CPF) and the Executive Committee were the two primary community structures operating in Ratanang at the time of the research. Examples of an institutional political space at the local or community level, they were expressions of organising and mobilising efforts to expand political space.

The CPF, formed in 2012 and consisting of twenty members, acted as a protection and conflict resolution body against acts of crime and violence that took place within Ratanang. Tsholofelo Selepe, one of the leading members of the CPF, described rape, domestic violence, theft, physical conflict and gangsterism as fairly common in Ratanang.
According to Selepe, the CPF took a three-pronged approach to addressing criminal activity, consisting of night patrols, working with and reporting matters to the police, and mediation strategies. Ratanang resident, Pogiso Molle, a young woman of 29 who had been living in Ratanang with her family since 2013, identified tensions in the settlement around gender inequality when she reported that she appreciated some of the interventions made by the CPF in situations of domestic violence. Not an easy subject to discuss because domestic violence was socially taboo, she explained that abused women carried a sense of shame and bystanders and witnesses preferred to talk about situations of domestic violence amongst themselves privately. An example might be of a neighbour’s son who beat up his wife. Referring to this social taboo around domestic violence, Pogiso preferred to state in general terms only that “women are not safe in the streets of Ratanang at night or in their homes”.

Maintaining the CPF as an effective and protective body for the community was a challenge for its members. Tsholofelo Selepe reported that the nature of the CPF’s social and “moral” interventions had, on occasion, been uncomfortably confrontational for CPF members and some members of the community. “Many people joined, but it’s very risky because you’re supposed to go out at night and solve problems ... some of the people here start to hate you. It’s risky. ... Some Ratanang people don’t want to admit that their children are criminals too”. When speaking to other community members about the CPF and whether they considered it to be an effective body, some respondents suggested that the forum had been poorly managed at times due to a general “lack of commitment”. For instance, Ella Moseki, a 41-year-old woman living in Ratanang since 2012, explained that some night patrol members drank alcohol while on duty and this had a negative impact on the quality of their work. Ella described this behaviour as unethical saying that it was illustrative of CPF members not taking their role in Ratanang seriously.

The CPF reported matters to the police when the issue was too large for it to deal with alone. Generally, the local protocol was to handle what was possible without them and to resolve issues internally “as a community”. Although reliance on the police was infrequent, CPF members prided themselves on the relationship they had built with law enforcement, claiming that the police were responsive and aware of the settlement’s existence. CPF members were confident that the police would assist them should a request be sent out. The relatively low population density of the settlement and its legible spatial layout - wide roads and access to every house - made it easier to navigate. Police could not use inaccessibility as “an excuse” for failing to respond, respondents claimed.

The Executive Committee saw themselves as a community representative body that administrated the internal organisation and general management of the settlement, much like a local authority. It made various attempts to regulate who was granted access to live in the settlement, kept track of the number of
shacks built and their location, and it maintained a paper record of the household members occupying each shack. Dikgang Molefe, who came to Ratanang in 2012, was nominated as chairperson of the six-member Executive Committee in 2013. He explained that his nomination came when the settlement’s previous committee dissolved after the community’s leaders left Ratanang when they heard about the threat of an eviction. “They deserted us ... there was no leadership structure after they left”, said Molefe.

As a way to rebuild leadership in the settlement to fill the void that their departure left, a community meeting was held to elect a new Executive Committee and chairperson. Ratanang residents voted by way of raising their hands in favour of preferred candidates. Ratanang resident, Thabang Moagi said that Molefe received an overwhelming majority of support for the position of chairperson, especially from the “older community members” in the settlement, because he was perceived to be vocal and proactive. The nomination of a new chairperson and Executive Committee came at an important time because Ratanang had just come under threat of an eviction and residents invested great hope in the community representative body to prevent them from being rendered homeless. The Executive Committee grew in prominence and expanded its role as the eviction proceedings unfolded. Until the legal process began, the committee focused on settlement access and management. However, with litigation came debates about strategy, and division emerged among the Executive Committee members. Strategy divergence intensified around the relocation versus in situ upgrading debate.

Two members more in favour of collaboration referenced their hard work in engaging with Dr Kgaswane about alternative land (see below) and aligned themselves with the benefits of ongoing communications with municipal officials when litigation was underway. On the other hand, other members including the chair, held a strong position on working outside of the municipal state, investing rather in the courts and the legal strategy.

In this context, communications with municipal officials by some appeared opaque to others, giving rise to further mistrust and the claim of personal benefit and corrupt practice. For example, one respondent claimed that he had been encouraged to join the “collaboration faction” because it offered financial reward. “As I was driving from town one day [they] asked for a lift on the way then they asked if I didn’t want to get municipality money and told me that the municipality pays them. They even asked for my banking details”.

Ratanang is located in a Democratic Alliance (DA) ward and, on one occasion in the corridors of the municipal building after a steering committee meeting, the councillor asserted the legitimacy of the two DA-affiliated community representatives, who were in favour of relocation. Digging beneath the surface however, the relocation option was more in the interests of the ward councillor than an in situ upgrade as it meant that the “problem” of
Ratanang would “go away”. One of the pro-relocation members had this to say: “Even if they [the municipality] say they will put infrastructure in this land [Ratanang], I don’t think it is going to happen. Who is going to buy this land for us? No one is going to buy the land for us. And even the white people don’t want us here. They don’t want us.”

This debate was to continue to plague, and ultimately stall, negotiations, as the African National Congress (ANC) ward councillor at Alabama had existing constituents to whom he prioritised delivery. The Ratanang residents were not directly his concern.

6.2.3 LITIGATION IN TERMS OF SECTION 26 OF THE CONSTITUTION

The juridical space was activated on 13 April 2013 when the owner of the property, Ms. Cooks applied for the eviction of the occupiers. The Executive Committee first contacted the City of Matlosana for assistance to continue staying at Ratanang, or to be temporarily relocated, preferably to land nearby owned by the municipality. Respondents indicated that the municipality said it could not help Ratanang residents prevent the eviction because the property was privately owned, and that it did not have any vacant property available for their temporary relocation. The Executive Committee explained that the community had nowhere else to go and that many people came to Ratanang in the first place after being retrenched, evicted from the farms on which they had previously worked and from backyard rooms in surrounding townships where they could not afford the monthly rentals.
According to Valarie Molefe, a member of the Executive Committee, the municipality urged the committee to go to the Pretoria High Court to try to postpone the case, as a way to buy residents time to find alternative accommodation. Taking the advice, the Executive Committee arrived at the Pretoria High Court where they found their case had been heard in their absence as an unopposed matter. A Registrar of the Court told the Executive Committee that if the municipality issued a letter that expressed their commitment to assist Ratanang to relocate, the eviction order could be postponed. The Executive Committee then “rushed back to the municipality to request a letter of postponement”, recalled Valarie. However, the municipality refused to write this letter and referred them to Legal Aid instead. Respondents recount how, when they met with Legal Aid, the Executive Committee was told that nothing could be done to assist Ratanang.

