



LOCAL DEMOCRATIC SPACE IN INFORMAL SETTLEMENTS

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The Upgrading of Informal Settlements Programme (UISP), set out in Part 3 of the National Housing Code, was introduced in 2004 as a way to address the needs of people living in informal settlements through improving the process of informal settlement upgrading in South Africa. The UISP is premised on 'extensive and active community participation'. Municipalities are mandated under the UISP to lead and drive informal settlement upgrading with meaningful community participation, a process which must include the input of vulnerable groups and key stakeholders, as facilitated by ward committees (SERI forthcoming).



INFORMAL settlements have existed in South Africa for decades. Many people travel from rural areas to find accommodation that is closely located to work opportunities and fail to access formal housing, ending up in informal settlements (Hunter and Posel 2012: 290). The United Nations (UN) Special Rapporteur on Adequate Housing defines informal settlements as 'residential areas where inhabitants have no formal ownership or lease agreement vis-à-vis the land and/or dwellings they inhabit' (UN Rapporteur 2018). In 2011 it was estimated that

between 2.9 and 3.6 million people lived in informal settlements in South Africa.¹ However, given the tenure arrangements in informal settlements and the fluidity of residence, the number is likely to be significantly higher (SERI and ICESCR 2018). Informal settlements generally lack infrastructure and access to basic services such as water and sanitation, and the dwellings in which residents live often do not comply with formal planning and building regulations (SERI and ICESCR 2018). The precarious conditions in these settlements pose risks to the

health, safety, and security of the people who call them home.

Ward councillors play an important role in the implementation of the UISP as they assist in securing funding for upgrading, and facilitate community participation throughout the process of service delivery.

This paper uses the experiences of two informal settlements: Marikana informal settlement in Philippi, the Western Cape, and Siyanda informal settlement in KwaMashu, KwaZulu-Natal, to examine how local communities engage with formal community engagement channels to access basic services, avoid eviction, and secure tenure. The first part of the paper will introduce the experiences of the citizens engaging in local democratic spaces in informal settlements and the second part will discuss the interaction between formal and informal structures and mechanisms. This analysis will examine how community participation impacts the community itself and/or the stated goals of community members. The paper will also assess how the residents of these settlements engage with the state to assert their rights by examining the complexities of interactions within the settlements and how politics is articulated in various arenas.

METHODOLOGY

The paper relies on research conducted as part of the Socio-Economic Rights Institute (SERI)'s Informal Settlement Action Research series titled, 'Informal Settlements in South Africa: Norms, Practices and Agency'², which was conducted in the Ratanang, Marikana and Siyanda informal settlements in 2016 and 2017. The qualitative studies were conducted using semi-structured interviews framed around the themes of tenure security, basic services, sustainable livelihoods, and political space. Using a 'bottom-up' lens, derived directly from the voices of residents, the

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research aimed to document the individual and group recollections of settlement histories, perceptions of community mobilising, and actions taken against evictions and to discern, to the extent possible, layers of power and contestation that inform the complex terrain which residents of informal settlement residents navigate in the private and public spheres.

CITIZEN ENGAGEMENT IN THE INFORMAL SETTLEMENT CONTEXT

Informal settlements are 'symbolically constituted as spaces of crime, spaces of anomalous, polluting, and dangerous qualities' (Caldiera 2000:79). They are commonly viewed as criminalised spaces which translates to their residents being viewed as marginal, and suffering endless prejudices (Meth 2017: 240). The rhetoric around informal settlements has long been focused on the 'eradication' of the slums with a focus on eviction, criminalising land invasion, and encouraging security measures to prevent the formation of new settlements (Huchzermeyer forthcoming). Authorities have traditionally been resistant to recognise the residents of informal settlements and invest in developing informal settlements because they fear that investment will be perceived as a recognition of occupancy rights and serve as a tacit endorsement of informal settlements (Fox 2014). The criminalisation of informal settlements is diametrically opposed to the recognition of informal governance structures as these settlements are perceived to exist because

of unlawful occupation. Consequently, the informal local structures that represent the interest of the criminalised occupiers often strive for recognition in the formal democratic system.

