AN UNFAIR BUDGET: DIGNITY, EQUALITY, AND THE RIGHT TO SANITATION


NO BUDGET. NO PLAN. NO WAY!
AN UNFAIR BUDGET: DIGNITY, EQUALITY AND THE RIGHT TO SANITATION

1. The City makes capital allocations to build water and sanitation infrastructure in informal settlements.

2. Only R22M is proposed for all 204 informal settlements in 2015.

3. To put that into perspective, R106M is being spent on a parking garage for the Finance Directorate.

4. Direct capital allocations to informal settlements for water and sanitation stayed about the same since 2011 and are now decreasing.

5. The share of capital allocations to informal settlements out of the total for water and sanitation is disproportionately small.

6. 20.8% of all households are informal but get less than 2% of the capital allocation for water and sanitation. This is unfair.

7. ...meanwhile, the total capital allocations to water and sanitation across the city is actually increasing. That's unfair!

8. Instead of long term solutions, the City is investing in inferior, expensive, temporary outsourced solutions.

9. In fact, 73% of all toilets are temporary.

10. This is unreasonable year on year because informal settlements are not temporary.

11. The City is obliged to respect, protect, promote and fulfill the Constitutional rights to equality, dignity, health and security.

R22 million is not enough! Informal settlements need equitable direct capital allocations for toilet infrastructure now and a long term plan for the progressive realisation of the right to sanitation.

AFTER 21 YEARS OF FREEDOM WE SAY TO MAYOR DE LIFFE, “NO BUDGET, NO PLAN, NO WAY!”
SUMMARY

On 25 March 2015, the Mayor of Cape Town, Patricia de Lille, tabled the draft 2015/2016 budget in Council and invited public submissions.

This submission provides recommendations on water and sanitation allocations to informal settlements. In this submission we show that:

Capital allocations for water and sanitation infrastructure to informal settlements are disproportionately small and decreasing (p. 6)
- Direct capital allocations to informal settlements are declining despite an increase in informal settlement households.
- Direct capital allocations to informal settlements are disproportionately small.
- Further capital allocations are not specified and committed to informal settlements.
- Informal settlements cannot benefit from existing or planned bulk infrastructure unless toilets are provided.

Inferior, temporary sanitation facilities are used as long term solutions (p. 8)
- Direct operating expenditure on water and sanitation in informal settlements is being spent on inferior, temporary facilities.
- The City has provided toilets through increasing the number of inferior, temporary facilities.

The City of Cape Town’s water and sanitation budget allocations are unreasonable when you consider (p. 9):
- The age of informal settlements.
- The suitability of most land.
- The lack of plans for upgrading the majority of informal settlements.
- The manageable growth in informal settlement households.
- Resources are available.

Recommendations (p. 10):
- The City is obliged to respect, protect, promote and fulfil constitutional rights, including the right to equality.
- Therefore:
  1. The Mayor must increase the direct capital allocation to informal settlements in the 2015/16 budget so that it is at the very least equitable in regard to the proportion of households;
  2. The City of Cape Town must, before the tabling of the draft 2016/17 budget, develop a long-term plan for the progressive realisation of the right to sanitation in informal settlements that is supported by sufficient budget allocations;
  3. The City of Cape Town must immediately publish disaggregated budget information that promotes transparency, accountability, and participation.

We request the opportunity to make an oral presentation to the budget steering committee before the Mayor presents the final budget to Council on the 27th May 2015.
Toilets in informal settlements are not private spaces where a grandmother, a child, or any other person can undertake one of the most basic human functions. A minority of residents have access to a full flush toilet that is shared amongst many people, and the vast majority have for years used temporary facilities such as chemical toilets, container toilets, porta-potties and buckets. Many, who have no access at all, still use the nearest field or bushes.

In fact, residents of informal settlements believe that it is one of the most dangerous things you can do. Women and children in our community are especially vulnerable. Many have been mugged or assaulted trying to use a toilet and there is constant fear of being raped.

In her budget submission, Olwethu Mxoli talks about the experience of using Mshengu chemical toilets, “We did not have toilets. We had to go to another informal settlement to use toilets and we were charged R5. After two years Mshengu toilets were in use in other informal settlement to use toilets and we were told by the sanitary workers to use the nearest field or bushes. When a grandmother, a child or any other person can undertake one of the most basic human functions, it is often done under duress.”

