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Lourenco, Marisa Lara

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Participation and the Politics of Mediation: The Case of the Thembelihle Crisis Committee

A research report submitted to the Faculty of Engineering and the Built Environment at the University of the Witwatersrand, in partial fulfilment of the requirements for the degree of Master of Urban Studies

Marisa Lourenço
951057

5 September 2018

Declaration

I declare that this research report is my own unaided work. It is being submitted in partial fulfilment of the requirements for the degree of Master of Urban Studies at the University of the Witwatersrand. It has not been submitted for any degree or examination in any other university.

M. L. Lourenço
5 September 2018

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List of acronyms

ANC	African National Congress
BNG	Breaking New Ground
CBO	Community-based Organisation
DA	Democratic Alliance
GEAR	Growth, Employment and Redistribution
IDP	Integrated Development Plan
LDO	Land Development Objective
LPM	Landless People's Movement
LED	Local economic development
NPA	National Prosecuting Authority
NPM	New Public Management
NGO	Non-Governmental Organisation
OKM	Operation Khanyisa Movement
PARI	Public Affairs Research Institute
SERI	Socio-Economic Rights Institute
SECC	Soweto Electricity Crisis Committee
TCC	Thembelihle Crisis Committee

Chapter One

Introduction, aim and scope of study

At its heart, this paper is about participation, and more specifically, the discussion of policies in the new South Africa and the failure of local governments to induce meaningful collaboration with its constituents. It is intended to uncover why citizens—specifically, those in the informal settlement community Thembelihle and its social movement, the Thembelihle Crisis Committee (TCC)—feel their grievances are not heard by the powerful and how this deep mistrust imbedded in its interactions with local and provincial government comes to manifest in various ways.

In September 2011 then-Provincial Secretary of the ruling African National Congress (ANC) David Makhura was quoted in the Sowetan newspaper, saying that protests erupting across Gauteng are the result of a serious disconnect between itself and its constituencies. Makhura is referring here to failure of the spaces created for cooperation among local government, business and civil society to enhance participation in the policy-making process. He attributes this to a weakness of the leadership of the ANC, caused by political infighting, and acknowledges that while the ANC has won every election held in the new democratic South Africa by a substantial margin, this does not translate to a unified, functional party.

Makhura's statements here are significant on two levels. The first is the admitting of the incapacity of government officials to implement the developmental planning with which they are charged. In this lies the implication that the participatory process—that is, meaningful consultation with constituents which entails input into policies before they are drafted and also takes seriously the input on government's proposals—has not managed to achieve its goal of inclusion and deliberation, and with that, the efficient roll out of the provision of services to vulnerable groups. The second is the acknowledgment that the ANC's assertion of its position as the only entity in and outside the area of government to truly represent the majority of South Africans is false, even as it has overseen the democratic as well as the decentralisation project post-1994

Of course, these statements are not new, nor are they surprising. There is a vast body of scholarly literature that dissects these very issues, interrogating the thinking behind the ANC's policy direction and its grip on power in all spheres of government: national, provincial, and local. They have invoked the question on why the ANC has not sought to fix this disconnect. The lack of political will is a compelling argument, one which explores the troubling presence of patronage networks and the misguided belief that market principles will transform the South African landscape into one that is equitable and modern. The inability to understand the presence and persistence of informality is another, as policies aim to organise and shape a phenomenon that the government has failed to dissect fully.

But that is not the whole picture. This report gives substantial attention to the ANC's adoption of the principles of New Public Management (NPM) to reform the public administration—the how, the what, and the way—in the aftermath of the regressive and racial system and culture that ordered the public service during apartheid. An analysis of this is significant in the context of the narrow spaces of participation and poor service delivery, particularly with regard to housing in the context of informality. It reveals the ANC's public service reforms, while far reaching, are based on a limited understanding of why the old administration's bureaucracy was unsuitable for a democratic South Africa.

In the lead up to the first democratic elections in 1994, the thinking that pervaded discussions on the public sector and the need for reform attributed its ineffectiveness to its centralised hierarchy and bureaucratic functions, and less to its racist agenda. While of course there was the realisation of this last point, it was the first two points that promoted reforms centered on the decentralisation of power and turning governments into autonomous entities to be run like businesses. Yet if the thinking is that the apartheid public service was inefficient *primarily* because it was centralised and bureaucratic, then the new dispensation reacted against the wrong problem. This is not to say that centralisation is preferred; rather, it is to highlight there was the rushed process in adopting the framework of NPM, which troublingly espouses market values in local government yet is expected to yield democratic, equitable goals and contribute to socioeconomic equality in South Africa.

Of course, this is the not the first time NPM has been raised as a barrier to achieving equity in service delivery within the South African context. This paper aims to draw a *more direct link* between public sector reform in post-apartheid South Africa and the disconnect between local governments and their constituencies, by highlighting how the adoption of NPM allowed for patronage networks established during apartheid to flourish in the new South Africa. The impact of these networks has been given prominence in the last decade by an independent South Africa organisation, the Public Affairs Research Institute (PARI), and the aim of this paper is to bring this area of study closer to the analyses of public participation and its role in making such spaces too narrow for meaningful engagement.

Within this, the TCC acts as a suitable case study. Its incidence is fascinating in its unity, tactics, mobilisation and visibility. In existence since 2001, the organisation has managed to navigate various spaces of participation in articulating its demands of government, aided by numerous non-governmental organisations (NGOs). In many ways, it serves as a useful reflection for the issues raised in the literature on participation in housing, and it demonstrates the dangers in assuming that devolving power to the local level inherently makes it more democratic. The organisation is also a useful example in considering how, in many ways, its success in resisting relocation and seeing electricity installed at the settlement has not come from its participation in spaces sanctioned by the government, but through other forms of political mediation.

The TCC was also chosen for this paper so that the historical gap emerging in its trajectory may be filled. There is an extensive collection of research of the mechanisms of the TCC, not least from students at institutions of higher education. Nonetheless, there has been notably less written on Thembelihle after 2012. This paper therefore attempts to fill this gap with the belief that the trajectory of grassroots organisations is important to document in understanding the ways in which the South African political landscape has evolved—and continues to do so—since the dawn of the democratic era. This paper has attempted to document it in a way that does not centre protest as the most interesting, or noteworthy, element of Thembelihle residents' call for substantive citizenship, but highlights the intricacies of their broader struggle, including development projects. A failure to record their struggle would risk their existence in very specific time in history: when devolution happens, when dissent arises, and when the securitisation of protest begins to become

the norm. But society is fluid and politics is disruptive, managing, dissecting and working through all of these issues at different times. Organisations like the TCC and those citizens that fight for the realisation of their socioeconomic rights do not emerge in response to one issue, or one cluster of issues, and so cannot be placed within a specific timeline.