Informal governance structures have developed in informal settlement settings to accommodate the needs of individuals in these communities for administrative order and recognition from formal bodies such as municipalities. These structures serve the dual purpose of representing the interests of individuals and communities and of promoting community participation, and, by extension, expressions of citizenship. Citizenship, in this context, refers to the notion of citizenship as participation, where individuals are active in the political arena and act as agents (Lister 1998: 228). Effective community participation allows community members to become active participants in the development process, where they are able to articulate their needs, identify obstacles, develop plans, and in some cases, aid in implementation (Davids 2005:12). This participation in decision-making ideally facilitates a relationship and synergy between marginalised communities and the state, to jointly improve and influence systems and processes through which basic services are delivered (Naidoo 2017).

'Invented' spaces of citizenship, are spaces 'occupied by the collective actions of the poor that directly confront authorities and challenge the status quo' (Mottiar and Bond 2014). Conversely, the 'invited' space of citizenship is legitimised by outside actors, such as government, who delineate the ways in which engagement and participation will be accepted (Miraftab 2006: 195). Community participation in informal settlements is often born in invited spaces. The ward councillor and committee system are spaces to which residents of informal settlements are regularly invited for a specific purpose but are not defined by residents themselves; these spaces

are created from 'above' rather than from 'below'. In the two informal settlements discussed in this paper, politics is articulated through both formal (invited) channels, such as ward participation, and in informal (invented) channels which include a combination of making demands, compromise, protest and resistance.

COMMUNITY PARTICIPATION IN INFORMAL SETTLEMENTS

Community participation in informal settlements is often encouraged by a failure of the state to provide for residents' basic physical needs in the form of housing and infrastructure, and to facilitate the building of social relations that empower local citizens (Zonke and Matsiliza 2015).

Manzo and Perkins (2006) foreground the role of 'place attachment' to community participation and planning, by recognising that people are embedded in a physical context that shapes the nature of people's relationships to one another and to place. This approach considers how space acquires meaning, and people's bonds with their environments impact their engagement with and desire to maintain, improve, or remain in those places (Manzo and Perkins 2006: 337). Place attachment, webs of social relations, and representative committee structures shape community participation in informal settlements.

MARIKANA INFORMAL SETTLEMENT

Marikana informal settlement in Philippi, Cape Town is comprised of three smaller informal settlements, namely Marikana I, Marikana II, and Rolihlahla which are all located on private property. The settlement was first established in 2012 with the vast majority of households settling there in 2014. In 2015, Marikana consisted of 32 000 households, had grown to more than 60 000 people in a period of less than five years,

and continued to grow as the SERI research was being conducted.³ Marikana does not have access to formal electricity and has a ratio of approximately 40-60 people per chemical latrine (which line the road servitudes) and 400-600 people per communal tap stand. Porta-portas⁴ are delivered to a central location and collected, emptied and cleaned three times a week. Residents have erratic and inadequate municipal refuse collection and have devised their own waste management systems.

The formation of Marikana was not organised in any particular way; residents converged on the area as a result of high rents, high unemployment, and the availability of space. The settlement is comprised of a wide variety of individuals from various backgrounds with a high number of residents renting dwellings for short periods of time. Few of the people that first settled there in 2012 still live there today.

SIYANDA INFORMAL SETTLEMENT

Siyanda informal settlement in KwaMashu, Durban was established in 1988 and has an estimated population of 13 393 residents in 2011. Many of the first people who moved to Siyanda in the late 1980s still live in the settlement today with their families that have expanded over three generations.