Asandiswa Manjongolo says, “Sometimes I end up using an open space to relieve myself because I don’t have toilet keys. Mshengu toilets are dirty and they are filled with maggots. At night when you use the toilet, when getting up you find that the maggots are stuck to your bum. We can’t carry torches or cell phones because we are afraid to get robbed. I want government to provide us with flush toilets in our yard because we are afraid to get robbed. I want government to get rid of Mshengu toilets. “We did not have toilets. We had to go to another informal settlement to use toilets and we were charged R5. After two years Mshengu toilets were in use in other informal settlement to use toilets and we were told by the sanitary workers to use the nearest field or bushes. When a grandmother, a child or any other person can undertake one of the most basic human functions, it is often done under duress.”

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In Cape Town, there are 204 recognised informal settlements. Each settlement may have a number of pockets or clusters. There are altogether 437 individual clusters of varying age.

In this submission we refer to direct capital allocation to informal settlements, that is toilets, standpipes and the necessary reticulation to connect informal settlements to the sewer system.

Specifically, these are allocations to informal settlements that are not included in upgrading or reblocking programmes – effectively, the vast majority of informal settlements that currently exist in Cape Town.

Direct capital allocations to informal settlements are declining despite an increase in informal settlement households.

Since 2007 allocations to water and sanitation in informal settlements have largely remained static at around R23 million until 2014/2015, with the exception of two years, 2009/2010 and 2010/2011, where the allocations were R41.7 million and R31.3 million respectively.


When adjusted for inflation, since 2012/2013 the allocations decline further in real terms.

In a recent newspaper article, Alc. Ian Nolson\(^7\) states that people are “flocking” to the City, but in fact, the City’s data suggests an entirely manageable growth in informal settlement households of around 2% a year. Over the same period the number of informal households has increased from 214,575 in 2007/2008 to 236,367 in 2015/2016\(^8\).

This means that the City has been allocating largely the same amount year on year without due regard of the increasing need.

Direct capital allocations to informal settlements are disproportionately small.

Another way to look at the City’s priorities is the share of the total water and sanitation capital budget that is allocated to informal settlements.

Direct allocations to informal settlements compared to the total water and sanitation budget were below 3% in 2007/2008 and 2008/2009, then rose to a high of 6.21% in 2010/2011, before falling again to around 3% until 2013/2014\(^9\).

Since then, the share illustrates a steady decline with the draft 2015/2016 budget proposing less than 2% by 2017/2018\(^10\).

This lack of prioritisation is made more alarming when viewed against the fact that, according to the City’s own data, since 2009/10 approximately 20.8% of households have lived in informal settlements. That is a 2% share for 20.8% of residents. This is occurring despite a steady increase to the total water and sanitation budget. The nominal capital allocation for water and sanitation across the city has increased year on year from R729,052,679 in 2007/2008 to R1,634,388,589 in 2017/2018\(^11\).

The share of the water and sanitation department out of utilities services directorate has increased, from a low of 30% in 2012/2013 to 54.3% in 2017/2018\(^12\).

As can be seen, the City of Cape Town is significantly increasing its capital allocation to water and sanitation yet continues to allocate a disproportionately small share of this directly to informal settlements and this is proposed to decrease further.

Further capital allocations are not specified and committed to informal settlements.

The allocations outlined above are the only projects specified and committed for informal settlements. In fact, only 41 of the 147 (27%) of the capital projects in the MTREF are specified and committed to specific wards. The rest are designated as “Multi-Ward”.

Only a few projects, could be legitimately be described as providing services to the entire City. For example, R400 000 is budgeted for “Refurbishment of labs” in 2015/2016\(^13\).

Of the remainder, there is simply not enough information to determine where it will be spent. The City would seem to be setting aside lump sums for use on water and sanitation projects across the City.

This is problematic as you would expect the most vulnerable and least developed areas to have specified and committed projects. Without this, it runs the risk of allocations being committed to established areas. Residents in informal settlements need to know exactly how much is going to be spent in their community, and when.

Informal settlements cannot benefit from existing or planned bulk infrastructure unless toilets are provided.

In a recent press statement, Cllr Ernest Sonnenberg, MAYCO member for Utility Services, claimed, “Our entire infrastructure is designed to assist the poor. This bulk infrastructure provides the necessary backbone for the continual delivery of full-flush toilets in informal settlements.”\(^14\)

For example, the “Completion of Cape Flats III bulk sewer”\(^15\) at a total project cost of R182 million could potentially benefit certain catchment areas including informal settlements.

However, in order to substantially benefit from infrastructure, informal settlements require full flush waterborne toilets and reticulation networks. At the end of 2013/2014, only around a quarter (27%) of all toilets were full flush waterborne facilities\(^16\) with access to the reticulation network.
The City of Cape Town is using most of its operating allocations to provide temporary toilet facilities in lieu of long term solutions, and using outsourced service providers that are more expensive and inferior due to service providers not complying with their contracted responsibilities.

Direct operating expenditure on water and sanitation in informal settlements is being spent on inferior temporary facilities.