Structure, methodology and limitations

The report is structured into several chapters. Chapter Two dissects the existing literature on the inadequacies of participatory process mechanisms engineered by the state, by first presenting the context in which these have been designed, and the legislation that declares them a constitutional mandate. It then raises and discusses the issues that stemmed from this, as well as the policies and contexts that have interfered with their implementation. It concludes with the result of these issues, including the new form of mediation that has come to characterise the South African political landscape in recent years.

Chapter Three presents the origins and inner workings of the TCC, as an example of this new politics, and to provide context of the analysis in Chapter Four that locates Thembelihle residents in the context of the literature. In Chapter Three, the structure of the organisation is presented and an overview of its demands and tactics given. Although this paper only presents one case study in the broader discussion of participation and housing rights in South Africa, the trajectory of the TCC and its layered struggle serve as sufficient insight into gaining a deeper understanding of the policy shifts that have shaped its existence and mobilisation. In Chapter Four, several of the TCC's struggles, including the demand for *in situ* grading and its efforts to install formal electricity and adequate sanitation in the settlement, are drawn upon to weave together the threads that delegitimise its struggle and entrench the divisions and mistrust between its residents and local government. Chapter Five concludes with a summary of the research findings and presents questions for further discussion.

In gathering information about the settlement outside of the literature and reports prepared by non-governmental organisations (NGOs), several visits to the settlements were conducted between 2017 and 2018. These involved observations of the various meetings held in Thembelihle, and

interviews with four residents, all TCC members with their titles reflected here as they stand at the time of writing: former spokesperson Bhayiza Miya, former deputy chair Lebogang Mthembu, current deputy secretary Siphiwe Mbatha, and current deputy chairperson Sello Lorotholi. Senior programme coordination at NGO Planact, Mike Makwela, was also interviewed, owing to his extensive involvement in the strengthening of the TCC's organisational capacity. In line with the practice of ethics for this research, all participants were presented with an information and consent form, and with no objections, recorded. Two residents from Lenasia encountered during the research and who offered to provide comments on the settlement for this paper asked to remain anonymous. Newspaper clippings were also analysed—most of these derived from the TCC's impressive effort to keep a record of its history—in order to understand the perceptions of the community by outsiders, including government officials, the police and Lenasia residents. These articles are included as appendices.

This paper does not pretend to present a whole picture of the issues facing representation and participation in the right to housing in South Africa. Indeed, it uses only one case study to dissect the existing literature and while sufficient within the limits of this paper, this interrogation must be applied more broadly to arrive at a wider analysis of public participation in the new South Africa. As mentioned, this paper is primarily an attempt to begin to highlight the much deeper effect public sector reforms have had in limiting participation at the local level.

There is also a larger focus on the mechanisms of the TCC than on those of government. The aim was to demonstrate how the perception that government is not listening to its constituents comes to have very serious consequences, to the point where it matters less what is being delivered, than the mistrust that has become so deeply embedded. Moreover, working within the confines of this research project, the aim was to highlight as thoroughly as possible the ways in which its struggles serve as an indication at the point at which policy fails. This decision is in large part this paper's attempt to capture the history of a grassroots organisation. Its history should not be lost, particularly as South Africa begins to witness the emergence of more community-based organisations, engaging in different contexts but united by the call for substantive citizenship.

Chapter Two

Towards a conceptual framework: challenges to the realisation of participation and housing rights in the new South Africa

In 1996, after decades of economic, social and spatial marginalisation in South Africa, the new dispensation adopted a development planning framework, placing the provision of services at the forefront of its agenda to guarantee meaningful citizenship. With this, it enshrined two important rights in the Constitution: public participation and adequate housing, intended to function in a complementary manner.

Taking this into account, the Housing Act of 1997 states that national, provincial and local spheres of government must facilitate active participation of all relevant stakeholders in housing development (RSA, 1997). The Housing Code of 2009 too emphasises the importance of participation, referring to it as a contribution towards the achievement of the state's housing opportunities and therefore not requiring any financial contribution to qualify (RSA, 2009). In delivering housing, the policy goes on to state, participation has the benefits of a saving in labour costs; avoiding payment of a profit element to developers; and optimising control and decisions regarding the housing product to be delivered (ibid).

Under the new housing policy, large-scale funding is to be deployed by the national government and allocated to the provinces for housing subsidies in the form of conditional grants. The province then implements the national policy by dividing capital between housing delivery programmes and the towns and cities within its jurisdiction (Amin and Cirolia, 2018). It is clear here the new government was influenced by policy doctrines and literature highlighting the growing limitations of both market and hierarchical modes of governance, given the argument—or recognition, rather—that the structural adjustment reform agenda that gained momentum during the 1980s fail to deliver on its development objectives. In this new thinking then, civil society came to be seen as a complementary mechanism that could fill in the gap where markets and hierarchies tend to fail (Frodin, 2009). Approaches then started to focus on the importance of complementary relations between the state, market and civil society (ibid). Public participation in policy making and implementation became increasingly emphasised by scholars who regarded it as a 'cure-all

measure against a range of governance failures' (ibid: 291). In South Africa, what took hold was the idea that economic rationalism (Hood, 1995) would be more appropriate than the centralised, hierarchical planning associated with slow process and wasteful expenditure. There was then a shift from centralised planning towards multi-level governance similar to that of the European Union, and policies were implemented accordingly through the 1990s and early 2000s to achieve this new structure. Understanding this policy shift demonstrates how, when and why municipalities come to be given significant power in dealing with the issue of housing in their respective jurisdictions.

Despite its intentions and the aforementioned changes in policy approach, the government does not succeed, in stimulating wider or more meaningful participation. The discussion below will attempt to uncover the reasons for this disconnect, noting that it applies more broadly to participatory mechanisms at the local level in South Africa. Specific focus is given to the City of Johannesburg owing to its relevance to the case study and to the representation of informal settlement communities within this context.

2.1. Background

2.1.1. Decentralisation and devolution of power to municipalities

Since the early 1970s, decentralisation as a tool for promoting growth in less developed countries gained momentum. It became regarded as a helpful structure in improving the provision of services, and the planning and implementation of development activities, by:

> taking account of local needs and conditions, improving co-ordination between the various government agencies involved in development at regional or local level, reducing delays in decision-making and increasing flexibility in the administration of development, mobilising local resources (including finance and manpower) and increasing local commitment (Conyers, 1986: 91).

In less developed countries, public policy documents or declarations would entail explicit objectives that have a 'strong "developmental" connotation' (ibid), because they are objectives that aim to legitimise decentralisation for the general public, a particular interest group, or the international community.

