HERE TO STAY
A Synthesis of Findings and Implications from Ratanang, Marikana and Siyanda
Acknowledgements
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Photographs were taken by SERI staff.

Cover photos: Dennis Webster, Alana Potter and Edward Molopi.
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1 INTRODUCTION TO THE OVERALL 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 – 2018 in Ratanang, Marikana and Siyanda. Drafting, verification, editing, synthesis and analysis occurred in 2018 and 2019. The Ratanang informal settlement is located in Klerksdorp, North West province, Marikana in Philippi, Cape Town, Western Cape, and Siyanda in KwaMashu, eThekwini, KwaZulu-Natal.

This report, “Here to Stay: A Synthesis of Findings and Implications from Ratanang, Marikana and Siyanda” is the fourth and final report. It 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.\(^1\) The persistence of informal settlements reflects the lack of affordable accommodation options available to poor households in well-located areas\(^2\) 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,\(^3\) 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.\(^4\)

National policy processes paid little attention to informal settlements until ten years after the introduction of the post-apartheid government’s housing programme.\(^5\) 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.\(^6\)

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3. At the time of writing, “the land question” was in the forefront 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 State of the Nation Address in February 2018. The practical impact of this on government’s willingness to intervene in the market and in the daily lives of people living in informal settlements were not yet apparent.
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 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 project’s 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. Huchzermeyer\(^7\) 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 in 2016 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,\(^8\) to compel the municipality to submit to provincial government for the application of this policy, the UISP.\(^9\) The Gauteng Local Division of


\(^9\) See Melani and the further residents of Slovo Park Informal Settlement v City of Johannesburg and others, South Gauteng High Court, Case No. 02752/2014 (22 March 2016) (Melani).
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 in situ informal settlement upgrading tends 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. 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 upgraded. 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 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 local realities 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.
In this chapter of the report we provide background to the research sites in order to contextualise the chapters that follow. The chapter contains an overview of our research methods. It also outlines the reports, indicating the structure and content of each chapter in order to guide the reader through the synthesis.

2.1 THE CONTEXT OF THE THREE RESEARCH SITES

The context of Ratanang

The Ratanang informal settlement is situated west of the Klerksdorp Central Business District (CBD) in the City of Matlosana’s municipal jurisdiction. Although the story of Ratanang begins in 1986, occupation of the property took place in 2012 when over 300 additional households moved onto the land in a matter of days, after the owner’s death. Ratanang is home to approximately 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.

Fifty-three percent of households in Ratanang earned money through informal work such as informal trade/street vending and “piece jobs” while only 23%
of households had a member who earned a salary or wage. There was an informal economy in the settlement, which comprised of small businesses like tuck shops, hair salons and shoemakers. 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.

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The context of Marikana

The Marikana informal settlement is located in Philippi East, Cape Town. Occupation took place in waves, slowly starting in the early 2000s, culminating in a massive influx of people between April 2013 and August 2014. In a period of less than five years, the settlement grew to an estimated 60,000 people living in approximately 12,000 households. At the time of the research, the settlement had limited access to basic services. No electricity had been supplied to the settlement; residents had organised unlawful electricity connections from Lower Crossroads and factories in Philippi East. The municipality had provided under 50 communal standpipes; one tap for every 240 households. The municipality had also provided 371 chemical toilets, located on the peripheral roads of the settlement. This meant that there was one toilet shared between every 32 households. Municipal refuse collection was absent and residents devised their own waste management practices, disposing of waste in plastic bags in open spaces.

Economic life, difficult to characterise because of Marikana’s size and the heterogeneity of its internal economy, was centred around Sheffield and Protea roads, which were packed with an assortment of businesses like hot-meat vendors, tyre shops, fresh fruit and vegetable sellers, and the ever-present spaza shops and shebeens (another word for tavern). Marikana’s comparatively good location, situated in close proximity to important amenities, taxi routes, and the nearby Stock Metrorail station, coupled with its immense scale, had led to the development of a robust informal economy in and around the settlement itself. Most households, however lived in poverty and were dependent on state assistance in the form of social grants, or financial assistance distributed through a range of social ties between residents and their families, neighbours, friends or partners both inside and outside of Marikana.

During the course of the settlement process, separate leadership committees had been established in the three sections of Marikana informal settlement: Marikana I, Marikana II and Rolihlahla. The committees in Marikana I and II participated in the study. Even though the two committees in Marikana I and II had no shared policies or unanimous approach to land management, they all took it upon themselves to regulate entry and monitor the growth of their respective parts of the settlement, with varying degrees of success. The committees were instrumental in establishing and upholding local norms and practices around land demarcation, building regulation, land use management, and transfer of shack ownership and access rights.

In a landmark ruling in August 2017, the Western Cape High Court dismissed applications by the land owners to evict the 60,000 people living in Marikana and ordered the City of Cape Town to enter into negotiations with the property owners to purchase the land. In the event of negotiations failing, the Court ordered that the City would have to expropriate the land or provide reasons why it was unable to do so.
The context of Siyanda

Home to approximately 13,300 people, Siyanda informal settlement is located between two Durban townships, namely Newlands East and KwaMashu. Occupation began in 1988. Throughout the late 1980s and early 1990s, several households from nearby informal settlements and townships, in the midst of a politically charged atmosphere between Durban’s leading political parties Inkatha Freedom Party (IFP) and the African National Congress (ANC), heeded a call from initial occupiers and settled in Siyanda. Throughout the 1990s and early 2000s, no services were provided by the municipality to the residents of Siyanda.

Between 2006 and 2008 approximately 560 households were relocated from their homes in Siyanda to make way for the construction of

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Dumisani Makhaye Drive, an event with significant social, political and economic ramifications for both those who left and those left behind. Siyanda sections A and B, previously connected, were separated by the construction of the road. In 2009 a new leadership structure emerged, replacing the committee which had existed since the early days. This new committee departed from the previous traditional and political leadership styles and aligned itself with Abahlali baseMjondolo (Abahlali), a shack dwellers social movement born in Durban. Together with Abahlali, the Siyanda committee proactively engaged and continue to engage the municipality on the provision of services to residents and the in situ upgrading of the settlement. In addition to the water and sanitation facilities provided by way of the eThekwini Municipality Water and Sanitation Unit’s Communal Ablution Blocks Project, electricity was installed in 2014 for about half of the households in Siyanda.

Nevertheless, residents continued to strive to make a living for themselves and their families: some residents had managed to find work as wage labourers in the manufacturing, construction and retail industries while others engaged in more “informal” work as informal traders in the Durban city centre or domestic workers in Durban’s more affluent areas. Many more residents were engaged in economic activities within the settlement itself as hairdressers, seamstresses or owners of spaza shops.

Figure 5: Siyanda area map, Apple Maps (2018).
2.2 METHOD IN THE RESEARCH SITES

This qualitative study was conducted through semi-structured interviews, including both household profiles and life histories with a total of 153 participants, across the three research sites. 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.

We conducted several site visits to each settlement: Ratanang consisted of multiple site visits, sustained weekly visits and day trips. Our 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. Access in Ratanang was initially facilitated through SERI’s litigation team, who introduced us to the community’s leadership structure and to residents themselves at a community meeting. In Marikana, we structured our fieldwork around a series of ethnographic revisits, in which we spent time in the settlement on five separate occasions in 2016 and 2017. Our access to the settlement was facilitated through the leadership structures at Marikana. In Siyanda we structured our field work around two visits to the informal settlement with research support provided by our partners in the study, social movement, Abahlali baseMjondolo, which provided assistance in identifying Siyanda as the research site and provided three field researchers to accompany SERI researchers in the fieldwork and facilitated access to the settlement through the Siyanda Leadership Committee, a member of the social movement.

Sixteen focus groups were conducted in total. The focus groups covered a range of subjects across the four themes: land use management and tenure security; sustainable livelihoods in the context of an informal settlement and; the emergence of leadership structures and their internal workings. In Siyanda two focus groups were with former residents of Siyanda, who had been relocated to Lindelani, a housing project 10 kilometres away from the settlement, in 2007 by the KwaZulu-Natal Department of Human Settlements for the construction of Dumisani Makhaye Drive, a large public road, and another with representatives from eThekwini Housing and Water and Sanitation. In Marikana, interviews were also conducted with key stakeholders and other civil society organisations working in the context of informal settlements.

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13 The names of all respondents in the research have been changed to ensure anonymity.
2.3 OUTLINE OF THE SYNTHESIS REPORT

In the initial section (Chapter One) of the report we introduced the informal settlement series and, in this section, (Chapter Two) we provide background to the settlements and methods we adopted in the site-specific research in order to provide context for the thematic sections which follow.

The subsequent chapters are all thematic in nature. In Chapter Three we characterise the local tenure arrangements and land use management practices in Ratanang, Marikana and Siyanda, drawing the conclusion that upgrading interventions should begin with much greater insight into tenure diversity. We also suggest that the local tenure arrangements are often unrecognised and that our research offers insights into how tenure works locally in informal settlements. We categorise these tenures as local tenure; protective, statutory tenure; and registered tenure.

In Chapter Four we provide an overview of findings about access to basic services in Ratanang, Marikana and Siyanda. We conclude that discretionary access to services deepens pre-existing vulnerabilities, a key issue for upgrading interventions. We propose that the typology of municipal responses offered by the synthesis is useful for upgrading interventions.

In Chapter Five addresses economic life in Ratanang, Siyanda and Marikana by reviewing productive labour, distributive labour and other strategies to mitigate poverty evident in the three settlements. The chapter also outlines the experiences of spaza shop owners in all three settlements and highlights two site-specific findings: social differentiation in Marikana and the impact of relocation on economic life in Siyanda. The chapter concludes that informal settlement residents bring considerable agency to bear on their strategies to make a living which overturns commonly held assumptions about “dependence”.

In Chapter Six we consider the nature of political space in the lives of the Ratanang, Marikana and Siyanda residents. This chapter focuses on the political activity that occurred in three different spaces in the settlements: juridical, settlement and municipal. The chapter concludes that participative informal settlement upgrading approaches should recognise the way that residents have already shaped their lives and the web of relationships that have evolved over time if meaningful participation practices are to be achieved.

Chapter Seven concludes the synthesis report by overviewing the findings about norms, practices and agency and identifying implications for upgrading. Our conclusion emphasises the agency that occupiers and their representatives used in the face of considerable contestation. The conclusion also offers some concrete directions for upgrading, based on the synthesis of the site-specific findings.
3.1 INTRODUCTION

The aim of the tenure research in the three site-specific reports, on which this chapter is based, was to paint a picture of the local tenure arrangements and land use management practices in each settlement 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 underscored lived realities and local experiences. In this report the emphasis is on comparing local tenures in the three settlements and analysing how they functioned.

The chapter begins with an overview of the local tenure arrangements and land use management practices including land access, local norms and enumeration. This section also analyses a number of issues common to all three settlements: relative compliance with the different norms that made up the local arrangements; the role that social relations played; and the authorities informing the local tenure in the settlements. In the next section the chapter identifies that blanket statutory rights protected the tenure of the occupiers and that this tenure co-existed with the local tenure arrangements. The third section then unpacks the relationships between the local tenure arrangements and protected, statutory rights.
The chapter ends with a conclusion that multiple tenures co-existed in each settlement and characterises them as being local, statutory and registered in nature. It argues that understanding the diverse tenure arrangements in a settlement is an important place to start informal settlement upgrading interventions.

### 3.2 OVERVIEW OF LOCAL TENURE ARRANGEMENTS AND LAND USE MANAGEMENT PRACTICES

**Land Access**

In all three settlements, occupation was the primary means by which residents accessed the land on which they were living at the time of the research. Social relations figured prominently as the way in which occupation occurred, but differences were evident in the authority informing them. Social relations and authority are unpacked in subsequent sections of the chapter. Relocation was another way in which land access was obtained, particularly in Siyanda. This section outlines the three occupations and then addresses the relocations in Siyanda, identifying how they were the primary means for securing entry into the formal property system for those households who were allocated access to the new developments.

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.

Initially in Marikana the original occupiers, many of whom lived close by in adjacent Lower Crossroads, allocated their claims to land themselves, drawing on their social networks based on their geographic proximity to the occupation. Existing residents held their ground against evictions in 2013 and 2014, often rebuilding their homes after demolition. Subsequent settlement was rapid, in sections between Protea and Sheffield roads, with access routes and walkways, and individual plots were often visibly demarcated with fences.