The City of Cape Town does not publish disaggregated operating budget allocations for informal settlements. We therefore turn to actual operating expenditure from reports presented to the Utilities Services Portfolio Committee, for both the Water and Sanitation Department and for informal settlements.

However, there is insufficient data available publicly to analyse trends over a 10 year period as was done for the capital budget above. Data is only publicly available for the years 2011/2012 to 2013/2014 (for complete financial years).

The Department of Water and Sanitation’s overall operating expenditure is increasing year on year, from R4.37 billion in 2011/2012 to R5.49 billion in 2013/2014. In 2011/2012 the City of Cape Town reported to the Portfolio Committee that it spent R122,542,503 on informal settlements. This rose substantially to R147,216,605 in 2013/2014. As noted above, at the end of 2013/2014, only 12.139% or 27% were full flush toilets.

About three quarters of all toilets provided are temporary facilities that are distributed through private service providers. 11,494, or 25% are chemical or container toilets. Incredibly, porta potties increased from 520 in 2006/07 to 19,828 in 2013/2014. This means that 44% of all toilets provided by 2013/2014 are porta pottis.

The City clearly has in the past and intends to use for the foreseeable future, its operating budget as the primary means of attempting to provide inferior temporary sanitation services to informal settlements via outsourced service providers. "Temporary facilities are almost four times more expensive to operate and maintain than full flush toilets. In the most recent available study conducted in Cape Town in 2009 it was found that the monthly operating cost of R1096.18 per unit while the monthly operating cost for full flush toilets is R305.06 per unit. Cllr Sonnenberg has stated in correspondence that the overall increase in toilets, "clearly demonstrates the City’s progressive realisation of rights. Many of these are broken, missing and poorly maintained. The number of toilets provided in theory is not a de facto and absolute measure of the realisation of the right, as it does not take into account whether residents can access sanitation.

The City of Cape Town’s Water and Sanitation budget allocations are unreasonable.

The City of Cape Town has consistently allocated a disproportionately small share of the water and sanitation budget directly to informal settlements and it is proposed to decrease further in the draft budget. This is unacceptable considering the fact that informal settlements are slowly growing and that a fifth of all households in this City live in informal settlements.

At the same time, the City has dramatically increased its toilet provision by Providing inferior temporary facilities using outsourced service providers. The City is effectively using its operating expenditure to directly provide temporary facilities on a long term basis. It is unfortunate that the 2015/2016 draft budget and the MTREF does not challenge this status quo and in fact entrenches it further. This is unreasonable when you consider.

The age of informal settlements

According to the Informal Settlements Development Matrix, roughly 80% of Cape Town’s informal settlement clusters are older than 10 years, 65% of these clusters are older than 15 years, and a full quarter (24%) are older than our democracy itself.

The suitability of most land

According to the Informal Settlements Development Matrix, roughly 115 (26%) of informal settlement clusters are on land where total relocation is required. The remainder are on suitable City, Provincial or State land for occupation and are suitable for upgrading and reblocking; or require land transfer, tenure security and de-densification or reblocking interventions.

The lack of plans for upgrading the majority of informal settlements

However, according to the Informal Settlements Development Matrix, only 19 out of 437 (4%) informal settlement clusters have been approved for “current and imminent upgrade” (Category A1). Of these 19, it’s unclear how many are currently being implemented. A further 29 (6%) of informal settlement clusters are identified as ‘future projects and planning phase’ (category A2). The remaining 389 (90%) of informal settlement clusters have no plans in place for upgrading (categories B1, B2 and C).

The manageable growth in informal settlement households

There is a misconception that households in informal settlements are rapidly growing and that the City of Cape Town simply cannot cope. In fact, according to the City’s own data, the number of households in informal settlements shows a modest increase year-on-year, from 214,575 in 2007/2008 to 236,367 in 2015/2016. That is a total increase of 21,792 households over the period.

The average growth of informal settlements for the years 2010/2011 to 2015/2016 is 1.8% which is manageable and corresponds to growth trends in formal areas.

Resources are available

In order to advance the right to water and sanitation, the City of Cape Town has an obligation to use the maximum available resources.

However, the City of Cape Town, would not seem either be prioritising informal settlements within the available budget, nor making full use of alternative financing instruments.

The City of Cape Town consistently reports an overall capital reserve. For example, in the draft 2015/2016 budget it is proposed at R761.4 million. The City must explain whether a portion of such reserves could be set aside to respond more effectively to the water and sanitation needs of informal settlements.
The City of Cape Town, simply cannot continue to treat informal settlements that have existed for so long as temporary. What is required is proper planning to ensure the right to sanitation is progressively realised with significant capital expenditure on infrastructure to support those plans.