Siyanda is separated into Sections A, B, and C. In 2000, Siyanda was included in a road development plan for the Dumisani Makhaya Drive and state-subsidised housing projects. Between 2006 and 2008, Section B and C residents were relocated to Mount Moriah and Lendelani, respectively. 64 households were relocated from Section C to Richmond Farm Transit Camp. As Section A has received Reconstruction and Development Programme (RDP) housing, the study focused only on Sections B and C. The physical division of the settlements manifested as deep social divisions in the community between residents who were relocated and those who

remained in the settlement; this has also resulted in a formal division of community networks.

Siyanda informal settlement was founded with the express intention to create an Inkatha Freedom Party (IFP) support base in opposition to the United Democratic Front (UDF) and African National Congress (ANC) supporters living in the area. All incoming residents were asked to pledge allegiance to the IFP, including attending regular political meetings. The majority of residents settled in Siyanda from rural areas before and after 1994. Populating the area with residents who were aware of the political objective of forming the settlement and who had a shared history of migrating from a rural area created a unique group of residents. In interviews, some residents stated that being raised in a rural context helped them to understand the importance of a highly regulated environment.

FINDINGS

The residents of Marikana and Siyanda used various methods to expand their political space, including organisation, participation, negotiation, and protest.

ORGANISATION

Each of the sections of the Marikana informal settlement are separate territories led by their own committees. The adoption of organisational structures like street committees is common throughout townships (Adler 1994: 103), however, in this instance, Marikana formed three separate committees. Marikana I and Rolihlahla are organised under two executive committee structures, while

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Marikana II, the largest section, uses an executive committee and block committees. The three committees operate independently from each other.⁵ Each committee operated under its own rules and policies regarding land management, incoming residents, the construction of new shacks, and access to the settlement. Despite these differences, the committee's primary responsibility was to secure their tenure by protecting the settlement from forced evictions and to facilitate access to basic services (SERIb 2018). The committees also have similar election processes which consist of leaders being nominated, accepting their positions and agreeing to uphold their responsibilities, accepting responsibility for convening regular public meetings, and committing to engaging external stakeholders (Teo 2015).

In contrast, Siyanda was originally organised under committee structures that were based on both traditional leadership styles carried over from rural areas and political leadership styles from the influence of the Inkatha Freedom Party (IFP). More recently, community organisation in Siyanda has shifted from a top-down structure to a more representative committee structure. As a local branch committee of Abahlali baseMjondolo (AbM) since 2009, committee leadership in Siyanda comprises of a chairperson, deputy chairperson, secretary, deputy secretary, treasurer, coordinator, deputy coordinator, and four additional members (SERIc 2018). This committee is nominated and elected by residents and serves a limited term.

The format of Siyanda's leadership structure is prescribed by AbM to all of its local branch committees and therefore superseded Siyanda's former committee structure. Before joining AbM, Siyanda's committee featured a chairperson and a handful of residents loosely appointed as committee members by the chairperson. Many Siyanda residents felt that self-appointed leadership committees lacked

transparent and democratic processes. The majority of Siyanda residents supported the decision to join AbM to form a strategic partnership to strengthen the settlement's internal organisation in order to better challenge the eThekweni municipality on its neglect of Siyanda's housing and basic services needs. Joining AbM also meant joining a larger national movement, and many residents felt that membership in a larger organisation would help their claims to legitimacy. As the mandate of area committees is to take community-expressed issues forward to local government, the AbM branch committee works closely with ward councillors and ward committee structures.

GAINING RECOGNITION

Residents in Marikana struggled to gain recognition through negotiation and participation, but were able to occupy informal participatory channels by mobilising to impact claim recognition and assert their legitimacy. Residents engaged their ward councillor, the City of Cape Town, Parliament, and the legislature in writing, through marches, and protests in Philippi East and Cape Town's Central Business District (SERIb 2018). The committee attempted to engage with these external figures on behalf of the thousands of residents living in Marikana with no access to basic services and who faced immense opposition in gaining recognition from the state because the first ward councillor to whom they appealed refused to recognise them as anything other than 'land invaders'. Even though the residents had organised and mobilised to be able to engage external stakeholders on the issues of access to basic services, the councillor was able to ignore them as they did not exist within any formal space in which he felt obligated to engage.