Access to Siyanda occurred through initial invitation and as a mobilisation strategy for the Inkatha Freedom Party (IFP). Newcomers struggled to find a place to stay in Siyanda in the contemporary era due to the tightly regulated procedures which prohibited the erection of new dwellings in existing yards and local norms dictating only one house per household. A periodisation of land access in the Siyanda report showed that the initial occupation and subsequent invitation to settle in the 1980s were highly politicised, that the IFP mobilisation continued into the 1990s, that an early democratic era was characterised by development and relocation and finally, that access was characterised by a period of contested allocation underway in the current era.

Relocation was another way in which access to land occurred. Although relocation was being negotiated in Ratanang, it had not yet transpired at
the time of writing. Relocating a settlement the size of Marikana was unviable, hence the court order for negotiations and expropriation, should negotiations fail.

Relocations in Siyanda had occurred previously due to the construction of a freeway. Access to the formal system occurred with relocations in Siyanda and it was contingent on inclusion into a subsidy development project at the sites of relocation: Siyanda Interface, Khulula and Cornubia. The terms of this inclusion were challenged by residents who remained outside of it. Although the residents remaining in Siyanda, post development and relocation, perceived their tenure to be free of eviction threats, and hence relatively secure, they felt “left behind” and the local leadership felt sidelined by the development processes. For them, access to the formal property system remained dependent on participation in a housing subsidy project at some point in the future, but they were troubled by their prospects due to the legacy of being labelled an IFP settlement, lack of confidence in the official allocation system and the effort of a previous ward councillor to discredit Abahlali which undermined relations with the state. Siyanda shows that access to the formal property system was highly contested: by the residents who were excluded from the Khulula allocation process and “left behind” in undeveloped Siyanda sections B and C; by municipal recalcitrance regarding moving people in the transit camp to permanent, formal property; and by the conflict surrounding the officially recognised households on the register, a count of 614 in total.

Local norms and practices

Tenure and land use management were locally configured in all three settlements. Occupiers developed rules with varying degrees of social legitimacy that constituted the local arrangements by which land was being accessed, held and transferred.

Some examples from Ratanang included the moratorium on new occupiers and the concomitant enforcement/compliance responsibility on existing residents, a prohibition on renting out space and selling occupation rights or shacks, and in principle permission for making improvements and extensions. A one-family-one-home policy applied: occupiers could not build another shack within their yard or own another one within the settlement. In Ratanang the communal hand pump, although not located on the same property, and the space around it, were an important spatial zone in which queuing for water, social interaction and community meetings occurred.

In Marikana, examples of local norms included non-residential, commercial land uses such as spaza shops and hair salons being locally permitted but the committee encouraged their location along Sheffield and Protea roads. While a separate or second shack for exclusive economic, business or livelihood use was acceptable, it had to be registered under an existing number. Access to a second residential site was not sanctioned – a one-family-one-home policy applied locally in Marikana as well. People could make investments to improve and extend their homes but such improvements were not meant to block existing pathways, a safety
precaution against fire and other disasters in a settlement the size and density of Marikana which gave this rule added legitimacy. The open space land use between Marikana and the transitional relocation area called Bhekela was managed locally to ensure that it was not occupied in order to allow for the anticipated internal relocations that would come with future de-densification. In the present, it performed symbolic, political and social functions which the land use rule was also protecting, much like the hand pump and open space did in Ratanang.

In Siyanda, a local norm around not more than one dwelling per household also applied. It relied on social oversight to ensure that extensions were not a cover for bringing in new people. Using a second, separate shack exclusively for business was not a locally acceptable practice, unlike in Marikana. Exceptions were few and far between and justified by reference to status within the community. Transfer through sale, succession or “looking after” depended on familial networks and character references from departing residents were a means of verifying incoming occupiers. The school site played the social role of the open spaces adjacent to Ratanang and Marikana, where community meetings were held by Abahlali, other organisations and the ward councillor.

Having provided selected examples of the local tenure arrangements and land use management practices the chapter now highlights enumeration as a specific land management practice that was evident in all three settlements.

**Enumeration and tenure security**

Enumeration practices, activities that numbered shacks, recorded residents and managed change, were evident in all three settlements. Some were locally driven by community leaders, pre-dated litigation and were intended to manage access to and confer order on the settlements. Litigation initiated others, which were then undertaken by the municipality or lawyers who were defending the housing rights of occupiers. These enumeration practices produced registers which recorded the names, details and shack numbers of occupiers. The significance of enumeration in the three settlements was how it related to tenure security, which in turn depended on how legitimate the enumeration processes were seen to be.

The community led registration practice had the force of local legitimacy in Ratanang: it was carried out by an elected committee and served to confirm the identity of local rights holders before the private 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: lawyers at first, and then the court and the steering committee which was established on the authority of the court order to negotiate alternative land. 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. 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, and if necessary to prove, that they “belong”.

In Marikana, municipal and litigation-driven processes of enumeration co-existed, drawing on the authorities of the administration and the courts, respectively. Respondents tended to report that the local registrations or enumerations were driven by outsiders: lawyers at first and then the City of Cape Town. However, the numbering system had since taken root as a local governance practice. The numbering convention began with a reference to the local name of the settlement, denoted by an “M” and a number. Subsequently, the formal, registered title-deed holder began to figure in the nomenclature, with a reference to the property owners such as Coppermoon and Fischer: “F” for Fischer or “C” for Coppermoon were introduced to the dwelling number in a new round of local registration. The erection of new shacks was being closely monitored and unauthorised construction was visibly identifiable with a question mark on a shack to physically designate that the activity was considered to be irregular. Crosses on shacks signified an unoccupied home which, if left unattended and unclaimed, the committee would authorise for demolition due to the perceived safety and security risk.

**Figure 6: Shack showing house numbers given under the authority of two different committees in Ratanang**

Photo: Edward Molopi
Enumeration was one of the more significant land management practices in Siyanda, although its outcome was disputed. Tenure security came from holding evidence that could be used to defend one’s claim: being in possession of a proof of residence letter with an official stamp and being counted as one of the 614 households who had been registered by the municipality. Tenure security also came from having a house number and the awareness, in some cases, of legal protections in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act). The municipal enumeration process also had local significance as a way of staking a recognised claim to participate in future housing developments, particularly for the occupiers “left behind” in sections B and C who had not yet been allocated housing subsidies to Siyanda Interface (formerly Siyanda section A), Khulula or Cornubia. The list of 614 households was contested in Siyanda and respondents recounted the alleged allocation of new sites in Siyanda by the councillor and municipality, a strategy they saw as undermining the claims of the legitimate 614 rights holders to future development.
In summary, enumeration played a role in securing tenure for occupiers by providing a record of evidence of the local tenure rights, as well as recording the protective, statutory PIE rights. In the case of Siyanda, enumeration also produced evidence that served to express a claim to future development, although this evidence was contested in the settlement.

Role played by social relations in the local tenure arrangements

This section identifies the role that social relations played in how tenure was configured locally. The next sections address the questions of legitimacy and authority.

Rights to occupy land in Ratanang were “self-allocated” in the 2012 occupation, informed by the authority of a public invitation and social networks, via word-of-mouth. Unregistered residents, those people without house numbers and whose names did not feature on the list of occupiers, 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. Verbal testimony by neighbours played an important role in asserting belonging, together with the evidence of the register and shack numbers.

In Marikana, word-of-mouth played a role as networks informed how people heard about the occupation and later the actions they undertook in occupying the land. Local tenure in Marikana was negotiated: between ordinary residents and leadership, among neighbours, and between residents, land owners and the state. Testimony to the agency people exercised in securing their access to land, this negotiability might affect different social groups within Marikana differently, mediating security along lines of relative vulnerability.
Social relations figured in different ways and at different times in Siyanda to shape tenure arrangements: from reliance on families, friends and neighbours to fostering relations with the different political authorities – party, social movement and local leadership. However, ability to call on social relations varied and social differentiation along age and gender lines played a role in security of tenure. A young, female tenant for example, struggled more than some of the older men in the settlement. A consistent authority figure in the settlement over many years was a female elder, whose history, influence and local knowledge bolstered the security of those who had access to her.

Although social relations played a role in securing tenure, this section shows that reliance on social relations also required negotiability, which could be to the detriment of the security of more vulnerable occupiers. The next section extends the tenure security analysis by unpacking the legitimacy of the local tenure arrangements.

**Legitimacy of local tenure arrangements**

The site-specific reports each found that compliance with the stated norms was uneven. This section unpacks the gaps between the stated norms and actual practices. Some evidence of non-compliance appeared to indicate the existence of a social conception of property. In other cases, the disjunctions indicated how socially legitimate the local rules were seen to be and spoke to the authority of local leadership.

In Ratanang, 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. Limited evidence existed of non-conformity. 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 or people with weak ties to the community was frowned upon locally, providing family members in need of a place to live was seen as legitimate.

Regarding compliance with local land management rules in Marikana, the research found that, in practice, evidence existed that transfers did take place but committee members and other respondents reported that the committee played an oversight role to ensure that a seller actually left the settlement and, in the words of one respondent, did not begin to “behave like an estate agent having multiple properties for sale”. This seems to be evidence of how residents adapted a stated local norm in practice, providing an example of how a local rule was not actually seen as being socially legitimate. It was a disjunction that people seemed prepared to lie with, provided that no one benefited unduly or unfairly.

In Marikana improvements were being made to existing dwellings, generally in corrugated iron. The limited number of brick structures could indicate
either a fear of impermanence or a constraint of affordability. Extensions seldom crossed over into existing pathways, upholding the concerns to facilitate access in emergencies. Fencing of individual properties was emerging as a growing practice, although it was not identified as a rule. Finally, the management of new access was roundly identified as a task too large for any of the committees to manage effectively. The spatial and demographic growth of the settlement in the course of the research could be seen as assertions of residents or newcomers against the control of the committee. It might also indicate that this “no growth norm” was impossible to uphold in the context of massive land needs in the city, questioning its local legitimacy.

Taking a more differentiated look at non-conformity, it might have been the case that residents who were permitting family members access might have been asserting a claim to a social or family conception of property, as in Ratanang. Unapproved occupation by family was perceived of in different terms locally than newcomers with weaker ties to existing residents. Indeed, some respondents in Marikana did not characterise additional family members as newcomers whose arrival required permission.

In Siyanda, the access control norm appeared to be respected in section B where Abahlali mobilisation was most strongly felt. However, respondents claimed that new sites had been allocated by the ward councillor and municipality. Claims to legitimate residency were contested and respondents alleged both political patronage and efforts to undermine
Abahlali in the determination of the 614 households who were registered for access to formal housing at some point in the future.

Some similarities were evident in the three sites. The attempt to impose order is one of these: it was important for people to create a functionality that would have otherwise been absent. The co-existence of social relations and committee authority is another example. For example, in Marikana social relations featured in how residents secured access and managed land such as being told about the availability of space by people they knew or the role that neighbours could be called on to play in vouching for an occupier. Further, a generalised norm existed about using land in ways that did not inconvenience neighbours.

A third similarity is the existence of a one-person-one-home norm in all three settlements which seemed to be another indication of a social conception of property. Making money off access to land was not seen as a locally legitimate practice. Compliance was widespread, although not complete. Another obvious similarity was the allocation and management of open space land use, especially for community meeting purposes: the area around the hand pump and blue gum trees in Ratanang, the vacant site between Marikana and the temporary relocation area called Bhekela, and the school site in Siyanda.

As well as being indicators of the social legitimacy of a particular rule, gaps between stated norms and actual practices also spoke to the authorities at play in the local tenure arrangements. The authorities of family and social relations featured in the local arrangements to modify rules in locally acceptable ways. Where a local leadership structure was unable to enforce a rule, it nevertheless played an oversight role to mitigate the more unacceptable consequences of non-compliance, such as making a business of selling shacks. The chapter now turns to a more detailed consideration of these authorities.

**Authorities underpinning local land governance**

A variety of authorities underpinned local tenure arrangements in the three settlements including the different municipal administrations, the law, local politicians, local leaders and local leadership structures. These different sources of authority, and the relations between them, influenced how secure people experienced their tenure to be. The research showed that occupiers negotiated their ways around these different sources of authority. The ability to negotiate varied depending on relative levels of vulnerability and power. Relations between the different authorities had a bearing on tenure security.

In Ratanang, the authorities of the Executive Committee, the municipal administration, the ward councillors and the law underpinned the local tenure arrangements. These authorities were central to negotiating tenure security. The locally configured tenure rights in Ratanang were backed
up at first by the authority of the local committee institutionalised in a Residents' Committee and its 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 occupants, conferring official status on local land recordal. The actors involved were the community leadership structures which had local, social authority, the lawyers who represented the authority of the courts and the law and municipal officials who had administrative authority.