In South Africa in the 1990s, local governments are placed at the centre of development concerns affecting various localities across the country. The 1995 Development Act requires municipalities to develop Land Development Objectives (LDOs) relating budgets to service provision. In 1996 an amendment to the Local Government Transition Act of 1993institutionalises further the role of plans in the budgeting process, by requiring a financial plan in accordance with LDOs, which then become known as Integrated Development Plans (IDPs). IDPs—which remain in place today—involve a municipality preparing a strategic development plan for a five-year period. These are to be integrated with national and provincial policies to ensure a consistent intergovernmental approach (Andrews, 2003). IDPs are based loosely on the British joined-up model rooted in the third-way doctrine of governance, which envisions complementary relations between the state, the market and civil society (Naidoo, 2015). The 1998 Local Government White Paper introduced the idea of 'developmental local government' (RSA, 1998), defined as local government committed to working with citizens and groups within the community—termed 'co-operative governance' to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives. Municipalities are obliged to take on a leadership role by involving and empowering citizens and stakeholder groups to build social capital. The new policy framework rests on the assumption that private actors will not only take the market into account but be oriented towards wider public interests; and that public servants and representatives from civic organisations will act on the public good (Frodin, 2009).

The 2000 Local Government Municipal Systems Act saw new municipal boundaries drawn in South Africa and several local economic development (LED) functions legislated. The framework was divided into six metropolitan councils, 47 district municipalities and 14 district management areas (ibid). It is during this time that IDPs were made a constitutional mandate and became a compulsory activity for governments (Rogerson, 2010; Musvoto, 2011): indeed, the Municipal Systems Act 32 of 2000 stated all municipalities in South Africa must produce an IDP as a method to plan future developments in their areas (Musvoto, 2011). The Act defined municipalities as a 'super plan for an area that gives an overall framework for development through coordination of all spheres' (ibid), including local, district and national, and also all the stakeholders of governance, including the private sector, civil society and non-governmental organisations, to

enhance the development of an area (ibid). Local government was restructured in the context of the IDP, wherein local authorities were given a proactive role in eradicating poverty by actively engaging the public sector in tackling poverty through public and private partnerships (ibid). It was here that business came to have a closer relationship with the state. All in all, IDPs were regarded as a key policy tool for local government to deal with the challenge of the developmental role set by the Constitution (Mohamed, 2006) and local government was placed at the centre of development concerns affecting various localities in the country (Musvoto, 2011). Once drawn, all developments within a municipality were to be aligned to its IDP (ibid) as the principal strategic planning instrument which guides and informs all planning, management, investment, development and implementation of decisions and actions (Mohamed, 2011). Such plans became a way to understand and meet constituent service expansion, and to monitor and assess performance (Andrews, 2003).

In 2004 the government adopted a framework called 'Breaking New Ground' (BNG), which included a dedicated programme for inclusionary/mixed-income housing, 'Housing Assistance in Emergency Housing Situations' and an 'Upgrading of Informal Settlements' programme (Huchzermeyer, 2011). For the first time in South Africa's history,

> housing policy enabled a municipality to plan an *in situ* upgrade (rather than replacement of an informal settlement in fully standardised fashion), to quantify its cost and to apply for the relevant amount of funding for land purchase, land rehabilitation, land regularisation, introduction of services and provision of basic social and economic facilities (ibid: 116).

Given the importance public participation is given in the policy developed in the new South Africa, BNG was intended to provide a channel through which municipalities could respect informal settlement communities by providing security of tenure without disrupting their networks. Indeed, 'the programme provided for interim servicing and made specific provisions for "community empowerment" and participatory layout planning' (ibid).

Following the introduction of BNG, municipalities were charged with leading the negotiation for the location of housing supply to facilitate spatial restructuring, thereby increasing their role in the housing process (BNG, 2004: 4). They thus became the primary implementation agencies and responsible for submitting plans for approval to provincial housing departments. The thinking

behind this was for municipal governments to, among other goals, 'support the integration of housing into municipal IDPs, ensuring greater budgetary coherence' (bid: 5). Municipalities were charged with determining the need for 'social/community facilities through a community profile and facilities audit to ensure that facilities are appropriately targeted' (ibid: 9). The first phase involved determining the housing and infrastructural needs of a community, by surveying the community through the process of consultation, and with consideration of the geotechnical and physical suitability of the land for *in situ* upgrading (BNG, 2004: 12).

2.1.2. A reflection on the adoption of NPM

Soon after the transition to democracy, the new government reordered the public sector along the guidelines of NPM. With the logic that decentralisation improves the accountability and responsiveness of government to increase the citizen voice and change incentives for public officials (Faguet, 2013), NPM became attractive as accountability was its key element. This new conception of accountability and the favouring of market mechanisms in service delivery came about as 'it reflected high trust in the market and private business methods …. and low trust in public servants and professionals … whose activities therefore needed to be more closely costed and evaluated by accounting techniques' (Hood, 1995: 94). This thinking is evident in the 1997 White Paper on *Human Resource Management in the Public Service*, which carried the view that the public service in its current form was too bureaucratic and too centralised to carry forward the mandate of a democratic South Africa. The government sought a new system focused on human resources management practice rather than the existing bureaucratic principles. Through the adoption of NPM, human resources would be managed by those closest to the point of delivery, achievable through the overall restructuring and decentralisation that would take place, and through a corporate culture that would be moulded to fit the diverse culture of those employed within local government departments. Performance would be assessed according to the efficiency and effectiveness with which business was carried out, and all training would be backed up by planning. The aforementioned White Paper recommended national departments not wait to transform their structure fully before beginning their implementation programmes.

The thinking behind NPM lay in removing the distinction between the public and the private sector and use the mechanisms of the latter in the sphere of the former. It therefore shifted the emphasis from 'process accountability towards a greater element of accountability in terms of results' (Hood, 1995: 94). For the new government, this type of structure would encourage competitive professionalism, transformation, and various forms and flexibility of work—with performance-based outcomes an integral feature--and be able to work in line with the Constitution and legislation concerning labour law and civil service.

What is critical to note here is that the minimalist and neoliberal ideology of NPM clashes with the democratic and radical approaches of the new dispensation in achieving social equity in the new South Africa. Understanding this is important in seeing how service delivery becomes organised along the lines of market-based principles and comes to impact negatively on local governments' organisation of participatory processes and intended focus on inclusion of all its citizens. Perhaps most surprising was the ANC's acknowledgement that the ideology of NPM clashed with its democratic agenda, but maintaining it was merely an association and:

> …could not detract from the potential these tools offered to result in greater efficiencies in state administration which in turn could lead to improved service delivery and freeing up more money for infra-structural development and so forth – all key aspirations of the ANC's transformation agenda. (Fraser-Moleketi 2006, 23)

2.2. The results of this policy disconnect

2.2.1. Spectator politics and exclusion

IDPs have been criticised for their inability to enhance participation from stakeholders, as they have followed a top-down approach where citizens have only been afforded the opportunity to comment on proposals developed by City officials rather contribute to its content before its drafting (Mohamed, 2006). Ordinary people have been expected to endorse pre-designed planning programmes despite the Constitution's mandate that citizens contribute to the development of their respective communities (Williams, 2006), and officials have imposed their own understanding of community participation on communities (ibid). Informal settlement communities in particular suffer in such a narrow space for participation, as the framework of IDPs does not attempt to reflect

their presence in its processes, and local government struggles to understand the dynamics of livelihood strategies that do not correspond with national planning frameworks and paradigms (Mohamed, 2006; Rogerson, 2010).

