

Study No. 11, March 2013

The Social Justice Coalition and Access to Basic Sanitation in Informal Settlements in Cape Town, South Africa

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Introduction

On 16 May 2012 the mayor of Cape Town, Patricia de Lille, standing on the steps of the city's civic center, announced a daily cleaning service for flush toilets in informal settlements. The mayor noted that the service, which would include the daily cleaning of flush toilets, standpipes, and surrounding areas and minor repairs, would employ 500 community members.² She made this announcement to an approving crowd of more than 200 members of the Cape Town-based social movement, the Social Justice Coalition (SJC), which had campaigned for improvements to sanitation in the settlements.

This janitorial service, which later received R26 million (US\$3.2 million) in funding from the City, was not only a victory for the SJC, as the first service of its kind in South Africa, it was also a significant step toward the provision of basic sanitation to all of South Africa's people.^{3,4}

This case study describes the campaign that compelled City authorities to implement the janitorial service and other SJC initiatives to improve access to basic sanitation in Cape Town. It examines the nature of the SJC, the context in which it works, its strategy for change, and its achievements. It also examines wider contextual factors that have influenced its campaigns.

The SJC was formed in the informal settlement of Khayelitsha in 2008 as a loose coalition of civil society organizations that had come together in response to a wave of xenophobic attacks that had taken place there and in other settlements in Cape Town.^{5,6} After the attacks were subdued, member organizations decided to maintain the momentum by asking community members in Khayelitsha to identify which issues had the most negative impacts on their daily

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² "Statement by the Executive Mayor of Cape Town, Alderman Patricia de Lille on the Janitorial Service for Flush Toilets in Informal Settlements," Media Release No. 397/2012, 16 May 2012, http://www.capetown.gov.za/en/mayor/Documents/DeLille_speeches/Statement_janitorial_service_informal_settlements.pdf.

³ US\$1 = R8.15 (18 July 2012).

⁴ The metropolitan authority, which is responsible for governing Cape Town, is popularly referred to as "the City" by residents and activists. This convention will be followed in this report.

⁵ Khayelitsha is the largest informal settlement in Cape Town with approximately 500,000 residents. The term informal settlement refers to areas of densely concentrated informal housing, which are typically located on undeveloped land at some distance from the city center. The term informal settlement is problematic as it implies that such settlements are temporary in nature which, as this report will show, has contributed to the poor sanitation facilities that exist in such settlements. Despite this, the term will be used in this research report due to its pervasive use by both government officials and representatives from civil society.

⁶ The SJC provided clothing, food, and legal support to victims of the attacks that also took place in other parts of South Africa.

lives. Security emerged as the overwhelming concern among community members. Initially the SJC assumed that the courts and the police would be the primary focus of any campaign on community security, but as SJC coordinator Gavin Silber notes, “The issue that came up, which surprised us in relation to crime, was the issue of toilets.” The SJC collected testimonies from numerous residents who had been assaulted, raped, or whose family members had been murdered while going to the toilet. These incidents occur because the lack of toilet facilities in informal settlements often forces residents to relieve themselves in isolated areas far from their homes.⁷ The community’s emphasis on access to toilets meant that the SJC began to focus on the wider issue of sanitation provision in Cape Town’s informal settlements with a particular emphasis on Khayelitsha. In consultation with community members, it quickly became apparent to the SJC that the sanitation problem in informal settlements was much wider than simply inadequate access to toilets; there were also entrenched problems relating to the collection of solid waste from households, area cleaning, and the general maintenance of sanitation facilities including standpipes for water.⁸

In response to community concerns, the SJC launched two campaigns in 2010: the Justice for All Campaign, which concentrates on issues relating to the police and the courts, and the Clean and Safe Sanitation Campaign (CSSC). This report primarily focuses on the latter. The CSSC sought to ensure that the toilets that do exist are “adequately maintained, monitored and coordinated” and to pressure the City to deliver “clean and safe sanitation facilities ... within a reasonable timeframe” to all the informal settlements of Cape Town.⁹ Before analyzing the success of this campaign, however, it is necessary to understand just how deficient sanitation facilities are within informal settlements in Cape Town.

The Issue: Poor Sanitation

While there is no direct right to adequate sanitation expressed in the South African Constitution, there are clauses that “directly or indirectly imply the right to basic sanitation.”¹⁰ However, according to a recent research report, “There is a lack of common understanding of the definition of a basic sanitation service within the context of access to basic sanitation services as a constitutional right.”¹¹ Consequently, there are no clear norms or standards governing the

⁷ Children have also been the victims of crime while being left unattended because their parent(s) had to leave their respective homes to go to the toilet.

⁸ In 2009 a survey conducted in informal settlements in Cape Town found that 61 percent of residents were unhappy with water and sanitation services. See, “Water Services Development Plan for the City of Cape Town 2011/12 – 2015/16, Final Report March 2011,” City of Cape Town, p. 97, http://www.capetown.gov.za/en/Water/WaterservicesDevPlan/Documents/WSDP_2011_2012/WSDP_%2018%20April_%202011_12.pdf.

⁹ “SJC Meets with Mayor of Cape Town to Discuss Access to and Quality of Sanitation in Informal Settlements,” SJC Media Release, 18 July 2012, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en//page71656?oid=259319&sn=Detail&pid=71656>.

It is interesting that research has indicated that one of the “key dimensions” to the xenophobic attacks of 2008 relates to competition among informal settlement residents for access to, *inter alia*, water and sanitation. See, “Citizenship, Violence and Xenophobia in South Africa: Perceptions from South African Communities,” Human Sciences Research Council, June 2008, p. 7, <http://www.hsrc.ac.za/Document-2807.phtml>.

¹⁰ Kate Tissington, “Basic Sanitation in South Africa: A Guide to Legislation, Policy and Practise,” SERI, July 2011, p. 18, http://www.seri-sa.org/images/stories/SERI_Guide_to_Basic_Sanitation_Jul11.pdf. The author would like to acknowledge the usefulness of Tissington’s work to this research report.

¹¹ Tracy Jooste, Nozibele Mjoli, and Gillian Sykes, “Towards the Realization of Free Basic Sanitation: Evaluation, Review and Recommendations,” Water Research Commission, 2009, p. v,

provision of basic sanitation. The lack of clarity around sanitation standards is matched by confusion over which part of government is responsible to provide and maintain sanitation infrastructure. Though it is clear enough that local government should provide water and sanitation, this responsibility is confusingly shared by a number of different players at the national, provincial, and local government levels.¹²

For all these reasons, it is even difficult to obtain accurate figures on the sanitation backlogs in Cape Town's informal settlements. Still, the scale of the problem is evident enough.

Cape Town is South Africa's second largest city, with an estimated population of 3.7 million. Over the last 10 years, the city's population has grown by 21 percent and is expected to reach 4.2 million by 2031.¹³ Its rapid growth is largely due to the "in-migration" from other parts of South Africa of mostly poor, young South Africans looking for work.¹⁴ The relative poverty of most migrants means that they are not able to purchase or rent formal housing when they arrive in the city, which has led to an escalation in the number of people living in informal settlements.¹⁵ Current estimates indicate that there are now 230 informal settlements in the city that contain over 194,000 households, which equates to approximately 970,000 people (over 25 percent of the city's population).¹⁶ The problem is exacerbated by the fact that the City is unable to house even a small fraction of existing or incoming citizens. In May 2012 City authorities noted that 340,000 households were on the waiting list for City housing with "a substantial number of additional households" (estimated to be at least 273,000 in 2010) in need of housing but not

<http://www.wrc.org.za/Knowledge%20Hub%20Documents/Research%20Reports/TT%20422-09%20Water%20Policy.pdf>.

¹² Constitution of the Republic of South Africa, 1996, Schedule 4: Functional Areas of Concurrent Competence, Part B, <http://www.info.gov.za/documents/constitution/1996/index.htm>. The responsibility for bulk reticulation lies with the Department of Water Affairs, while the Department of Human Settlements is mandated to provide household sanitation. Three further departments also have responsibility for sanitation: The Department of Health must monitor community and environmental health issues; the Department of Cooperative Governance and Traditional Affairs must ensure that local governments fulfil their sanitation obligations; while the National Treasury must ensure that money allocated for sanitation is used properly. Provincial Departments of Human Settlements and Health are responsible for monitoring the implementation of sanitation policy by local government. At local government level, where policy is actually implemented, the situation is even more complicated. During the course of its interactions with the City of Cape Town around sanitation the SJC has dealt with no fewer than 11 different departments: Water and Sanitation; Roads and Stormwater; Reticulation; Environmental Health; Contract Management; Informal Settlements Unit; Human Settlements; Disaster Management; Development Services; Solid Waste Management; and Utilities.

¹³ "City of Cape Town Discussion Paper: Demographics Scenario," City of Cape Town, August 2012, p. 9, <http://www.capetown.gov.za/en/sdf/Documents/Nov2010/DemographicsDiscussionPaperAugust2010.pdf>.

¹⁴ The City estimates that 18,000 new households (45 percent of which are from the Eastern Cape) enter the city every year. See, "City of Cape Town Integrated Development Plan June 2007 – June 2012: 2011/12 Review," City of Cape Town, July 2012, p. 94, http://www.capetown.gov.za/en/IDP/Documents/CCT_IDP5full_1.pdf. It is currently estimated that 71 percent of Cape Town's population is under the age of 34. See, "Western Cape Department of Human Settlements, Annual Performance Plan 2012 – 2013," Department of Human Settlements, p. 15, http://www.westerncape.gov.za/Text/2012/3/dhs_app_2012_2013.pdf.

¹⁵ According to the City's Integrated Development Plan June 2007-June 2012 "The majority of these households are poor and rely on the state to provide them with subsidised housing ... most of these families end up having to find living space in already poor and overcrowded suburbs and townships." p. 94.

