Budgets that Exclude: The Struggle for Decent Sanitation in South Africa's Informal Settlements

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INTRODUCTION

For nearly a decade, the Social Justice Coalition (SJC) has been working to realize the rights of marginalized citizens of Khayelitsha, a community on the outskirts of Cape Town. Over the past several years, the group has focused on dignified sanitation, advocating for the provision of adequate and permanent infrastructure rather than the proliferation of temporary toilets that have been the city's preferred approach to the issue. As the sanitation issue has become increasingly visible and so more political, revealing the deep exclusion still prevalent in post-Apartheid Cape Town, SJC has had to navigate a treacherous landscape of engagement with authorities. Analyzing the municipal budget and mobilizing citizens to engage in the budget process has grounded the group's advocacy in something specific and concrete and has enabled them to maintain a clear focus on their goal.

CONTEXT

Khayelitsha. According to the 2011 census, roughly one-fifth of Cape Town's inhabitants live in informal settlements. One of the largest concentrations of these settlements is the area known as Khayelitsha. Established 30 kilometers from the city center in 1983, Khayelitsha came into being as a result of the Apartheid policies designed to limit the access of the black African population to urban centers. In the post-Apartheid context, a similar exclusionary logic persists as a way to keep poverty concentrated and so minimize the "investment burden" on the government. In Khayelitsha, that limited investment takes the form of a proliferation of temporary and emergency sanitation facilities, as opposed to the creation of permanent and more cost-efficient flush toilet

infrastructure. In many ways, Khayelitsha is treated as "permanently temporary," despite being home to nearly half a million people, many of whom have lived there for decades.[1]

Social Justice Coalition. In 2008 an organization emerged in Khayelitsha that focused on the pervasive violence and attendant insecurity. The SJC, as the Social Justice Coalition came to be called, consists of a small professional staff, headed by an elected general secretary, and the core members, who are residents of informal settlements.

Since 2009 SJC's membership has prioritized sanitation as an issue of both public health and public security, because diarrheal diseases from exposed sewage were rampant and — the incidence of crime perpetrated on those using public facilities or even open spaces — proliferated. Thus toilets became an extremely high-profile, and highly politicized, issue in Cape Town. For residents of Khayelitsha, toilets came to symbolize the indignity and hardships resulting from spatial segregation, inequality, and lack of basic infrastructure.[2] The situation was a physical and visible manifestation of the exclusionary logic of urban development in South Africa.

Political context of Cape Town. It's impossible to understand SJC's sanitation campaign without also exploring the political dynamics in Cape Town. For the past decade, the Democratic Alliance (DA) has dominated politics in Cape Town. The DA is the principal opposition party to the African National Congress (ANC), which has governed in the rest of the country, including the national government, since the first democratic post-Apartheid elections in 1994. As corruption and mismanagement have grown under successive ANC governments, the DA has — on the basis of its running of the city of Cape Town — sought to portray itself as the champion of efficient and effective governance.

However, the gaps in this narrative are, in fact, vast. Over the past several years, the contradiction between rhetoric and reality with respect to dignified sanitation led to "toilet wars" and "poo protests." A particular flashpoint was touched off by the widely circulated images of exposed open air toilets. One widely reported outcome was a campaign in which human waste was thrown in numerous visible public spaces, such as the airport, main roads, and government buildings. Thus sanitation became a core issue in the 2011 municipal elections, with ANC activists using the issue as part of their (unsuccessful) campaign to take back Cape Town from

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[1] Dustin Kramer, "Building Power, Demanding Justice: The Story of Budget Work in the Social Justice Coalition's Campaign for Decent Sanitation," International Budget Partnership, Washington, D.C., July 2017, available at http://www.internationalbudget.org/publications/budget-work-in-social-justice-coalition-campaign-for-sanitation-south-africa/.