2.2.2. The impact of the lack of guidelines and training

The lack of alignment between local and national imperatives has become a pertinent issue. A lack of guidelines up until 2006 regarding how LED functions should be carried out, compounded by a lack of clarity from government and mixed signals (Rogerson, 2006), development plans become project-based, even though the approach was and remains clear that LED is not about projects but instead a significant policy goal (ibid). This misunderstanding has meant that instead of local LEDs understanding their local economy is linked to the district, provincial, national and global economy, and so the focus should be on wider spatial interventions, they have tended to focus on small project-based interventions (ibid). It is clear here that localism when promoted can in some instances cause a disconnect between the local and the national (Ercan and Hendricks, 2013). It can also result in a focus on minor substantive issues at the expense of addressing broader issues (ibid).

In South Africa, this lack of clarity happened as the approach failed to attract enough political support in a context where government was moving away from planning in the face of the economic imperatives of the Growth, Employment and Redistribution (GEAR) strategy (Musvoto, 2011). Indeed, with NPM focused on technical proficiency and results-orientation in management, the aim was to make the public sector more business-like (Andrews, 2003) and less developmental. Unevenness was further compounded by municipalities with stronger ties to the national level being able to implement stronger administration reform (ibid). Moreover, municipalities came under pressure from national government to improve lives of those living in informal settlements and focused on presenting a position picture instead implementing wider improvements in planning (Groenewald, 2011). The term ‘aestheticization of poverty’ (Roy, 2005) aids in understanding this emphasis on the built environment as one that focuses on aesthetic upgrading rather upgrading livelihoods, wages and political capacities. This alongside the lack of guidelines further contributed to the proliferation of project-based initiatives rather than wider spatial

intervention. NPM's focus on performance objectives and result-driven agenda simply compounded this issue.

2.2.3. (Mis)understanding informality

In South Africa the drive to eradicate and control informal settlements has been based on 'quantitative target-setting, with a focus on the informal structure or shack … Yet there is no serious attempt to capture accurate census data on informal settlements in South Africa' (Huchzermeyer, 2011: 77). Indeed, there has been no 'alignment across data sources with regard to the demarcation of settlement areas' and it has been accepted that 'estimates generated by various data will differ' (Housing Development Agenda, hereafter referred to as HDA, 2012). The sampling frame has also been challenged by the possibility the survey data may 'under-count houses in informal settlements and is likely to have a bias towards older, more established settlements' (ibid). The City of Johannesburg, for example, does not have a formal definition of informal settlements. Finally, if households believe there is a correlation between a duration of stay and their access to service provisions and/or upgrading they may have an interest in overstating their time in their dwellings (ibid).

This has had the impact of misrepresenting informal settlement figures:

'…on the one hand to attract large budgets, to fabricate the achievement of targets or to base a repressive intervention of a fabricated 'threat; on the other hand, to downplay the political significance and validity of demands for large-scale upliftment.' (Huchzermeyer, 2011: 77)

It is useful here to consider how the government's desire to create a 'city without slums' and stamp out any instances of informality reflects a poor understanding of how such processes are driven. Urban informality appears simultaneously as an unavoidable and unwanted feature of the modern state: unavoidable because expressions of informality could be something the modern state with its particular approach to urban planning and governing simply never succeeded in registering, taxing, controlling and suppressing; and unwanted because persistent expressions of informality remain a bother to states aspiring to urban modernity (ibid).

2.2.4. From redistribution to neoliberalism

The government's turn towards away from redistribution towards a market-driven vision of development, through the implementation of GEAR, has hindered the promotion of meaningful participatory development at the local level. Adopted in 1996, this approach has focused on 'direct foreign investment as a driver for economic growth' and provided a conceptual basis for promoting the idea of a 'globally competitive city' (Greenberg, 2010: 117 quoted in Huchzermeyer 2011). Municipalities have been charged with creating environments conducive to domestic and foreign investors as global promotion of decentralisation devolved power to them. The visible presence of informal settlements within this context, then, has come to signal failure of the state (Huchzermeyer, 2011). This has seen provincial governments and city mayors competing 'with provincial governments and city mayors about the date by which [informal settlement] eradication elimination was to be achieved' (ibid: 10).

Adopting this market-driven growth agenda has seen the use private-sector principles of cost recovery through users' fees, basically 'no fee, no service' (Miraftab 2006). While 'the overall provision of basic services has increased substantially in the new South Africa, the vast number of poor residents actually able to *afford* them has decreased dramatically' (ibid) [emphasis in original). South Africa's capitalist free-market principles rely on certain sections of society being absorbed into the economy through formalisation (Skuse and Cousins, 2007). For the poor, this has resulted in unequal access to rights, service provision and formal housing (ibid). Discourses and policies around cost-recovery 'resonate with a dominant consensus to view basic services as commodities rather than fundamental state responsibilities' (McFarlane, 2012: 2813).

2.2.5. Winner and losers in the urban competitiveness agenda

Competitiveness is composed of relationships between trade, productivity and the employment rate and responds to market forces (Turok, 2004). Essentially, cities are run like firms, which comes to impact municipalities insofar as the process of urban governance becomes reduced to a managerial exercise (Mohamed, 2006). Competition between cities is not like competition between

firms, however, and therefore cannot be expected to bring about the same benefits for economic development or assessed in the same way (Turok, 2004). Incentives differ as cities unlike firms are not single entities driven by the objective of profitability (ibid). Because the urban competitiveness agenda responds to market forces and those who propagate them, it is anti-poor as it disregards those that do not contribute to capital.

Competitiveness can be understood as a response to economic globalization, and it seeks to manage the mobility of capital with the mobility of skilled people (Huchzermeyer, 2011). In this way, urban planning becomes focused on creating conditions to attract and retain capital and soon the right to live in the city becomes dependent on that individual's claim to ownership of property (ibid). In other words, to be recognised as a citizen in societies were the most economic asset is property is physical property means that only those seen to have an economic stake in a community are regarded as an inherent part of it (Weale, 1989). Indeed, the exclusionary practice embedded in the contract of citizenship – that devalues those that do not a great deal to capital flow – stems from the 1700s (Huchzermeyer, 2001) and the contract of citizenship has not changed a great deal since the eighteenth century (Purcell, 2009a). This becomes a major issue of contention in a society like South Africa where most of the population does not hold title deeds, either for political or economic reasons, and shows the demand for housing is intrinsically tied to the fight for substantive citizenship. For example, applying cost-recovery tactics to the provision of services 'in a society with some of the world's largest social and economic inequalities has stripped the universal aspect from substantive citizenship, i.e. has limited actual access to socio-economic rights' (Miraftab, 2006) Indeed, urban competitiveness 'actively steers away from the exception of informal settlement upgrading' (Huchzermeyer, 2011: 33).