Weeks after the court order, the Ratanang community received mixed messages from Local and Provincial Human Settlement officials about their future. On the one hand, the Ratanang community were told that they would be relocated. North West Premier at the time, Thandi Modise, told residents that they would be relocated through an “intergovernmental intervention” that would find alternative accommodation for them. The Premier assured residents that the Provincial Department of Local Government and Traditional Affairs would ensure that “the relocation of the community as per the Gauteng North High Court ruling is as human as possible and not reminiscent of the humiliation of the apartheid era evictions”. On the other hand Ratanang residents were also assured that they would not be evicted and that their settlement would be upgraded in situ.

On 13 May 2013 the Pretoria High Court handed down an order directing the City of Matlosana to compile a survey of all the occupiers, to submit a comprehensive report to the court by 24 May 2013 indicating where and when it would be able to provide the residents with temporary alternative accommodation and to describe the nature of the alternative accommodation.

On Mandela Day, 26 July 2013, the Human Settlements Branch Chief Financial Officer Mandla Magwetyana visited Ratanang on behalf of MEC at the time, Nono Maloyi, handed out food parcels and publicly announced that the Provincial Department of Human Settlements was to support the relocation process.

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77 AllAfrica, Premier Modise Orders Urgent Intervention to Avert Eviction.
committed to buying the property in preparation for housing to be built.

In a Media Statement dated 26 July 2013, the Provincial Department of Human Settlements stated, “destitute families of Ratanang community in Klerksdorp will soon have houses in their names as the North West Department of Human Settlements, Public Safety and Liaison intends to buy the land they are living in and build them proper house structures”.\textsuperscript{78}

Despite the public promises made by Human Settlements officials between May 2013 and July 2013, no progress had been made in terms of purchasing the land and upgrading Ratanang \textit{in situ}, provision of basic service on site or identifying alternative land for relocation to alternative accommodation. On 15 August 2013 the City of Matlosana submitted an affidavit to the Pretoria High Court which stated that he municipality was facing a housing backlog that outweighed the rental stock and alternative housing available. The affidavit concluded that the municipality was not in a position to accommodate Ratanang occupiers on any relocation programme. “Despite its best plans, the City is not in a position to accommodate the occupiers largely because it has neither the financial resources nor the physical resources, i.e. rental stock or alternative housing available to it”\textsuperscript{79}

The Executive Committee responded to the municipality’s affidavit by proposing the City consider purchasing a property, Plot 67 and Plot 162, adjacent to Ratanang owned by neighbour Dr. Kgaswane. Like Ratanang, Plots 67 and 162 were 6,5 km west of Klerksdorp central business district and 1km north of the N12. The Executive Committee expressed that relocation to Plots 67 and 162 would not have a drastic or harmful effect on Ratanang residents who walked to the city centre for access to work and children in the settlement would continue to use the same systems of public transport to attend school in surrounding areas.

The property is 21.8 hectares large and was zoned as agricultural land\textsuperscript{80} which the Executive Committee considered to be large enough to accommodate all Ratanang residents. In a letter to the Provincial Department of Human Settlements in May 2013 the Executive Committee wrote: “We have also approached the owners of adjacent Plot 67 and Plot 162; they are willing to consider selling their respective plots for a reasonable offer. We are told that these two plots lie on the urban edge of the city of Matlosana and that a proposal for a permanent

\textsuperscript{78} North West Department of Human Settlements, \textit{Mandela Legacy Continues to Bring a Sign of Relief to NW Destitute Families}. Press Statement 26 July 2016, available at: http://www.nwpg.gov.za/Human-Settlements/site/media/statements/Mandela%20legacy%20continues%20to%20bring%20a%20sigh%20of%20relief%20to%20NW%20destitute%20families.pdf.

\textsuperscript{79} De Clerq v Occupiers of Plot 38 Meringspark, Third Respondent’s Affidavit, para 33.

\textsuperscript{80} Correspondence from the Ratanang Executive Committee to the Provincial Department of Human Settlements, dated 20 May 2013.
human settlement is a possibility albeit a lengthy process. We are prepared to wait if it would be possible to acquire these two plots.”

The owner of the adjacent property, Dr. Kgaswane, then wrote to the Provincial Department of Human Settlements in September 2013 expressing his interest in selling the land: “We purchased our property

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81 Correspondence from the Ratanang Executive Committee to the Provincial Department of Human Settlements, dated 20 May 2013.
(Plot 162) in 2002 as an investment opportunity to develop up market town houses and a guest house. The plot is currently our primary residence. After thorough consideration and consultation with family, we decided to step in and assist the community by availing our land as a possible relocation site for the community.” He proposed his property as an ideal alternative for Ratanang as it “complies with the court order” and “grants the community continued access to socio-economic opportunities” that come with their current location. He completed an application form that offered to sell Plot 162 to the Department of Rural Development and Land Reform for R3 million.

Ultimately the Provincial Department of Human Settlements declined his offer, saying that the selling price was not within its budget.

In September 2013 the Executive Committee, with the assistance of Dr Kgaswane, contacted SERI with a request for assistance regarding engaging the municipal or provincial government for access to services at Ratanang or with being relocated. On 6 September 2013, SERI filed an answering affidavit on behalf of the Ratanang residents and an application for the Mayoral Executive Committee for Human Settlements and the Premier of the North West to be joined to the proceedings. The case was heard on 25 March 2014 and an order by agreement was granted.

82 “Province Land Acquisition Proposal for the Ratanang Community in Matlosana” dated 10 September 2014.
83 “Province Land Acquisition Proposal for the Ratanang Community in Matlosana” dated 10 September 2014.
84 “We decided to offer our property under the following considerations:

1. We are prepared to abandon our envisaged potentially lucrative development plans and avail the property to for the community for RDP development at fair and reasonable price offer.
2. We will avail the land for immediate occupation on condition that a sale agreement is concluded and signed between us /seller and the buyer/ community or government prior to the community occupying the land.
3. We will provide our existing developmental plans and professional team to modify the existing plans and provide expertise to facilitate an appropriate human settlement scheme for the community.
4. That the property is bought voetstoots
5. That both the inherent/intrinsic property value and the current market value be used as a criterion to determine the purchase price of the property. (“Province Land Acquisition Proposal for the Ratanang Community in Matlosana” dated 10 September 2014).
The court found that a number of the residents at Ratanang were ESTA occupiers, and therefore dismissed the application to evict them. This meant that they could either stay where they were, or in due course take advantage of the alternative accommodation when it materialised. Judge Tlhapi joined the City and Province and ordered them to file a report setting out the steps that would be taken to secure alternative accommodation for Ratanang residents. The City was expected to take all steps necessary to identify land that could accommodate Ratanang residents lawfully. The court advised the City to secure alternative accommodation for residents in terms of the Emergency Housing Programme, the Upgrading of Informal Settlements Programme or one of its own acquisition programmes.