¹⁶ "Water Services Development Plan 2011/12 – 2015/16: Executive Summary," City of Cape Town, p.3, http://www.capetown.gov.za/en/IDP/Statutory%20plans%202011%20%202012/AnnexureI_Draft_Water_and_Sanitation_Sector1_Plan_2011_2012.pdf. There are typically 4.6 persons per household in informal settlements in Cape Town. See, "Submission to Parliamentary Portfolio Committee into a Comprehensive Social Security System for South Africa," Programme for Land and Agrarian Reform, University of the Western Cape, 3 June 2003, p.2, <http://www.pmg.org.za/docs/2003/appendices/030610plaas.pdf>.

currently registered on the waiting list.^{17, 18} Despite this considerable demand, the City built only 33,200 new houses in the four years between 2007 and 2010, meeting only a fraction of the demand.¹⁹

Under these circumstances, sanitation backlogs persist. Over the last few years, the City has consistently calculated the toilet backlog by simply dividing the estimated number of households in informal settlements by the number of toilets that the City has installed in informal settlements.²⁰ Using this method, the City claims that approximately 400,000 informal settlement residents in Cape Town lack access to basic sanitation.²¹ These backlog figures are rejected by the SJC for three primary reasons. First, the SJC argue that the calculation assumes that toilets are equally distributed within informal settlements. The SJC has consistently argued that toilet distribution is uneven, which has resulted in some areas having an average of 2.9 households to one toilet whereas others have an average as high as 12 households per toilet.²² Second, the city's calculation does not take into account toilets that are no longer functioning. Evidence presented to the SJC by community members after a social audit of sanitation facilities in one section of Khayelitsha, and from SJC community member testimonies more generally, reveal that numerous toilets of all types are in a state of disrepair. Third, the city includes in its calculation toilets that do not meet the minimum requirements necessary to be considered basic sanitation. For example, the city includes in its calculations over 4,500 chemical toilets, which do not qualify as basic sanitation and are only supposed to be used in emergency situations for less than one month.^{23, 24} A recent research report has noted that if all nonqualifying toilet solutions used by the City are taken into account, at least 500,000 residents have no access to basic sanitation.²⁵ Silber argues that this figure is likely to be a "gross underestimate" because it assumes that all qualifying toilets, such as flush toilets, are fully operational.²⁶ Silber's contention is supported by

¹⁷ "City of Cape Town 5 Year Integrated Housing Plan 2010/11 – 2014/15," City of Cape Town, 2010, p. 11, http://www.capetown.gov.za/en/IDP/Statutory%20plans%202011%20%202012/AnnexureL_5_Year_Integrated_Housing_Plan_2010.pdf.

¹⁸ "City of Cape Town: Built Environment Performance Plan (BEPP) 2012/13," City of Cape Town, May 2012, p. 11 & 58, http://www.capetown.gov.za/en/Housing/Documents/CoCT_BEPP_Final_May_2012.pdf.

¹⁹ "City of Cape Town 5 Year Integrated Housing Plan 2011/12 – 2015/16," p. 6.

²⁰ See Table C1.1a in "Water Services Development Plan for the City of Cape Town 2011/12 – 2015/16: Executive Summary," p. 3.

²¹ "Water and Sanitation Informal Settlements Services: Follow Up Report on Highlights," presentation to the Ministerial Sanitation Task Team, 3 April 2012.

²² "Janitorial Servicing of Sanitation Facilities in Cape Town's Informal Settlements," p. 12. In some areas of Khayelitsha as many as 500 people are expected to share a single toilet. See, "SJC Welcomes De Lille's Commitment to Sanitation Services," SJC Media Release, 3 October 2011, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=259319&sn=Detail&pid=71619>.

²³ A chemical toilet is a standalone unit with chemicals below the toilet that are used to treat human waste. These need to be emptied regularly.

²⁴ "National Sanitation Strategy: Accelerating Sanitation Sector Delivery," Department of Water Affairs and Forestry, August 2005, p. 56, http://www.dwaf.gov.za/dir_ws/waterpolicy/vdFileLoad/file.asp?ID=428 (accessed at the time of writing). Also see, Karen Goldberg, "The Water Dialogues: Cape Town Case Study," 23 June 2009, p. 30, <http://www.waterdialogues.org/south-africa/documents/CapeTownCaseStudy-FullReport.pdf>

Despite the fact that legislation states that chemical toilets should not be used for more than a month, numerous chemical toilets have been installed in parts of Khayelitsha for at least seven years.

²⁵ Ibid, p. 52-53. Goldberg notes that "the backlog, especially the backlog of basic sanitation is far greater than is officially reported. This is because no differentiation is made between the provision of a toilet *per se*, and whether or not this provision meets the standards of basic sanitation as defined by policy or legislation," p. 52-53.

²⁶ The situation is further complicated by the fact that informal settlement population statistics are merely estimates, which may mean that more people live in informal settlements than is assumed. In many areas where the City is yet

another recent report on sanitation in South Africa which observed that “available statistics and data on sanitation provision are highly unreliable, which means that accurate, up-to-date information on basic service backlogs ... is largely non-existent.”²⁷

Other sanitation issues in informal settlements in Cape Town relate to the servicing and cleaning of chemical toilets, the collection of solid waste (general household rubbish) from households, the cleaning of streets and public spaces (known as area cleaning), and the condition of water standpipes (taps).

The city of Cape Town currently spends 11 percent of its operational budget to contract private companies that undertake various functions on its behalf.²⁸ For example, private service providers are contracted by the City to service chemical toilets and to undertake refuse removal and area cleaning. All contracts that entered into between service providers and the City are governed by Service Delivery Agreements (SDAs), which describe the level of service that these contractors must provide.

In terms of chemical toilets, Silber notes that they are cleaned “at most once a week,” even though service providers are supposed to clean the toilets once a day, according to their contracts with the City. The City, however, appears to have accepted the situation because it lacks the capacity to monitor the daily service and has instead informally agreed to pay service providers for less frequent cleanings. Mayoral Committee (MAYCO) Member for Utility Services, Councilor Shehaam Sims, recently acknowledged that the City has very limited monitoring capacity.²⁹ The extent and consequences of this problem are highlighted by a recent research report, which argues that “regulating and monitoring private contractors appears to be one of the greatest challenges and shortcomings of the City of Cape Town. For close to a decade the City has relied on the goodwill of companies to self-regulate with, at times, appalling results.”³⁰ The absence of monitoring has resulted in unsanitary conditions both in and around chemical toilets.

According to the City, all residents in informal settlements receive an integrated refuse removal and area cleaning service that is planned and guaranteed.³¹ Despite this claim, testimonies from community members and onsite inspections carried out by the SJC reveal that “refuse is often collected irregularly,” and area cleaning “is not taking place in many areas.”³² These claims appear to be supported by a community satisfaction survey undertaken by the City in 2009, which demonstrated that 22 percent of informal settlement residents were unhappy with refuse

to install flush toilets, it is cannot use ventilated pit latrines, which would otherwise qualify as basic sanitation, because the water table is too high.

²⁷Kate Tissington, p. 59.

²⁸ Fritz Jooste, interview by author, written notes, Cape Town, 31 May 2012.

²⁹ Councilor Sims, interview by author, written notes, Cape Town, 30 May 2012 and Gavin Silber, interview by author, written notes, Khayelitsha, 29 May 2012.

³⁰ Karen Goldberg, p. 54.

³¹ “The City of Cape Town Integrated Development Plan 2007 – 2012: 2011/12 Review,” City of Cape Town, July 2011, p. 51. This claim is contradicted in the City’s “Built Environment Performance Plan,” which notes that 3.6 percent of residents in informal settlements use either a communal refuse dump or a communal refuse container. See, “City of Cape Town: Built Environment Performance Plan 2012/13,” May 2012, p. 12.

³² “Janitorial Servicing of Sanitation Facilities in Cape Town’s Informal Settlements,” p. 18.

removal, while 45 percent were unhappy with area cleaning.³³ Councilor Sims also acknowledged that there is a problem with refuse collection and area cleaning in informal settlements.³⁴ In regard to standpipes, the City contends that 94 percent of all households have access to a standpipe that is no more than 200 meters from each household and shared by no more than 25 households. The City plans to achieve 100 percent coverage by 2015/16.³⁵ While not disputing the extent of standpipe coverage, the SJC has consistently drawn attention to a lack of drainage around standpipes, which results in stagnant grey water accumulating around them that creates unsanitary conditions with concomitant health hazards. The SJC argues that these problems mean that “access to a water source doesn’t necessarily translate into access to a hygienic, safe and reliable water source.”³⁶

The following section describes the successes that the SJC has had with regard to the provision of sanitation in informal settlements in Cape Town. It is followed by a section that explores in detail how this success was achieved.

Impact of the SJC’s Clean and Safe Sanitation Campaign

Though the SJC’s CSSC was only initiated in 2010, it has already achieved some notable successes.

Janitorial service

Archbishop Thabo Makgoba, the Anglican Archbishop of Cape Town, recently remarked that the City’s decision to introduce the Janitorial Service was a “victory for South Africa and for human dignity.”³⁷ Not only does it promise the regular maintenance of thousands of flush toilets and standpipes in Cape Town’s informal settlements (and the health benefits that will accrue from this) but it also provides 500 jobs for Cape Town’s unemployed. And, according to Councilor Sims, the service will remain a permanent feature of the City’s Utility Services Budget.³⁸

Councilor Sims also acknowledged that the service would never have been put in place had it not been for the efforts of the SJC, which helped the City to understand that toilets needed regular servicing in addition to occasional repairs. She admits that the City did not understand the significant difference between the two until it received the SJC’s proposal for the Janitorial Service.

Perhaps the most crucial impact of the Janitorial Service, however, is its wider symbolic value for the citizens of Cape Town’s informal settlements. According to Silber, residents of Khayelitsha generally see government “as the enemy ... the only time they see government is when they come in with bulldozers and metro police vans to demolish homes.” He argues that the Janitorial

³³ “The City of Cape Town Integrated Development Plan 2007 – 2012: 2011/12 Review,” City of Cape Town, July 2011, p. 37.

³⁴ Councillor Sims, interview.

³⁵ “Water and Sanitation Informal Settlements Services: Follow Up Report on Highlights,” presentation to the Ministerial Sanitation Task Team, 3 April 2012. The shortfall equates to 2709 taps as at June 2011.

³⁶ “Janitorial Servicing of Sanitation Facilities in Cape Town’s Informal Settlements,” p. 17.

³⁷ “SJC Marks Major Step in Sanitation Campaign,” SJC Media Release, 16 May 2012,

<http://www.sjc.org.za/posts/sjc-marks-major-step-in-sanitation-campaign>.

³⁸ Councillor Sims, interview.

Service is a small but significant step in changing the perception of government among people living in informal settlements, to view it as a potential ally as opposed to an enemy. He also contends that it has demonstrated to residents of informal settlements that sustained advocacy can have a positive influence, which has opened up opportunities to promote meaningful engagement with the City on other important issues.³⁹ Phumeza Mlungwana, a project manager at SJC, recently noted that the announcement of the service demonstrated to people in the community that they can affect change, which has motivated more people to get involved in the SJC's branches.⁴⁰

Sanitation maintenance improvements

The SJC's CSSC has led to a number of immediate sanitation improvements within Khayelitsha. For example, the City reported in late 2011 that it had repaired 256 toilets in Khayelitsha in November 2011 alone. It also stated that it had replaced hundreds of toilet doors and missing manhole covers, raised others to prevent sewerage leaks, and had improved repair turnaround times.⁴¹

In addition, the SJC has won some policy concessions to enable citizens to engage in the systematic monitoring of sanitation service delivery.