In order to realise constitutional rights there must be an improvising of new spaces and innovating strategies to 'expand the public sphere' (Rose, 2001 quoted in Miraftab, 2006). This would help to 'transcend legal civil citizenship to achieve substantive citizenship – e.g. justice in housing' (Miraftab 2006). Given the competitiveness agenda and limitation of the local participatory model, it must be recognised that 'arenas in which to claim and practice one's citizenship are found not only beyond formal citizenship and politics, but even beyond sanctioned, or invited, politics of the informal arena' (ibid: 3).

2.2.6. The entrenched power of the ANC: its beginnings and ramifications

While theoretically decentralisation can restrict the dominance of one political party, in South Africa it has not prevented the ANC from monopolising power (Muriaas, 2011). In a sense, participatory devolution can describe the aim of the IDPs, but essentially, such spaces must be constantly worked on so as not to fall victim to tokenism (Ercan and Hendricks, 2013). In South Africa, floor-crossing undermines the desires of the constituency (Williams, 2006) and ward committees—intended to improve interaction between elected representatives as ward councillors and citizens—have failed to remain wholly politically neutral (Muriaas, 2011).

What has also entrenched the ANC's power at the local level during the decentralisation process is the failure to break up patronage networks entrenched during apartheid. Despite the black middle-class administrators in the homelands having conversely become aligned with the white, apartheid civil service, the ANC absorbs these officials into the nine new official provinces (Chipkin and Meny-Gibert, 2011). During the transition to democracy, the attention was on political settlement and stability, and less on the way new government institutions would develop and be structured, and how 'these changes might deal with the legacy of the homeland system' (ibid: 8).

2.2.7. Lack of context in policymaking

The participatory model and bringing together of the state, market and civil society did not evolve within the South African context and so does not account for context-specific issues. In societies permeated by patron-client networks, as in South African, distinctions among the state, market and civil society 'do not make sense in practice because none of these parties will function in the way prescribed or assumed by the theory' (Frodin, 2009: 294). Public and private actors have tended to lack sufficient incentives to achieve developmental governance, while many politicians and officials in the new regime had little or no practical experience before they were appointed. The local government framework's emphasis of co-operative governance 'may be appropriate in a harmonious consensus-oriented society with a long history of peace and stability' but in South

Africa, it appears 'policy-makers have eradicated conflicts on paper and not faced the real challenge of building consensus to get policies implemented' (ibid). Indeed, democracy and its institutions structure and distribute power in specific ways and 'in an unequal society such as South Africa's, tend to distribute power in highly unequal ways' (von Holdt, 2013). Violence is then deployed to 'defend this distribution', i.e. the state using the police to quell protest, or to 'challenge and reconfigure it', i.e. popular protest action through strikes (ibid). Patronage networks and 'cadre deployment' are instrumental in sustaining imbalances in distribution as they establish their own economic biases through the state (ibid). What is important to understand here is that violence is not the antithesis of democracy and a sign of the failure of democracy. Instead, its presence makes it necessary to explore how the 'interaction between democratic institutions and power relations within the elite and subaltern politics produces particular forms of violence' (ibid).

In assuming that community participation equals consensus among community members regarding resources during interaction with local institutions, the lack of harmony and tension that is often present is typically not considered in policy design. Converting informal documents into formal titles comes up against 'numerous types of informal documentation, of varying legitimacy, and there are often multiple claims to a single plot of land' (Roy, 2005: 152). Moreover, the integration of informal settlements and poor people into this social cohesion narrative 'may be far from the well-cohered, identifiable and locatable entity with which residents strive to engage and struggle to imagine' (Skuse and Cousins, 2007). In South Africa in particular, it could be argued that 'the state, its limitations and its responsibilities are being continually redefined through negotiation with a significant portion of its urban territory, informal areas in particular, on a daily basis' (ibid: 980). Formalisation can be a 'moment when inequality is deepened', when regularised settlements see higher-income groups displace original residents, or when the process makes land markets less affordable (Roy, 2005). Mobilities including how citizens respond to the state move at different speeds and through different routes and the main challenge is identifying when these become entangled in influential ways, for example, when to consider local political contexts in service delivery (McFarlane, 2012). Moreover, in South Africa 'the right to housing translates in practice to the experience of waiting' (Oldfield and Greyling, 2015: 1101). Waiting is significant in three ways: it shapes a 'politics of encroachment' (ibid) as citizens find shelter in informal settlements or backyards'; it generates a 'politics of encounter' (ibid) as citizens bypass and manage city

officials and shifting policy techniques and approaches; and waiting for a house is a process shapes 'what it demands and means to claim rights and citizenship after apartheid' (ibid).

There is the problematic tendency to treat all communities as somehow homogenous in nature, rather than as multiple and overlapping (Williams, 2004a: 561). This assumption, grounded in an idea of fixed specific spatial communities, excludes those communities that are mobile. It also takes for granted the existing social relations within communities, rather than unravelling their internal power dynamics. All this removes the political from the participation framework—even though it is very clearly there.

2.3. The culmination of these issues—what happens to participation and politics?

The factors detailed above have resulted in a severe mistrust of the South Africa government in fulfilling its promises and the relationship between state and citizens becoming more antagonistic. The adoption of very specific participatory methods has delegitimised other forms of participation, even when these do not serve to enhance deliberation and cooperation among stakeholders. Indeed, most typologies of participation carry implicit normative assumptions that place forms of participation along an axis of 'good' to 'bad'—in other words, that there is a progression to 'better' forms, with 'good' regarded as open dialogue through invitation (Cornwall, 2004). However, these forms become ambiguous when contextualised according to the participants and the situation at hand, and different purposes require different forms of engagement by different kinds of participants. Typologies cannot distinguish between these differences and therefore fail to account for the intersections between inclusion-exclusion and degrees of involvement. In practice, the distinctions made in them appear as indistinct. This is because they focus on the intentionality of those who initiate community participation or use participatory methodologies, which is not the whole picture. Invited spaces are often structured and owned by those that provide them, and so transferring ownership is difficult. Given the competitiveness agenda and limitation of the local participatory model, it must be recognised that 'arenas in which to claim and practice one's citizenship are found not only beyond formal citizenship and politics, but even beyond sanctioned, or invited, politics of the informal arena' (Miraftab, 2006: 4).