“The City of Matlosana (“the City”) is ordered to take all the administrative and other steps necessary to identify land to accommodate the first and second respondents (“the residents”) lawfully, either in terms of Emergency Programme, contained in Volume 4, part 2 of the National Housing Code, 2009, or in terms of the Upgrading of Informal Settlements Policy contained in Volume 4, part 3 of the National Housing Corse, 2009, or in terms of its own land acquisition programmes.”

The City was expected to file a report identifying alternative land by no later than 30 May 2014. If no land was identified within this timeframe, the City would need to list an inventory of all vacant land within its area of jurisdiction owned by national, provincial and local government, and specify why the identified properties could not be used for the relocation of Ratanang residents. In terms of acquiring land, the court ordered the City to consider leasing, purchasing or expropriating properties that surrounded Ratanang, and report on progress made in terms of any of these options.

On 18 July 2014 Elias Motsemme, Municipal Manager of the City of Matlosana, filed a response to the court order handed down on 25 March 2014. The response report outlined the City’s plan to relocate Ratanang occupiers to Alabama, an area located 8.4 km west of Ratanang and 11.4 km west of Klerksdorp CBD. (See map below). The municipality proposed that the relocation would take thirty months to implement - from August 2014 to February 2017. The City indicated that their proposal for Ratanang residents was financially viable because the municipality already owned the property at Alabama.

The Pretoria High Court agreed to the terms of the City’s proposal of relocation and handed down an interim order on 23 July 2014 requiring the City to pay a rental of R6,000 per month to Ms. Cooks, the property owner, for the duration of the thirty months Ratanang residents would continue living on the land.

85 De Clerq v Occupiers of Occupiers of Plot 38 Meringspark, para 2.
“The third, sixth and seventh respondents [the City, Province and the Premier of the North West Province] shall jointly and severally be liable to pay rental to the second applicant [Ms Cooks] in an amount of R6000.00 (six thousand rand) per month from 1 August 2014 for a period of 30 months”). ... “Should the second applicant’s property not be vacated by the end of the said 30 months, payment of the rent shall continue until the date upon which the second applicant is restored in the full use and occupation of her property”.

During a public meeting in July 2014 residents reached consensus that, while many would prefer to remain at Ratanang and receive services and housing there, they would agree to be relocated to Alabama provided that the relocation site ensured improved access to services and tenure security. By October 2014 a Settlement Agreement had been reached between the Executive Committee, the City and Province on these terms and the City convened a local steering committee in accordance with the Emergency Housing Programme.

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86 De Clerq v Occupiers of Occupiers of Plot 38 Meringspark, para 2.
By October 2014 a Settlement Agreement had been reached between the parties in terms of which the Emergency Housing Programme option and the convening of a local level steering committee were agreed to:

_The City “is directed to convene a local level steering committee in terms of Volume 4 Part 3 of the National Housing Code, 2009 (“the Emergency Housing Policy”) that must be constituted by no later than 31 October 2014 and must have had its first meeting by no later than 7 November and with meetings thereafter as the committee deems fit” … and … “The Committee shall develop a detailed plan for the relocation of the first respondents to the land at Alabama Extension 5. The plan must be consistent with the provisions of the Emergency Housing Policy, and must set out a time table for the provision of vacant land and access to water, and electricity for cooking, lighting and heating for the first respondents at Alabama Extension 5; and the relocation of the first respondents to the land provided.”_  

On 8 October 2014 the High Court handed down a structural order postponing the eviction application until 9 February 2015. The court ordered the municipality to convene a local steering committee in terms of Annexure D of the Emergency Housing Programme in the National Housing Code. The programme makes provision for the formation of a steering committee in instances of relocating large communities. The purpose of the steering committee was to collectively design and implement a relocation plan with all affected stakeholders, including communities.

The structural order also required the municipality to deliver bi-monthly reports to the court detailing the progress that was being made. The purpose of the order was to give specificity to the municipality’s proposal of alternative land, which had been tendered on 18 July 2014. By insisting on specific timeframes, the municipality was obliged to comply within the period stipulated in the order and would have to report on the progress made before the return date or risk being held in contempt.

The Emergency Housing Programme aims to provide temporary assistance in the form of access to land, basic municipal services and shelter in emergency situations, which includes evictions. The City of Matlosana applied the EHP in two ways. Firstly, it proposed Ratanang residents be relocated to an alternative and permanent location. Secondly, it convened a local steering committee as a means through which to implement the relocation.

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87 Settlement Agreement, 8 October 2014.
The EHP provides for different categories of emergency housing situations, determined through an assessment of emergency circumstances with consideration to the declared state of disaster, the housing needs and the availability of alternative land. In this case, the City of Matlosana opted to implement category (1) Permanent Settlement Solution. This meant the municipality’s “temporary relief” was actually the provision of a site where permanent housing was possible through the use of another programme. Irrespective of the programme the municipality had the discretion to apply, they were expected to survey the alternative land and plan for the provision of basic municipal engineering services to be installed before the relocation.

At this stage a shift occurred from the juridical arena of the courts to the municipal space via the local level steering committee of the EHP.

6.2.4 ‘MEANINGFUL ENGAGEMENT’ VIA THE LOCAL LEVEL STEERING COMMITTEE

The EHP advises municipalities to follow procedural guidelines for relocation projects as part of local project coordination, including monitoring measures during the implementation of a relocation. Through the steering committee, the City of Matlosana communicated officially with community members, via their representatives, about the details of how and when people would be moved, how residential stands would be allocated, as well as what quality of services would be installed.

EHP guidelines stipulate that: “A steering committee should be formed comprising representatives of the Provincial Department, the municipality, the affected families/persons and, where applicable, and any other body deemed necessary by the municipality. This committee will be responsible for communication, negotiation, and local decision-making pertaining to all aspects relating to the emergency housing project.”

The terms of reference for the steering committee, in keeping with the order, undertook monthly meetings over a thirty-month period from August 2014 - February 2017. The steering committee was meant to consist of representatives from Ratanang, Ratanang’s legal representatives, Alabama residents, the Provincial Department of Human Settlements, and the City of Matlosana and their legal representatives.