In Marikana, local power dynamics influenced the terms on which access was secured and maintained. The involvement of an external, official authority holds the promise of recourse for vulnerable groups if their rights are threatened locally - internal to the settlement or within the family - or if they fall out with local power holders or if the common interest in the litigation process and its outcome were to fragment in the future. However, the external authority itself may lack legitimacy as was the case with the municipality in Marikana, placing significant pressure on the local arrangements.

A periodisation of land access in Siyanda portrayed the different authorities at work: party-political, ward-related, movement-based and grounded in the settlement itself. In the early, apartheid-era life of Siyanda, party political allegiance paid an incontrovertible role in land access and tenure security at the time. Leadership style also meant that land governance was more authoritarian in nature than in the more recent period and it drew on notions of customary leadership to regulate the settlement. In the context of the widespread politically motivated conflict in the region at the time, life in the settlement was often unsafe and sometimes violent. History shows that in Siyanda the partisan politics gave way to organised, statutory democratic structures at local level. The early signs of democratic-era hope gave way to another kind of mobilisation as the Siyanda leadership networked with Slum Dwellers International (SDI) and then Abahlali.

Power and authority were key determinants of the dynamic nature of local tenure arrangements and land use management practices in Siyanda. Unlike Ratanang and Marikana, these dynamics could be tracked due to the age of the settlement. In the late 1980s the IFP was on the ascendancy in the area and its authority underpinned the occupation whereas, when its political weight waned in the mid-1990s, other authorities were brought to bear including the African National Congress (ANC), SDI and the Federation of the Urban Poor (FEDUP) and subsequently, into the contemporary period, Abahlali baseMjondolo. Throughout the settlement’s history,
the research reveals, ordinary people navigated their ways through, and sometimes around, the forces that were struggling for hegemony in the area. For example, people reported concealing their political affiliation and going along with whatever was likely to secure them a better life. When the early promise of democracy was tarnished by selective consultation in the housing development projects, residents aligned themselves with the non-partisan shack dweller movement because they believed it was most likely to secure them access to services.

So far, this chapter has characterised local tenure in the three settlements by describing the ways in which land was accessed in the three settlements and the local tenure arrangements and land use management practices evident in them. It also highlighted enumeration as a land management practice and considered the role played by social relations, as well as the legitimacy and authority of the local tenure arrangements. The chapter now shifts focus from the local tenures to the protective, statutory tenure that also existed in the settlements.

### 3.3 THE EXISTENCE OF PROTECTIVE, STATUTORY TENURE

In spite of the “informal” nature of the settlements, tenure was also legally configured in Ratanang, Marikana and Siyanda: the PIE Act provided blanket, statutory protections to the occupiers, which occupiers in Ratanang and Marikana invoked in the courts when threatened with 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 and Marikana are both examples of where the rights of private land owners might be curtailed in favour of the occupiers invoking their rights to housing. SERI’s review of evictions case law in South Africa between 2010 and 2016 suggested 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. Marikana is an apt example as in the Fischer case there was contestation in court around the occupation of large scale private land holdings, giving rise to an order for the properties to be expropriated, should

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14 Dladla and Another v City of Johannesburg and Others 2018 (2) SA 327(CC) (1 December 2017) (Dladla).

negotiations fail. Further, during the proceedings the occupiers contested the question of what constitutes a home and overturned the state’s attempts, in arguing that the dwellings in Marikana were not homes, to circumvent their obligations under the PIE Act.

The litigation context in Siyanda was different, although the same statutory protections were invoked by a group of people who had been relocated on a temporary basis from Siyanda to the Richmond Farm transit camp. Nearly two decades after occupation, residents living in a road reserve were relocated when the time came to develop the freeway. Some were moved to housing subsidy projects in the area while others were moved to a temporary relocation area for a period of six months, pending a move to permanent housing. When their stay started to look permanent they retained lawyers and commenced litigation proceedings. This led, in turn, to the promised relocation to another subsidised housing development but not until the municipality was held in contempt of court and office bearers were held accountable in the KwaZulu-Natal High Court. The Mchunu case, where SERI represented 37 of the families evicted from Siyanda to Richmond Farm Transit Camp, developed the legal principle that municipal office bearers can be held accountable for non-compliance with implementing a court order.

This brief section has demonstrated how, in addition to the local tenures already described, another layer of tenure existed in the settlements, namely protected, statutory rights derived from the PIE Act. As these two layers of rights are not registered, as title deeds are, we refer to them collectively as “off-register” tenure rights. This section also showed that the law is an important source of authority in informal settlements, even though they are not seen as “formal” or “legal” places to live. The chapter as a whole shows that, in addition to the law, there are administrative, political and social authorities at work - municipal administrations, local politicians, local leaders and local leadership structures.

3.4 RELATIONS BETWEEN THE DIFFERENT TENURE REGIMES IN THE SETTLEMENTS

The focus on existing norms and practices shed light on the layer of local tenure, while the exploration of the litigation processes showed how statutory tenure also featured in the settlements. The research characterises both local and protective tenure as “off-register” in nature. Registered property rights also featured in the settlements, as the underlying land on which the occupations occurred was registered in the deeds registry.

The local tenure, the legally protected rights enshrined in section 26 and the PIE Act and

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16 Fischer v Ramahlele 2014 (4) SA 614 (SCA) 88 (4 June 2014) (Fisher interdict application).
17 Mchunu and Others v Executive Mayor of eThekwini and Others, KwaZulu-Natal High Court, 2013 (1) SA 555 (KZD) (Mchunu).
the registered ownership of the underlying land configured distinct, but interacting, layers of the tenure regime in the settlements. Although they co-existed, there were also clashes in the interactions between the authorities. For example, in Ratanang and Marikana the title deed-holders’ rights to property came up against the occupiers’ rights to housing. Two other examples of clashes were in Ratanang, where the Executive Committee and the municipal officials disputed qualification for relocation and where the ward councillor for the area of the relocation site and the municipal administration conflicted over who should be allocated the land, leading to the collapse of the steering committee.

The local arrangements, social in nature, and the blanket legal protections, provided by the PIE Act were layered over the underlying registered property rights. The local, statutory and registered rights co-existed but the relationships between the statutorily protected right to housing and the registered property rights were heavily contested in court.

3.5 CONCLUSION

The tenure synthesis sheds light on the local tenure arrangements in three different settlements and identifies some of the characteristics that the local tenures had in common.

The comparison across the three sites highlighted the shared efforts to impose order on life in the settlements through the development of local norms, developed by the agency of the occupiers. The chapter outlined the local rules which occupiers developed and highlighted enumeration as one of the most significant land management practices in the settlements.

Tenure security depended on a number of factors including the ability of leadership to mobilise resources to litigate against unlawful eviction and the capability of individual occupiers and occupying households to negotiate their way around the social networks of family, neighbours and the local authorities. However, reliance on negotiability could put pressure on the more vulnerable occupiers who might not have access to the networks required to sustain it.

Non-compliance with some norms, like permitting access to, or not seeking permission for, the occupation of additional family members was an indication that a social or family conception of property existed as family members were not seen as newcomers. The existence of a one-person-one-home norm in all three settlements also seemed to be indicative of a social conception of property – it was frowned on for people to make money, sell sites or occupation rights or accumulate the relative benefit of several sites.

In addition to the local tenure arrangements, the chapter identified that protective, statutory tenure also existed in the settlements, by exploring the litigation processes in each case. In spite of the “informal” nature of the settlements, tenure was also legally configured in Ratanang, Marikana and Siyanda as the PIE Act provided blanket, statutory protections to the occupiers, which occupiers in
Ratanang and Marikana invoked in the courts when threatened with eviction.

The chapter described local and statutory tenures as different layers of rights that co-existed in the settlements. As these two layers of rights were not registered, as title deeds are, the chapter described local and protective tenure collectively as “off-register” in nature. Registered property rights also featured in the settlements, as the underlying land on which the occupations occurred was registered in the deeds registry.

Understanding the diversity of tenure arrangements, including the way in which the local tenures work in a settlement, is an essential starting point for informal settlement upgrading interventions. This assertion is taken up in the concluding chapter of the report.
4 ACCESS TO BASIC SERVICES

4.1 INTRODUCTION

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

Accessing water, sanitation, electricity, solid waste management or any essential service takes considerable effort; it comes at an economic and financial cost and requires planning; setting and enforcing norms, regulations or standards, and ongoing operation and maintenance. The extent to which that effort is extended by the municipality (or its providers), or by users (or their providers), places services delivery along a continuum from municipal to self-supply. The extent of municipal services provision has a profound impact on residents’ health and socio-economic opportunities and development.

This chapter begins by reviewing and comparing the findings about access to services in Ratanang, Marikana and Siyanda, which leads to the proposal of a typology of municipal responses to service provision in informal settlements. Next the chapter contextualises the typology in relation to the legislative and policy mandate of municipalities and considers the implications of the different municipal responses represented on the typology for informal settlement residents including personal safety and vulnerability to crime and violence, shared services issues and experiences of the interface with municipal providers.

It discusses the issue of self-supply, in the context of limited municipal provision

How do people secure access to energy, basic water and sanitation?

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.

Ratanang resident

The toilets are not in a good condition and one has to enter the toilet in reverse before using it because you do not want to look into it. The use of the toilet can make you angry.

Marikana resident

Many more have people’s power than government power.

Siyanda resident
which characterise the research sites. The chapter highlights that discretionary supply exacerbates pre-existing vulnerabilities.

The chapter’s main conclusion is that informal settlement residents have creatively adapted in each of the types of municipal response, indicative of their resourcefulness, resilience and local organisation. A primary implication for upgrading, to which the report returns in the conclusion, is that the norms, practices and agency are a resource that should be built into upgrading and basic municipal services provision through meaningful community participation, as required by the UISP.

4.2 OVERVIEW OF ACCESS TO SERVICES IN RATANANG, MARIKANA AND SIYANDA

The at least 1, 800 residents of Ratanang did not have access to any municipally-provided services in 2016 and 2017, when the field research took place. Without formal electricity supply in the settlement, residents used wood fires, paraffin stoves, gas and candles for their lighting and energy needs. The availability and management of water, sanitation and solid waste was entirely community-organised, with the exception of the sporadic arrival of a water tanker from the municipality. Residents had stepped
into the vacuum, and local artisans undertook hand-pump repairs, dug and re-dug unimproved pit latrines when they filled up, ran solid waste recycling operations and collected water or firewood for other residents for a small fee. The hand pump was a centrepiece in the Ratanang story, with the only other visible government intervention being the water tanker which was provided sporadically since a flood in 2016. One respondent, Nene Dube stated, “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”.

Residents reported water and sanitation related illnesses such as diarrhoea, were vulnerable to fire, spent significant time and energy collecting firewood and water and incurred high costs to purchase paraffin and to maintain their own water sources. Water quality was uncertain and the risks of heavy metal contamination from acid mine drainage in the catchment were yet to be determined. Ratanang residents were vulnerable to health, safety, security and environmental risks related to the lack of essential service provision.

In Marikana, municipal service provision was limited to “temporary services” comprised of 371 chemical toilets and between 50 and 100 communal taps, many not functional, for 60 000 people. Formal electricity connections did not exist and routine refuse removal within the settlement was also absent. When asked about priority municipal services, a spaza shop owner residing in Marikana said “Electricity, electricity, electricity! My electricity is from the danger box. It often cuts at night … then I must sell warm “cold” drinks and do my business by candlelight … I must hope that the power returns before the stock in my fridge, like fresh milk, goes off”. The first high-mast light was erected in Sheffield Road on 22 August 2018, 10 months after it was promised. Residents dumped their solid waste in the open space between Marikana I and Bhekela temporary relocation area and people living on the periphery of the settlement left their waste in plastic bags to be collected along the road servitudes. Chemical latrines lined two of the peripheries of the settlement along busy roads, with doors opening in full view of passing vehicles, and were emptied by a municipal service provider four times a week. Many of the chemical toilets were reportedly and observably frequently full, unpleasant and unsafe to use.