The City is obliged to respect, protect, promote and fulfill constitutional rights

The rights to human dignity, freedom and security of the person – especially safety and psychological integrity, health and privacy – are among the most basic rights and freedoms violated when using toilets in informal settlements in Cape Town. The City is under a duty to act positively to respect, protect, promote and fulfill these constitutional rights which are inextricably linked to the right to sanitation.

In circumstances such as these, the City’s obligations would include taking reasonable, deliberate and direct steps, to give effect to these fundamental rights by using available resources, budgeting and planning towards the progressive realisation of the right to sanitation and related constitutional rights.

The City is obliged to respect, protect, promote and fulfill the right to equality

Considering the spatial legacy of apartheid and historical capital allocations preferring formal areas, the City must not only spend equally, but vastly more to ensure that the injustices of the past are redressed and substantive equality is achieved. Not in some future budget, but in this budget.

The City of Cape Town must, before the tabling of the draft 2016/17 budget, develop a long-term plan for the progressive realisation of the right to sanitation in informal settlements that is supported by sufficient budget allocations;

a. makes clear provision for each informal settlement cluster
b. prioritises capital investment in infrastructure
b. establishes timelines and targets
e. establishes minimum norms and standards
f. includes provision for monitoring and maintenance, including community-based monitoring

The City of Cape Town must immediately publish disaggregated budget information that promotes transparency, accountability, and participation.

a. Detailed information on which wards or informal settlements all capital project allocations will be spent.

b. Direct and indirect operating allocations for water and sanitation in informal settlements, including outsourced services.


c. recommends the City of Cape Town should ensure the right to sanitation is progressively realised with significant capital expenditure on infrastructure to support those plans.

FOOTNOTES
1 According to the 2011 census and City data, informal households make up roughly 38% of Cape Town’s households. According to the City of Cape Town data in its most recent Water Services Development Plan, 77,783 homes have inadequate access to sanitation. In the 2011 Census, it was revealed that roughly 30,000 homes in the City of Cape Town have no access whatsoever to any sanitation facilities, including communal toilets. The same census tells us that over 48,000 homes still use bucket latrines, which pose significant health and safety risks to users. Inadequate access to sanitation remains one of the most significant problems facing informal settlement residents.


3 This analysis covers City of Cape Town’s capital budget allocations for the period 2007/2008 to 2015/2016 (and proposed MTREF projections for 2016/2017 and 2017/18). Capital expenditure is defined by the City as “spending on municipal assets such as land, buildings and vehicles.”

4 Informal Settlements Development Matrix


6 Sanitation allocations to informal settlements are listed since 2014/2015 in Annexure 1 (Capital Budget) of the City of Cape Town budget as a project titled “Informal Settlements Sanitation Installation” and previously as “Informal Institutional Areas Upgrades”. This amount covers expenditure on the provision of permanent full flush toilets, their structures and the “necessary reticulation”.

7 “Sanitation, SJC’s analysis is faulty.” Available at http://groundup.org.za/article/sanitation-sjc-analysis-faulty_2817


18 Letter to Mr Dustin Kramer, Social Justice Coalition, from Cllr. Ernst Sonnenberg, MMCfo Member for Utilities Services, City of Cape Town, 6 January 2015.


20 Operating expenditure is defined by the City as “day-to-day expenses of a municipality such as general expenses, salaries and wages and repairs & maintenance”. In the context of sanitation in informal settlements, operating expenditure includes spending on the clean-up, repairs and maintenance of sanitation facilities as well as the removal of human waste and other outsourced sanitation services.


24 It is assumed that these figures include the bulk supply of water to informal settlements, a share of bulk sewerage treatment and janitorial services. If this is not the case, this would indicate that the Department is not reporting full and accurate disaggregated expenditure to the Utilities Portfolio Committee.


27 Ian Neklson, Executive Deputy Mayor, “Sanitation: SJC’s analysis is faulty.” Available at http://groundup.org.za/article/sanitation-sjc-analysis-faulty_2817

28 City of Cape Town Informal Settlements Develop Matrix


30 Letter to Mr Dustin Kramer, Social Justice Coalition, from Cllr. Ernst Sonnenberg, MMCfo Member for Utilities Services, City of Cape Town, 6 January 2015.

31 City of Cape Town Informal Settlements Develop Matrix


CONTACT DETAILS FOR THIS SUBMISSION
Social Justice Coalition
NOAH Building, 296 Maxarama Rd, Site B, Khayelitsha
Contact person: Axelle Notywala
axelle@sjc.org.za
074 386 1584

Ndifuna Ukwazi
47 on Strand, 3rd floor, Strand St, Cape Town
Contact person: Jared Rossov
jared@nu.org.za
021 423 3089