In practice, meetings were regularly attended by the City of Matlosana, their legal representatives, Ratanang residents and their legal representatives. Despite the lack of attendance by all stakeholders, Ratanang representatives viewed direct access to engaging with the municipality as a post-litigation benefit. Ratanang resident and local steering committee member, Thabanag Moagi, was hopeful that the steering committee would improve their

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88 Emergency Housing Programme, p. 20.  
89 Emergency Housing Programme, p. 91.
situation because “it is a good thing to have the community and the municipality at the same table because we can see what the municipality is doing and not doing”. Valarie Molefe was less optimistic, concerned that the steering committee did not necessarily move residents closer toward improved access to services at Ratanang or on alternative land. She was critical of the City’s offer of permanence as a delay tactic. Promising Ratanang residents that they would move to a permanent location “made people [at Ratanang] patient”, with very little movement between the different spheres of government or changes on the ground.

Despite the benefits of a formal platform for engagement between residents and state, a number of challenges were encountered in the steering committee as the process unfolded. Key amongst these were ongoing debates among the Ratanang representatives participating in the steering committee about the relative merits of relocation and upgrading, influenced by a senior municipal official; the irregularity of convened meetings and attendance; conflict surrounding the proposed relocation site; debates about whether or not all residents could, or should, be relocated; methods of counting or enumerating residents to be relocated and the provision of emergency services at Ratanang prior to relocation, while negotiations were underway. These are discussed in detail below.
Disagreement between steering committee members around relocation vs. *in situ* upgrade

The meaningful engagement process at the steering committee had the effect of fracturing the Ratanang Executive Committee. Some respondents alleged that the housing manager in charge of convening and chairing steering committee meetings selectively communicated with two members of the Executive Committee outside of the meetings. These interactions triggered feelings of mistrust between members of the Executive Committee and made the negotiation process difficult to contain. Three members split from the Executive Committee, two of which branched off into the CPF as the other main locally driven organisation in the settlement. They continued to attend the steering committee meetings in their own capacity, and this created tension between Ratanang representatives during and post meetings.

The divergence in opinion between Ratanang representatives became obvious through disagreements around whether the municipality should purchase and develop the occupied property or if relocation to Alabama should take place. Former members of the Executive Committee argued that a relocation to Alabama should be implemented because the municipality did not have the resources to purchase and develop privately owned land. They went on to argue that Alabama would provide Ratanang residents with better access to basic services, transport, clinics, schools, and the prospect of subsidised “RDP” housing development in the future. In contrast, the Executive Committee held that the municipality should purchase privately-owned land from either Ms. Cooks or from Dr. Kgaswane because of the opportunities associated with staying where they were or of moving to another property adjacent to their existing location. This, they argued, would minimise the disruption for residents of their daily routines that involved walking to work, easily accessing Klerksdorp’s city centre and schools in surrounding areas.

Inconsistent meetings and unaccountable stakeholders

When the steering committee was first formed, stakeholders agreed to meet once a month for thirty months beginning in August 2014 until February 2017. After the first few steering committee meetings in 2014 the steering committee lost momentum and fell behind. By May 2016 a steering committee meeting had not taken place in over a year. During this period there was little follow-up from all stakeholders around monitoring progress made by the municipality and no bi-monthly reports were submitted to the court, as promised in the City’s response report. This led to considerable frustration in Ratanang and negatively affected the Executive Committee’s ability to account to residents on their future in the settlement or elsewhere.
Absenteeism of key stakeholders in steering committee meetings

When meetings did take place, Provincial government representatives and Alabama residents were mostly absent. The non-attendance of Provincial officials was contrary to the intergovernmental approach encouraged by the EHP. The policy envisions provincial governments playing an active role in supporting and monitoring municipalities through funding assistance and guidance during the initiation, planning and implementation phases of projects. Practically, the absence of the Province stalled progress. For example, municipal officials often said that they could not explore the option of purchasing private property without the Province. The absence of Alabama residents at steering committee meetings raised concerns for the Ratanang representatives because there had been little interaction between the two communities since the potential relocation was agreed to. Some Ratanang residents reported receiving threats from Alabama residents because their relocation was seen as a threat to the access of Alabama residents to land and services in the development being proposed at the Alabama extensions. Ratanang representatives feared this meant the safety of relocatees could not be guaranteed. They requested meeting with Alabama representatives on multiple occasions through the office of the municipality, but little progress was made on that front.

Lack of clarity, delays and change of plans around relocation

Alabama Extensions 4 and 5 are two properties located adjacent to one another. Despite the municipality’s offer of alternative land at Extension 5 in the court proceedings, early discussions in the steering committee were unclear about practicalities and municipal contradictions about the offer were frequent: which extension was being offered to Ratanang residents and what levels of services would be provided at each? It took multiple steering committee meetings before a map was made available by the municipality. Site inspection then clarified for Ratanang representatives and their advisors that the remedy the municipality had offered, Extension 5, was occupied by over 2 250 (1 150 shacks) Alabama residents, making it a practically difficult option to pursue. However, the municipality proposed relocating the Alabama occupiers from Ext. 5 to Ext. 4, a vacant property where subsidised housing delivery was already planned with sites surveyed and bulk infrastructure available. They proposed servicing Ext. 5 and relocating Ratanang residents to serviced stands there. Ratanang residents were satisfied with this plan because it allowed them to be relocated together to the same property, maintain their social networks and access secure tenure on serviced land.
In July 2014, the municipality changed the relocation plan, proposing instead to relocate Ratanang to Alabama Ext. 4, although it had originally offered relocation to Ext. 5. The layout plan for Ext. 4 could accommodate 950 households and plans to survey the land had been made. At this stage, approximately 748 Ratanang households were expecting to relocate.

In July 2016, the municipality revised the relocation plan again, proposing this time to relocate Ratanang residents to both Ext. 4 and Ext. 5 in conjunction with Alabama residents and that Ext. 5 would also be earmarked for the installation of bulk infrastructure, although not immediately. This plan raised concerns for Ratanang’s representatives at the steering committee, because it meant separating Ratanang residents across two different sites which were not going to receive the same level of services. Neither would services be installed at the same time. Some residents feared that living amongst Alabama residents would render them vulnerable to attack, based on previous threats that the steering committee representatives explained had been received from Alabama residents.

By September 2016, the municipality had made little progress on the provision of services on the properties in preparation for Ratanang’s relocation. At the final steering committee meeting of 2016, the municipality told Ratanang representatives that the Provincial Department of Human Settlements advised that both extensions 4 and 5 should be serviced to the same level. As a result of this commitment, they requested an extension to prepare the sites with bulk infrastructure and basic services and delay the relocation from October (as previously agreed to) until December 2016.