In an effort to reduce vandalism and eradicate bucket toilets which residents used overnight, the City provided portable flush toilets or “porta-portas”, which were collected, emptied and cleaned, and delivered by truck to depot points such as the open space adjacent to the settlement three times a week. Households were not assigned their own porta-portas and residents said that

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19 Our findings counted 50-60 communal taps stands, but the City of Cape Town has claimed that 100 had been constructed. At least 1 in 5 tap stands tested in the research were not functional. See Dennis Webster, “Resilience Persists at Cape Town’s Marikana”, New Frame (22 August 2018).

receiving a different toilet each time made them feel anonymous. Because toilets were used more over weekends, the porta-portas filled up over weekends and containers of faecal waste sat full in the small shack yards. One resident reported that she did not like the porta-porta being in her house or her yard, with “dangerous chemicals” on the ground within reach of her toddler.

In general, services were found to be inadequate, with no systems in place for residents to engage with the service delivery process: nowhere to report faults, nowhere to lodge complaints. Dissatisfied with services or wanting to improve them, residents resorted to self-supply. A labyrinth of unlawful electricity connections criss-crossed above the shacks, some with their origins in Lower Crossroads for which Marikana residents paid a monthly fee that varied with the number of connections made. Other connections could be traced back to live electricity lines and municipal boxes on the northern end of the settlement.

Some households had made their own water connections, saying that the walk to one of the roads where the tap stands had been erected was too onerous. Residents reported waiting in long queues to collect water for drinking, laundry and
other household needs on Saturday mornings. Marikana II committee member, Leah Makinana, decided to have her shack connected during her recent pregnancy when the walk for water was especially difficult. These connections were managed in similar ways to electricity connections: households paid for pipes, connections and labour, and connected either to main lines on the periphery of the settlement, or to infrastructure installed by the municipality but subsequently discontinued.

Rather than stepping up to address these shortfalls, a steep decline in spending on informal settlement upgrading over the City’s 2017/18 Medium Term Revenue and Expenditure Framework was evident at the time of writing: the capital budget of the Department of Informal Settlements, Water and Waste Services was declining by 42% over the upcoming three years, and informal settlement upgrading projects identified in the new Integrated
Development Plan made up a very small share of the City of Cape Town’s capital budget.\(^{21}\)

In Siyanda, at the time of the research, the eThekwini municipality had begun to roll out 8 Kilowatt hours (kWh) of free basic electricity to approximately half the households in the settlement, sufficient to run lights and essential electrical appliances. According to one respondent more people had access to “people’s power” than “government power”. Municipal refuse collection occurred once a week, which was not sufficient during holiday periods, and many households continued to burn their solid waste. The municipality had also provided interim water and sanitation services through communal ablution blocks (CABs). Twenty-two of these facilities had been installed in Siyanda in eleven pairs, one for males and another for females. The facilities had two showers, each with a door for privacy, two flush toilets with doors, two hand basins and an

additional two fitted urinals in the male containers. Attached to the outside of each container were four basins used for washing clothes and an additional stand-alone tap. At the time of research, approximately 1,000 people were living in the settlement, which meant that each container served about 45 households, approximately 200 metres from each household.

The research found that community acceptance and use of the CABs in Siyanda were mixed, with residents living closer to the CABs being more satisfied with and more likely to make effective use of the facilities. The women interviewed stated clearly that they did not feel it was safe to walk to communal toilets at night, regardless of whether they could access the keys from the caretaker. As one respondent indicated, “Using toilets at night is a big problem. There are few toilets and it is far to walk especially up the hill when you need to go to the toilet or if you are sick. The toilets are locked at night because we can’t trust people not to break them”.

Distance and topography had a significant impact on the accessibility of the CABs for the elderly or residents with disabilities as well as young children unable to use the facilities without parental supervision. Many residents had dug pit latrines in their yards in order to mitigate distances, topography and night time accessibility and safety issues. Most of the unimproved pit latrines in the settlement pre-date the communal toilets provided by the municipality. Mr Mthembu, a man in his early 60s who lived alone in the settlement, stated, “It is better to have both [municipally provided toilet and a private pit latrine] in case you cannot use the communal toilet like at night”. Residents generally did not have any restrictions imposed on them by the municipality or local leadership in the construction of the pit latrines.
### 4.3 A TYPOLOGY OF MUNICIPAL RESPONSES

A comparison of basic services provision in the three settlements in this research suggests a typology of municipal response to services in informal settlements, providing a useful tool for analysing municipal responses more widely. The complete absence of municipal services provision in Ratanang, the temporary services provision in Marikana and the interim basic services provided in Siyanda speak to the extent to which the respective municipalities have implemented their legislative and policy mandate.

#### The legislative and policy mandate of municipalities

The water and sanitation policy framework is clear that where informal settlements are located on private land, municipalities should seek to address the security of tenure issues expeditiously and provide "interim basic water and sanitation services as appropriate, affordable, and practical in accordance with a progressive plan that addresses both land tenure and basic services".  

Access to water, sanitation, refuse removal and electricity mitigates risks to human safety and to

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public and environmental health. Communities have an acute need for these services and many municipalities recognise their obligation to provide basic services to everyone living in their jurisdictions. The Constitution empowers the state to expropriate private land for the public good. In the Fischer v Unlawful Occupiers, Erf 150, Philippi (“Fischer eviction application”) case, the Court ordered the City of Cape Town to enter into negotiations with the property owners about purchasing the land on which the Marikana settlement resides. If negotiations fail, the Court ordered the City to expropriate the land or provide reasons why it is unable to do so. This expropriation should see the removal of all barriers to the provision of basic services in the settlement.

Rather than wait for the process of formalisation of informal settlements, eThekwini Water and Sanitation was taking a proactive approach, laying sewer lines needed to support comprehensive development in due course, while providing temporary container ablution blocks in the interim. “This approach provides a significant improvement in servicing in the short-term, while signalling to shack dwellers in those settlements that the process of upgrading has begun. Moreover, through installing the bulk water and sanitation infrastructure each formalised settlement will require, this approach supports accelerated settlement development and housing delivery.”

Given the linkages between basic services and tenure, the provision of services connected to bulk infrastructure so that services can be upgraded in future, sends an important tenure security message to informal settlement residents.

Where basic services provision is not feasible in an emergency situation, the Emergency Housing Programme sets out a minimum standard for temporary water and sanitation provision as one water point to every 25 families and one Ventilated Improved Pit (VIP) latrine (or comparable toilet) per five households. This scenario was not intended to persist for more than a few months.

Services provision in Ratanang in no way meets basic minimum standards by any measure - sufficiency, accessibility, affordability, quality, safety, dignity or security.

Services provision in Marikana arguably does not even meet temporary standards. Including the chemical and portable flush toilets provided by the City of Cape Town: there is a ratio of 50 residents to each toilet and 411 people to each tap stand and no household energy or solid waste services.

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23 See Fischer v Unlawful Occupiers, Erf 150, Philippi, 2018 (2) SA 228 (WCC) 99 (30 August 2017) (Fischer eviction application) and Fischer v Ramahlele, 2014 (4) SA 614 (SCA) 88 (4 June 2014) (Fischer interdict application).
24 Kathy Eales, How utilities can institutionalise water and sanitation services to informal settlements, Case Study: eThekwini Water and Sanitation, WSP-Africa (October 2009).
25 Ibid.
27 Dennis Webster, “Resilience Persists at Cape Town’s Marikana”.

Services provision in Siyanda came closest to meeting national standards for basic water and sanitation services as the CABs were shared between approximately 45 households within a 200 metre radius. Siyanda was the only example which included hand washing facilities adjacent to latrines, but no soap.

Implications of different types of municipal response

Findings across the three sites reveal clear issues and implications of the different types of municipal response. Residents spoke about the manner in which their human dignity, privacy, safety and livelihoods were undermined in their experience of accessing essential services. In this section we briefly analyse the main implications as being risks associated with personal safety, crime and violence, issues with shared water and sanitation services and the interface with municipal service providers.

Personal safety and vulnerability to crime and violence

In all sites, the lack of household power supply presented the risk of fire and increased vulnerability to crime and violence. In Marikana, residents cited the lack of electricity as a reason for the lack of policing in the settlement, inferring that the police felt unsafe in the settlement at night. The need to procure candles, wood and paraffin also placed a significant financial and economic burden on poor households living in all the settlements. A lack of lighting also affected the safety and security of all residents, particularly women and children, at night.
Shared water and sanitation issues

Access to communal rather than household taps meant that, whether limited by topography or distance, households used less water than they needed. While their needs for personal consumption and hygiene were addressed (with not inconsiderable effort on their part), water for economic activities such as food production, brick or beer making, car washing or other productive uses, was curtailed. This is consistent with the literature which suggests that the further people need to walk and the longer they need to queue to access water, the less they use.28

Keeping latrines clean and well maintained is just one of the reasons that shared latrines are not included as “safely managed” in the Sustainable Development Goals.29 Shared latrines also render women and children more vulnerable to gender based violence and present a security threat to all residents.

People’s primary concerns with communal facilities related to personal safety, distance between households and water and sanitation facilities, night time accessibility and the need for janitorial services. In Siyanda for example, CABs required an increase in lighting and personal security measures around the facility as well as regular cleaning and maintenance procedures in order to be used effectively.30 Convenience of use, cleanliness and privacy are key indicators of acceptable services.31

In its guideline on Sanitation Technology Options,32 the Department of Water Affairs and Forestry33 (DWAF) stated that “Communal toilets are not recommended for large scale use as they do not meet the safety and environmental criteria for a basic level of service”.34 The Department advised that the communal block system should only be considered for temporary use where a high level of cleanliness and maintenance can be assured.35

A Department of Human Settlements’ Ministerial

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30 Pieter Andries Crous, *Communal Ablution Facilities as Interim Measure for the Upgrading of Informal Settlements*, PhD, Faculty of Engineering and the Built Environment, University of Johannesburg (2014).


33 Now the Department of Water and Sanitation (DWS).


Sanitation Task Team conducted a review of sanitation in South Africa and advised that the following sanitation solutions are not considered to be appropriate: unimproved pit toilets; bucket toilets; chemical toilets and communal toilets.\textsuperscript{36}

While communal water and sanitation facilities are able to provide interim basic services to large communities and creatively circumvent land use and geophysical limitations, when these facilities are not operational for any reason, the potential public health and environmental impact is significant.

The policy emphasis on providing basic “services” rather than merely “facilities” (infrastructure), is important. Whether water or sanitation facilities provide an acceptable service to end users depends entirely on their operation, maintenance, management and the level of engagement and accountability of the service provider with the end users.

\textit{Interface with municipal service providers}

In Marikana and Ratanang consumer accountability or communication systems were not in place, neither were contacts or contracts between consumers and service providers. People had nowhere to report faults, lay complaints or engage with service delivery issues and they had no way of engaging in the service delivery process. The only redress or means of engagement available to residents was through local committees which in turn engaged with decentralised political structures such as ward committees. As a result, residents who were dissatisfied with services or wanted to effect improvements either stepped in to create their own (unsafe) connections to water and electricity and in some cases to household latrines, or resorted to protest and political engagement.

In Marikana, the disconnect between residents as users of services and city-appointed providers of services, together with the provision of temporary services with no reference to individuals, households or to human dignity contributed to apathy, disdain and a lack of agency, care or ownership of the facilities on the part of residents. Essentially the manner in which services were delivered de-legitimised residents as citizens and as users of a service and dehumanised them, communicating that they did not belong.

In Siyanda, eThekwini Water and Sanitation undertook maintenance and repair of CABs, but the functionality and quality of the service lay in the hands of part-time caretakers, supported by supervisors at district level and finance officers and maintenance teams at metro level. Caretakers also undertook a regulatory role, preventing and reporting theft, crime and vandalism, reporting faults, and overseeing the use of the facilities by all residents in a settlement. Although caretakers were predominantly women in the metro area, in Siyanda the plan was to select men as caretakers of the male CAB facilities precisely because men were more empowered in the regulatory aspect

of the role, and less vulnerable to harassment than women were. Caretaker selection was a delicate issue, employment rates were low and anecdotal evidence suggested that where there had been insufficient public participation during the selection process, community members vandalised the CABs in order to disrupt the caretaker’s job and cause the caretaker to look unprofessional. From our research in Siyanda, caretaker selection appeared to be well managed and engagement with ward councillors effective. In less organised settlements, caretakers could pose a fundamental constraint to the entire interim services delivery model.

4.4 SELF-SUPPLY

Where municipal services were not provided or were unaffordable, inadequate or insufficient, households had drawn on their own resources to fill the gap, whether by maintaining the only water point themselves in Ratanang, by making unauthorised water and electricity connections in Marikana and Siyanda, by digging their own pit latrines, a practice which was prevalent in all sites, or by burning or informally recycling solid waste. 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.