The following ward councillor accepted them as a part of Ward 35 and did not use residents'

occupation of privately-owned land as an excuse to refuse to engage with them. The new councillor had previously worked with local leaders in the area prior to being sworn in for a five-year term in August 2016. He attributed the crime and violence in the informal settlement to divisions in leadership and worked to unite the various committees in his ward. He promoted a narrative of collaboration and working towards a common goal and prioritised working with committee members from the settlement as partners to gain improved access to services, starting with temporary electricity. Residents of Marikana and surrounding informal settlements actively supported this councillor being elected as he was viewed as a uniting force.

The new ward councillor also included Marikana in the Ward Development Forum, or Philippi Business District, which authorised and monitored development projects in the Philippi area. The Forum operated out of the councillor's office and consisted of representatives from street committees throughout Ward 35. Participation in the Forum provided residents of Marikana with employment opportunities through waste collection and cleaning services in the settlements and encouraged Marikana's committee structures to work together.

Unlike the early experience of Marikana's committees, community participation in Siyanda was often articulated by the representative committees working closely with the ward councillor and ward committee. In early engagement with the ward councillor, committee members were purposefully excluded from any discussions relating to the relocations because of the construction of the Dumisani Makay Drive project in 1998. The committee members felt that the municipality was purposefully creating divisions in the community by only inviting residents who were expected to be relocated to meetings to discuss the relocation to a new site. The

meetings were closely controlled using a ticketing system, and residents were told not to share the details of the meeting with anyone. Committee members who expressed dissatisfaction about the lack of consideration for the existing committee and the lack of consultation relating to the development plans and implementation strategies were ignored.

Circumventing the committee ultimately disadvantaged residents who were relocated under conditions to which they did not agree. Those slated to be relocated had agreed to move to fully serviced RDP housing near Siyanda and were assured by the mayor and other municipal officials that their living conditions would vastly improve after the relocation (SERIc 2018). Municipal authorities never explained to residents where they would be relocated or how the decisions on where each household was to be moved would be made. After the relocation, residents relocated from Section B to Khulula complained of a lack of proper services, including lack of access to water for the entire first year, and a lack of electricity for months. According to residents, their concerns were dismissed by the municipality.

Siyanda residents view local government engagement with the AbM local committee as an effective way to gain access to services. In 2012, the residents of 64 households in Richmond Farm Transit Camp won court proceedings which led to an order for the Mayor of eThekweni, the City Manager, and the Director of Housing to take all the necessary steps to provide permanent housing to the families, which included forming a task team of which the AbM local branch was part. After nearly two decades of no state support, the municipality provided sanitation facilities to the settlement and began installing electricity connections, communal ablution blocks and collecting refuse from the settlement in 2017. Most of the respondents SERI interviewed attributed the settlement receiving electricity to AbM's

presence and work in ward committee meetings. Their recognition by formal structures allowed them to be effective and to gain the trust of the residents of Siyanda.

COMPETING COMMITTEES

Community participation in informal settlements is inherently complicated because street committees invent their local democratic spaces, and multiple committees can emerge at the same time, claiming to represent the same groups of people. The three sections of Marikana are represented by three committees which represent the interests of the majority of its 60,000 residents. Each committee operates using its own strategies and tactics, especially regarding their approaches to the ward councillor and the use of violence in protest. The Marikana II committee, in particular, was seen by the other two committees as condoning the use of violence while the others relied on disruption. In addition, the ward councillor's refusal to engage with the committees caused internal tension and prompted the leadership to fracture and establish themselves as 'new leaders in new areas' (SERIb 2018). Inevitably, varied interests and tactics led to the formation of various committees.