Citizens then seek an alternative politics expressed in various forms of mediation (Piper and Lieres, 2016). One of the main expressions occurs outside of state and civil society (ibid), with citizens taking to the 'streets' (Bayat, 2000). In many cases the streets 'serve as the only locus of collective expression for, but by no means limited to, those who generally lack an institutional setting to express discontent' (ibid: 551). In 'street politics' (ibid), the public space becomes a site of contestation between citizens and the state, with the latter expressed through policing. In such cases, citizens are united by, for example, an eviction threat and mobilise through passive networks which is 'a tacit recognition of their common identity' (ibid). A new form of 'insurgent politics' (Brown, 2015: 4) thus emerges, one where citizens enact politics 'through protest, through compromises and alliances with non-governmental organisations, with parts of the local state, and with the formal political arena, and through using courts and the legal system to challenge the unspoken logic of contemporary governance' (ibid). Recognising these actions as political is particularly important in South Africa, where the poor are 'only rarely recognised as political agents' (ibid: 6), rendered invisible, or perceived as tacit through a lack of economic power (ibid).

This narrow space then leads to the increasing securitisation of protest where the 'engagement of participants of social movements with the state is often viewed with resistance' (Royeppen, 2016: 342). In the new South Africa, there has been a shift from understanding protest as a democratic right, to understanding it as a threat to state order or national security (ibid). Protesters are frequently criminalised, regarded as a threat to society with their status as citizens and the accompanying rights ignored. While initially protests are focused on specific grievance such as lack of basic provisions, their broader aim is the call for substantive in addition to legal citizenship. They are criminalised for two reasons; first, because they pose a challenge to the economic biases entrenched through patronage networks; and because they are embarrassing for the government, seen as symptomatic of a failing state.

Chapter Three
Case Study: Thembelihle Crisis Committee

To interrogate the ways in which citizens at the level of the grassroots do not feel that the spaces the government has created for participation among stakeholders are satisfactory in representing their demands or able to encourage meaningful deliberation, this paper considers the experiences of residents residing in the Thembelihle informal settlement when engaging in such spaces and their decision to articulate their demands outside of these. In 2001, residents formed the TCC to demand the government install formal electricity at the site and to resist relocation, calling for the area be considered for *in situ* upgrading. Since its beginnings, it has widened its demands to tackle issues including the provision of water and sanitation at the site and allegations of corruption within the local government bodies that the area falls under.

Placing the issues raised in the previous chapter into this context will enable a richer understanding of the extent to which the space created by the government for participation is narrow and exclusionary, and how this has given rise to a kind of 'insurgent politics' to mediate with the state. Thembelihle residents have since 2001 and at the time of writing managed successfully to avoid the government's attempt to relocate them and have managed to secure some provision of services at the settlement. Understanding how this has been achieved is important in understanding how grassroots organisations form, operate and unite, despite their mobilisation outside of what the state deems legitimate and despite the government's inability (and unwillingness) to recognise such organisations as political agents and the ways in which informality operates in the modern state. Finally, this case study will also allow for deeper insight into why there exists such a large mistrust of the government on the part of citizens and how this complicates the process of participation, where local councillors, business and residents are intended to work together.

3.1. Situating Thembelihle informal settlement

Thembelihle is located in the south of Johannesburg in the Gauteng Province. It falls under the Ward 8 municipality in Region G, in a suburb called Lenasia (Socio-Economic Rights Institute, hereafter referred to as SERI, 2014). The area was formed in the mid-1980s 'by people working

in a brick making company' (ibid), with residents granted permission by the government to reside in the area and given material to construct informal housing (Wilson, 2005). The settlement was established on municipal-owned land and is 'regularised as a transit area in terms of the Prevention of Illegal Squatting Act 52 of 1951' (SERI, 2014), which means 'residential stands can be marked out and numbered, and that some water, electricity and telephone services can be installed' (ibid). With Thembelihle's location 'far from the City of Johannesburg' (ibid; Pingo, 2013), residents have become reliant on Lenasia for economic opportunities.

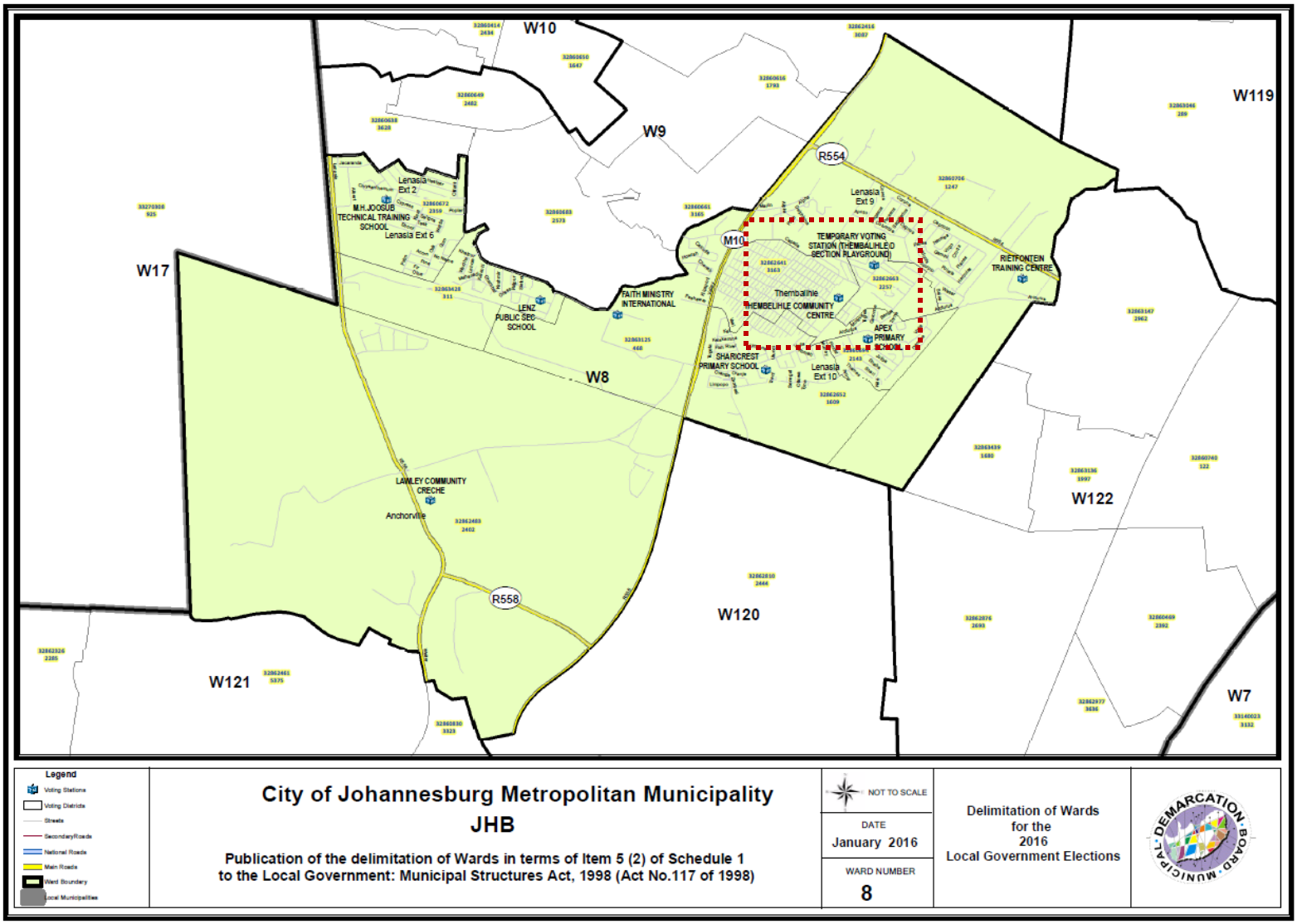


Figure 1: Location of Thembelihle informal settlement in Region G, City of Johannesburg. Source: Municipal Demarcation Board