The extent of self-supply was, unsurprisingly, inversely proportional to the extent of municipal

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37 Crous, Communal Ablution Facilities as Interim Measure for the Upgrading of Informal Settlements.
supply. Ironically self-supply ultimately undermines municipal service provision, affects flow rates, billing and metering, and places unpredictable demand on municipal systems. Significantly, self-supply comes at high socio-economic and financial cost to residents. Unauthorised electricity connections are extremely dangerous, unauthorised water connections and self-dug pit latrines pose water quality and safety risks respectively, and informal systems place demands on social relations and local organisation.

“Community based management” which can be framed as “self-supply” in the urban context, is the prevailing model of rural water supply in most developing countries\(^{38}\) but it comes at high cost and is seldom if ever locally sustainable. Preventative 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.\(^{39}\)

### 4.5 DISCRETIONARY ACCESS DEEPENS VULNERABILITY

Discretionary self-supply is often subject to social relations and deepens the vulnerability of more vulnerable residents. In the absence or relative absence of municipal services, adaptive self-supply was present, and social relations played a profound role in defining access to basic services. Social relations are contingent on power relations and differentiated people’s access to services.

In Ratanang, elderly or disabled residents had to pay others to collect water and firewood and to dig their pit latrines. The more resourced a household, the better able they were to construct a safe pit latrine. There were a number of rods needed to operate the hand pump, held and managed by particular households in the settlement. The system was vulnerable to discretionary access relative to social relationships.

In Siyanda, the steep topography of the settlement made access to CABs more difficult for the elderly, people with disabilities or children who needed assistance in using the facilities. Specific households were able to negotiate access to CABs after hours, others could not. The role of ward councillors was pivotal to maintaining basic services in the settlement. Ward councillors were key to the selection of caretakers and to labour opportunities for residents. This was done in close

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\(^{38}\) See Rural Water Supply Network (RWSN’s) website available at: http://www.rural-water-supply.net/en/

collaboration with the Siyanda committee members but presented a fragility in which positive working relationships and the vagaries of party politics could easily disturb the equilibrium. Party politics plays a strong role in eThekwini generally and in Siyanda specifically, for a range of reasons addressed in the political space section of this synthesis. Residents and committee members for example perceived that they were denied the benefits of basic services provision for so long because of the settlement’s early affiliation to the Inkatha Freedom Party.

In all sites, shared latrines were often locked by residents in closest proximity to the latrine in an effort to ensure privacy and to manage the complexities of cleaning and maintaining shared latrines.

Self-supply is by definition self-determined and hence differentiated by social relations and places significant strain on these relations. Inadequate services affect women disproportionately, both because the burden of collection and caretaking falls to women and because sharing facilities and a lack of adequate lighting increases their vulnerability to gender based violence.

The provision of different types of services at different times also has particular effects, both on local social and political dynamics and on environmental and health related issues. Levels of service need to be commensurate and planned in an integrated manner. Greater quantities of water on site for example places greater pressure on greywater and drainage systems. Without links to bulk water supply, conventional flush
latrines are not possible. By providing services in a piecemeal fashion, increased pressure is placed on local management systems. Where only half the households in a settlement were electrified in Siyanda for example, norms with respect to access needed to be redefined.

4.6 CONCLUSION

Basic services in Ratanang, Marikana and Siyanda can be placed along a continuum from municipal to self-supply, providing a typology of municipal response to service provision to informal settlement residents, from “none” in Ratanang, to “temporary” in Marikana and “interim basic” in Siyanda.

Self-supply adaptations are a response to the presence, affordability, acceptability and sufficiency of municipal basic services. That residents have creatively adapted in each of these types of municipal response speaks to their resourcefulness, resilience and local organisation. These norms, practices and agency are a resource to be built into upgrading and providing basic municipal services in these and all informal settlements through meaningful community participation as required by the UISP, and in establishing clear lines of accountability with services providers.

The need for self-supply in the absence of municipal services places significant strain on local resources and differentiates access along social and economic lines, deepening the vulnerability of already vulnerable groups and underlining the urgent need for the provision of equitable, affordable and sustainable municipal services.

The research reveals the clear relationship between tenure and land use, livelihoods and basic services. Water and electricity are central to escaping poverty. One of the main constraints to the productive use of water, relevant to all shared water supply facilities, is distance from the household. As van Koppen et al. note, the productive use of water is often the most obvious means for poor people to escape poverty, and yet multiple use systems are rare in rural let alone urban South Africa.

Systems are designed to meet the national minimum standard of between 6 and 15 Kl of potable water or 6-8 kW hours of electricity per household per month. What is needed for productive use, for generating economic opportunities, is large quantities of not necessarily potable water in close proximity to each household and affordable household power supply.

Water and sanitation sector policy makes provision for intermediate and higher levels of service. “Universal service obligation: Water services authorities have a responsibility to ensure that all people living within their jurisdiction are progressively provided with at least basic water services (the first step up the ladder). This includes people living on private land (for example, farm dwellers) and others who are provided services by intermediaries. Wherever practical and sustainable, water services authorities are expected to plan for

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and provide higher levels of service (stepping up the ladder)."41

Minimum levels of service refer to human survival, not to socio-economic development or to escaping precarity through the productive use of these services. “Intermediate” and “higher” service levels, which bring greater quantities of affordable power or water closer to households, are needed to generate livelihoods, to enable individuals and communities to escape precarity.

5 ECONOMIC LIFE

5.1 INTRODUCTION

The economic life theme sought to explore one simple question: how do informal settlement residents make a living in the context of precarious residential circumstances? To examine this the research briefly examined the economic life of informal settlement residents in the broader context of the economies of Klerksdorp, Cape Town and Durban, before delving into a deeper analysis of the workings of the local economies which had developed in the settlements, in order to investigate the various livelihood opportunities and constraints in residents’ lives, and how they were able to sustain these under conditions of severe scarcity.

The research on the theme “economic life” was based on the sustainable livelihoods framework, which embraces a more integrative approach to poverty than traditional interpretations which largely considered poverty in relation to a narrow set of indicators such as income and productivity. The framework provides definitions for “shocks” and “vulnerability”, two concepts explored in the study of the three settlements. It describes “shocks” as events that adversely affect a household’s

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prospects—these may be environmental disasters or even adverse government policy. “Vulnerability” refers to the predisposition of a household to withstand shocks and has been defined as the “diminished capacity of an individual or group to anticipate, cope with, resist, and recover from the impact of natural and/or man-made disaster”. This includes socio-economic vulnerability, which arises from internal and external characteristics that constrain its responses and ability to adapt, for example poverty, inequality, marginalisation, food security, housing quality, access to insurance, alternative livelihoods, health and education. The framework also identifies “livelihood assets”, which comprise human, social, natural, physical and financial capital, the presence of which serve to constrain or enhance livelihood opportunities.

The social realities of the settlements were diverse. Each settlement had a particular history of occupation and was entangled in the socio-economic and political issues of its region. This meant that on many occasions it was difficult to draw conclusions about economic life across the informal settlements, and in the case of Marikana, characterising economic life of the settlement itself was a significant challenge due to its immense size, pace of settlement, its diverse internal economy and its permeable relationship with areas in the external economy. However, several common threads were found and insights about the economic life of informal settlement residents could be drawn.

In all three settlements, livelihoods relied on both “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.

The findings below are a synthesis of the features of economic life in informal settlements. The first section details the most prominent form of productive labour found across all three sites, the running of spaza shops. The second section discusses forms of distributive labour explored in the research and the important role of social grants and remittances in the lives of informal settlement residents. The third section offers insight into informal saving schemes known as stokvels, found in each settlement. The fourth section then shifts focus to briefly consider features of economic life unique to Marikana and Siyanda. The chapter concludes that the findings challenge commonly

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44 Ibid.
45 Ibid. p. 76.
47 Ibid., pp. 89-90.
held assumptions about “dependence” and illustrate the agency that informal settlement residents bring to bear on their strategies to make a living. It also identifies several factors constraining the livelihoods of informal settlement residents.

5.2 PRODUCTIVE LABOUR WITHIN THE SETTLEMENTS

While the livelihoods of informal settlement residents were mostly sustained by informal economic activities, outside of the ambit of taxation and employment, zoning and trading regulations, many of the residents of Ratanang, Marikana and Siyanda found work in the “formal” sectors of their respective cities, namely Klerksdorp, Cape Town and Durban. In Ratanang a few of the younger and middle-aged residents had jobs ranging from domestic workers, tellers at retailers, to miners and machine makers for local farms; in Marikana some residents were employed at Cape Town’s secondary economic nodes like the Cape Town International Airport and in Siyanda some of the women were employed as domestic workers in neighbouring “middle class” suburbs like Newlands and Parlock, while a few men managed to get jobs as security guards with private security companies.

The vast majority of informal settlement residents, however, had been excluded from the formal economies of the cities in which they lived. In response to high unemployment and poverty, informal economies had emerged in informal settlements, with residents making use of various skills, financial and social assets and natural resources to meet their basic needs and sustain the livelihoods of their families. Across the three sites a variety of economic activities were found: hair salons, shoemakers, dressmaking, informal waste recyclers, small scale manufacturing. In Ratanang, services that characterised the local economy developed largely in direct response to the lack of basic services there, for example shack builders and latrine diggers. The most prominent economic activity in all three settlements were spaza shops.

In Ratanang and Siyanda the spaza shops, as well as other activities, were modest and better described as “loosely structured improvisations” or “survival strategies”. In Marikana, economic activities ranged from modest to more complex. With a population of over 60 000 residents, a network of transport routes and nodes made up of several roads and a taxi rank and a series of wholesale stores located near the settlement which provided residents with cheap bulk stock, Marikana’s local economy was robust and more vital in comparison to its counterparts in the North West and KwaZulu-Natal.

In Marikana, economic life in the settlement relied heavily on Sheffield Road and Protea Road. Both roads accommodated a dynamic set of roadside businesses. The business-centric Protea and Sheffield roads eventually gave way to the residential interior of Marikana, which was scattered sporadically with a range of home-based businesses, including hair salons, creches, shebeens and jazz

48 James Ferguson, *Give a man a fish*, p. 94.
halls, spaza shops, and sangomas. A small market developed around the entrances of the wholesale stores. A handful of informal traders, cashing in on the high pedestrian traffic, sold a variety of goods from plastic tables to the wholesalers’ patrons. Most compelling was the fact that Marikana was a place of employment, not only of consumption and production. Many of the street traders and workers in the spaza shops came from outside of the settlement, around the Philippi area.

Experiences of spaza shop owners across three sites

Across all three settlements a substantial amount of financial and social capital in the form of kinship networks and networks of social support was needed to establish a spaza shop, a tactic to manage and mitigate the kinds of precarity experienced by informal settlement residents. In Siyanda, spaza shop owners reported needing between R3,500 and R5,500 start-up capital to begin their businesses. The spaza shop owners shared stories about where they had sourced the start-up capital: Solomon used money from his disability grant and savings from his previous job as a taxi rank manager. MaBhengu saved around R500 every month from the money she received monthly from her late husband’s estate. Phila, Lungelo and Lindokuhle all used their savings from their previous jobs as security guards, with Lindokuhle using money from his severance package. Khethiwe’s daughter used savings from money she made from her business as a seamstress. Similarly, in Ratanang and Marikana, the vast majority of spaza shop owners used savings from previous employment and other sources of income, like social grants and remittances. Access to funds through previous stable employment or the ability to save over a long period of time caused a level of social differentiation.

In Siyanda and Ratanang, most of the spaza shops were not profitable in that their revenue was not sufficiently greater than expenses, and their ability to save was reduced after starting their business, causing a level of social differentiation amongst spaza shop owners in terms of relative livelihood stability as some owners struggled to make ends meet. Replenishing stock in Siyanda and Ratanang was costly in comparison to Marikana, which had wholesalers located close to the settlement. In Siyanda, spaza shop owners either used taxi services, spending a total of R14; or hired a van which cost between R100 and R200 for larger purchases. All of the spaza shop owners restocked at least once a week, some as often as every two days; in Marikana, stocking occurred on a daily basis. For businesses in the interior, there was no road access into the settlement and business owners like Elizabeth and Martha, as profiled in the Marikana report, had to drag their stock in huge plastic bins with the help of family and neighbours.