[2] *Ibid.*

the DA.[3] Moreover, the DA began to accuse those who were challenging the government's claims about sanitation, such as the SJC, of being partisan ANC sympathizers. More broadly, sanitation was becoming a publicly contested issue, one that threatened to lay bare the clear contradictions in South Africa's post-Apartheid attempt to "manage" poverty and inequality rather than address the structural causes.[4]

Digging deeper into the political economy of urban poverty in Cape Town, we see a microcosm of the larger South African problem of "the relative weakness of collective action and social movements themselves in presenting a loud and coherent enough collective front of networks and alliances across a range of issues and governance levels to speak truth to power."[5] Multiple organizations, spaces, and networks have grown up in Khayelitsha alone, but their internal weaknesses — often a lack of durable democratic practices, allowing leaders increasingly distant from the grassroots to consolidate power — have led to a failure to produce tangible results and thus a downward spiral of demobilization and passivity.[6] This situation has left the urban poor susceptible to both structural economic factors and patronage politics that have further undermined their relationships and influence with state actors.[7] It is against the backdrop of this political economy that SJC's struggle for justice and inclusion has taken place.

SJC BUDGET CAMPAIGN

Why budgets. SJC had already been working on sanitation for several years when it began a phase of work focused on the city budget in late 2014. Early efforts by SJC had led the city to agree to a public cleaning service for community toilets. That campaign involved pressure in the form of protests and media outreach, as well as the provision of constructive proposals based on expert analysis. Throughout the campaign for an effective janitorial service, SJC made a

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[3] Colin McFarlane and Jonathan Silver, "The Poolitical City: 'Seeing Sanitation' and Making the Urban Political in Cape Town," *Antipode* 49, no. 1 (27 July 2017), 125-48, available at http://onlinelibrary.wiley.com/doi/10.1111/anti.12264/pdf (accessed on 26 September 2017).

[4] See, for example, Gillian Hart, *Rethinking the South African Crisis: Nationalism, Populism, Hegemony* (Athens: University of Georgia Press, 2014).

[5] Lisa Thompson, "Expressions of Citizenship through Participation and Protest," *Politikon* 41, no. 3 (2014), 335-43, available at http://www.tandfonline.com/doi/full/10.1080/02589346.2014.975936 (accessed on 26 September 2017).

[6] Lisa Thompson, Ina Conradie, and Pamela Tsolekile de Wet, "Participatory Politics: Understanding Civil Society Organisations in Governance Networks in Khayelitsha," *Politikon* 41, no. 3 (2014), 387-402, available at http://www.tandfonline.com/doi/abs/10.1080/02589346.2014.975937?journalCode=cpsa20 (accessed on 26 September 2017).

[7] Raj Desai, "The Political Economy of Urban Poverty in Developing Countries: Theories, Issues, and an Agenda for Research," Working Paper 20, Wolfenson Center for Development, Brookings Institution, Washington, D.C., June 2010, available at https://www.brookings.edu/wp-content/uploads/2016/06/06_urban_poverty_desai.pdf (accessed on 26 September 2017).

consistent effort to maintain engagement with city officials. The result was a major new initiative that involved millions of dollars of new public money for improved sanitation in Cape Town's informal settlements.[8]

However, implementation of the janitorial initiative was beset by challenges, leading SJC to publicly call on the city to address these and to undertake a social audit, which found major shortcomings in the provision of sanitation services and helped push the city to introduce a community monitoring effort. Over the course of 2013 SJC's connections with government officials began to deteriorate over the matter of differing understandings and priorities related to planning and carrying out sanitation improvements in Khayelitsha.[9] This growing divide illustrates the fundamentally different perspectives on rights and development in informal settlements held by many elected officials and bureaucrats on the one hand and by SJC on the other. The officials favored an incremental approach that did not disrupt the status quo, while SJC advanced notions of dignity and equity that seemed radical in the context of Cape Town's deep inequalities.

The decision to begin to engage with the city budget as part of the sanitation campaign was driven by two related issues. The first was a response to the claims of city officials about how much they were spending on poor communities. As noted above, the DA had crafted a narrative about being efficient managers of public resources and specifically claimed to be using city funds to improve the lives of the poor. But without analyzing the budget, SJC had no evidence to verify, or contest, those claims.

The second issue was the city's focus for its investment in sanitation in informal communities, which concentrated on what are essentially temporary and emergency measures, most commonly portable toilets. There is a certain logic to this approach, as government officials can visibly demonstrate their efforts to address sanitation, while not creating permanent infrastructure in communities that they may still consider temporary at best. However, SJC argued that these

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[8] See Neil Overy, "The Social Justice Coalition and Access to Basic Sanitation in Informal Settlements in Cape Town, South Africa," International Budget Partnership, Washington, D.C., March 2013, available at http://www.internationalbudget.org/wp-content/uploads/LP-case-study-SJC1.pdf (accessed on 26 September 2017).