The ward councillor representing Alabama residents at the steering committee then clashed with the municipality’s housing manager over the relocation plan. He argued against the municipality neglecting the housing needs of Alabama residents, whose expectations were that the extensions were to benefit them, emphasising at the steering committee that conflict was likely to ensue between Alabama and Ratanang residents if Ratanang residents were relocated to Alabama.

Over 2000 Alabama residents living in Ext. 5 expected to be prioritised to receive top-structure housing in Ext. 4 and he was in possession of a “waiting list” of in excess of an estimated one thousand more people from the area expecting to receive housing in Alabama. He said that Alabama residents would find it unfair if Ratanang residents were given priority to serviced stands or top-structures in the Alabama extensions. He clarified that he was not opposing the relocation in principle and proposed instead that that the 950 stands in Ext. 4 be allocated in equal measure to Ratanang and Alabama households - 475 each.

Thereafter, the remaining 273 Ratanang households should be relocated in February 2017 to Ext 5, which contained 2 225 sites on the layout plan. The meeting failed to reach a resolution and the municipality
disagreed with the proposal. Negotiations at the steering committee reached an impasse and the subsequent scheduled meeting was postponed due to the disagreement.90

In the course of 2017 Alabama residents took to the streets to protest their lack of access to land and shortly thereafter a large-scale occupation occurred on Extension 4, making it unavailable for the relocation of Ratanang.

**Method of counting Ratanang residents to be relocated**

Stakeholders at the steering committee contested the total number of occupying households at Ratanang, the number of people within each household, and the count of vulnerable groups such as children, the elderly, the disabled, and women-headed households. The municipal enumeration counted fewer households than the number claimed by the Executive Committee as being resident in Ratanang. The Ratanang representatives disputed the municipality’s survey method. For example, counting often took place at working or work seeking hours during the week when people were not at home. If a resident was not present during the municipal enumeration, residents feared not being counted. When challenged at the steering committee about short notice given to residents about registration, the municipal response was “it’s not difficult to ask a day off from work to be present for the count”.

The different lists became a source of tension within the steering committee because it triggered dispute around the number of people to be included and excluded from the relocation programme, and it created a sense of uncertainty for residents at public meetings around whether they would be included in the steering committee’s relocation plan and improve their access to shelter and services.

The municipal approach to relocation qualifiers lay at the heart of the dispute that began as a methodological disagreement. Firstly, Ratanang residents were told only household heads and their dependents would be accommodated in Alabama, excluding dependents over the age of eighteen. Adult dependents recounted their challenges in securing a stable source of income and worried that they would no longer have a roof over their heads post relocation. Secondly, the municipality disputed that all existing residents qualified in terms of the EHP for alternative accommodation.

**Relocating all residents**

The order handed down from the Pretoria High Court required the relocation of all Ratanang residents in danger of being rendered homeless. Further, the EHP is clear that all residents in an emergency situation, irrespective of whether some people have previously received housing assistance, should be considered for a relocation programme carried out by municipalities. Despite this, the City of Matlosana indicated that it would not include residents that

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90 Minutes from steering committee Meeting, 27 September 2016
previously or currently owned a residential property elsewhere. Following an enumeration and a housing data base verification, the municipalities classified Ratanang residents into three sub-categories: qualifiers, partial qualifiers and non-qualifiers. 1) Residents who had not previously benefited from housing assistance were considered to be priority beneficiaries and would receive a serviced stand under the EHP with the long-term prospect of an RDP house. 2) Residents who owned a property in a province outside of the North West were considered to qualify for a stand. The top structure would be their own responsibility. 3) Residents that, according to the City, owned a property in the North West province would not receive a stand and/or a shack and would be excluded from the relocation programme altogether.

**Emergency services at Ratanang**

Ratanang community representatives repeatedly expressed that the settlement did not have access to toilets, electricity or refuse removal services, which they urgently needed. The EHP makes provision for interim services in the context of a temporary settlement. The municipal engineering services in situations of temporary settlements include access to a water point for every 25 families, sanitary facilities, a main road and an open lined storm water management system, and, if circumstances permit, electricity through high-mast lighting. The municipality refused to make any interim services in Ratanang available because of its location on privately owned land. The City’s housing manager argued that the relocation should be sped
up instead of considering the provision of interim services. In practice however, the process exceeded the thirty-month period ordered by the courts. Residents found the logic difficult to buy, given the provincial provision of a mobile clinic and water truck. Although provision was reported as irregular and unreliable, the clinic was meant to visit the settlement once a month and the water truck twice a week. At the time of writing residents had not seen any improved access to services at Ratanang nor had they been relocated to services stands in Alabama. However, by claiming their rights under Section 26, they had protected themselves against eviction and homelessness.

6.3 DISCUSSION

Residents in Ratanang employed multiple strategies to advance their socio-economic rights. Litigation was one. Others included local organisation building and mobilisation against both internal and external threats and negotiating relocation with government stakeholders at the steering committee.

Informal settlement residents navigate a complex terrain in the private and public spheres: unequal access to power and resources in the local spheres of family, home and settlement as well as the official, administrative space of the steering committee. Further, political contestations occurred locally, at the settlement scale and externally, in the official space of formal party politics.

The Ratanang story also illustrates the intricate mechanics of a participatory, negotiated processes, which have the potential to inform how a consultative planning processes can improve. Maintaining momentum, avoiding unnecessary delays and managing competing interests are key among these, especially in the context of eviction which creates mistrust and exacerbates the insecurity of an already vulnerable community.

The CPF and the Executive Committee are examples of local institutions that mobilised residents to protect individuals against crime and gender-based violence in the settlement and to act collectively against the external threat of eviction. The CPF targeted the reduction of crime and domestic violence in the settlement and protection of vulnerable and affected residents while the Executive Committee was a local regulatory body that managed access to and management of the settlement. Before the threat of eviction, the two bodies had separate challenges and rarely overlapped in either purpose or activity.

Prior to the contestation about representation, the main challenges for the CPF were encouraging a change in behaviour around domestic violence and crime. The Executive Committee’s challenge was to ensure internal order around settlement access by newcomers. The eviction application placed strain on the Executive Committee to simultaneously challenge the private property owner through litigation and contain residents’ fears of being
rendered homeless. The community structure soon began to fracture from within as lines of disagreement between Executive Committee members gradually formed a sub-alliance, primarily against the committee’s chairperson, Dikgang Molefe, and members that continued to support him. The internal fracture destabilised the Executive Committee and had the knock-on effect of creating periodic breakdowns in communication between the Ratanang community, members that continued to support Molefe, and those who turned against his leadership.