The settlement is described as partially serviced and regularised. It is densely populated, with households believed to number between 7 000 and 8 000 (Wilson, 2005). The land the settlement is situated on is not a formal township and therefore has not received adequate service delivery. An audit of the settlement carried out between December 2010 and January 2011 found 'there were 6 775 informal dwellings, of which 3 597 were primary dwellings and 3 178 were occupied by sub-tenants' (ibid).

Thembelihle can be understood within the context of informal settlements as it does not have formal housing structures or adequate provision of service, has a formal layout in terms of roads and sections, and its residents do not have security of tenure in the form of title deeds. Using the definition of an informal settlement provided by national government classifies Thembelihle as such, though only to an extent. As per the definition, the site has not been 'proclaimed as residential and consists mainly of informal dwellings' (HDA, 2012). Indeed, most houses in Thembelihle are built from rubber, plastic, cardboard and billboards. However, the area departs from the definition that the inhabitation of the land is 'unplanned' (ibid), insofar as residents were granted permission by the apartheid government to reside in the area and given material to construct informal housing (Wilson, 2005). Under the more rigid criteria provided by the City of Johannesburg, under which the boundaries of the settlement fall under, Thembelihle appears as a departure from the working definition of households who have 'illegally or without authority taken occupation of a parcel of land' (HDA, 2012). Analysing these definitions is useful not only in situating Thembelihle, but also in demonstrating how national government has a narrow understanding of informality and its emergence. In particular, the rigid definition employed by the City is particularly relevant in understanding Thembelihle residents' struggle to engage with officials on the possibility of *in situ* upgrading of the settlement, discussed in detail in Chapter Four.

The settlement rests on dolomitic land 'which exhibits geotechnical concerns relating to the formation of sinkholes making development potentially risky and expensive' (ibid), though the extent to which the area cannot be inhabited at all has yet been established to residents' satisfaction. It is this issue that has mobilised and united the community when the City has declared Thembelihle must be relocated to neighbouring areas. Officials have focused on justifying reasons for relocating the informal settlements through the project-linked subsidy rather than consider the Informal Settlement Upgrading Programme (Huchzermeyer, 2009: 66). It has also 'consistently withheld information about development plans from the communities' (ibid).



Figure 2: In 2015, a sinkhole opened in the Thembelihle informal settlement, attributable to the presence of dolomite in the area. Photo by author. Date: 17/01/2017

3.2. The origins, objectives and organisational structure of the TCC

In 2001, residents formed the TCC in order to mobilise against the City's plans to relocate them owing to the presence of dolomite in the settlement, which it alleged posed a risk to their safety despite the lack of sufficient studies on the issue. The TCC's struggle is, then, a complex and multifaceted one, having to navigate 'political ambivalence' as well as 'technical issues that the municipality has utilised to justify their relocation and inability to upgrade the settlement in *situ*' (SERI, 2014), which has been the presence of dolomite in the area.

According to the constitution of the TCC (as amended at the annual general meeting or AGM of the TCC on 10 August 2013), it aims to establish itself as a community-based organisation (CBO) with its main responsibility to 'ensure the advancement of the community of Thembelihle through unity in struggle to overcome socioeconomic challenges' (TCC, 2013). This is to be achieved through active participation and mass mobilisation methods, and through control and ownership by its own members. Residents of Thembelihle cannot 'enjoy the fruits of the hard-fought-for

democracy despite the existence of constitutionally guaranteed rights' (ibid) owing to a number of socioeconomic challenges that 'obstruct' their wellbeing and advancement (ibid). These challenges include the fight for the provision of basic services in the settlement and the fight for the settlement to be developed *in situ*. More broadly, the TCC aligns itself with the fight for the poor against the capitalist class and is guided under the vision of socialism. It also aims to discourage forms of oppression, including gender inequality, racial discrimination, tribalism, xenophobia, homophobia and other forms of oppression; support the working class; and use mass mobilisation methods to advance its struggle.

Membership is open to 'any individual (regardless of colour, gender, age, country of origin and sexual orientation) who stays in and around Thembelihle and who supports the objectives of the TCC' (ibid). Party-political lines are also irrelevant: 'Whether you are a member of the ANC, if I don't have a toilet, you don't have a toilet … As the TCC we were wise enough to say anyone who wants to be part of the TCC can come in' (B Miya, pers. comms, 17 January 2017). Any of its members are entitled to be elected to any position in the TCC.

The TCC holds AGMs once a year, where every member of the organisation elects the ten members of the Executive Committee, who generally do not serve more than one term lasting twelve months. Every member has one vote and the election operates via the first-past-the-post system. The Executive Committee consists of the chairperson, deputy chair, secretary, deputy secretary, treasurer, coordinator, spokesperson and three additional members. It is responsible for the day-to-day running of the TCC and proposes the agenda for the General Meetings. It also provides strategic direction in between the general meetings. Financial matters are the responsibility of the treasurer, charged with mobilising funds for the TCC and recording the flow of funds. The treasurer must also keep documents of all financial matters and make such available to any member for scrutiny or any other authorised body. The Executive Committee meetings are held every Saturday at 09h00. Also on a Saturday, from 11h00, general meetings are held and chaired by the Executive Committee, with all TCC members meant to be in attendance, giving input and feedback. Register is taken at these meetings. An agenda is decided by the Executive Committee before the general meeting. It is mainly 'about their needs and the report back if they've gone to a meeting' (M Makwela, pers. comm., 9 February 2016).