[9] For a fuller discussion of the engagements between SJC and the city government on the janitorial service, see Lina Taing, "Informal Settlement Janitorial Services: Implementation of a Municipal Job Creation Initiative in Cape Town, South Africa," Environment and Urbanization February 2017, available at http://journals.sagepub.com/doi/abs/10.1177/0956247816684420 (accessed on 26 September 2017).

are stop-gap measures that are not safe, dignified, or cost-efficient, compared to permanent infrastructure and flushing toilets.

Back and forth with government. SJC's early budget strategy consisted of its members educating themselves on the budget, including the implicit political economy that underpinned the document, and then building a more public campaign to make use of the evidence they generated from their analysis. A key component needed to be actual engagement with the formal budget process as established by South African law, which mandates that municipalities must "encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in . . . the preparation of the budget."[10] However, although established by law, the actual nature of public participation in the budget process was largely undefined.

To prepare for making submissions to the budget, SJC organized two months of workshops, including a "budget boot camp," where 60 SJC members spent three days unpacking and analyzing the budget, as well as writing the first submissions by Khayelitsha residents of proposals for what they would like to see in the budget. From there, SJC worked with other community members to write and collect a total of 500 individual submissions to the budget process. These were delivered to the city by some 150 residents, who were met by a city official, as well as a substantial police presence. Eventually, the official accepted the submissions.

Although there had already been some public debate between the SJC and the city on the budget, the organization ramped up its publicity campaign after the budget submission.[11] SJC argued that the city was spending a disproportionately small share of the water and sanitation budget for informal settlements on capital improvements and was instead prioritizing inferior temporary services.[12] SJC's goal was to publicly challenge decision makers to change the budget accordingly and to consider the 500 submissions properly.

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[10] Municipal Systems Act, 2000. Section 16 (1)(iv).

[11] See Axolile Notywala, "Mayor de Lille, Here's Your Evidence. It's Time for Action," *Groundup*, 31 March 2015, available at https://www.groundup.org.za/article/mayor-de-lille-heres-your-evidence-its-time-action_2798/ (accessed on 26 September 2017); Ernest Sonnenberg, "The SJC Only Prove Their Ignorance," City of Cape Town Press Statement, 31 March 2015, available at https://www.groundup.org.za/article/sjc-only-prove-their-ignorance_2799/ (accessed on 26 September 2017); and Ian Neilson, "SJC's Analysis Faulty," *Groundup*, 8 April 2015, available at https://www.groundup.org.za/article/sanitation-sjcs-analysis-faulty_2817/ (accessed on 26 September 2017).

[12] "An Unfair Budget: Dignity, Equality, and the Right to Sanitation," joint submission by the SJC and Ndifuna Ulewazi on the 2015/2016 draft budget, 30 April 2015, available at http://nu.org.za/wp-content/uploads/2015/05/Budget-Submission-final-web.pdf (accessed on 26 September 2017).

SJC deployed such tactics as protest marches as well as publishing the evidence they had produced through a variety of media and infographics. SJC used political theater and subverted city attacks by making fun of them. . For example, one member of the mayor's team claimed that the organization had an obsession with budgets, so the group unveiled a banner with the line "SJC is obsessed with budgets – Cllr Sonnenberg" and took it to every protest. After the same official said that SJC didn't understand the budget, the organization held a "budget class" in the city center, where members played out a classroom scene in order to learn about the budget and teach the public.

Through these actions, the public campaign gained traction, and debates on the city's spending ensued across media platforms.[13] However, municipal authorities countered by saying that, even if they wanted to, the city could not spend more on sanitation infrastructure due to the geographical and engineering constraints of the informal settlements. This idea first surfaced in an August 2013 statement by Mayor de Lille. She said then that, due to certain "local conditions," flush toilets could not be installed everywhere and that "82% of informal settlements are either fully or partially affected by one or more of the above-mentioned constraints."[14]

In addition to these seeming technical arguments, the mayor singled out SJC for attack in her budget speech. Fifteen minutes — over a fifth — of the mayor's final budget speech in May 2015 were devoted to attacking SJC and its members. Her response was so extreme that an editorial in one of Cape Town's mainstream newspapers questioned why she responded "with petulance rather than maturity" and found "it necessary to deride . . . engaged, civic-minded citizens."[15]