Acquisition of the Service Delivery Agreements

In an effort to assess and monitor the performance of private service providers involved in sanitation services, the SJC, in cooperation with Ndifuna Ukwazi (NU), a Cape Town-based nongovernmental organization that is similarly engaged in social justice issues, sought copies of relevant Standard Delivery Agreements (SDAs) from the City. According to legislation, all SDAs must be published on municipal websites and be made available to the public for inspection.⁴² Despite this, no SDAs were on the City's website, and none were available for inspection. After SJC and NU brought the issue to the attention of the media and later threatened of legal action, the City eventually released a number of SDAs.⁴³ Under more recent pressure from SJC and NU, the City has also begun to publish SDAs on its website, which is a first in South Africa.⁴⁴

Despite the fact that only limited monitoring of SDAs has so far taken place, a number of breaches have already been identified by NU and SJC and brought to the attention of the City. Without access to the SDAs, this would not have been possible. While it remains to be seen

³⁹ Gavin Silber, interview. Silber argues "it is also a significant concession from the City just to show the community that by campaigning ... we can see gradual improvements that have a significant impact ... it can also be used to mitigate the antagonism that exists between government and communities, to get people around the table." Gavin Silber, telephone interview by author, written notes, 9 July 2012.

⁴⁰ Phumeza Mlungwana, telephone interview by author, written notes, 9 August 2012.

⁴¹ *The Toilet Paper*, The Official Newspaper of the Social Justice Coalition, Issue 1, (January 2012), p. 4.

⁴² *Local Government: Municipal Finance Management Act No. 56 of 2003*, section 75(1)(e) and Municipal Systems Act, No. 32, 2000, section 84(3)(a), <http://www.agsa.co.za/Portals/1/ACTS/MFMA.pdf>.

⁴³ See for example, "Make Cape Town Service Delivery Agreements with Private Providers for the Provision of Basic Services Publicly Available – Now!" SJC Media Statement, 18 October 2011, <http://nu.org.za/make-cape-town-service-delivery-agreements-with-private-providers-for-the-provision-of-basic-services-publicly-available-now/>.

⁴⁴ See, for example, "Open Letter to Cape Town Manager, Achmat Ebrahim, and Executive City Mayor, Patricia de Lille: City Must Address Noncompliance with Access to Information Laws," Ndifuna Ukwazi, 5 July 2012. As of 23 July, four SDAs have been uploaded to the City's website.

what the City's response to these breaches will be, the campaign has already had a positive impact on attitudes within the City. Minutes from the February 2012 meeting of the Municipal Public Accounts Committee (a financial oversight committee) note that the Committee "expressed concern over the monitoring of contracts relating to the cleaning of informal settlements and indicated that those responsible should be accountable where deliverables are not met."⁴⁵ In addition, the mayor of Cape Town, in response to the discoveries by SJC, publically criticized City officials for not ensuring that companies responsible for area cleaning and refuse collection were doing their jobs.⁴⁶

Further, the City's recent (May 2012) Integrated Development Plan (IDP) notes that the City will "constantly review the provision of services to informal settlements... to ensure that informal settlements receive a good level of service delivery."⁴⁷ As such, we will be reviewing our refuse collection, cleaning and waste management procedures in those areas and implementing changes and improvements where necessary."⁴⁸ This commitment did not feature in the City's 2007-2011 IDP.

Geo-tagging of toilets

The SJC successfully convinced the City to tag each toilet in Khayelitsha (with the promise of implementation in all informal settlements) with its GPS coordinates to enable repair teams to easily locate them after faults are reported. Previously, because of a lack of street names and formal planning, repair teams struggled to locate faulty toilets.

Toll-free phones

The City of Cape Town has a toll-free phone number that residents can use to report service delivery problems. The number, however, is only free from landlines; mobile telephone calls to the number are charged at a normal rate. As the vast majority of informal settlement residents use mobile phones, this cost discourages them from making reports via the "toll-free" number. Silber notes that after the SJC mentioned this problem to the City's mayor, a City project was piloted to install a so called SOS phone in one informal settlement.⁴⁹ The SOS phone links directly and without charge to the City's Water and Sanitation Technical Operations Center. According to the City, phase two of the piloting project will four additional SOS phones installed in informal settlements with the hope that the project will be extended to all informal settlements in the future.⁵⁰

The following sections describe how and why the SJC managed to achieve these impacts.

⁴⁵ "Report to Council from the Municipal Public Accounts Committee," 24 February 2012, http://www.capetown.gov.za/en/IDP/Documents/Annual%20report%202010-11/Oversight_Report_2010_11.pdf (link accessed at the time of writing).

⁴⁶ Babalo Ndenze, "De Lille Slams City for Neglecting Poorer Areas," *Cape Times*, 14 May 2012, <http://www.iol.co.za/news/politics/de-lille-slams-city-for-neglecting-poorer-areas-1.1296023#.UCIIwaM09Bk>.

⁴⁷ In terms of the section 25 of the MSA all municipalities must adopt an Integrated Development Plan which forms the basis for annual budgeting and sets out municipal development plans over a five-year period.

⁴⁸ "Integrated Development Plan July 2012 – June 2017," City of Cape Town, p. 13.

⁴⁹ Gavin Silber, telephone interview, 9 July 2012.

⁵⁰ "Water and Sanitation Informal Settlements Services: Follow Up Report on Highlights," presentation to the Ministerial Sanitation Task Team, 3 April 2012.

How and Why Was Impact Achieved?

SJC's theory of change has influenced how it has framed its arguments, how it has chosen its partners, how it has interacted with the City, and what kind of activities it has undertaken to meet its objectives.

The SJC describes itself as a grassroots social movement committed to making government accountable. Through its efforts at education, policy advocacy and research, and community organizing, it also tries to promote active citizenship. It is committed to peaceful organizing and notes that it focuses on "some of the most basic rights and services guaranteed by the Constitution to advance this vision."⁵¹ The organization recognizes the supremacy of the constitution and will use the law, if necessary, to advance its campaigns.

The SJC has a broad-based membership from which policy and advocacy objectives are garnered. The SJC argues that the sustainable upgrading of communities can only be achieved with the full and active participation of community members.⁵² A critical element of the SJC's theory of change is the effort that it makes to empower citizens through advocacy, training, and workshops to enable them to become actively involved in their communities – rather than being the passive recipients of top-down government policy decisions. This includes a concerted effort to cultivate leaders within the community who can eventually help to direct SJC, a process that takes time. They are being assisted in this endeavor by NU.⁵³ NU has established a fellowship program, through which it recruits individuals from the community and offers them "activist training."⁵⁴ A number of current fellows at NU are active in SJC's campaigning.

The SJC is also guided by the principle that it must not create unrealistic expectations among its members and the wider community that it serves. As Silber notes, "We have been from the outset very realistic on what we can achieve, and what are our limits." As well as engaging with the wider community, the SJC also involves all willing and relevant stakeholders in its campaigns to ensure as much broad-based support as possible. SJC will even work with political parties, though it is careful not to align itself with any.

To meet its objectives, the SJC often works with government "to affect positive change through meaningful partnerships."⁵⁵ As SJC researcher Axolile Notywala observes, "We don't see ourselves as against government. If we want something achieved we will work with government and with communities and try and bring them together...we try as much as we can to work with

⁵¹ Underpinning the SJC's theory of change is the fact that socioeconomic rights, such as the right to basic sanitation, are justifiable in terms of the South African Constitution. This means that the South African government is legally obligated to realise these rights within available resources. Working from this basic foundational premise, the SJC believes that by empowering citizens to engage in active citizenship it can make government more accountable, which it believes will result in the introduction of pro-poor policy changes that will contribute to the realisation of constitutional rights.

⁵² "Health Professionals Endorse SJC's Campaign for Clean and Safe Sanitation," *Cape Times*, 30 June 2011.

⁵³ Ndifuna Ukwazi is a nongovernmental organisation based in Cape Town that promotes awareness, engagement, and collaboration on social justice issues. Part of the way it does so is to provide technical, legal, and organisational support to other social movements. See, <http://nu.org.za/what-we-do/>.

⁵⁴ Fritz Jooste, interview. In short, "activist training" involves teaching fellows how to establish social justice movements, and how to research and advocate for change.

⁵⁵ "SJC Marks Major Step in Sanitation Campaign," SJC Media Release, 16 May 2012.

them, rather than working against them.”⁵⁶ It has also committed itself to making realistic demands on government that are informed by thorough research. For example, recognizing the scale of the sanitation backlog in Cape Town, SJC acknowledges that the City will need time to remedy the situation and works with the government to incrementally improve sanitation provision by putting “concrete recommendations on the table.”⁵⁷

Broad-based membership

The SJC currently has 1,500 members spread across 12 branches (with four more being established) within Khayelitsha. Each branch meets weekly to discuss issues and make policy recommendations to the SJC’s Executive Council (made up of branch leaders and two full-time staff members). The Executive Council in turn meets every three months to formulate policy. Once the Executive Council has decided on policy objectives, these are then sent back to branches to be considered, thus ensuring the centrality of the branches in decision-making processes.⁵⁸ It is important to note that each branch also votes to elect the leaders of the organization. Axolile Notywala, a resident of Khayelitsha and researcher at the SJC, notes that before any policy decisions are made, they are subjected to scrutiny by the branches. There are also nine full-time community advocates who go door-to-door to promote the activities of the SJC among Khayelitsha’s residents. Silber argues that the branches are the center point from which people’s concerns and priorities emerge. The organization also works to engage the community by holding mass meetings at which they explain the objectives of the CSSC and try and encourage community members to become more actively involved in the campaign.⁵⁹

The SJC’s broad-based membership earned it legitimacy among Khayelitsha community members. Suzanne Peterson, a representative of the Anglican Archbishop of Cape Town, recently noted that “communities know what they need; they don’t need the SJC to tell them.”⁶⁰ In this regard, the issue of sanitation, with a particular focus on toilets, is clearly an issue that has emerged from the Khayelitsha community and not from the SJC itself.⁶¹ According to Silber, “Our big strength has always been our base on the ground and the intelligence that they provide to us.” William Kerfoot from the Legal Resources Centre (LRC) in Cape Town concurs when he argues that the SJC has been “at pains to establish not what they think is good for the community, but what the community wants.”⁶² This emphasis on listening to community concerns is clearly reflected in the CSSC.

⁵⁶ Axolile Notywala, interview by author, written notes, Khayelitsha, 29 May 2012.

⁵⁷ Gavin Silber, interview, 29 May 2012.

⁵⁸ Phumeza Mlungwana, telephone interview by author, written notes, 14 August 2012.

⁵⁹ For example, a meeting was held in Khayelitsha in April 2010, which was attended by over 500 community members, “SJC Hosts Safety and Sanitation Community Meeting for Residents of Khayelitsha’s Informal Settlements,” SJC Media Statement, 19 April 2010, <http://www.sjc.org.za/posts/sjc-hosts-safety-sanitation-community-meeting-for-residents-of-khayelitsha%E2%80%99s-informal-settlements>.

⁶⁰ Suzanne Peterson, interview by author, written notes, Cape Town, 28 May 2012.

⁶¹ Richard Pithouse, an academic at Rhodes University who focuses on South Africa’s urban poor, notes that the issue of access to toilets has always been “critical” to the issues of safety and dignity in informal settlements. Richard Pithouse, interview by author, written notes, Grahamstown, 21 June 2012.