In Siyanda, one AbM committee ostensibly reflects the interests of the majority of residents, especially those remaining at the original settlement site. Since 2009, AbM has been working to improve resident access to basic services, sanitation, and tenure security by building close relationships between residents and government officials to

increase community participation in the provision of services and housing. As a large, organised organisation, AbM was able to draw the attention of the Mayoral Executive Committee (MEC) of Human Settlements of eThekweni in 2009 and to become a part of a task team to upgrade Siyanda in situ which resulted in the installation of ablution facilities in 2010. AbM's strategies and tactics rely heavily on community engagement in lieu of violence. While relatively smaller than Marikana, Siyanda, at 13,393 residents in 2011, was organised under a fairly unitary voice under AbM, so much so, that it is often accused of being more akin to a political party than area committee.

SENSE OF COMMUNITY

In both Siyanda and Marikana, residents expressed their citizenship as members of the communities in which they lived. In each settlement, residents are bound together either by a shared history or by a shared goal.

Siyanda informal settlement was established as a stronghold for the IFP in 1988. By 1996, political affiliation was no longer the primary claim to the land on which the settlement was built, nor was it a criterion for granting access to new residents. The original residents had a shared identity as supporters of the same political party and have developed a sense of community by virtue of having occupied the same space for generations. This strong sense of community likely influenced Siyanda's ability to reach consensus under one committee.

In contrast, the majority of residents who settled in Marikana did not know anyone in the settlement before they arrived. There was no formal mobilisation attempt, but a common interest that brought various groups of people with overlapping identities and interests together in this one place

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(Teo 2015). In addition to coming from various townships and locations around Cape Town, this loose settling process meant that few residents had strong ties with their committee members; this created internal challenges to legitimacy as committee members did not have a history of past work on which to base their legitimacy, and many residents could not identify their committee members by name (Teo 2015: 120). Despite the lack of ties to committee members, the residents still felt a strong sense of community as residents of Marikana.

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DISCUSSION

COMMUNITY PARTICIPATION IN RELATION TO COMMITTEES AND WARD COUNCILLORS.

Ward Committees are expected to facilitate community participation by promoting and ensuring the inclusion of key stakeholders in the settlement upgrading process (UISP 2009: 14). As mediating bodies between community needs and municipal responsibilities to improve access to service delivery in informal settlements, responsive and accountable ward councillors assist in improving productive channels of communication between citizens and the state (SERIa forthcoming)⁶. The UISP requires ward councillors to encourage community participation, which can facilitate or retard the upgrading process

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as it relies on the ability or willingness of ward councillors to meaningfully engage with communities.

In Siyanda, committees and ward councillors failed to engage meaningfully, either within or outside of formal channels, specifically because the ward councillor was not willing to recognise the local committee during the Dumisani Makay Drive project. The ward councillor eschewed working with organised representatives, side-lined the committees, and engaged with residents directly. By purposefully excluding the committee from community meetings at which pertinent decisions were being made and information was being shared, the ward councillor encouraged residents to bypass the committee structure, reclaimed the invented spaces created through committees, and invited residents to engage for his own purpose, in this case, the promise of housing. The community's exclusion weakened the position of the committee and of individuals who had received services from the municipality with which they were not satisfied. Siyanda's committee became a local branch of AbM with the specific intent of forging stronger relationships with local government. Committee members value their relationship with ward councillors because they are seen as the most accessible level of government, as a way to bridge the gap between the government and poor people, and ultimately achieve settlement upgrading.

By fracturing the voice of the community and by failing to encourage local politics to play out, the ward councillor inadvertently, or advertently, delayed the process of upgrading as parties were not able

to agree on a way forward. This negotiation could have been facilitated by engaging with, instead of side-lining, local committees. In Marikana, the municipality actively worked to delegitimise the committees as a voice to which authorities would listen and challenged their ability to express the preferences of the community as a unified entity. The election of a new councillor has meant a dramatic shift in approach towards committees, encouraged community participation, and improved the likelihood of development.