Furthermore, the formal submissions that SJC helped Khayelitsha residents to submit were not handled correctly. Instead of being listed individually, like all other submissions in the formal report, the 504 submissions were described as input from a focus group and briefly summarized

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[13] Judith February, "Raising a Stink about Sanitation Budgets," *EWN*, 20 May 2015, available at http://ewn.co.za/2015/05/20/OPINION-Judith-February-Raising-a-stink-about-sanitation-budgets?Mobile_Override=true (accessed on 26 September 2017); Ernest Sonnenberg, "Flushing out Cape Town's Budget Realities," *EWN*, http://ewn.co.za/2015/05/22/OPINION-Ernest-Sonnenberg-Flushing-out-CTs-budget-realities?Mobile_Override=true (accessed on 26 September 2017); and Rebecca Davis, "Cape Town vs Civil Society: How Much Is Enough Spending on Water and Toilets?" *Daily Maverick*, 20 May 2015, available at: https://www.dailymaverick.co.za/article/2015-05-20-cape-town-vs-civil-society-how-much-is-enough-spending-on-water-and-toilets/ (accessed on 26 September 2017).

[14] Patricia de Lille, "City Invests in Improving the Lives of Residents in Informal Settlements," City of Cape Town Press Statement, 7 August 2013, available at http://resource.capetown.gov.za/documentcentre/Documents/Speeches%20and%20statements/Statement_City_improving_informal_settlements.pdf (accessed on 26 September 2017).

[15] Editorial, "Let's Discuss not Deride" *Weekend Argus*, 30 May 2015, available at https://www.pressreader.com/south-africa/weekend-argus-saturday-edition/20150530/282252369130294 (accessed on 26 September 2017).

in a single entry. It is not clear if this incorrect treatment was deliberate or occurred simply because officials could not believe that so many residents of a poor community would make individual submissions. However, when adopting the report on public participation, the city council's resolution differed from previous years in that it suggested that public input should be taken into account in current and future budget processes.

Next steps. After the initial budget submission process, including the mayor's direct comments, SJC had reached a critical juncture. According to SJC's Deputy General Secretary Dustin Kramer:

> *When we walked out of the budget speech, I was conflicted. To go to such lengths to attack and discredit us, the mayor clearly felt threatened. The campaign had clearly gotten traction. But I realized that we also may have overestimated the combined power of the submissions and public advocacy. Although we expected an aggressive response, we did not anticipate that the city would embark on a war of attrition against the SJC to such a degree. What real leverage did we have?*

SJC decided to build on and expand the effort to engage in the budget process, while also laying the groundwork for litigation.

By 2016 SJC staff and members had a much deeper understanding of how to engage with the budget and facilitate submissions, so they expanded their efforts. Through a similar process of education and organizing from the previous year, 3,000 residents of Khayelitsha wrote budget submissions. In other words, 3,000 people who had little positive interaction with the state invested their time in a participatory process to engage with the public budget. Many of these individuals went to city hall to hand deliver their submissions.

The day of the handover also played out similarly to the year before, with officials initially resisting the notion of accepting the submissions individually. A group of frustrated police officers effectively became the mediators and repeatedly asked city officials to accept them. After several hours, the police warned them of imminent arrests. In a last ditch attempt to convince them to leave, one of the officers took an SJC leader aside and said, "You guys have had a very successful day, even I support you! But really it's time to go home. You can come back with a new strategy next time." Later that night SJC leaders sent a letter to city officials threatening legal action over the acceptance of the submissions, and the authorities finally acknowledged in writing that the submissions would be treated individually.

In the formal budget process, the Khayelitsha submissions were starting to gain more traction. The mayor once again addressed SJC directly, but, more interestingly, the submissions were a focal point of debate among elected officials. At the end of the budget debate, opposition politicians staged a walkout before the final vote, arguing that the public submissions had not been adequately considered.

Clearly, the formal channel of budget submissions was never intended to be a mechanism of real citizen influence over the budget process. But by politicizing the process, not in an explicitly partisan manner, but simply by making the submissions difficult to ignore, SJC had begun to influence the discourse around sanitation in the budget. Moreover, there is evidence that, while the ruling DA party was unwilling to concede the point in the public budget debate, the resources allocated for permanent sanitation infrastructure in informal settlements were increased in later adjustments in both the 2015/16 and 2016/17 budgets. While more data and more time are clearly needed, SJC's engagement could finally be leading to concrete improvements in sanitation for the city's most marginalized residents.