The three settlements lay on a continuum in terms of access to basic services. Ratanang had the least access to government-led service provision, while Marikana and Siyanda had access to varying degrees. Spaza shop owners in Ratanang stated...
that the lack of electricity in the settlement limited diversification of their offerings, activities such as welding or even selling hot food were impossible. In Siyanda, it was the quality of electricity connections that was an issue: all the spaza shop owners agreed that access to better quality electricity would help to improve the functioning of their businesses. Siyanda spaza shop owner Phila Mchunu reported that self-connected electricity caused damage to electrical appliances like fridges. In Marikana electricity was not supplied by the municipality. Instead self-connections were prevalent: to household meters in Lower Crossroads; to the nearby Eskom distribution enclosure; or by throwing wires over the live main wires which ran over the northern part of the settlement, commonly by way of a weighted two-litre soda bottle. Some shops even specialised in electricity connections in the settlement. Electricity was crucial to the households and businesses in Marikana that could afford it. Businesses, like Loxion Internet Café, “Bob’s Place” and “Mnandi”, located close to the wholesalers at the intersection of Protea and Stock roads also had easy access to other basic services: communal stand pipes and toilets which had been erected along Protea Road by the municipality. These businesses also benefitted from easy vehicular and pedestrian access to the settlement on Protea Road and comparatively well maintained road surfaces which further encouraged high footfall along Protea Road, allowing them a greater level of economic success and stability.

5.3 DISTRIBUTIVE LABOUR IN RATANANG, MARIKANA AND SIYANDA

For some informal settlement residents 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 in the form or social grants or remittances, defined here as the transfer into the settlements of any money or goods from outside, through various social ties.

Social Grants and Remittances

In Ratanang and Siyanda, social grants were the most pervasive and reliable forms of income for the residents. In the two settlements, residents widely acknowledged that the majority of people living there relied primarily on social grants for income. The pervasiveness of social grants in Marikana was difficult to establish, due to its size, however it was apparent that many households lived in poverty and were dependent on state assistance in the form of social grants.

The prevalence of social grants in the lives of informal settlement residents reflects national trends in the income of the poorest parts of South Africa’s population since 1994. The elaboration of a vast system of non-contributory social benefits now transfers 3.4% of GDP every year directly to 44% of...
South African households.\textsuperscript{50} For the poorest 10% of South African households, social grants now make up 85% of household income,\textsuperscript{51} up from 73% in 2008 and 15% in 1993.\textsuperscript{52}

Social grants played an important role in people’s livelihoods in a broader context of entrenched and structural mass unemployment. Social grants were increasingly becoming an important source of income for sub-dependents, those who depended on beneficiaries of social grants. It is said that “the truly destitute were those with no children, elderly people or disabled members”.\textsuperscript{53} The state’s role in economic life cannot be understated.


\textsuperscript{53} James Ferguson, Give a man a fish, p. 104.
The direct cash transfers in the form of social grants remain a fundamental buffer between households and desperate poverty.

Claims on the resources of others, or remittances, were also a part of the local economies of the three sites, with residents in the roles of both “donors” and “recipients”. Residents used various social ties between themselves and family or partners outside of the settlements to access this form of income. While “dependence” is traditionally viewed as a passive condition, making claims on the resources of others through remittances, Ferguson argues, should be seen as a valued outcome of long, hard social labour.54

5.4 STOKVELS AS A STRATEGY TO MITIGATE POVERTY

Many informal settlement residents, especially women, used stokvels as a strategy to mitigate (to some extent) the shocks and stresses of life in informal settlements. Stokvels are essentially rotating credit unions or saving schemes, where members contribute fixed sums of money to a central fund on a weekly, fortnightly or monthly basis.55 Thabisile Zwane from a stokvel in Siyanda explained that participating in stokvels was advantageous because, “Stokvels allow you to buy things in cash. Paying through instalments is expensive”. Thabisile used her pay-out to buy a bed, fridge, wardrobe, sofas and cupboards. In Ratanang, residents participated in two stokvels, Utlwanang and Tswelelang, both established to encourage saving in the face of the everyday needs and demands that made saving in the settlement so difficult.

Some residents in both Ratanang and Siyanda however, were too poor to participate in stokvels. Stokvels in the settlements differed in size and “formality”- some stokvels consisted of as little as two members, meeting irregularly and contributing small amounts. Others were quite sophisticated, well established and required larger contributions. Members used their “earnings” in a variety of ways: the money enabled some to acquire larger, more expensive items of furniture; assisted in contributing to funeral expenses; or for groceries.

Having outlined productive and redistributive labour in the settlements, the chapter now moves into a consideration of two specific features of economic life, social differentiation and the impact of relocation of economic life, which were more prevalent in Marikana and Siyanda respectively.

5.5 LEVELS OF SOCIAL DIFFERENTIATION IN MARIKANA

Despite the relative economic success and stability some households, especially those with businesses in Protea Road, had managed to achieve, the opportunities to make a living afforded to them were not available to many in the settlement. In Marikana, a level of social differentiation existed that was not evident in Ratanang and Siyanda. Some households lived in poverty and were almost

54 Ibid., p. 97.
completely dependent on state assistance in the form of social grants and remittances. In contrast, a focus group conducted during our research revealed, for instance, that business owners in the settlement, who had relatively high levels of education, did not experience any nutritional problems. The business owners who participated in the focus group also lived in relatively large shacks - the smallest was a three bedroom shack. The participants enjoyed this comparative economic stability. Two factors that differentiated livelihood stability/success were identified. The first was location. Being located in an area with significant footfall was essential to the livelihoods of informal traders in the settlement. Also essential is having vehicular access. The lack of roads in the interior of the settlement had negative implications for those making a living there. It meant that footfall was lower and that vehicular access, which would facilitate cheaper and easier movement of stock, was severely limited. Moreover, emergency vehicles – ambulances, fire engines and police vehicles – could not access the majority of the settlement. The second factor that differentiated relative stability was financial capital, in the form of savings, and social capital in the form of kinship networks and networks of social support within the settlement, which often helped dwellers to manage and mitigate precarity.

56 All of the business owners who participated in the focus group had a matric, and most had various tertiary qualifications.

57 The Density of Cape Town informal settlements has proved a devastating obstacle to the provision of emergency services in the past. Perhaps the most notorious example happened at the Joe Slovo informal settlement. A fire in the settlement on 26 November 2000 destroyed close to 1000 homes. The severity of the fire was drastically compounded by restricted access for fire engines. Little was done to address the problem in the years that followed, and on 15 January 2005 a fire which was soon classified as a provincial disaster tore through the settlement and hostels in neighbouring Langa, leaving 12 000 people homeless. See Housing Development Agency (HDA), Implementation of Emergency Housing (2012), pp. 28-29.
5.7 CONCLUSION

On the whole, livelihoods in the informal settlements were precarious and insecure, and were sustained through frequent improvisation. Economic activities ranged from modest to more complex, depending on the settlement. In some instances, the local economy in an informal settlement developed largely in direct response to the lack of basic services there, for example shack builders and latrine diggers.

Although modest, the findings challenge commonly held assumptions about “dependence” in the context of economic relations between an informal settlement and economic centres. The findings also illustrate the considerable agency that informal settlement residents bring to bear on their strategies to make a living, often drawing on the very conditions of informality that paradoxically also threaten livelihoods security the most.

Further, each informal settlement was embedded in a particular social reality. The experience in Marikana illustrates that proximity to key transport nodes, and amenities like wholesalers and basic services has the potential to contribute to the vitality of an informal settlement’s informal economy- because these factors increase footfall, essential to make business. Most compelling was the fact that Marikana was a place of employment, not only of consumption and production. Access to basic services, it seems, contributes to the vitality of an informal settlement’s economy.

For those who were excluded from the formal economy, starting a spaza shop was a viable option to mitigate poverty. However, a substantial amount of financial and social capital in the form of kinship networks and networks of social support was needed to establish a spaza shop, as observed in all three settlements. One needed to have savings from previous employment and other sources of income, like social grants and remittances to start a spaza shop. Amongst spaza shop owners, there were levels of social differentiation; some owners were poor, and struggled financially to support their families and keep their businesses running, while others managed to achieve some economic stability.

Several factors constraining the livelihoods of informal settlement residents emerged in the research. Limited space was one. Usually there is no space in an informal settlement to pursue agriculture and livestock farming. The threat of eviction or relocation was another. Residents were hesitant to invest in the land in and around the settlement despite being enthusiastic about the livelihood opportunity presented by planting crops.

Another key finding was that while it is commonly held that the state is largely absent in informal settlements, in all three settlements the state was in fact very much present in the lives of residents, through the distribution of social grants to the majority of households. Social grants remain a fundamental buffer between households and desperate poverty.
6 POLITICAL SPACE

6.1 INTRODUCTION

“Political space” in this research refers to the multitude of ways in which people seek to advance their rights. Litigation is one of these. What are these spaces? How can they be characterised? 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 settlements navigate in the private and public spheres.

In documenting the strategies that residents of informal settlements used to expand political space, the site-specific research reports developed portraits of how local politics was articulated in Ratanang, Marikana and Siyanda up until the time of the research. They provided views from “below”, focusing less on the arena of formal politics and more on its local expressions and enactments, although interactions between formal and local politics were evident.

This chapter reviews these local portraits to unpack how political life worked for the residents. It identifies that informal settlement residents and their representative structures carved out their rights by using the courts. The findings characterised this space as “juridical”. Another aspect of political life in the settlements was the local organising and mobilising activities that occurred via committee structures. We characterise these strategies as occurring in a “settlement” space. Engagement with local government was a third strategy used by residents, to varying degrees, which we characterise as a “municipal” space.

How does political life work for people in informal settlements, can and do they assert their agency?

They [the municipality] say they can’t help us on this land because it belongs to white people.

Ratanang resident

The land is important to the people that live here because this is our home. We are here because we have established ourselves here … we belong here more than anything.

Marikana resident

People were divided by politics … it’s about who was in charge and what ideology ruled.

Siyanda resident
The chapter also highlights site-specific findings, which emerged with more emphasis in some settlements relative to others, such as the prominence that Marikana residents gave, when describing their experiences, to their struggle to belong which we characterise as a metaphoric and non-physical site of politics. Another site-specific finding was the experience of Ratanang leaders of engaging the municipal state via a steering committee. This chapter highlights the lessons for “community participation” in informal settlement upgrading practices that the Ratanang experience offers. Finally, a Siyanda specific political space finding was the way in which a road construction and housing projects politicised development in the area.

Our conclusion emphasises the agency that occupiers and their representatives used in the face of significant contestation.

6.2 AN OVERVIEW OF POLITICAL SPACES IN RATANANG, MARIKANA AND SIYANDA

Politics played out in the juridical, settlement and municipal spaces in linked ways, which were often overlapping and sometimes simultaneous in each settlement. Levels of success were relative and notable challenges were evident in each case.

The ways in which the juridical strategies expanded political space included preventing unlawful eviction, securing agreement to alternative accommodation for residents who were to be relocated, and initiating a municipal space to engage with local government officials around the provision of services.

Locally, the settlement spaces were diverse. Informal settlement leadership committees were shaped by both official recognition from the state and local recognition from residents and depended on both to expand political space.

Residents attempted, in all sites, to carve out space for municipal engagement in order to improve access to basic services, but success was varied for the different committee structures. Ironically, service levels were lowest, and unchanging, in Ratanang which was the one place with most access to a municipal platform for engagement.

**Juridical Spaces**

In Ratanang and Marikana, the threat of an unlawful eviction activated the juridical space as residents went to court to claim their right to housing in the face of demolitions and evictions that would have left them homeless. Ratanang and Marikana residents continued to live in their settlements after obtaining court orders that enabled their continued occupation. In Siyanda, the juridical space was activated because the municipality failed to relocate former Siyanda residents from a transit camp to permanent accommodation, as agreed between the municipality and former Siyanda residents. The group of twice-relocated Siyanda residents, first to the Richmond Farm transit camp in 2008 and later to permanent accommodation in a housing subsidy development at Cornubia in 2014, were initially displaced as a result of a road development project for Dumisani Makhaye Drive that sliced through the midsection of Siyanda informal settlement.
Litigation in Ratanang, Marikana and Siyanda served to disrupt the balance of power from private property toward the realisation of the right to housing. Action in the juridical space, both drawing on and contributing to the developing jurisprudence, achieved mixed results in securing direct material gains. It was successful in stopping unlawful eviction in all cases. It achieved relocation to alternative accommodation for the Richmond Farm occupiers in Siyanda but resolution had not yet been achieved in Ratanang at the time of writing the site-specific report. Improved access to services in situ was a significant stumbling block in all three settlements.