Ward councillors may exclude committees because they view community participation through committees as a challenge to their authority. In Siyanda, residents believed that ward councillors viewed the strength of committees as a political threat and showed a clear preference to groups that presented less of a threat. While they continued to engage the municipalities, AbM also had to rely on litigation to force the municipality to fulfil its promise to relocate 64 households from a transit camp in Richmond Farm to top-structure housing. In Marikana, the ward councillor used the fact that there was no single voice speaking for the settlement to refuse to engage, requiring the committees to unite under one committee before he would recognise them. In both cases, the community members were vulnerable to marginalisation and exclusion from local democratic space, even though ward councillors should engage with residents of the ward and act in their interests. The inability of ward councillors to separate their roles as political actors and as development facilitators constrained progress and participation.

In addition, rival committees with competing interests often develop in settlements as a result of differing opinions on tactics and strategies, complicating the role of the ward councillor, even where the will to engage committees exists. Ward councillors are faced with the challenge of weighing different perspectives and interests. In Siyanda, membership of AbM was key to recognition; any committee acting outside of the group was disregarded. In Marikana, one settlement is represented by three clear committees as well as any smaller representatives that may fragment from those. The decision to engage with one committee over another could easily be viewed as a slight by another, which complicates the picture. Interestingly, the new ward councillor in Marikana has utilised a tactic of uniting committees to ensure that they are representing the interests of the community. This tactic is welcomed by residents and seems to be having a positive impact on community participation and development overall.

The experiences in Marikana and Siyanda illustrate the fact that, ultimately, committees and communities in informal settlements can only express their citizenship as far as ward councillors are willing to recognise the invented spaces they create. In both settlements, committees continued to engage with ward councillors, regardless of the ways in which councillors viewed or treated them because they recognised the importance of access to local democratic governance structures. Community participation in upgrading, in terms of the UISP is largely determined by the openness and capacity of an individual councillor. Consequently, committees are limited in their effectiveness outside of their invented spaces unless a ward councillor is willing to invite them to engage in the formal upgrading process. Where a ward councillor is ineffective or unwilling, provincial government can prioritise top

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structure housing over in situ upgrading, essentially eliminating community participation.

THE PERCEPTION OF PARTY POLITICS IN LOCAL DEMOCRATIC SPACE

The perception of party politics played a significant role in the ways that residents in both settlements related to each other and to ward councillors. In both Siyanda and Marikana, party affiliation was blamed for lack of recognition and progress. Party membership was seen as a way to ensure service delivery that, in some cases, was perceived as being more impactful than engaging through committees.

Political divisions have been a part of the history of Siyanda since its establishment. While membership in the IFP is no longer a requirement for residency, the traditional anti-ANC and pro-IFP rhetoric continues to exist. In the early 2000s, during the relocation process, residents who expected to be relocated expressed frustration that their needs were not being taken into account when the municipality moved residents from another settlement to a relocation site called Khulula. The residents of Siyanda felt that the ward councillor disregarded them for that project because the Siyanda residents were seen as being pro-IFP; they claimed the houses in Khulula were given to ANC volunteers. In 2014, when electricity was installed, a ward committee member explained that the decision around electrifying Siyanda became political, where parties aligned with the DA and the IFP voted to oppose electrification because it was supported by the ANC. Committee members fear that Siyanda has not been developed as quickly as surrounding areas because it is viewed as an IFP ward that votes against the ANC, and they believe that ward councillors practice 'party preference or punishment'.

Residents in Marikana also feel that ward councillors are political creatures because they rely

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on votes to maintain influence. Residents fear the ability of party politics to derail informal settlement development because they feel that ward councillors, as political employees, must be loyal to the interests of their political party.

Whether the ward councillors are influenced by party allegiance is largely inconsequential as long as residents believed that the councillors are 'playing politics'. As ward councillors are viewed as the gatekeepers to the provision of basic services in informal settlements, even the perception of party bias is enough to influence the way community participation plays out.