Other developments have come from SJC's efforts. The city of Cape Town created a new Directorate for Informal Settlements, Water, and Waste Services. This will represent an important new space for SJC and the residents of informal settlements across the municipality to engage the government on these important issues. Despite these advances, SJC still felt that litigation was necessary. Through the budget campaign in 2016, the group obtained two important pieces of evidence that would help them build their legal case. The first was a municipal document — obtained by another organization through a freedom of information request — showing the list of actual constraints in each informal settlement that supposedly prevented the installation of permanent sanitation infrastructure. The information demonstrated that in many areas the majority of the land was not constrained at all, despite city officials' claims to the contrary. Second, IBP contracted with an economic research team to build a costing model on sanitation in informal settlements in Cape Town. This model showed that temporary services were not only inferior, but far more expensive than long-term infrastructure.

These two pieces of evidence demonstrated that the city's practice of prioritizing temporary services was discriminatory and a violation of the rights of informal settlement residents, given that it is largely black African residents who were forced to use temporary toilets. SJC filed the case in mid-2016, seeking a court order to compel the municipal government to provide an adequate budget and plan for the provision of long-term sanitation infrastructure in Cape Town's informal settlements and to eradicate temporary sanitation services where practicable. The

grounds for the case are a direct outcome of SJC's evolving understanding of the budget and of the city's rationale for prioritizing temporary sanitation over permanent infrastructure.

IBP SUPPORT FOR SJC

IBP has been engaging with and supporting SJC's sanitation campaign for a number of years. The nature of this relationship has evolved over time, but it has generally featured several core elements:

- *Grant funding*. IBP has provided SJC with modest but consistent and flexible core support through a series of grants.

- *Technical support*. IBP built up the capacities of SJC members to understand and engage with the budget and undertake social audits, as well as contributing specific analysis (such as the sanitation cost model). Over time, this has resulted in significant expertise in SJC's core team, as well as in the wider membership of the organization.

- *Strategic accompaniment*. IBP advised SJC on the organization's overall strategy and engagement with municipal actors, including providing information about potential contacts, entry points, and approaches. SJC regularly consults with IBP on strategic decisions, which has helped the organization navigate a complex political environment.

- *Relationship building*. IBP sought to build relationships with government actors, with the explicit aim of using this approach as a means of "opening doors" for organizations like SJC. However, this approach did not work in the way it was hoped. Officials were often willing to engage with IBP, but that did not translate into increased openness to SJC.

IBP has invested in building a relationship of increasing trust with SJC over the years, one that has allowed for IBP to have a "seat at the table" for SJC's decision making. It has also made for a safe space for the frank discussion of what has worked, what has not, and how those lessons can inform strategy going forward.

Thus IBP's support for SJC is shifting over time. As noted above, the attempts to leverage IBP's relatively privileged access to government actors to open doors to SJC have not born fruit and thus will not be a priority going forward. Instead, IBP will continue to focus on strategic accompaniment, as well as targeted and timely technical capacity building, while also seeking to

broker relationships between CSOs and grassroots groups that might lead to more strategic coherence in their often-fragmented efforts. IBP will also engage in work that can add value to the efforts of partners like SJC, such as the social audits.

THE ACCOUNTABILITY ECOSYSTEM

Evidence is emerging from research and practical experience about how best to organize citizen-led accountability strategies.

> *The principal message is that change strategies need to take a systemic approach to state accountability, taking into account how impunity is grounded in power structures and political dynamics. Civil society efforts must address "accountability politics" and build "countervailing power" if they are to be successful over the long term. But what does this look like on the ground?*[16]

Fundamentally, SJC's sanitation has been about seeking to hold the government to account for the basic rights enshrined in the country's constitution. The promise of human dignity was an essential part of transition from Apartheid to democracy, but real accountability has remained elusive, particularly given the degree of exclusion still deeply rooted in the political and economic power structures of the country. The presence of elections, a progressive constitution, and a relatively free media — all core elements of a democratic system — still do not automatically ensure public accountability. Instead, accountability can better be thought of as an ecosystem of institutions and processes, robust where it is tended carefully over time so that its roots go deep and diversity flourishes, but often fragile as small green shoots struggling to survive in poor soil with scarce water. Power relationships operate throughout the accountability system, influencing it in important ways, but also being reshaped where accountability is being democratized. But the political path to that goal is long and twisting.