⁶² William Kerfoot, interview by author, written notes, Cape Town, 1 June 2012. The LRC is a national nonprofit nongovernmental organisation that undertakes impact litigation for poor and marginalised people. See, <http://www.lrc.org.za/about-us>.

The SJC's legitimacy as a popular social movement is also underscored by its location in Khayelitsha, but, more important, by its efforts to involve Khayelitsha residents in its campaigns. This is done through workshops on diverse topics (from sanitation to how to apply for social grants), hundreds of door-to-door meetings, and by public lectures, that tackle developmental issues in Cape Town, such as the Irene Grootboom Memorial Lecture Series.⁶³ Silber argues that this empowerment is critical because "when government tries to come in and bamboozle people, people can speak up and say, 'well that is nonsense.'"⁶⁴

The SJC's broad-based membership has also legitimized it in the eyes of the City. Councilor Sims recently noted that she has been invited a number of times to speak to community members in Khayelitsha. In doing so, she has observed the SJC's engagement with the community and seen the organization's broad membership, which she claims has validated the SJC's demands on the City.⁶⁵

The nature of the relationship with the city government

The nature of the SJC's relationship with City authorities has significantly contributed to its success. In line with its theory of change, two features of its relationship stand out in particular. One relates to the SJC's determination to adopt a nonpartisan approach to its campaigns, distancing itself as much as possible from political campaigning around such issues as sanitation, although this can be very difficult in the Western Cape (see below). The second feature is that its advocacy with the City is informed by an incremental approach toward policy change. Both of these features have clearly had a positive influence on its relationship with City authorities. One of the important aspects of its approach has been to acknowledge "the unique challenges not necessarily found in other cities," in particular the high water table, which limits the types of sanitation technologies that can be used. Given this, and the scale of sanitation backlogs, the SJC has also conceded that City authorities cannot be expected to overcome sanitation problems immediately and without the assistance of civil society. This has led the SJC to declare that it is "committed to working with the City to ensure that over time, every person has access to a toilet and water source that is clean, safe and dignified."⁶⁶

Silber notes that the SJC, in line with its theory of change, has always tried to approach the City constructively with solutions, rather than simply pointing out the problems. In this regard, he highlights the importance of presenting accurate and compelling evidence to the City. Suzanne Peterson recalls attending government meetings at which the SJC persuasively marshaled statistics and facts about sanitation backlogs in Cape Town.⁶⁷

⁶³ *The Toilet Paper*, pp. 3 & 4. At least 300 people have attended each lecture.

⁶⁴ Gavin Silber, interview, 29 May 2012.

⁶⁵ Councilor Sims, interview.

⁶⁶ "SJC Welcomes Significant Shift in Cape Town's Sanitation Policy," SJC Media Release, 3 October 2011, <http://www.sjc.org.za/posts/sjc-welcomes-significant-shift-in-cape-towns-sanitation-policy>. After a meeting between the SJC and Patricia de Lille, the mayor of Cape Town, the SJC stated, "we agreed that the best means of overcoming these challenges [basic sanitation shortages] is through partnership." See, "SJC Meets with Mayor of Cape Town to Discuss Access to and Quality of Sanitation in Informal Settlements," SJC Media Release, 18 July 2011, <http://www.sjc.org.za/posts/sjc-meets-with-mayor-of-cape-town-to-discuss-access-to-and-quality-of-sanitation-in-informal-settlements>.

⁶⁷ Suzanne Peterson, interview.

Councilor Sims recently commented that the SJC presented arguments for the Janitorial Service that “made absolute sense.” She has also noted the reasonableness and patience of the SJC in regard to its wider advocacy around sanitation while the current mayor of Cape Town, Patricia de Lille, has commended the SJC for engaging constructively with the City.⁶⁸ Silber also draws attention to the importance of building personal relationships that foster trust between the SJC and the City. “They have been honest, they have been upfront and they have been clear and consistent,” said Sims of the SJC.⁶⁹

While the current relationship with the City is characterized by trust and openness, this has not prevented the SJC from engaging in protests that target the City. The SJC has resorted to protest on a number of occasions, particularly during the first year of the CSSC. During this period, its relationship with the City was almost entirely negative because of wider political concerns within the City (see below). Silber recalls how City authorities were “completely unwilling to engage” with the SJC and would not even acknowledge the problems related to sanitation. In mid-2010 the then mayor of Cape Town, Dan Plato, described the SJC’s motives as dubious and their research as flawed.⁷⁰ The SJC reacted to this by undertaking a number of public protest actions. Silber notes that there is always a difficult balance to be found between protest and engagement, noting that “we are continuously weighing whether we can achieve our goals best through tacit engagement or whether we have to go to the streets.”⁷¹ He contends that when the SJC does protest, it makes it clear to both its members and to the City why it is taking action, and it warns the City in advance of any impending demonstration.

Overall, the SJC’s position is that it would always prefer to engage in productive meetings with the City than to protest against its actions or inactions. Silber claims that the SJC has made tremendous steps forward by working internally with the City rather than partaking in public disputes with it.

Legal arguments

The SJC has also adeptly used legal arguments to advance its campaign, though it has not, as yet, resorted to a lawsuit. Kerfoot has said that the SJC very astutely used the prospect or the potential of litigation to help them in their negotiations. While the SJC has never threatened a lawsuit, it has let the City know that legal action is an option that it is willing and able to undertake if the City fails to take seriously its obligations to render services. Silber notes that at present the SJC feels that it is having more impact by working with the City than it would by going to court.⁷² The SJC position vis-à-vis City authorities, however, is clearly strengthened by the possibility of legal action, demonstrating the importance of justiciable constitutional provisions related to socioeconomic rights.

⁶⁸ Councilor Sims, interview; “Cape Town to Work with SJC – Patricia de Lille,” City of Cape Town Communication Department, Media Release, 7 July 2011, <http://www.capetown.gov.za/en/MediaReleases/Pages/STATEMENTBYEXECUTIVEMAYORALDERMANPATRICIADELILLEAFTERMEETINGWITHTHESOCIALJUSTICECOALITION.aspx>.

⁶⁹ Councilor Sims, interview. She continued by noting that “I have not found an occasion where they have given me false information or they have carried any false information back to the community.”

⁷⁰ Anso Thom, “RR Section: Almost No Toilets,” *Cape Times*, 10 June 2010, <http://www.health-e.org.za/news/article.php?uid=20032829>.

⁷¹ Gavin Silber, interview, 29 May 2012.

⁷² Gavin Silber, telephone interview, 9 July 2012.

Partnerships

In line with its theory of change, the SJC has sought partnerships with other sections of civil society for its CSSC. From the outset, the SJC has worked continually to build a broad alliance in support of its objectives. Recognizing the important role that religion continues to play in South African society, one of the SJC's key efforts has been to bring religious leaders into the CSSC.⁷³ The SJC has done this by working closely with the Western Cape Religious Leaders Forum (WCRLF), a multi-faith forum established to be "a prophetic voice in South African public life."⁷⁴ The SJC has on a number of occasions invited religious leaders to accompany SJC members during inspections of sanitation facilities in Khayelitsha. These so called "walks of witness" have attracted significant publicity for the CSSC.⁷⁵ In addition, religious leaders have attended marches and gatherings organized by the SJC to bring attention to the issue of sanitation. The impact of these initiatives has been significant. The Anglican Archbishop of Cape Town has repeatedly noted that he has become known as "the toilet bishop" because of his interest in the issue of sanitation.⁷⁶ The seriousness with which religious leaders have engaged with the CSSC is evidenced by the mayor of Cape Town's invitation to the Archbishop and members of the WCRLF to help the City with sanitation problems.⁷⁷

The SJC has also made a concerted effort to partner with professionals and skilled organizations that can assist in the CSSC. For example, it has gained the support of health professionals for its sanitation campaign.⁷⁸ It has included eminent health professionals in the delegations sent to meet with City officials and successfully encouraged a group of prominent health professionals to write an open letter to the City and the residents of Cape Town endorsing the CSSC.⁷⁹ In addition, it has partnered with town planners and academics and has worked closely with the African Center for Cities, a think tank based at the University of Cape Town that focuses on finding solutions to the unsustainable urbanization of African cities.⁸⁰

The SJC also hosted a Cape Town Sanitation Summit that was attended by over 100 delegates representing 60 partner organizations and both major political parties in Cape Town. Silber argues that the summit was a major part of the SJC's efforts to form a broad alliance of organizations committed to improving access to sanitation. Noting that both the mayor and the

⁷³ Silber notes that "the churches remain the most organised civic structures" in South Africa, Gavin Silber, interview, 29 May 2012. Notywala adds, "religious leaders are very respected by communities ... when they talk, people listen." Axolile Notywala, interview.

⁷⁴ See www.wcrlf.org: It notes three main objectives: "partnering with government to deliver to all, amplifying the voices of the poor and marginalised, and promoting ethical behaviour."

⁷⁵ For example, see Archbishop Thabo Makgoba, "Cape Town Must Set Example on Sanitation," *Cape Times*, 7 July 2011, <http://archbishop.anglicanchurchsa.org/2011/07/cape-town-must-set-example-on.html>.

⁷⁶ Archbishop Thabo Makgoba, "Embracing our Human Dignity – Sermon for Women's Day," 29 August 2011, <http://archbishop.anglicanchurchsa.org/2011/08/embracing-our-human-dignity-sermon-for.html> and Archbishop Thabo Makgoba, "Chrism Eucharist and Renewal of Clergy Vows," Thabo Makgoba, 5 April 2012, <http://archbishop.anglicanchurchsa.org/2012/04/chrism-eucharist-and-renewal-of-clergy.html>.

⁷⁷ "Cape Town to Work with SJC – Patricia de Lille," Media Release, 7 July 2011.

⁷⁸ Suzanne Peterson recently commented that she was "very impressed" by the SJC's ability to successfully "reach out" to professionals. Suzanne Peterson, interview.

⁷⁹ The letter was published in two major South African newspapers, *Cape Times* and *The Mercury*. Walter Loening, Maurice Kibel, and Louis Reynolds, "Informal Settlements at High Risk," *Cape Times*, 30 June 2011, <http://www.iol.co.za/capetimes/informal-settlements-at-high-risk-1.1091231#.UCILvqM09Bk>.

⁸⁰ Gavin Silber, interview, 29 May 2012. The SJC will be jointly hosting a number of lectures with the African Centre for Cities in the second half of 2012.

leader of the opposition were invited to the summit, Silber argues that it was also used to demonstrate to the City that there is both a willingness and capacity within civil society to assist the City authorities in finding solutions to sanitation problems. To this end, a significant number of organizations that attended the summit offered their support to the City. The SJC is currently planning for a national Sanitation Summit. In June 2012 it hosted a partners' meeting in Khayelitsha that was attended by over 100 different organizations to discuss sanitation issues.⁸¹

It is clear that by partnering with other sectors of civil society the SJC has advanced its objectives. The SJC's partnerships have extended the reach of the organization; lent it further legitimacy; and provided it with the necessary technical assistance to make lucid, informed, and compelling arguments to the City. Kerfoot observes that the SJC has cleverly assembled information from professionals to help it put together an "unanswerable case as to why the municipality should intervene as a matter of urgency to improve services."⁸²

Varied advocacy interventions

The SJC has developed a varied and highly effective advocacy strategy. The broad-based membership and the partnerships described in preceding sections represent one part of that strategy. Other aspects of its advocacy strategy relate to its advocacy relationship with the City; its relationship with the media; the types of protest actions it has undertaken; how it has handled the production and dissemination of materials in support of the CSSC; and how it has framed its arguments.