This heightened frustration for those residents who remained in the dark regarding progress against the eviction application. The use of litigation in the community’s struggle against the eviction eventually resulted in the formation of the local level steering committee which created a negotiation platform between the municipality and Ratanang representatives on the circumstances under which residents would agree to relocation. The steering committee fostered a rare experience of direct access to local government officials. Community representatives could discuss, dispute and hold the state accountable to its obligations in a formal, officially recognised space.

The internal disputes related to community structures that were also affected by external and personal interests. Initial research observations revealed an apparent party-political divide between two pro-DA members and at least two active ANC leaders on the Executive Committee. However, the research found a more fundamental departure around strategy beneath the expression of different party-political allegiance. Two members, with a professed DA allegiance, more in favour of collaboration referenced their hard work in engaging with Dr Kgaswane about alternative land (see above) and aligned themselves with the benefits of ongoing communications with municipal officials when litigation was underway. Other members, including the chair, held a strong position about operating outside of the municipality, investing rather in the courts and the legal strategy, which eventually brought them into a court-ordered process of meaningful engagement with the municipality. They were active ANC members.

The two factions differed about the relative merits of a collaborative versus antagonistic relationship with the municipality. Although this binary is ultimately of limited use, it does assist in understanding how the litigious context went hand in hand with antipathy towards the municipality. Hostility intensified as negotiations unfolded at the steering committee, especially when progress was slow and good faith questionable. It is possible that the ascendency of litigation gave rise to a personal sense of being overlooked by the two representatives who favoured collaboration. They sought refuge in the CPF as an alternative organisational base from which to mobilise against the Executive Committee.
Strategy differences deepened around the relocation versus *in situ* upgrading debate. Once again, the fracture could be identified along party-political lines (Executive Committee members in favour of staying and CPF-aligned representatives in favour of relocation), aided by the respective interests of the two ward councillors (ANC councillor in the Alabama ward wanting to deliver on promises in his existing constituency, therefore opposed to relocation, and DA councillor in the Ratanang ward wanting to get rid of the settlement, therefore in favour of relocation), but the rift went deeper into personal, material interests as the narrative of corruption in the meaningful engagement section above demonstrated.

Ultimately however, the relocation became unviable for Ratanang after residents at Alabama, whose interests the ward councillor had represented at the steering committee, occupied the land earmarked in part for Ratanang residents.

As well as being in favour of *in situ* upgrading for the locational, security and continuity benefits it held, it might also have been the case that the Executive Committee representatives understood the politics better: they were generally more alive to the risk of violence should they relocate to Alabama, before the ward councillor played this card at the steering committee. The researchers did not explore the formal political dynamics in the elections and party political organising domain, but in the course of the project one of the Executive Committee members
stood as councillor for the ward in which Ratanang is located and lost in the 2016 local government elections, giving some indication of what else might have informed a shared political interest in staying on the part of the ANC Alabama ward councillor and the Ratanang community representative.

The ground up view of local politics provided here shows how the arena of formal politics cannot be de-linked from its local expressions and enactments. Interactions between formal and local politics are evident, influencing the advances that an ostensibly ‘informal’ local organisation can make. Although the anecdotal evidence of possible material benefit was evident, the portrait that emerges is, in the end, not conspiratorial in nature. Rather, it provides a very local insight into the messy expressions of democratic life.

In addition to being institutional in character, the local community space was also physical or in nature. In this sense, the settlement was itself a geographic site of political action because of the manner in which it disrupted the prevailing land use order in a formerly white, farming area on the periphery of Klerksdorp. The occupation was also a less material claim to belonging and dignity, representing an “affirmation of existence, of a shared and equal humanity”. Located on privately owned land, the peri-urban occupation pitted the rights to property and housing against each other, in the evictions-related litigation that occurred but also locally in occurrences like the physical harm that the property-owning neighbour sought to inflict on a resident by attempting to shoot him.

The material ‘site’ of contestation shifted from the settlement to the courts where the Judge sought to balance the housing rights of the occupiers with the property rights of the land owner by ordering relocation with the provision of alternative accommodation and a process of meaningful engagement between state, community and private property holder. Litigation was, in this sense, another example (the other being the occupation itself) of disruption because it edged the balance of power from private property toward the right to housing. Contributing to the developing evictions jurisprudence, this shift in property relations has been termed a “new paradigm” and a “new normality” in property relations.

91 Richard Pithouse “Conjectural remarks on the significance of ‘the local’”, Thesis Eleven, 115(1), (2013), p 108. It is beyond the scope and purpose of this report to explore the political potential of this local site, but Pithouse, drawing on A Badiou’s “Logic of Worlds” (2009), argues for the possibility of the local as a “passage to the universal” (p. 108) and of the “shack settlement” as a site of real political possibility.


Later the site shifted again, this time to the council chambers and municipal board rooms where negotiations for relocation to alternative land occurred. Engaging with the state is an important way in which informal settlement residents attempted to carve out political space. Ratanang offers insights into a particular kind of community/state engagement occurring in the administrative sphere of municipal government and influenced by the juridical authority of the courts.

In a context where communities are often excluded from the formal channels of participation (‘invited’ spaces), efforts to engage the state take place outside official avenues (‘invented’ spaces). The Ratanang case shows how the invited / invented space binary in public participation literature does not always hold in practice. The steering committee was neither fully invited nor completely invented. Established on the authority of the court, which in turn relied on the weight of a government programme (the EHP), the steering committee might appear to be an invited space because of its physical location and formal procedures. However, the court ordered its establishment as a result of a proactive claim that residents had made on the state, an initiative more suggestive of the ‘invented’ characterisation. Although the municipality convened the meetings, it was the ‘stick’ of a court order that drove the deliberations, more than an agenda that the municipality engineered. The steering committee, although formal and official, is more aptly characterised as something of a shared space in which parties sat around the same table with a joint objective to plan for relocation on the authority of Section 26 of the Constitution.

Overall, the participatory platform enabled stakeholders to collectively discuss and plan the future of Ratanang and its residents. For the first time, community representatives and municipal officials sat at the same table on a regular basis over a sustained period of time. At the time of writing however, the steering committee had not succeeded in finalising an implementation plan for the relocation of Ratanang residents, nor had it contributed towards improved access to services in Ratanang.

The early veneer of common purpose at the steering committee gave way to an underlying set of competing interests which, by the time the committee collapsed, had become explicit. The complex nature of interlinked interests was evident from the outset when even the relocation site kept slipping and shifting. They intensified between the lines of ostensibly technical discussions about time frames, levels of service and layouts: threats of violence should relocation to Alabama occur, the absence of provincial government representation, opposing constituency based interests represented

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94 Faranak Miraftab “Invited and Invented Spaces of Politics”, Wagadu (1) (2004); Also Cornwall, 2002 ; and Julian Brown South Africa’s insurgent citizens: on dissent and the possibility of politics, Jacana, (2015).