Politics of accountability. Thus the story of SJC's sanitation campaign is a story about the politics of the accountability ecosystem. A formal ecosystem exists, with all the trappings of the institutions and mechanisms of democratic governance. However, for residents of Khayelitsha, the de facto function of the political system has been to maintain existing inequality and

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[16] Jonathan Fox and Brendan Halloran, eds., "Connecting the Dots for Accountability: Civil Society Policy Monitoring and Advocacy Strategies: Report from International Workshop, 18-20 June 2015, Washington, D.C.," Transparency and Accountability Initiative, London, 5, available at http://www.internationalbudget.org/publications/connecting-dots-accountability/ (accessed on 26 September 2017).

exclusion. The demands that the city government be accountable to residents of informal settlements entails contesting power in an ecosystem that is not oriented to seeing their needs or hearing their voices.

Moving toward a more inclusive accountability ecosystem is an inherently political process. It is not about importing laws or institutions that function elsewhere, but rather about navigating the imperfect systems that currently exist and seeking (or creating when necessary) entry points to shape these institutions in more inclusive ways.[17] Those entry points may be based on relationships and negotiation, or they may involve leveraging the power of citizen mobilization or even such mechanisms as the legal system.

Learning to navigate the accountability ecosystem. SJC's experience of navigating an inherently flawed and biased accountability ecosystem has been one of probing, reflecting, and shifting as necessary. A central part of SJC's navigational strategy has been connecting the dots by utilizing multiple, reinforcing tactics to test several potential entry points into that system. Thus the sanitation campaign wove together actions to shift public discourse through visible acts and media engagement, to open — incrementally — a superficially participatory budget process, and to build a legal case to leverage one of the few functioning mechanisms in the accountability ecosystem.

SJC has had to develop and deploy a set of complementary navigational capacities, of which cracking the budget was but one. Understanding the accountability ecosystem fundamentally relies on power analysis, but it also requires translating evolving insights about political dynamics into strategic decisions. SJC's members have had to consider how to manage relationships with political actors, when to seek engagement and when to maintain distance. In this, they benefited from their engagement with IBP staff members, who provided a wider perspective on and mined considerable experience with political opportunities and pitfalls.

Navigating accountability politics became increasingly important as sanitation became a political issue. In some ways, this was necessary for the matter to gain attention and enter the political calculus of elected officials. Yet it also exposed SJC to charges of partisanship from the city government, particularly given the high visibility that SJC sought for its message. In addition to these outward engagements, SJC's leadership has also had to work to secure their own credibility by emphasizing accountability to the grassroots membership. On the other hand, SJC

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[17] See *World Development Report 2017: Governance and the Law* (Washington, D.C.: World Bank, 2017), available at http://www.worldbank.org/en/publication/wdr2017 (accessed on 26 September 2017).

generally opted not to seek wider alliances or a broad coalition for its campaign. This allowed the group relatively more tactical flexibility, without the need to generate consensus among diverse stakeholders, but it may have cost the group some wider influence.

In addition to these "soft skills," SJC has developed a set of technical capacities. Budget analysis has been important among these. It was first provided primarily by allied organizations, but over the course of the campaign, SJC members built their own capacity to work with budgets through budget workshops and support from IBP. In addition, SJC has made use of legal skills to analyze potential entry points for litigation and to generate solid evidence.

SJC has deployed these developing capacities through the diverse tactics of the sanitation campaign. The process has not been linear, but it has been a contested one and one in which SJC has sometimes miscalculated and had to change course. Furthermore, despite some meaningful advances — significant attention from political actors, increasing popular engagement in the budget process, a promising legal case — tangible gains are not yet demonstrable, given the patchy and inconsistent data on sanitation in informal settlements in Cape Town. The city has continued to invest much more in temporary sanitation than in permanent infrastructure in Khayelitsha and other informal settlements. However, there are initial signs that this focus may be shifting and reason to think that the direction is a positive one. Nonetheless, the challenge of advocacy is often not knowing when you are nearing a breakthrough or when you are just hitting your head against a wall. Furthermore, innovative and politically aware tactics to influence decision makers may not be sufficient, when you are navigating a weak accountability ecosystem in an effort to challenge powerful interests. This requires shifting the politics itself, by building up countervailing power among the excluded group.