Working with the media (print, radio, and television) has been essential to SJC's overall advocacy strategy. Silber recalls how a big effort was made after the launch of the CSSC "to go to journalists and introduce ourselves and talk about what it is we are doing."⁸³ This policy has paid off. The CSSC has received widespread print media coverage (in national, local, and community newspapers), with no fewer than 20 opinion pieces about sanitation issues having appeared in South African newspapers since the launch of the campaign.⁸⁴ *The Guardian* even featured the campaign in a story about safety and sanitation in informal settlements.⁸⁵ In addition, the most widely read paper in Cape Town, the *Cape Times*, currently co-hosts the SJC's Irene Grootboom Memorial Lecture Series. The SJC has also adopted the tactic of writing open letters in the press to such key figures as the mayor of Cape Town, which is designed to both garner popular support and pressure the City into taking action.⁸⁶

SJC representatives have made numerous television and radio appearances and were recently invited by a community radio station to host a weekly section during which residents can call in

⁸¹ Gavin Silber, telephone interview, 9 July 2012.

⁸² William Kerfoot, interview.

⁸³ Gavin Silber, interview.

⁸⁴ *The Toilet Paper*, p. 4.

⁸⁵ Alex Duval Smith, "Safe Toilets Could Prevent Sexual Assault and Sickness, Say South Africa's Poor," *The Guardian*, 16 September 2011, <http://www.guardian.co.uk/global-development/2011/sep/16/safe-toilets-prevent-sickness-assault>.

⁸⁶ See, for example, "Open Letter to Mayor Dan Plato: Leadership is Urgently Needed in Makhaza," SJC Media Release, 3 June 2010, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=179105&sn=Detail&pid=71619> and "An open Letter to Mayor Patricia de Lille," *City Press*, 5 June 2011, <http://www.citypress.co.za/MyCityPress/Letters/Dont-forget-the-toilets-maam-mayor-20110604>.

with questions about sanitation and safety issues.⁸⁷ Silber notes that media attention increased as the CSSC achieved greater success, resulting in regular contact with media houses. Kerfoot said that the SJC's use of the media is a "delight to behold," remarking that their promotion of the CSSC has been so "well informed" and "tactically superb" that it has made the CSSC "almost irresistible."⁸⁸ This opinion seems to be validated by a recent comment from Councilor Sims, who admitted that the SJC use the media "pretty effectively – certainly far better than I do."⁸⁹

As of January 2012 the SJC had also distributed more than 10,000 CSSC booklets, over 1,000 factsheets, and hundreds of campaign posters. All of these campaigning items have been professionally produced in Xhosa (the native language of most informal settlement residents) and English. Silber notes that despite the fact that the SJC has embraced new advocacy media, such as Facebook and Twitter, which are used to update members, booklets and factsheets are still the best media to disseminate information in poor communities that lack access to the Internet. He notes that printed campaign materials get passed on and are read by far more people than the original recipient. The SJC has distributed printed materials via churches and, innovatively, via hair salons, where people have time to sit and talk.

As part of the campaign, the SJC has organized a series of protests and demonstrations, including a march for better sanitation to the City's civic center. It also submitted a petition to the City with over 10,000 signatures, and the endorsement of 25 different organizations, to demand improved sanitation services.⁹⁰ The SJC has also organized more creative demonstrations, including on two separate occasions mobilizing its members to form lines at public toilets in affluent areas to symbolically represent the numerous South Africans who are still waiting for access to clean and safe sanitation facilities. On World Toilet Day, 20 March 2010, 600 SJC supporters lined up outside a well-maintained, regularly serviced, and security-guarded block of public toilets located in an affluent suburb of Cape Town called Sea Point. On 26 April 2011, Freedom Day in South Africa, 2,500 people lined up at a temporary toilet that was positioned outside the Civic Centre by the SJC, making it the largest protest on access to sanitation in South African history.⁹¹

There can be little doubt that the SJC's considered, dynamic, and innovative approach to advocacy has contributed significantly to the success of the CSSC. They have been able to successfully engage with the City of Cape Town without compromising their right to protest or their independence.

Framing of arguments

The SJC has had to carefully frame its arguments around sanitation because of the political situation in Cape Town. While it has obviously sought support from community members living in informal settlements, it has also managed to attract the support of those living in Cape Town's

⁸⁷ Axolile Notywala, Khayelitsha, interview.

⁸⁸ William Kerfoot, interview.

⁸⁹ Councilor Sims, interview.

⁹⁰ "SJC Pickets Civic Centre Demanding the Release of Secret Makhaza Toilet Report," SJC Media Release, 21 October 2011, <http://www.sjc.org.za/posts/sjc-pickets-outside-civic-centre-to-demand-the-release-of-secret-makhaza-toilet-report> and "Why We Will Queue This Freedom Day," SJC Media Release, 26 April 2011, <http://www.sjc.org.za/posts/why-we-will-queue-this-freedom-day>.

⁹¹ The first ever democratic election to take place in South Africa occurred on 26 April 1994.

more affluent suburbs. Since 2006 the Democratic Alliance (DA) party, which has been historically associated with white middle-class voters, has governed the city of Cape Town. While the DA's constituency may be slowly changing, the party's most influential supporters are still undoubtedly from the more affluent parts of Cape Town.⁹² For Silber, this means that for any campaign which hopes to influence resource allocation, it must attract middle class support. Silber notes that the decision to stage a toilet lineup in Sea Point was a deliberate attempt to engage with middle-class voters by highlighting the disparities in the country. Toilets, he said, is a symbol of inequality that all can understand. **Publishing opinion pieces in newspapers is another way that the SJC has targeted this particular constituency.** The accomplishments of the CSSC so far, he argued, can be partly attributed to the support they have received from people who live in more affluent parts of Cape Town, many of whom have been shocked by the realization that millions of fellow citizens are forced to relieve themselves without dignity or security.⁹³

Kerfoot has said he admires the way that the SJC has garnered support from more affluent Capetonians. He argues that they have effectively stage managed events, such as the toilet lines, which have created a contrast in access to sanitation that is “too stark for anyone to not feel very strongly about.”⁹⁴

Budget analysis in support of campaigns

The SJC has also engaged in a limited amount of budget work, which has contributed to the CSSC. For example, during its toilet queue protest in Sea Point, the SJC publicized how R770,000 (US\$95,000) had been spent by the City upgrading these toilets while thousands have no access to basic sanitation in Cape Town's informal settlements.⁹⁵ The SJC also submitted a budgeted proposal for the Janitorial Service to the City's Budget Steering Committee, which is responsible for reviewing and approving allocations. In addition to providing a rationale for the service, the submission included a cost estimate that was based on the employment of 1,500 janitors at a cost of R100 million (US\$12.3 million), with figures derived from calculations made by the City itself.⁹⁶ Councilor Sims says that she had to prompt the SJC to make the submission, but once made, it gave the issue more impetus. Sims had requested a total allocation of R40 million (US\$ 4.9 million) but was granted R26 million (US\$ 3.2 million) in the budget for 2012-2013. Still, the allocation can grow from there, she contends, because the City announced that it would support the program on a yearly basis, adjusting resource allocations to it as needed. She stated that the Janitorial Service was now part of the Utility Services Budget, giving it a status that could potentially be permanent.⁹⁷

The SJC, in partnership with NU and the International Budget Partnership (IBP), recently completed a series of budget training workshops. With the help of an outside expert, Alison Hickey-Tshangana, one employee from each organization (Phumeza Mlungwana of SJC and

⁹² The DA has recently merged with the Independent Democrats, a party which had previously mostly appealed to so called “coloured” or “mixed race” South Africans.

⁹³ *The Toilet Paper*, p. 1.

⁹⁴ William Kerfoot, interview.

⁹⁵ “Why We Will Queue this Freedom Day,” SJC Media Release, April 26, 2011.

⁹⁶ “2012 – 2017 City of Cape Town Budget Submission: Janitorial Service for Permanent Sanitation Facilities in Informal Settlements,” SJC, April 20, 2012. The City had previously indicated to the SJC that it had cost R 8 million (\$980,000) to employ 500 janitors for three months.

⁹⁷ Councilor Sims, interview.

Fritz Jooste from NU) received intensive budget training over a six month period. In addition, six budget literacy workshops, run by Hickey-Tshangana with the assistance of Mlungwana and Jooste, have been undertaken with a range of nongovernmental organizations from within Khayelitsha.⁹⁸ A set of budget materials that consist of three budget factsheets and a budget booklet are also currently being produced.

Silber notes that the decision to undertake budget training came from a desire to understand how the City allocates and spends budgeted funds relating to sanitation. He argues that budget analysis will strengthen the SJC's campaigns because it will allow them to identify inequalities in the budget. Importantly, the SJC also intends to train its members in budget analysis. "Just like we need to know how toilets work, we need to know how our money is spent," said Silber. He indicates that such training is particularly critical because the City does little to help its residents to understand the budget. He contends that the City is content to meet its requirement to make information available but "transparency can be confused with immense complexity."⁹⁹

Additional factors

Two other additional factors have also contributed to the success of the CSSC, both of which relate to the highly successful Treatment Action Campaign (TAC). Formed in 1998, the TAC is well known, among its many accomplishments, for compelling the South African government to develop and implement a national plan for the distribution of anti-retroviral drugs (ARVs) for people living with HIV/AIDS. A number of observers have noted that the SJC's theory of change is similar to that of the TAC, which is unsurprising given that the primary driving force behind the creation of both movements is Zackie Achmat, the highly successful ex-chairperson of the TAC.¹⁰⁰ Silber, himself a previous employee of the TAC, acknowledges the influence that TAC's model has on the SJC. "We share the same commitment to sustained peaceful organizing; the use of the law is obviously something we share, as is using the constitution to advance our campaigns," said Silber. Hickey-Tshangana contends that the SJC and NU's interest in budget analysis comes from the successful application of such analysis during the TAC's struggles with the South African government over access to ARVs.¹⁰¹ Silber cautions, however, against believing that there can be a one-size-fits-all model of advocacy, arguing that there needs to be creativity in how any model of engagement and advocacy is applied.¹⁰²

The influence of Zackie Achmat as an individual should also be noted when evaluating the success of the SJC and the NU. Because of his work with the TAC, Achmat is an internationally recognized figure, having received a number of international humanitarian awards, as well as being officially nominated for the Nobel Peace Prize.¹⁰³ Achmat is the director of NU and a member of the SJC's Secretariat; his presence in these organizations clearly has a positive

⁹⁸ Fritz Jooste, interview.