95 The researchers gratefully acknowledge the insight of Lindokuhle Mdabe, SERI attorney, which first alerted us to this discussion point.
by the two ward councillors, divergent strategies within the Ratanang representatives with opaque party-political interests, an apparent collusion by the officials with one set of community representative interests and a possible role in contributing to fracturing the ‘community’ voice. The administrative arm of the municipality was incapable of managing the contestation, neither did it appear invested in doing so. Rarely did it adopt a neutral disposition.

At the time of writing, it had become clear that the relocation option for Ratanang occupiers had been removed from the table by the assertions of another group of socioeconomically marginalised residents to their own agency, attempting to expand their own political space by taking to the street in protest. Their subsequent occupation of the remaining vacant land identified for relocating the Ratanang residents led to the breakdown of the negotiation process. In the context of large unmet housing needs, neither the power of the court order nor the authority of the municipality prevented this outcome.

In the meantime, the housing rights of the Ratanang occupiers are protected. While they have not been made homeless by an eviction, it remains to be seen when and where their access to basic services will improve.

Throughout the research period, the Executive Committee continued to call meetings with residents and convene consultations when the lawyers came to take instructions and report back on progress in court and with negotiations. On these occasions, community members continued to assemble at the open space in the shade of the blue gum trees in the vicinity of the water collection point. It remained a powerful spatial symbol of ongoing local political action and agency in spite of the setbacks.
7 CONCLUSION

This research report investigated the local realities and existing practices that characterised life in Ratanang informal settlement. The purpose of researching local norms in Ratanang is to inform informal settlement upgrading policy and implementation with a better understanding of the existing realities in informal settlements.

“The Promised Land” is the first of three site specific reports in the series “Informal Settlement in South Africa: Norms, Practices and Agency”. Reports 2 and 3 document local norms, practices and agency through the same four themes in Marikana, Philippi in Cape Town and Siyanda, KwaMashu, eThekwini: tenure security and land use management, access to basic services, economic life and political space. The fourth report of the series shifts perspective from local, site specific research to provide a comparative analysis and synthesis. Using the evidence generated in three sites, the project purpose is to contribute to the development of an alternative intervention logic than the conventional Greenfield approach normally accommodates: how should UISP interventions engage with the existing realities in the places they seek to improve?

This report documented findings regarding how people in Ratanang:

- are getting by without legally secure tenure and how land is managed in the absence of official planning (section 3);
- attempt to secure access to water, sanitation and sources of energy without state provision of even the most basic services (section 4);
- make a living in the context of precarious residential circumstances (section 5); and
- assert their agency in the different spaces that define political life and how litigation figures alongside local tenure arrangements and their other tools for claiming the dignity of a right to belong (section 6).
7.1 OVERALL FINDINGS

Overall, the research suggests an overarching characterisation of life in Ratanang. Ratanang is a site of contestation, disruption and precarity. Contestation over representation and “community” voice, over personal safety and security, over access to land. Disruption of existing institutions and orders such as direct access to decision makers and a seat at the negotiating table and the old property relations where private ownership trumped housing rights. Precarity where productive income is hard to come and unemployment high, where distributive forms of income like remittances and social grants are central to how people live and get by.

Ratanang is also a place of agency, order, resilience and reciprocity. Agency about securing access to land and water and claiming housing rights. Order in the community management of self-provisioned services and the local procedures to regulate land access, holding and use. Resilience in the face of external ‘shocks’ like eviction and weather. And reciprocity in the social networks on which people rely.

Yet despite the resilience that their agency demonstrated, life in Ratanang was hard. Many people left in the wake of the eviction threat; they rebuilt, if they could afford to, after heavy rains flooded their homes; water access was unreliable; sanitation was absent or self-provisioned and the risks posed to health and hygiene were significant; energy was expensive to obtain; women and children feared for their safety in the open veld; and social cohesion was difficult to sustain in a context that required careful navigation of multiple interests and competing demands internal to the settlement and externally.

Claiming their right to housing in the face of eviction, residents secured a place at the table to negotiate their future with the holders of official power and resources. Theirs was simultaneously a claim to land and belonging and to dignity but it was so contested that it had not yet secured tangible physical benefits at the time of writing this report. Their claim was contested because it disrupted the prevailing orders: the inherited, apartheid-era land use pattern still inscribed on the town’s geography; the sacrosanct nature of private property inherited from the old legal order; and an administrative housing allocation system unable to cope with either the scale of demand or the local politics of asserting claims to land.
7.2 THEMATIC FINDINGS

7.2.1 TENURE SECURITY AND LAND USE MANAGEMENT

We found that a set of well-known local rules exist for how land should be accessed, held and transferred. Compliance was uneven, aside from newcomers’ access to the settlement which was closely monitored. The disjuncture between rule and practice, where it existed, suggests that the legitimacy of the social norms was partial. However, the attempt to impose order was important to people as it created a functionality that would have otherwise been absent. This social tenure, the registered ownership of the underlying land and the legally protected rights enshrined in Section 26 and the PIE Act configured distinct, but interacting, layers of the tenure regime in Ratanang. The authorities of the Executive Committee, the municipal administration, the ward councillors and the law underpinned them. These authorities were central to negotiating tenure security at Ratanang. Although they co-existed, there were also clashes in the interactions between the authorities such as the right to property coming up against the residents’ right to housing, the Ratanang Executive Committee and the municipal officials disputing qualification for relocation or the conflict between the Alabama ward councillor and municipal administration leading to the collapse of the steering committee.

How are people getting by without legally secure tenure? In the absence of official planning, how is land managed?
7.2.2 ACCESS TO BASIC SERVICES

We found evidence of local management arrangements with respect to water supply, sanitation, energy and solid waste as well. Residents stepped into the vacuum in government water, sanitation and energy provision, with local artisans undertaking hand pump repairs, digging pit latrines, and collecting water or firewood for other residents. Residents reported water and sanitation related illnesses such as diarrhoea, they were vulnerable to fire, they spent significant time and energy collecting firewood and water and incurred high costs to purchase paraffin and maintain their own water source. Water quality was uncertain and the risks of heavy metals from acid mine drainage in the catchment were yet to be determined. Ratanang residents were vulnerable to alarming health, safety, security, economic and environmental risks related to the lack of essential service provision.