Building countervailing power in the accountability ecosystem. One reading of this case is that SJC is simply trying to change a government policy: shift municipal spending on sanitation in informal settlements from operations (maintaining temporary sanitation facilities) to investment (building permanent sanitation infrastructure for flush toilets). However, another interpretation is that SJC is challenging the core logic of the political economy of urban governance in Cape Town and thus is trying to shape a more inclusive and democratic politics. Regardless which view one takes, it's clear that SJC has sought to strengthen the political agency of Khayelitsha residents to influence policy and to contest exclusionary politics. Simply deploying evidence or making rights-based claims or even participating in formal decision-making channels has been insufficient to influence the decisions made by city authorities.

Political agency, or countervailing power, is essentially about collective political action: that is, practicing active citizenship to influence and shape decision making that affects the residents of poor communities. When the accountability ecosystem is weak or has been coopted, excluded groups must build and make use of parallel sources of power, even as they engage with the formal system where entry points emerge. Building countervailing political power can entail large mobilizations and protests, but it also involves building credible membership-based organizations, such as cooperatives and unions, that can represent the interests of the poor.[18] However, it will often include going outside the established bounds of political practice, which has been defined and shaped by elites to their advantage, and engaging in "unruly" citizen action.[19]

A complementary form of countervailing power can be built through progressively expanding the rights and legal foundations on which pro-poor policies are built. The Treatment Action Campaign is a paradigmatic example of this in South Africa. Similarly, SJC's legal case could lead to a formal directive for the city to change its sanitation policy.

FINAL THOUGHTS

The SJC case demonstrates that pro-reform actors need to develop diverse capacities, strategies, and approaches in order to navigate what is often a weak accountability ecosystem. But there are also inherent limits to approaches that seek to achieve progressive outcomes in governance systems that are built on concentrated power structures, as is the case in Cape Town. In such cases, policy change only addresses the symptoms, not the causes, of exclusion, which are more deeply rooted in power dynamics. That said, strengthening and democratizing an accountability ecosystem for inclusive and responsive governance is a massive undertaking in such challenging contexts, and there are no magic bullets.[20]

Daron Acemoglu and James Johnson, authors of the influential book *Why Nations Fail*, argue that the road to more inclusive institutions is that of politics. "Making institutions more inclusive," they write in *The Spectator*, "is about changing the politics of a society to empower the poor — the

[18] John Gaventa and Gregory Barrett, "So What Difference Does It Make? Mapping the Outcomes of Citizen Engagement," *IDS Working Paper 347*, October 2010, available at: http://onlinelibrary.wiley.com/doi/10.1111/j.2040-0209.2010.00347_2.x/abstract (accessed on 26 September 2017).

[19] Akshay Kanna, "Seeing Citizen Action through an 'Unruly' Lens," *Development* 55, 2012, 162-172.

[20] Diane de Gramont, "Beyond Magic Bullets in Governance Reform," Carnegie Endowment for International Peace, Washington, D.C., November 2014, available at http://carnegieendowment.org/files/Brief-de_Gramont-CP_229.pdf (accessed on 26 September 2017).

empowerment of those disenfranchised, excluded, and often repressed by those monopolising power."[21]

SJC's work intuitively responds to this insight as the organization has maintained a commitment to building the countervailing power of residents of Khayelitsha to shape a politics more responsive to their immediate needs and to inclusive reform more broadly. This work included analyzing the budget and making it comprehensible to citizens who were being denied services, not for the sake of just raising awareness, but as one important element of a process of engaging the state. This reinforces the insights from research by the World Bank showing that transparency and information disclosure can contribute to addressing the failures of government by enabling citizens' political involvement.[22] Ultimately, dignified sanitation for residents of Khayelitsha will require savvy navigating, but it will also mean strengthening the collective political agency of citizens long excluded from the political system.

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[21] Daron Acemoglu and James A. Johnson, "Why Foreign Aid Fails – and How to Really Help Africa," *The Spectator*, 25 January 2014, available at http://www.spectator.co.uk/2014/01/why-aid-fails/ (accessed on 26 September 2017).

[22] Stuti Khemani et al., *Making Politics Work for Development: Harnessing Transparency and Citizen Engagement* (Washington, D.C.: World Bank, 2016), available at http://www.worldbank.org/en/research/publication/making-politics-work-for-development (accessed on 26 September 2017).