⁹⁹ Gavin Silber, interview, 29 May 2012.

¹⁰⁰ For example, Richard Pithouse, interview; William Kerfoot, interview.

¹⁰¹ Alison Hickey Tshangana, interview by author, written notes, Cape Town, 30 May 2012.

¹⁰² Gavin Silber, telephone interview, 9 July 2012. The hosting of a sanitation summit also closely mirrors the health summits periodically held by the TAC.

¹⁰³ *Time* magazine named Achmat as one of the "Heroes" of 2003, while *The New Yorker* magazine claimed that he was "South Africa's most important dissident since Nelson Mandela," see, Sean Jacobs and Krista Johnston, "Media, Social Movements and the State: Competing Images of HIV/AIDS in South Africa," *African Studies Quarterly*, Vol 9, Issue 4, (Fall 2007), p. 133.

influence on their ability to engage with both the City and the media.¹⁰⁴ In fact, Achmat has already made two direct interventions with the City in regard to sanitation campaigns. Fritz Jooste notes that the access to the SDAs was only given after Achmat had personally contacted Patricia de Lille, the mayor of Cape Town, about the City’s apparent refusal to make them public.¹⁰⁵ In addition, de Lille, in conversation with Achmat, requested that the SJC make a formal submission to the City about the Janitorial Service.¹⁰⁶

Contextual Factors that Supported the Campaign

There are a number of contextual factors that have influenced the outcome of the SJC’s campaign for access to basic sanitation. While the SJC could not control these factors, it could be said that the organization has successfully exploited them. Throughout the SJC’s campaign, the issue of sanitation was high on the national and local agenda, providing fertile ground for their work.

Toilets as “political dynamite”

Since the advent of democracy in 1994, elections in South Africa have been dominated by the African National Congress (ANC), but in recent elections it has lost some support to the DA (the official opposition party).

General Election Results for 2004 and 2009¹⁰⁷

Party	2004 Percentage of National Vote	2009 Percentage of National Vote	Percent Change +/-
ANC	69.7	65.9	- 3.8
DA	12.4	16.7	4.3

Local Government Election Results for 2006 and 2011¹⁰⁸

Party	2006 Percentage of National Vote	2011 Percentage of National Vote	Percent Change +/-
ANC	66.1	63.4	- 2.7
DA	14.1	21.9	7.8

¹⁰⁴ Achmat was interviewed by CNN in 2011, and, among other things, he discussed the SJC’s CSSC – see, <http://edition.cnn.com/2011/world/africa/04/19/south.africa.zackie.achmat/index.html> (link accessed at the time of writing).

¹⁰⁵ Fritz Jooste, interview.

¹⁰⁶ See, Mary-Anne Gontsana, “City Starts Janitorial Service in Informal Settlements,” *GroundUp*, 17 May 2012, <http://www.groundup.org.za/content/city-starts-janitorial-service-informal-settlements>.

¹⁰⁷ See, <http://www.eisa.org.za/PDF/sou2009eom.pdf>.

¹⁰⁸ See, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=237540&sn=detail>. The increase between 2006 and 2011 for the DA is slightly distorted because it merged with a smaller opposition party, the Independent Democrats, before the 2011 election.

While the ANC still dominates, significant changes have occurred. In 2006 the ANC lost control of the City of Cape Town, and in 2009 it lost control of the Western Cape province, both to the DA.

One of the key themes that has emerged in recent elections in South Africa relates to the quality of government service delivery. A growing frustration with perceived inadequacies in service delivery has led to significant social unrest in the country, prompting a renewed government focus on these issues. It is within this context that the DA has gained control of both the Western Cape and the City of Cape Town and has set about to prove that it can govern better than the ANC. Part of the DA's challenge is to shed the historical image of a party that only represents the interests of the affluent. Access to basic sanitation has been an issue the party felt it could address in order to demonstrate its commitment to a broader swathe of society. Since 2006 the DA has claimed that it has governed Cape Town metropolitan municipality in the interests of all its residents, rich and poor. A significant part of this claim is related to service delivery, with the City arguing that it provides better services to all its residents than ANC controlled municipalities.¹⁰⁹

It is within this contested political terrain, and just over a year before local government elections in South Africa, that the youth wing of the national ruling party, the African National Congress Youth League (ANCYL), filed a complaint in January 2010 with the South African Human Rights Commission (SAHRC) about 55 exposed toilets in the Makhaza section of Khayelitsha.¹¹⁰ ¹¹¹ These particular toilets, which had been installed by the City of Cape Town, had no walls or roofs and were, therefore, in full view of the residents of Khayelitsha, forcing their owners to cover themselves with blankets to use them. On the basis of the evidence presented before it by the ANCYL, the SAHRC agreed to undertake an investigation into the open toilets, which commenced on 25 January 2010. From this date onward, and for at least the next 18 months, the issue of toilets and sanitation became, in the words of one observer, “political dynamite” and the topic of intense public and media interest.¹¹²

¹⁰⁹ Richard Pithouse, interview. Interestingly, a recent survey demonstrated that resident satisfaction with service delivery was higher in Cape Town than in any other large municipality in the country, despite the fact that only 52 percent of residents were satisfied. See, Neil Higgs, “56% of Black Metro Adults Unhappy with Service Delivery,” TNS Media Statement, 20 July 2012, <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=315751&sn=Marketingweb+detail>. See also, Kevin Allan and Karen Heese, “Cape Town: Best-run Metro in SA or a Tale of Two Cities?” *Business Day*, 12 February 2010, <http://www.bdlive.co.za/articles/2010/02/12/cape-town-best-run-metro-in-sa-or-a-tale-of-two-cities>. See also, Setumo Stone, “Sexwale Appoints Team to Sort Out Open Toilet Mess,” *Business Day*, 7 September 2011, <http://www.bdlive.co.za/articles/2011/09/07/sexwale-appoints-team-to-sort-out-open-toilet-mess>.

¹¹⁰ The South African Human Rights Commission is a national institution established by an act of parliament that is “committed to promote respect for, observance of and protection of human rights for everyone without fear or favour.” See, www.sahrc.org.za.

¹¹¹ The ANCYL's action had far more to do with politics than with any genuine concern for Human Rights. Pithouse notes that the ANCYL exploited the situation in Cape Town in “a gross way... to make a point against the DA.” Richard Pithouse, interview.

¹¹² Steven Robins, “Toilets That Became Political Dynamite,” *Cape Times*, 27 June 2011. Robins notes that the issue of toilets was the number one political issue in South Africa in 2011, <http://www.iol.co.za/capetimes/toilets-that-became-political-dynamite-1.1089289#.UCIOmKM09Bk>. Hundreds of newspapers stories in 2010, 2011, and 2012 focused on the issue of toilets – see, for example, “Cape Town at Crossroads Over Toilets,” *Mail & Guardian*, 25

The news that open toilets existed in Makhaza was immediately seized upon by the ANC, which claimed that the situation provided evidence that service delivery was lacking in Cape Town and that the DA did not care about poor voters. The national ANC Minister for Local Government and Traditional Affairs claimed, for example, that open toilets would never be found in an ANC-run municipality, stating that it was a Cape Town phenomenon.¹¹³ The ANC's arguments were vociferously rejected by the DA and the City, which claimed that it had not enclosed the toilets at the request of community members. The City claimed that residents had preferred to have one open toilet for each household, rather than share one enclosed toilet among five households, on the understanding that the open toilets would be enclosed at the residents' expense.¹¹⁴ This argument was rejected by both the SAHRC and by an April 2011 High Court ruling (members of the ANCYL, acting on behalf of those with open toilets, had lodged an application against the city of Cape Town), which found that the City of Cape Town had violated, *inter alia*, the constitutional right to dignity by not enclosing the toilets.¹¹⁵ Both institutions ruled that the City must enclose the toilets as soon as practically possible.¹¹⁶ The DA's defense of its actions in the year-long run up to the local government elections, and the ANC's rejection of their arguments, resulted in both the DA and the ANC being, in the words of one political commentator, "loudly articulate on sanitation issues" throughout their respective campaigning.¹¹⁷

Shortly after the High Court ruling, the issue of open toilets dominated news headlines once again when the SAHRC informed the media that it was currently investigating 1,600 open toilets located in the ANC-run Moqhaka Municipality in Free State province. On 16 May 2011, two days before the local government elections, the SAHRC found that the Moqhaka Municipality had, like the City of Cape Town, violated residents' constitutional rights and ordered it to enclose all open toilets.¹¹⁸ This revelation turned the issue of open toilets into a national affair, later

May 2010, <http://mg.co.za/article/2010-05-25-cape-town-at-crossroads-over-toilets/>; Bekezela Phakathi, "DA Gave 'Hobson's Choice' on Open Toilets," *Business Day*, 27 October 2010, www.businessday.co.za/articles/Content.aspx?id=124940; Bekezela Phakathi, "Archbishop Offersto Mediate in Toilet Saga," *Business Day*, 9 December 2010, <http://www.bdlive.co.za/articles/2010/12/09/archbishop-offers-to-mediate-in-toilet-saga>; "Court to Rule in Cape Town Toilet Saga," *Mail & Guardian*, 29 April 2011, <http://mg.co.za/article/2011-04-29-court-to-rule-in-cape-town-opentoilet-saga/>; Bekezela Phakathi, "End is in Sight for Makhaza Toilet Saga," *Business Day*, 23 June 2011, <http://www.bdlive.co.za/articles/2011/06/23/end-is-in-sight-for-makhaza-toilet-saga>; "Human Rights Commission Raises Sink on Township Toilets," *Mail & Guardian*, 14 March 2012, <http://mg.co.za/article/2012-03-14-smelly-issue-of-the-toilets-in-informal-settlements/>.

¹¹³ "ANC's Open Toilet Shame," *City Press*, 11 July 2010, <http://www.citypress.co.za/Politics/News/ANCs-open-toilet-shame-20100711>.

¹¹⁴ Ruling by Judge Nathan Erasmus in *Beja vs City of Cape Town and others*, 29 April 2011, Western Cape High Court, Case No. 21332/10, section 17. Judge Erasmus rejected the City's contention that residents were given a choice, arguing that the City had not engaged in meaningful consultation with residents.

¹¹⁵ Ruling by Judge Nathan Erasmus in *Beja vs City of Cape Town and others*, 29 April 2011, Western Cape High Court, Case No. 21332/10, section 146 and South African Human Rights Commission Report, Case WC/2010/0029, 20 June 2010, section 7.1.

¹¹⁶ The City has claimed that it completed enclosing the toilets in March 2012. See, "Cape Town has Complied with Court Order to Enclose Toilets – De Lille," Statement by Mayor of Cape Town, 13 March 2012.

¹¹⁷ Johann W.N. Tempelhoff, "From Makhaza to Rammulotsi: Reflections on South Africa's 'Toilet Election' of 2011," *Historia*, Vol. 57, No. 1 (May 2012) p. 85.