**Settlement Spaces**

Each informal settlement relied on pre-existing local governance structures to act as a representative body on behalf of residents. The community representatives challenged the municipalities in court and engaged with officials about improving access to basic services and tenure security.

In Ratanang, the Community Policing Forum (CPF) and the Executive Committee, both established in 2012, are examples of local institutions that mobilised residents to protect the settlement and act collectively against the threat of eviction in 2013. Prior to this threat to their tenure security, the purpose of the CPF had been to curb domestic
violence and crime in Ratanang and the Executive Committee had aimed to ensure internal order around settlement access by newcomers. The eviction application placed strain on the Executive Committee as Ratanang’s primary representative body to simultaneously challenge the private property owner through litigation and contain residents’ fears of losing their homes.

From 2014, Marikana was organised into separate committees that were geographically distinguished as “Marikana I”, “Marikana II” and “Rolihlahla”. They were all located on private property. The various committees took it upon themselves to regulate entry and monitor their respective parts of the settlement, with varying degrees of success. All informal settlement committees from the Marikanas were party to the legal proceedings in 2014 and 2016 to challenge their eviction initiated by property owners and the City of Cape Town.

Siyanda’s establishment during the 1980s was politicised by Inkatha Freedom Party (IFP) and African National Congress (ANC) contestation in the area at the time. The settlement’s leadership practices evolved from a “neo-customary” background fraught with political conflict in the Kwa-Zulu Natal province and transitional instability in the build-up to democratically elected leadership committees in the early 1990s. From 1998 onwards, Siyanda became subject to the construction of Dumisani Makhaye Drive and two state-subsidised housing projects, named Khulula and Siyanda Interface. This resulted in the settlement’s physical and social fragmentation. Local organisation and mobilisation strategies and styles shifted again as a result of joining the social movement Abahlali baseMjondolo in 2009 with a focus on bringing about settlement cohesion, social change and improving living conditions.

All committees underwent standard procedures for internal elections, where leaders accepted their nominations and positions, agreed either verbally or in writing, to roles and responsibilities upheld in their constitutions, accepted responsibility for convening regular public meetings and committed to initiating strategic alliances with external stakeholders to enforce their mandate to secure land with access to permanent services. Credibility depended on recognition from both the municipal state and from residents.

**Municipal Spaces**

Informal settlement communities are often excluded from the formal channels of participation (“invited” spaces), and a large proportion of their efforts try to engage the state outside of official avenues (“invented” spaces). Depending on circumstance and context, residents in the three sites used different methods of engaging local government around the provision of basic services including protest, stakeholder forums and ward

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committee participation. In this section we discuss each of these in turn, before concluding the review of political space.

Residents who made use of protest action described their protest as a material claim to services, as well as an assertion of belonging and a claim for recognition. The “electricity war” between Marikana and Lower Crossroads demonstrated how resident claims to services, belonging and recognition were vulnerable to contestation in a context characterised by the absence of municipal services. The so-called electricity war revealed that conflict over access to resources can spill over into violent contestation. Inadequate policing amplified the ways in which residents fell victim to conflict that, unchecked by law enforcement, can further exacerbate an already profound vulnerability. The absence of basic services, which would otherwise improve security through street lights, or reduce exposure to risk to insufficient chemical toilets or water points close to home, increased vulnerability significantly.

In Ratanang, community representatives could discuss and dispute municipal obligations to the settlement in a formal, officially recognised space. The Ratanang case showed 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 the government’s Emergency Housing Programme, 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. Multi-stakeholder forums foster a rare experience for residents to have direct access to local government officials and Ratanang was relatively unique in this regard.

The success of these forums was dependent on a number of different factors: resolution on a specific approach to government intervention in informal settlements, consistent attendance at regular meetings of all relevant stakeholders, and clarity, follow-up, community consensus and accountability around municipal commitments.

Municipalities often fail to recognise, or may question the legitimacy of, informal settlement governance structures. Nevertheless, informal settlement committees tend to strive for recognition and access to services through formal channels of ward-based participation. The ward councillor and committee system are spaces to which residents of informal settlements are regularly invited for a purpose that is not necessarily defined by residents themselves. The research shows that where informal settlement committees were excluded from ward committee structures, social divisions and mistrust ensued.


60 The researchers gratefully acknowledge the insight of Lindokuhle Mdabe, former SERI attorney, which first alerted us to this discussion point.
between the local leadership structure and residents. Siyanda is an example, when committee members were excluded from meetings around housing allocations and relocations. The findings show that the inverse is also true. In Marikana, despite the absence of service provision, committee members valued their relationship with ward councillors, perceived as the most accessible government presence. They expressed the interaction as a way of bridging the gap between state and community with the potential to improve the provision of basic services, thereby enhancing their credibility with residents.

The induction of ward councillors in South Africa from 1996 influenced the organisation and mobilisation strategies of informal settlement leadership structures. Central to the campaigns of nominated committee members was their pledge to work closely with ward councillors and ward committee structures to improve access to basic services. Gaining recognition from the state as “a legitimate informal settlement” with improved access to basic services and secure tenure was an ongoing struggle for all committee structures. Previous experience of engaging the office of ward councillors was a mixed bag: both disappointing and promising for informal settlements residents and their community representatives. Committee members expressed that ward councillors often played a divisive role in communities through side-lining and excluding local leaders from participating in decision-making processes around allocations.

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**Table 15: Political Spaces**

<table>
<thead>
<tr>
<th></th>
<th>MARIKANA</th>
<th>SIYANDA</th>
<th>RATANANG</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOCAL SPACE</strong></td>
<td>Marikana I Committee</td>
<td>Abahlali baseMjondolo</td>
<td>Executive Committee</td>
</tr>
<tr>
<td></td>
<td>Marikana II Committee</td>
<td>(AbM) Local Branch Committee</td>
<td>Community Policing Forum</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(CPF)</td>
</tr>
<tr>
<td><strong>MUNICIPAL SPACE</strong></td>
<td>Ward Committee</td>
<td>Ward Committee</td>
<td>Steering Committee</td>
</tr>
<tr>
<td><strong>GOAL &amp; OUTCOME</strong></td>
<td>Goal: Electricity, water and toilets</td>
<td>Goal: <em>in situ</em> upgrade (UISP)</td>
<td>Goal: Relocation Plan or <em>in situ</em> upgrade (EHP)</td>
</tr>
<tr>
<td></td>
<td>Outcome: Engagements with local govt, no tangible services</td>
<td>Outcome: Electricity installed in 2014 &amp; relocation to RDP homes</td>
<td>Outcome: No progress</td>
</tr>
</tbody>
</table>

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**Figure 15: Political Spaces**
of housing projects and subsequent relocation programmes. These exclusions perpetuate the general assumption that ward councillors tend to favour their political party supporters.

Having identified, and described, how political life worked for the residents in the juridical, settlement-level and municipal spaces in Ratanang, Marikana and Siyanda, this chapter now turns to the site-specific findings that emerged from comparing political space in the three settlements.

6.3 THE STRUGGLE TO BELONG: A NON-PHYSICAL SITE OF STRUGGLE IN MARIKANA

The politics of belonging featured in Marikana in significant ways: residents actively built a sense of collective identity that rested primarily on the need to secure a home, despite or perhaps because they did not possess a shared history as occupation was recent and the settlement was enormous at 60 000 people. “Community” was also forged by engagement in the external spaces of ward committee and the courts. However, shared identity could fracture and fragment.

In Marikana findings highlighted that “belonging” was central to how people saw their struggle. They characterised politics in Marikana as simultaneously a struggle for access to land and for belonging, identifying the importance of a metaphorical, non-physical site of politics which underpinned their claims. The struggle for non-material claims to belong was also evident in the other research sites, although it was most strongly expressed in Marikana.

The findings contributed a nuanced sense of belonging: belonging was reciprocal in nature as the occupiers belonged to Marikana and, both influencing and influenced by the juridical contestation about the meaning of a home, their dwellings were homes which belonged to them.

6.4 “COMMUNITY PARTICIPATION”: THE RATANANG STEERING COMMITTEE

In the context of the systemic exclusion of communities from formal means of participation, 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.

Community representatives could discuss, dispute and hold the state accountable to its obligations in the formal, officially recognised space of the steering committee. Negotiations for relocation to alternative land occurred in the council chambers and municipal boardrooms. 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.

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.

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 situ*. In the meantime, the housing rights of the Ratanang occupiers were protected. They had not been made homeless by an eviction, but it remained to be seen if, when and where their access to basic services would improve.

Findings about the intricate mechanics of the participatory, negotiated process at the steering committee have the potential to inform how a consultative planning processes can improve. Maintaining momentum, avoiding unnecessary delays and the management of competing interests are key among these, especially in the context of eviction which creates mistrust and exacerbates the insecurity of an already vulnerable community.

### 6.5 THE POLITICISATION OF DEVELOPMENT IN SIYANDA

Housing and infrastructure development in Siyanda fragmented the community and gave rise to a contested consultation process, large scale relocations to several sites and disputed “beneficiary” identification and allocation. The Siyanda report showed how the residents who were “left behind” experienced the development process and argued that the main consequence of this exclusion was mobilisation around *in situ* upgrading.

*Figure 16: Khulula Housing Project, one of the relocation sites for Siyanda residents relocated to make way for the construction of Dumisani Makhaye Drive*
From the late nineties, when the decision was taken to build Dumisani Makhaye Drive, until around 2015, when the Siyanda households who had been relocated to Richmond Farm transit camp from the road reserve were moved to permanent accommodation in Cornubia, the residents of Siyanda were on the receiving end of a series of development projects.

The residents did not experience the projects in an integrated way. In their experience, the interventions never adopted an area-wide approach to develop Siyanda as a whole, with a unifying goal to improve the lives of all the occupiers. Instead, the projects gave rise to large scale relocations which fragmented a community that had spent decades living together in one place.

Formal, party politics was at play at times in the history of Siyanda, but the local power relations and interests that underpinned how project implementation occurred were more significant in the politicisation of development. Official communications about the interventions were heavily contested by residents who felt excluded from “public participation” processes. Respondents questioned how beneficiaries had been identified. They believed that the allocation of housing subsidies lacked transparency and that patronage was underway. They also described how the state used the prospect of development to actively undermine leadership in Siyanda and Abahlali, the social movement of which the residents in sections B and C were a part.

6.6 CONCLUSION

This chapter used the concept of different spaces to portray how politics worked in the three research sites. The three categories - juridical, settlement and municipal - are devices to better understand how and where residents made their claims, how they tried to expand political space and the challenges they experienced in securing tenure, land access, basic services, improved livelihoods and the non-material claims of recognition, dignity and belonging.

The “bottom up” view showed that informal settlement residents navigated contested terrain in the local spheres of family, home and settlement, as well as externally in the official and administrative spaces. A defining characteristic of life, contestation was prevalent in all three sites and in all three political spaces. Occupiers and their representatives asserted significant agency in the face of contestation in the courts, with the municipal officials and councillors and within the settlements. In the final chapter of the report, we build on the residents’ widespread experiences of contestation to argue that increased recognition of informal settlement residents and their local norms and practices is the very least an informal settlement intervention should ensure. Recognition can come in many forms including material benefits (like access to basic services), the realisation of socio-economic rights (like the right to housing) as well as direct engagements and participative processes.
"Here to Stay" is the fourth report in the series “Informal Settlement in South Africa: Norms, Practice and Agency”. The other three are site-specific reports:

- The Promised Land: Ratanang Informal Settlement, outside Klerksdorp, in the North West province;
- Our Place to Belong: Marikana Informal Settlement, in Philippi, Cape Town, Western Cape; and
- Left Behind: Siyanda Informal Settlement, outside KwaMashu, in KwaZulu-Natal province.

This report shifted perspective from the local, site-specific research of the first three reports in the series to a comparative synthesis and analysis. In the preceding chapters, the report synthesised findings from each settlement according to the themes:

- How people were getting by without legally secure tenure and how land was being managed when official planning is largely absent (Chapter 3);
- How people were attempting to secure access to water, sanitation and energy when state provision was largely absent (Chapter 4);
- How people were making a living in the context of precarious residential circumstances (Chapter 5); and
• How people were asserting their agency in the different spaces that defined political life (Chapter 6).