CONCLUSION

'The nitty-gritty of informal settlement upgrading and bottom-up participatory planning is where a programme or project is won or lost' (SERId, 2012: 42). The UISP places communities at the centre of their own development programmes insofar as their local practices and needs shape the agenda and sequence of municipal interventions. The extent to which ward councillors, as local government actors, are proactively engaged with informal settlement residents around their needs and challenges forms a crucial component to building a solid foundation from which to launch the implementation of the UISP.

Ward councillors play a significant role in whether communities in informal settlements are able to access basic services. For the residents of informal settlements, ward councillors are the gatekeepers to in situ upgrading and eventual tenure security. A ward councillor's term can mean half a decade of progress

or frustration for residents of an informal settlement. A single five-year term is not long enough to fully implement a long-term *in situ* upgrade, and changes in ward councillors can easily frustrate progress if one newly elected to the position is not willing or able to maintain the momentum built by their predecessor. Successful community participation is more likely where the good work done by one ward councillor is not undone the moment an official is replaced at the end of their term. Consequently, ward councillors should be strongly supported in their work and encouraged to continue inherited successful projects, and they must also be capacitated to effectively engage with the communities whose interests they represent.

In addition, committees must be recognised for their ability to facilitate consensus in the community and to enable meaningful engagement between local government and residents of informal settlements.

Informal settlements are often made up of thousands and tens of thousands of people whose only shared characteristic is their attachment to the space they share and the desire for improved living conditions. Ward councillors must recognise the role committees play within the complex political structures that develop within informal settlements in order to ensure that residents are able to access channels to development.

In situ upgrading is a long-term project that requires commitment from local governments to take incremental (and often iterative) steps to holistically implement the UISP and improve the living conditions in informal settlements through local community participation processes and structures. This process requires strong local government and community engagement, which involves the strengthening of existing links and relationships that are productive.

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NOTES

- ¹ These figures are based on conservative estimates from 2011 and are therefore likely to be under representative. See Mark Napier, 'Government Policies and Programmes to Enhance Access to Housing: Experience from South Africa', a paper delivered at the Bank of Namibia Annual Symposium in Windhoek (29 September 2011); and Studies in Poverty and Inequality Institute (SPII), *Monitoring the Right of Access to Adequate Housing in South Africa*, SPII Working Paper No 16 (September 2017), p. 33, available at: www.spil.org.za/wp-content/uploads/2018/02/Right-to-Housing_2017.pdf.
- ² The full SERI ISAR series will be available in August 2018.
- ³ This estimate is based on the figures presented by the City and the property owners during litigation. See the occupiers' heads of argument in *Fischer v Unlawful Occupiers, Erf 150, Philippi and Others; Stock and Others v Persons Unlawfully Occupying Erven 145, 152, 156, 418, 3107, Philippi and Portion 0 Farm 597, Cape Rd and Others; Copper Moon Trading 203 (Pty) Ltd v Unlawful Occupiers, Remainder of Erf 149, Philippi*, Western Cape High Court, Case No. 9443/2014 and 11705/2015 (*Fischer* eviction application), para. 18. Others have estimated that the settlement could include up to 44 000 people. See, for example, Ground Up Staff, "Does Marikana really have 60,000 people?", *Ground Up* (1 September 2017): <https://www.groundup.org.za/article/does-marikana-really-have-60000-people/>.
- ⁴ "Porta-portas" or portable flush toilets (PFTs) comprise of a toilet seat and a detachable 21-litre container. Pressing on a lever below the seat flushes the waste into the sealed container, which intends to reduce odour and provide daily storage. (SERIb).
- ⁵ The three structures were formed at different points in time. The Rolihlahla Park committee was introduced in August 2014 in response to an eviction operation and became permanent when they engaged the city council for service delivery in June 2015. Marikana II began to utilise task teams in April 2015. See Teo R (2015) *The Organisation of a Land Occupation: A Case Study of Marikana, Cape Town*. MA thesis, University of Cape Town: 98
- ⁶ This SERI article is forthcoming in the South African Journal of Human Rights.