¹¹⁸ Johann W.N. Tempelhoff, p. 90 – 92. In March 2012 media reports noted that the Moqhaka municipality had enclosed 1831 out of a total of 4,124 unenclosed toilets, see Natasha Marrian, "Move to Flush Out Truth on 'Open Toilets,'" *Business Day*, 13 March 2012, <http://www.bdlive.co.za/articles/2012/03/13/move-to-flush-out-truth-on-open-toilets>.

making the issue of sanitation the preeminent feature of the 2011 local election.¹¹⁹ Indeed, that election is now popularly known as “the toilet election.”

There can be no doubt that the “toilet election” pushed the issue of access to basic sanitation onto the local and national political agendas to an extent not previously seen in South Africa. As one political analyst said, “Before 2011, toilets and sanitation were not considered ‘properly political’ issues. The spectacular images of the open toilets in Makhaza and Moqhaka politicized sanitation.”¹²⁰ Another observer argued that “the outspoken public disdain over highly unsatisfactory sanitation services underlined the need for politicians and management of local authorities to pay serious attention to efficient governance at the municipal level.”¹²¹

In July 2011 the Minister of Human Settlements, Tokyo Sexwale, announced that he was forming a National Sanitation Task Team to deal with sanitation in each province and all municipalities.¹²² The task team was mandated to provide, within three months, recommendations on policy gaps, legislative shortcomings, budgetary issues, or any other matters of importance to the provision of basic sanitation.¹²³ Since its formation, the task team has toured South Africa collecting data on access to basic sanitation. After the task team presented its findings in regard to the Moqhaka Municipality in May 2011, the SAHRC ordered the national Department of Performance Monitoring and Evaluation to produce a report on the quality of sanitation in South Africa.¹²⁴ To date only an executive summary of a report into the quality of sanitation in South Africa has been released. It notes that 11 percent of households have no sanitation service at all, and an additional 26 percent have sanitation services that fail to meet basic standards. The summary notes that at least R44.75 billion (US\$ 5.5 billion) would be required to address these needs. In March 2012 the SAHRC also announced that it was initiating a series of national hearings on water and sanitation that would be used to monitor and assess the observance of human rights. These three national government initiatives illustrate that the issue of access to basic sanitation has been thrust onto the national agenda by the “toilet election.”

There appears to be little doubt that the national government’s new emphasis on improving sanitation and access to basic services in informal settlements has been partly a response to so called service delivery protests. Both the protests, and the government’s response to them, have exerted pressure on municipal governments throughout the country to accelerate the provision of basic sanitation services.

¹¹⁹ Johann W.N. Tempelhoff, p. 89.

¹²⁰ Steven Robins, “Toilets That Became Political Dynamite,” *Cape Times*, 27 June 2011.

¹²¹ Johann W.N. Tempelhoff, p. 102. A newspaper article noted that “toilets have put real delivery on the map.” See “Service Delivery’s Water, Loo,” *Business Day*, 12 May 2011, <http://www.bdlive.co.za/articles/2011/05/12/service-delivery-s-water-loo>.

¹²² Media statement issued by the Department of Human Settlements, 14 July 2011, <http://www.dhs.gov.za/Content/Media%20Desk/2011%20Media%20Statements/14%20July%202011.htm>. It could be argued, of course, that the “toilet saga” did not represent a renewed interest in local development, but a dramatic expression of an ongoing interest in local development.

¹²³ “Sexwale Unveils Sanitation Task team,” Media Release, Department of Human Settlements, 6 September 2011.

¹²⁴ “Sanitation Services – Quality of Sanitation in South Africa: Report on the Status of Sanitation Services in South Africa – Executive Summary,” Departments of Performance Monitoring and Evaluation, Human Settlements, and Water Affairs, p.2, March 2012, <http://www.sahrc.org.za/home/21/files/Quality%20of%20sanitation%20-%20Exec%20Summary%20Mar12%20%28Fin%29.pdf>.

The DA and the “black vote”

The City of Cape Town’s efforts to alleviate the problems associated with inadequate sanitation can also be traced to political motives. It can be argued that innovations, such as the Janitorial Service, are designed specifically to appeal to poor black voters who reside in informal settlements. Pithouse argues that the DA is under unique pressure to win the confidence and support of black voters: “Precisely because they are less legitimate, they can get away with less, thus they have to do more.”¹²⁵ The SJC has, to some degree, wisely exploited the DA’s eagerness to prove itself. And this has been possible because of the SJC’s nonpartisan approach to campaigning.

Change in the political administration of Cape Town

Another external factor that benefited the SJC’s sanitation campaign was the change in the City administration that took place after the May 2011 elections. According to Councilor Sims, the City’s relationship with the SJC was initially poor in the run up to the elections. She argues that there was nervousness in the City administration about what the SJC could reveal that could have potentially negative consequences for the City and the election campaign. But after the DA won the election, “There was more freedom for SJC to come ... there was no fear anymore that what was going to come up was going to appear in the papers ... so I suppose the timing is important.”¹²⁶

Relations between the SJC and the City improved significantly after the election, though this was not only as a result of the electioneering cycle. The appointment of Patricia de Lille as the new mayor also opened up opportunities for the SJC. A number of commentators have drawn attention to her background as an anti-apartheid activist and have argued that this has made her more sympathetic to the needs of the poor.¹²⁷ While there is certainly no evidence that an anti-apartheid background necessarily results in a more pro-poor perspective, both Silber and Notywala have recently drawn attention to de Lille’s willingness to engage with the SJC and, in contrast to the previous mayor, publically recognize that Cape Town does have a serious problem when it comes to access to basic sanitation.¹²⁸ While it is encouraging that de Lille is willing to engage more productively with social movements like the SJC, sustainable citizen engagement requires that this kind of relationship continues, no matter who the mayor is or which political party he or she represents.

Talking about sanitation

The public outrage about open toilets also bolstered the sanitation campaign. First, it opened a previously closed space in the public realm to talk about sanitation, and more specifically, about going to the toilet. Second, the scandal awakened elements within the more affluent sections of society to the daily indignities endured by the poor.

¹²⁵ Richard Pithouse, interview.

¹²⁶ Councilor Sims, interview. Notywala notes that before the election Mayor Plato accused the SJC of representing the ANC. Axolile Notywala, interview.

¹²⁷ Suzanne Peterson, interview; William Kerfoot, interview.

¹²⁸ See, *The Toilet Paper*, p 2; Gavin Silber, interview, 27 May 2012; Axolile Notywala, interview.

Silber notes that before the scandal it was not only difficult to get people (meaning the media, politicians, and other civil society groups) interested in sanitation, it was also difficult to get them talking about sanitation because of social mores. Before the “toilet election,” the issue of sanitation was considered a private issue and rarely discussed.¹²⁹

The images of open toilets appear also to have played a significant role. As one major newspaper commented, “The image of citizens utterly exposed and vulnerable on open toilets, regardless of where, cuts through the manifestos and stump speeches to the heart of the choices we face.”¹³⁰ Another analyst agreed that the images “contributed significantly to creating public awareness of the circumstances of the less fortunate.”¹³¹ Robins has argued that the middle class and political elites were shocked by the open toilets because they “shattered middle class sensibilities and assumptions about the inherent privacy of defecation.”¹³² Again, the SJC used events to its advantage; the staged lines at toilets in affluent areas played upon the rising concern in middle-class areas.

Challenges Facing the Campaign

While there has been a wider enabling environment for the SJC’s CSSC, this does not mean that the campaign has not confronted a number of challenges that have hindered its impact.

Budget information

Both Silber and Jooste recently argued that it has been extremely difficult for both the SJC and NU to gather sufficient budget information to see how much the City spends on informal settlements generally, and on Khayelitsha specifically. Both have argued that City budget documents do not provide properly disaggregated figures to be able to ascertain detailed budgetary data.¹³³ This argument is made despite the fact that the mayor of Cape Town recently claimed that hers was the only city government in the country that has made its finances “available to everyone to examine and engage with.”¹³⁴ An examination of City’s budget, however, reveals only a few references to budgeted funds that are directed toward informal settlements; these total R127 million (US\$15.6 million) for the 2012-2013 financial year.¹³⁵ But because some of the City’s revenue sources are known — like transfers from the national government from the service fees it collects — it is clear that the amount listed in the budget is only a fraction of what will be spent on informal settlements throughout 2012-2013 year. However, it is impossible to say exactly how much will be spent, and on what, because of a lack of disaggregation and transparency.

In August 2011 the mayor claimed that during 2010-2011 financial year the City spent *at least* R1.95 billion (US\$ 239 million) on informal settlements; a month later she claimed the amount

¹²⁹ *The Toilet Paper*, p. 1.

¹³⁰ “Put Party Poopers on the Spot,” *Mail and Guardian*, 13 May 2011, <http://mg.co.za/article/2011-05-13-put-party-poopers-on-the-spot/>.

¹³¹ Johann W.N. Tempelhoff, p. 83.

¹³² Steven Robins, “Toilets That Became Political Dynamite,” *Cape Times*, 27 June 2011.

¹³³ Gavin Silber, interview, 29 May 2012 and Fritz Jooste, interview.

¹³⁴ “The Truth About the City’s Spending on the Poor,” Media Release, City of Cape Town, 25 August 2011, <http://www.capetown.gov.za/en/MediaReleases/Pages/TheTruthAbouttheCitysspendinginpoorareas.aspx>.

¹³⁵ City of Cape Town Annual Budget 2012/13 – 2014/14, May 2012, pp. 50, 51 & 107.

was R1.6 billion (US\$ 196 million) a difference of R350 million (US\$ 43 million).¹³⁶ Councilor Sims recently provided yet another figure, indicating that the City spent R1.5 billion (US\$ 184 million) in 2010-2011.¹³⁷ The confusion of the City's highest official about her government's spending is an indication of the challenge faced by civil society organizations seeking clarity on these issues.

This lack of detail has also hampered the SJC's attempts to ensure that the Janitorial Service becomes a permanent budgeted item. At present, it is not clear where the funds for the program come from. Despite assurances from Councilor Sims that the Janitorial Service now has its own line item in the budget, no such line item can be found.¹³⁸ Experience shows that for any budgeted item to become permanent, it must be given its own unique budget line rather than be paid for with discretionary funds.¹³⁹ In addition, the City has yet to provide the SJC, despite repeated requests, a copy of the implementation plan that it claims to have produced for the Janitorial Service.