7.2.3 ECONOMIC LIFE IN RATANANG

Livelihoods in Ratanang were precarious and insecure and were sustained through frequent improvisation. The residents of Ratanang attempted to sustain their livelihoods in conditions of severe scarcity and limitations. They made money outside of the settlement (in both the formal and informal sectors), within the local settlement economy itself through a range of informal practices and projects, as well as from direct payments from outside the settlement in the form of social grants from the state and remittances from family living elsewhere. Many residents also borrowed money in an intricate set of credit relationships in and around Ratanang. Livelihoods in Ratanang relied therefore on both ‘productive’ and ‘distributive’
labour. They consisted of multiple and flexible mixes of income, which residents generated from both kinds of labour, and other assets, which enabled them to meet their basic needs and enhance their capabilities to weather and recover from shocks and stresses. Limited access to basic services and natural assets, like land, constrained the provision of new services and the creation of new markets. Social grants - non-labour-based distributive allocations - played an important role in people’s livelihoods in a broader context of entrenched and structural mass unemployment.

7.2.4 POLITICAL SPACE

Ratanang was characterised by multiple political spaces, local, juridical and municipal in nature, through which residents attempted to advance their socio-economic rights. Political life in Ratanang was contested and the agility required to navigate a complex terrain in the private and public spheres was undermined by existing socio-economic vulnerabilities. Politics was articulated within the settlement between residents and community leadership structures, and external to the settlement between residents, private property owners, the municipality and the courts. Ratanang’s strategic resistance against an eviction that would have otherwise rendered the community homeless created a microcosm of the relocation / in situ upgrading debate in the policy discourse. In the case of Ratanang upgrading of the settlement was rejected by the municipality, and relocation was offered to residents as an alternative. However, debates continued to rage locally about upgrading versus relocation and the issue was far from settled at the time of writing due to the occupation of the alternative land offered by the municipality by residents from the adjacent community.
Findings about the intricate mechanics of the participatory, negotiated process at the steering committee show that failing momentum, unnecessary delays and unmediated interests threaten the practice of meaningful engagement that the jurisprudence envisages. In the end however, the portrait that emerges of political space is neither conspiratorial nor corrupt in nature. But the messy nature of democratic life in South Africa’s post-apartheid constitutional order is particularly difficult for the socio-economically vulnerable residents of informal settlements to navigate.

7.2.5 INTERACTION BETWEEN THEMES

Of course, the four themes (land tenure and land use management, basic services, political space and economic life) are an imposition of the research frame and in practice they co-exist and interact as life in Ratanang unfolds for the people who reside there. For example, the lack of basic health, energy, education, water and sanitation services placed a significant strain on the social and physical wellbeing and on the economic livelihoods of the residents of Ratanang. While the lack of government provision of basic services provided opportunities for residents to provide and charge for services such as firewood collection, latrine construction or water collection, the drudgery associated with self-supply cannot be overstated. Significant time and opportunity costs are absorbed in collecting water and firewood, in constructing pit latrines and grey water sluices and in managing solid waste. Transport to access health services and schools and fuel for generators to run small business and refrigerate food and beverages came at high financial cost. Self-supply is also concomitant with health and environmental risks. Exposure to diarrheal disease and other risks related to lack of proper waste management has an impact on school attendance and therefore on longer term economic opportunities. Security risks are associated with a lack of electrification and with open defecation in surrounding veld.

The next phase of research will compare and synthesis findings in Ratanang with those in Marikana and Siyanda, producing comparative research that will develop policy implications for informal settlement upgrading with respect to tenure security and land use management, access to basic services, participation and livelihoods security. In doing so the intention is to recommend how UISP interventions should engage with the realities in the places they seek to improve, if meaningful changes on the ground are to result.
7.3 TOWARDS IMPLICATIONS FOR POLICY

Ratanang informal settlement was not an informal place to live. People organised themselves individually and collectively to secure their tenure, defend themselves against eviction, access land, water and energy and make a living. People imposed their own order on an environment that existed without formal recognition.

External interventions which seek to impose an alternative order or regulate according to a different set of norms or rules - through processes of “formalisation” - should begin by recognising the local norms and regulations which already exist in Ratanang, and other informal settlements. Such recognition is the starting point for an alternative approach which seeks to engage with the local realities in informal settlements, and the human agency that developed them. It requires working closely with the people who have ordered their daily lives themselves and developed local norms to organise their settlement and themselves. It should employ methodologies which are able to both identify and understand lived realities, existing practices and agency in places like Ratanang: how the residents organised their own defence when their housing rights were violated, how they arranged their own access to development, as minimal as it might be, in the absence of state provision, and how they attempted to regulate their settlement themselves to mitigate their considerable vulnerability. Upgrading should bring greater security, not by erasing what already exists, but by recognising and where necessary, adapting it.

7.4 THE WAY FORWARD FOR RATANANG

The future of Ratanang at the time of writing was as contested as it ever was. It hinged on the central question in most informal settlements: in situ upgrading or relocation? While in situ upgrading was off the table for much of the negotiation period covered in this report, it was always a preference for most of the people living in Ratanang. It just never seemed a viable prospect, especially when the offer, when it finally came, was of permanent, ownership housing, albeit on the periphery of Klerksdorp. In this context, relocation was a compromise that residents were prepared to make. However, when the relocation site was occupied by a group of people living adjacent to it, the future was once again very uncertain and in situ upgrading may again be a struggle that residents are willing to wage. But what of the immediate future?

In Ratanang, the provision of at least emergency basic services as an interim measure would significantly reduce the social, economic, health and financial burden on the residents of Ratanang. It would also prevent the outbreak of a disaster such as a fire as well as public health risks accrued through the collection of water from a relatively remote single source of uncertain quality, the construction, maintenance and use of unimproved pit latrines and the lack of grey water and solid waste management systems.
The borehole hand pump was central to life in Ratanang. It represented how people, whose socioeconomic precarity had been exacerbated by evictions from surrounding farms, decline in Klerksdorp’s mining economy and rentals they could no longer afford to pay in backyards in Jouberton, took matters into their own hands to secure access to water on land that they had occupied. It provided a physical site for community engagement, often around the eviction threat, which aggravated their insecurity further, or the crime and gender-based violence, which affected the already-vulnerable most. Water collection and repairs to the pump demonstrated aspects of a local distributive economy, and a commitment to reciprocity, in a settlement that was largely reliant on the distribution of social grants to begin with.

The future is hard to predict, but compliance with the court order remains central to the realisation of the residents’ rights and the provision of alternative land or the possibility of in situ upgrading. While the residents of Ratanang have effectively resisted eviction, it is only when the hand pump, and all that it symbolises, has been erased as a feature of daily life that the direct material gains envisaged by the Constitution will have materialised.
ARTICLES


BOOKS AND CHAPTERS


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