At the heart of the project lay a concern that in situ informal settlement upgrading tends to adopt a “roll-over” approach which over-writes and replaces people’s agency and existing systems, arrangements, procedures and patterns in the settlement. In this way a conventional undeveloped or vacant land approach is applied even if the settlement is being upgraded in situ. The research therefore turned on a single question: if informal settlement upgrading interventions are to result in meaningful change on the ground, how should they address the existing realities in the places they seek to improve? The purpose of researching local norms in the three sites, and synthesising the findings, is therefore to inform in situ informal settlement upgrading policy and implementation with a better understanding of the existing realities in informal settlements.

In section 7.1 of this chapter of the report we identify shared characteristics of the life-worlds of Ratanang, Marikana and Siyanda, emphasising the agency that ordinary people exercised. This section is intended to indicate how the particular experiences of the residents of the three informal settlements can be understood in light of the broader purpose of the work to inform informal settlement upgrading.

Section 7.2 ends the report with a synthesis, comparison and analysis of preliminary directions for upgrading. Building on the site-specific upgrading issues identified in the three previous reports, it provides some general principles for upgrading policy and implementation, as well as some unique reflections from each site.

### 7.1 NORMS, PRACTICES AND AGENCY IN THE THREE SETTLEMENTS

Ratanang, Marikana and Siyanda were not informal places to live. People organised themselves individually and collectively to secure their tenure, defend themselves against eviction, access land and services and make a living. They organised their residential and economic land uses, they self-provisioned services and regulated land access, holding and use through local procedures. They numbered their homes and mobilised themselves in designated blocks or sections. People imposed their own order on an environment that existed without formal recognition.

Life in Ratanang, Marikana and Siyanda was precarious. Productive income was hard to come by and unemployment was high. Distributive forms of income such as remittances and social grants were central to how people were living and getting by.

Contestation was a significant characteristic of life in Ratanang, Marikana and Siyanda. In Ratanang occupiers 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 the report. Their claim was contested because it disrupted the prevailing orders in a number of different ways: 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 in the area or the complexity associated with competing claims to the same land by different communities.

In Marikana contestation occurred locally in the interactions between councillors and occupiers, in the electricity conflict with residents in neighbouring New Crossroads and between leadership structures over strategies and tactics. Contestation was built into the fabric of life in Siyanda over the many decades of its existence. Contestation came with the freeway construction as it led to the relocation of some residents, not others, to three separate settlements and the formalisation of section A into Siyanda Interface. Contestation was also evident in the changing allegiances to different authorities including the Inkatha Freedom Party (IFP), the African National Congress (ANC) ward councillors, Federation of the Urban Poor (FEDUP) and Abahlali baseMjondolo. In the contemporary period, contestation was evident in the dispute over which
residents legitimately “count” as the households in line for future development or upgrading.

Residents in Ratanang, Marikana and Siyanda were resilient in the face of the multiple contestations which they confronted in their daily lives. For example, in Siyanda over several decades, occupiers weathered the storms of political turmoil, the forces of development and relocation and the undercurrents of allegiance and association. In Marikana, residents were resilient in spite of unlawful eviction, brutal demolition, local conflict over services access, and profound lack of safety in the absence of visible policing while in Ratanang resilience was required in the face of external “shocks” like eviction threats and extreme weather, such as the flood which had imposed severe hardship on people’s already strained circumstances.

This section reviewed the agency that occupiers in all three settlements exercised to secure access to land, claim their housing rights, manage land holding and use, self-provide basic services and make a living. The next section considers what these findings mean for upgrading policy and implementation.

7.2 IMPLICATIONS OF THE FINDINGS FOR INFORMAL SETTLEMENT UPGRADE POLICY AND INTERVENTION

Having identified the dimensions of the agency which residents brought to bear on living in the informal settlements, the chapter now considers the conclusions that can be drawn about how upgrading interventions should engage with the realities in the places they seek to improve, if meaningful changes on the ground are to result. In this sub-section we identify what directions the synthesis offers for the alternative intervention logic that this research seeks to inform.

The synthesis offers four general principles to guide the state in upgrading policy and implementation: recognise existing norms and practices, prioritise basic services provision, attend to non-material needs in participative upgrading processes and build constructive relations with residents. The research findings provide some concrete ways to apply the recognition principle.

**Recognise existing norms and practices**

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 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: how the residents organised their own defence when their housing rights were violated; how they arranged their own access to services, as
minimal as that 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.

The findings offer three concrete directions for applying the recognition principle advocated in this report which are applicable in the tenure, land use planning and basic services sectors.

*Understand the multiple, existing tenure arrangements in a settlement as a starting point for informal settlement upgrading interventions:*

Tenure diversity can be categorised into three types: local tenure arrangements and land use management practices; statutory, protective tenure rights; and registered property. This classification is a good place to start identifying how tenure currently works in a settlement and should be the basis of the “alternative tenure” provisions in the UISP. The ability to provide evidence is an important point of departure for tenure security. A street address and proof of residence are pre-requisites for interacting with society outside the settlement and with the formal economy. Enumeration is an evidence creating process that the research found to be one of the most significant land management practices in use. The local and statutory tenures are not registered. They should be recorded, guided by the existing enumeration practices and the principles that informed the local norms around which enumeration developed.
Identify the clues offered by local land use management practices:

The land governance practices that accompany local tenure arrangements hold important clues for upgrading interventions. They provide markers for layout planning that build on what already exists. Existing activity routes, internal neighbourhood blocks, and locally designated land uses for social use, open space and economic activity should be the starting point for layout planning. In Marikana for example, locally designated land uses could be carried over into the upgrading process, to minimise disruption and capitalise on what already makes sense locally: an urban economic column already exists along Protea Road which lends itself to higher density, mixed use development; reserves for services provision are available along Sheffield and Protea roads; and an opportunity for formal open space designation, essential for a large, dense settlement, exists on the adjacent field.

A typology of municipal responses to services provision is a useful tool for upgrading policy and implementation:

A typology of municipal responses to services was evident in comparing Ratanang, Marikana and Siyanda, providing a useful tool for analysing variations in municipal responses more widely. The typology can be also used to identify how informal settlement residents have adapted to municipal supply, or the absence thereof, and to prioritise interventions to mitigate vulnerability especially around personal health and safety, crime and violence.

Prioritise the provision of basic services

The research found that occupiers easily identified their most urgent priorities as being for access to basic services to improve their quality of life. Access to visible and effective policing to improve safety and security was also a priority, especially in Marikana. The occupiers had effectively resisted eviction in Ratanang and Marikana but the processes of meaningful engagement around relocation in Ratanang and securing the land in Marikana was taking time to unfold, whereas people in Siyanda had been left out of the formal interventions that took place previously and were involved in contesting who had legitimate claims to any future interventions.

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 informal settlement residents. While the lack of government provision of basic services may provide 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 come at a 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.

Household livelihoods are affected by lack of access to basic services. Access to clean water and safe sanitation is essential to health and by extension essential to the abilities of individuals and households to participate in activities to make a living. With electricity, children and teenagers can complete their homework at night and food can be cooked to provide nutrition or to be sold. Many spaza shops require electricity for lighting, cooking and for some of their merchandise, such as “cold” drinks and perishable goods.

The provision of basic services as an interim measure can significantly reduce the social, economic, health and financial burden on the residents of informal settlements. It can also prevent the outbreak of disaster such as fire as well as public health risks accrued through the collection of water from an often 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 prevalent in informal settlements.

**Attend to non-material needs**

Over and above the material needs for access to land and services, protection against unlawful eviction and access to adequate housing, and linked to their provision, the research also found that achieving recognition and a sense of belonging were fundamental, non-material priorities for the occupiers. In Siyanda residents expressed a profound sense of exclusion, of being “left behind”. In Marikana occupiers identified their struggle as being as much about land as it was about belonging and actively built a sense of community to assert it. Similarly, in Ratanang residents articulated their claims as being for recognition. Inclusive participatory processes in which state and residents engage in a meaningful way about the future are pre-requisites for meeting these non-material needs.

**Build constructive relationships with residents**

It is commonly held that the state is largely absent from informal settlements. The state was in fact very much present in the lives of the residents in Ratanang, Marikana and Siyanda, most significantly through the distribution of social grants to the majority of the households in all three settlements. The state featured in other ways too such as its juridical presence in the housing rights litigation, its administrative presence through enumeration processes or its political presence through formal ward-based processes in the settlements. The state also featured in different ways in the settlements such as the municipal state’s role in Ratanang in the negotiations at the steering committee. Direct access to the state was rare in Marikana, only in moments of crisis, such as an invitation to City Hall after the conflict in October 2017 or as “law enforcement” via the Anti-Land Invasion Unit which came to forcibly demolish people’s homes. It had a presence in Siyanda via the development of subsidy housing projects at Siyanda Interface, Khulula and further afield at Cornubia; the provision of alternative accommodation at Richmond Farm,
Mount Moriah and Lindelani; and the construction of the freeway.

Given these findings, an upgrading intervention does not signal the beginning of a state presence in informal settlements. Prior experiences, often marred by adversarial, recalcitrant or brutalising intervention or by perceptions of informal settlement resident dependency and criminality, will shape how the range of state actors engage with residents. These legacies need to be actively addressed if meaningful engagement is to occur in the participative upgrading processes envisaged by the UISP.

In addition to these four general principles, the synthesis also offers three unique reflections from each site: meaningful engagement in participative upgrading processes from Ratanang, the progressive use of expropriation from Marikana and the impact of shared facilities from Siyanda.

Reflections on “community participation” practices from Ratanang

Despite the benefits of a formal platform for engagement between residents and state, a number of challenges were encountered in the Ratanang 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 versus in situ upgrading; 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. Ratanang shows how engagements should not presuppose a shared approach among government and community stakeholders and even between government participants, despite clarity in the policy framework. Achieving some kind of consensus in approach is important for meaningful engagement to occur. It also demonstrated that maintaining momentum is a critical success factor: regularity of meetings, consistent meeting attendance, and avoiding long delays. Another significant factor for relative success in intervention in informal settlements, is the management of competing interests, especially in the context of eviction which undermines the security of people who are vulnerable to begin with.

Reflections on expropriation from Marikana

In Marikana, securing access to the registered properties underlying the occupation was a key determinant in the way forward at the time of writing. Existing provisions in the Housing Act and the UISP allow for the use of expropriation to secure the underlying land for in situ upgrading. Section 9 of the Housing Act provides for expropriation of land for projects funded by a programme in the Housing Code. UISP funding can be allocated to the “acquisition of land, where the land to be developed is in private ownership, through negotiation or expropriation”61 during the implementation of phase

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2 of the programme. These provisions are largely untested. In enlisting the courts in their efforts, the residents of Marikana look set to change this. Given that private property remains a central blockage to the delivery of basic services for thousands of people living in informal settlements across South Africa, Marikana highlights these potentially progressive provisions which may positively influence changes to current approaches to informal settlements.

**Reflections on shared facilities from Siyanda**

Regarding communal services, the eThekwini CAB (communal ablution blocks) model is seen to be a ground-breaking approach to the provision of interim services in an incremental upgrading programme. This research offers important insights from residents’ experiences of the model that can inform the use of the model in other places. Siyanda highlights that the co-existence of self-supplied sanitation, self-dug pit latrines, with government-provided CABs is likely as people will mitigate the risks and potential exclusion arising from lack of safety, distance, night time accessibility and the need to negotiate with caretakers for after-hours access. Rather than rule-breaking, some of the adjustments that caretakers and users have made in practice, like longer opening hours, are adaptations to increase effective use and functionality. While communal water and sanitation facilities are able to provide interim basic services to large communities, without regular cleaning, operation and maintenance, they can become hazardous to public health and the environment. The social relations upon which access to the facilities relied adversely affected vulnerable residents the most.

The general principles for upgrading policy and implementation advanced in this chapter will be more fully developed in a set of informal settlement upgrading policy briefs in a new phase of work. The norms, practices and agency documented in this report, as well as the three site-specific reports, will be the evidence base for these proposals.

Although the chapter identifies a set of shared characteristics from the findings, each informal settlement was embedded in a particular social and economic reality and the synthesis does not attempt to override the significant differences that existed between them. The three unique reflections contained in this chapter are one aspect of this specificity. Others include how location in a mining town in decline on the periphery of the economy informed livelihoods and land access in Ratanang, how the proximity to key transport nodes and amenities like wholesalers shaped economic life in unique ways in Marikana and how Siyanda’s age and politicised history influenced the ways in which people identified themselves in their engagements in and outside the settlement. The challenge of informal settlement upgrading is to respond to the particularities and uniqueness of each place and the people who live there, while implementing a broad based policy framework. It is a challenge towards which this report hopes to make a substantial contribution.
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RATANANG, MARIKANA AND SIYANDA