Confusion over Service Delivery Agreements

The City has exhibited a worrying degree of reluctance in making SDAs available to the public, though it is required to do so by law. When NU asked for the SDAs governing the provision of refuse collection and the maintenance of sanitation facilities, the City did not appear to know what the NU was requesting. Ian Binderman, the head of Tenders and Contract Administration in the City, recently stated that the City knew what SDAs were, but then somewhat contradictorily stated, "Right from the start we were uncertain of what he [Jooste] wanted."¹⁴⁰ Jooste notes that most officials were, in fact, unaware of legislative provisions and were also not certain as to what documents they could publish. He states that there was a "lot of buck passing" and worrying, and that NU was constantly challenged on why it wanted the information. The City's response reveals two issues that may influence the SJC's and NU's campaigns going forward. First, it reveals a worrying level of ignorance in relation to legislative provisions. Second, despite the City having no fewer than seven different deputy information officers, none appear willing to assume responsibility for providing information to the public.¹⁴¹ This suggests that the City manager, who is by law designated the Chief Information Officer, is not effectively

¹³⁶ *Ibid.* She noted that a total of R3.1 billion (\$380 million) had been spent on "poor areas." "Speech by the Executive Mayor of Cape Town, Patricia de Lille, at the Sanitation Summit hosted by the Social Justice Coalition," 15 September 2011,

http://www.capetown.gov.za/en/mayor/Documents/DeLille_speeches/Speech_Sanitation_Summit.pdf.

¹³⁷ Councilor Sims, interview.

¹³⁸ *Ibid.*

¹³⁹ Alison Hickey Tshangana, interview.

¹⁴⁰ Ian Binderman, interview by author, written notes, Cape Town, 30 May 2012.

¹⁴¹ Fritz Jooste, email message to author, 25 July 2012. In terms of freedom of access to information legislation, public bodies must appoint information officers to promote ease of access to information for members of the public. See, *Promotion of Access to Information Act, 2000*, section 17(1). A list of the seven deputy information officers for the City of Cape Town can be found here:

http://www.capetown.gov.za/en/AccessToInfo/Documents/CityofCapeDeputyInformationOfficers_updatedList.pdf.

promoting access to information.¹⁴² This reluctance to be subjected to public scrutiny remains a significant impediment to accountability.

Communication difficulties

As we have seen, there are multiple layers of governmental responsibility for sanitation issues. These fragmented institutional arrangements presented a challenge to the SJC's campaign. Silber notes, "There are so many overlapping portfolios and departments that the buck just gets passed." As a result, he says that no one knows who is responsible for services in informal settlements.¹⁴³ Councillor Sims recently acknowledged the problem, arguing that the City needs to create a mayoral committee member position in charge of integrated services to ensure that departments communicate effectively with each other and the public.¹⁴⁴

Silber hints at another potential explanation for the SJC's difficulties. He has found that when engaging with City officials, questions and requests are routinely passed to more senior officials." It is almost as if a message has been sent that if the SJC come near, you don't talk to them," he said. Despite the positive relationship that the SJC has maintained with the City since the new administration took office in 2011, some apprehension clearly remains. Silber also notes that City officials are reluctant to engage with the SJC or the NU because they are unsure of what information they can make available to such organizations, which again speaks to the failure to properly implement freedom of information policies within the City.

In the absence of institutional mechanisms for obtaining documents that should be public, NU has had to rely instead on the personal influence of its director, Achmat. While personal contact with the mayor may achieve some of the NU's short-term objectives, it is highly unlikely to promote the kinds of institutional changes that favor transparent governance. "Unfortunately it is often about knowing the right people ... but it cannot be a personal service," says Silber.¹⁴⁵

Persistence of the idea that informal settlements are temporary

Another issue that has challenged the SJC's campaign for basic access to sanitation is the reluctance of some members of the City's authorities to accept that informal settlements are a likely to be a feature of the City for many years to come. Historically, informal settlements have been treated, at best, like refugee camps. A 2009 research report states that there was a "general perception by the City, and hence, municipal staff, of informal settlements as temporary, and therefore not worthy of long-term investment or high priority either in terms of planning or resources."¹⁴⁶ In 2011 the national government recognized the problem, as well. "Despite the new focus on informal settlement regularization and upgrading at national level, there is still a

¹⁴² *Promotion of Access to Information Act, 2000*, section (1), Definitions – "Information Officer" (b), <http://www.info.gov.za/view/DownloadFileAction?id=68186>.

¹⁴³ Gavin Silber, interview, May 29, 2012. He continued by noting, "The level of breakdown in communication in the City is astounding; nobody talks to each other."

¹⁴⁴ Councillor Sims, interview.

¹⁴⁵ Gavin Silber, interview, 29 May 2012.

¹⁴⁶ Karen Goldberg, p. 57.

high level of ambivalence towards informal settlements across spheres of government,” the National Planning Commission wrote that year.¹⁴⁷

Councilor Sims now acknowledges that there needs to be a more substantial policy shift that acknowledges the permanence of informal settlements. “We need to make sure that we upgrade informal settlements to a point where they become formal in their nature,” she said.¹⁴⁸

The persistence of the idea of informal settlements as being temporary makes it difficult for the SJC to advocate for sanitation to be upgraded within informal settlements. The challenge going forward for the SJC is to monitor service delivery in informal settlements to see if the new rhetoric around the development of informal settlements is matched by the implementation and effective delivery of appropriate policies.

Monitoring of service delivery

While the SJC has made considerable strides in its acquisition of SDAs it needs to be careful that it does not carry out monitoring work on behalf of the City. As previously noted, the SJC has articulated its desire to get community members involved in the monitoring of service delivery, a development which Councilor Sims recently described as “absolutely helpful.”¹⁴⁹ Pithouse argues that the SJC should exercise caution in this instance and guard against the City pushing the burden of monitoring onto communities. He argues that while it may result in greater efficiencies in the short term, the only long-term solution is to have an effective state.¹⁵⁰ Silber acknowledges the risk, but still believes that community members are in a perfect position to be able to alert authorities to problems that would otherwise be missed. Phumeza Mlungwana argues that systematic monitoring enables communities to prove to the City that problems exist, thus preventing the City from simply dismissing complaints as isolated incidents. She does caution, however, that community monitoring should not be seen as a long-term endeavor. She argues that it should be used in the short term to encourage the City to set the correct policy agenda.¹⁵¹

Clearly, the SJC is going to have to find a workable balance between getting its members involved in the monitoring of service delivery and encouraging the City to fulfill its legal obligations. “You have to keep a clear line between advocacy and doing the government’s job for it,” says Greg Solik, Office and Research Coordinator at NU.¹⁵²

Speed of success and capacity issues

One further challenge that the SJC has faced is actually the amount of success that it has had in a short space of time. At the same time that the City called on the SJC to present its Janitorial Services proposal to the Budget Steering Committee, the SJC was also drawing up a submission to the premier of the province to encourage her to establish the Commission of Enquiry into the

¹⁴⁷ “National Development Plan: Vision for 2030,” National Planning Commission, 11 November 2011, p. 244, <http://www.npconline.co.za/medialib/downloads/home/NPC%20National%20Development%20Plan%20Vision%202030%20-lo-res.pdf>.

¹⁴⁸ Councilor Sims, interview.

¹⁴⁹ Councilor Sims, interview.

¹⁵⁰ Richard Pithouse, interview.

¹⁵¹ Phumeza Mlungwana, telephone interview, 14 August 2012.

¹⁵² Greg Solik, interview by author, written notes, Cape Town, 31 May 2012.

Khayelitsha criminal justice system. Silber notes that due to limited capacity within the organization at the time, these simultaneous demands overstretched the SJC. The SJC has since employed an operations manager, which has resulted in a more even spread of work.

Silber observes that the organization still lacks research capacity, however, as they only have one junior researcher and have found it difficult to recruit a specialist sanitation researcher. Attracting specialist researchers is a common problem that civil society sector in South Africa faces as these researchers can often earn considerably higher salaries working in the private sector.

Another issue that both the SJC and NU should be aware of is the need to entrench the budget skills that have been passed to Phumeza Mlungwana and Fritz Jooste. It is important that they pass on their newly acquired skills and knowledge to their colleagues to ensure that the capacity is institutionally preserved.

Conclusion

In early 2011 the National Department of Human Settlements drew up a draft national sanitation policy framework, which states, “Sanitation service delivery has become a significant political issue” which is “now a mainstream development issue from national government through to community structures within civil society.”¹⁵³ This recognition that sanitation service delivery is only “now” a “mainstream” issue demonstrates how it had previously been neglected. Sustained service delivery protests and the scandal of the open toilets in Makhaza and Moqhaka have forced the issue onto the government’s agenda. As such, the SJC initiated its sanitation campaign at an opportune time and has made the most of the recent wave of public interest, and government promises, around access to basic sanitation.

While this enabling environment certainly assisted the SJC, it has skillfully succeeded in maintaining interest in sanitation after the so called toilet election and, most important, in effectively linking the open toilet scandal to broader systemic failures to provide adequate services to poor communities in Khayelitsha and other informal settlements in South Africa generally. The SJC has maintained momentum in sanitation via a varied and dynamic advocacy campaign, which, in conjunction with wider societal concerns about service delivery, has resulted in the City of Cape Town both implementing the Janitorial Service and making a commitment to eradicate sanitation backlogs in informal settlements by the end of 2016. While the Janitorial Service is perhaps only a minor intervention, its wider impact is significant. First, its adoption amounts to a recognition by the City that it has an ongoing duty to maintain, and not just install, sanitation facilities in informal settlements. Second, and most important, it has demonstrated to residents of informal settlements in Cape Town that concessions can be gained from the City through sustained grassroots organizing.

Pithouse argues that while the Janitorial Service is a valuable intervention that should be affirmed and supported, broader systemic failures in sanitation service delivery will only be overcome by

¹⁵³ “Revision of the White Paper on Basic Household Sanitation, 2001 - National Sanitation Policy: Conceptual Framework,” Draft Version 2, Department of Human Settlements, March 2011, p.3, http://www.wisa.org.za/downloads/DHS_Sanitation_White%20Paper_Revision.pdf (link accessed at the time of writing).

mass popular empowerment, and not via technocratic solutions such as the Janitorial Service.¹⁵⁴ Silber responds to this argument by noting that while toilets are obviously important, what is critical to the SJC is the development of what he calls *active citizenship* among the residents of Cape Town's informal settlements. Silber draws attention to the need to continually broaden the organization's membership base and to build leaders from within the community to take issues forward.¹⁵⁵ For the SJC, it is through these mechanisms that the City will be compelled to take its constitutional obligations to participatory governance seriously. Robins describes the SJC's approach as slow advocacy, whereby an organization takes on systemic problems through long-term organizational work, as opposed to the politics of the barricade represented by events such as service delivery protests.¹⁵⁶

Whether it is possible to force government to implement systemic changes that will positively transform service delivery for the poor in South Africa via slow advocacy, as the SJC proposes, remains to be seen. But the Janitorial Service has certainly been a significant first step toward that end.

¹⁵⁴ Richard Pithouse, interview.

¹⁵⁵ Gavin Silber, interview, 29 May 2012. Robins has argued that a "whole cadre of young people are engaging organisationally and learning skills" via the SJC's CSSC. Steve Robins, "Think Fest Presentation: National Arts Festival," Rhodes University, 5 July 2012.

¹⁵⁶ Steve Robins, "Think Fest Presentation: National Arts Festival," Rhodes University, 5 July 2012.