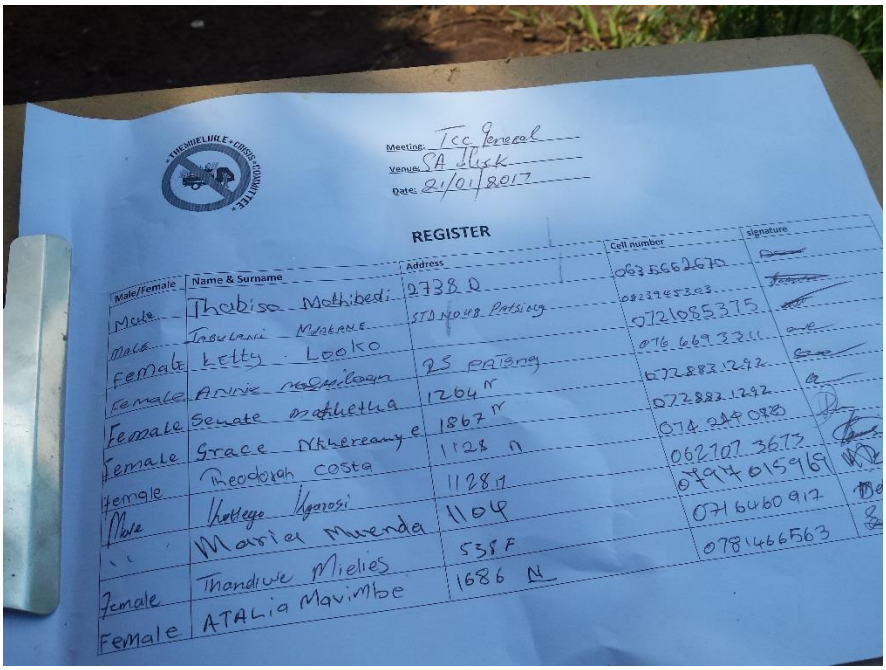


Figure 3: Register taken at the General Meeting of the TCC. Photo by author. Date taken: 21/01/2017

In terms of decision making during the general meetings, the Executive Committee proposes a plan of action to members of the TCC who then vote on the way forward. In the spirit of democracy, whichever route or plan of action has the most support will be taken: 'If the community says, let's go to the state, even if the executive has said no, that's where we'll go' (B Miya, pers. comm., 17 January 2017).

The TCC places heavy emphasis on being as open and transparent as possible and all activities, decision-making processes and meetings of the TCC are open to the community. For example, Section 6A of the constitution states that members have the right to attend all activities, decision-making processes and meetings of the TCC including attending those of the Executive Committee (though in these, non-executive committee members have only observer rights). Concerning meetings outside of the settlement, if the whole community cannot attend, then several members of the executive are elected to act as representatives, particularly for those that are with government officials (TCC, 2013). Those members involved must then 'report back to the community and tell them about the process, how far we are … the way forward is with [the community] and we cannot take any decision without them' (S Mbatha, pers. comm., 28 January 2018).

Other methods of participation include mass meetings held by the TCC, which involve all residents of Thembelihle, even those who are not members of the organisation. These meetings are intended to address wider issues of the settlement, such as xenophobia, that do not concern meetings with state officials or memoranda. The TCC also conducts its own social audits when it comes to assessing the delivery of services in the settlement, by collecting documents related to the tendering of projects in the settlement and presenting them to the wider community for discussion (L Mthembu, pers. comm., 28 January 2018).

The TCC's approach of transparency and collective decision making has made them 'well organised with very good leadership' (M Makwela, pers. comm., 9 February 2016), united in their struggle to resist relocation. The TCC represents a broad range of the settlement, from men to women and the youth, and the different areas the settlement is divided into' (ibid). Its success in this regard is attributed to its 'mandate from the community' (ibid), which also allows for representatives to be chosen during times when the 'whole of Thembelihle can't be taken to a meeting' (ibid). While initially political party affiliation caused contestation because those pro-ANC 'would accuse TCC of being anti the ruling party and the TCC would hit back and say, "this is not a political issue"' (ibid), eventually 'the majority of people understood and appreciated what the TCC was doing' (ibid), cementing the organisation's unity. The TCC's representation of women in the settlement is notable, with the Executive Committee at various points in the organisation's history being composed of at least four to five women as members. This inclusion is not a happy accident, but one consistently strived toward, with the TCC encouraging women to be included in the higher decision-making structures: 'We are not saying women are not corrupt, but we are saying majority the things that have been done wrong have been done by men, and so why can't we give women a chance?' (B Miya, pers. comm., 17 January 2017)

3.3. Tactics employed by the TCC

The TCC uses numerous tactics to draw the attention of government to its plight. It has participated in invited spaces of participation, which are those 'occupied by those grassroots and their allied non-governmental organisation that are legitimised by donors and government interventions'

(Miraftab, 2004: 1). These include consistent presence at ward committee meetings and attendance in IDP meetings. These have not yielded satisfactory results, with residents marginalised by those who own the space and excluded from the drafting of policies. They have also engaged in invented spaces of participation, which are 'also occupied by the grassroots and claimed by their collective action, but directly confronting the authorities and the status quo' (Miraftab, 2004: 1). These are usually expressed through petitions, memoranda and protests. This third form of political mediation—protest—can be considered the most successful in drawing the attention of government to their demands (as the first two are frequently ignored or not followed up despite promises to do so), even as it is met with repressive tactics by the state, expressed through the Public Order Policing unit. Protests have been motivated by the feeling that engaging with the state through formal channels has not yielded satisfactory results and 'that is why they decided to take to the streets and blockade the roads' (M Makwela, pers. comm., 9 February 2016). The TCC uses protest as a method to get the state's attention but it is, according to its members, not its preferred method and it refutes the perception that it is the one who starts the violence.

Other tactics have included spoiling ballots. Before 2006, TCC members would write on ballot papers, 'I don't want to be relocated to Lehae' and 'Where's democracy?' (B Miya, pers. comm., 17 January 2017) This didn't prove as effective as the community desired, however: 'You will spoil the ballot, you will boycott the election, and the very same councillor we're fighting against, he'll still be there' (ibid). In 2006, there was a shift in tactics. While first there was the attempt to use protest to get their demands heard, there was also a sense that 'maybe [they] need to start influencing this invited space, so they started standing for positions in ward committees and hoping that they would influence the process from within' (M Makwela, pers. comm., 9 February 2016). The community decided to contest the local government election, through the Operation Khanyisa Movement (OKM), which brought together the TCC, another CBO called the Soweto Electricity Crisis Committee (SEEC) and the social movement called the Landless People's Movement (LPM, now no longer in existence). OKM is a socialist organisation that supports independent candidates in local government elections in Thembelihle and Soweto. In OKM, the representative is chosen from within the TCC, and must be accountable to its constituency: 'We only have to wait for five years and you will be removed if you are not listening to the community' (S Mbatha, 28 January 2018).

While most social movements and CBOs engage government through 'more informal or extra-institutional means' (SERI, 2014), such as petitions and marches to exert pressure on government, the TCC considered it wise to attempt to learn about the mechanisms of local government and try to influence the space from within, to increase its inclusion in policy decisions. While the TCC through OKM did not perform well in the 2006 election, the event was instrumental in strengthening the movement and eventually leading it to win a PR councillor position in the 2011 election (Pingo, 2013). OKM specifically contests local government elections only, because it deals mainly with issues that affect residents and its politics are those of the working class.

3.4. External support for the TCC

The TCC has teamed up with a number of NGOs, including Planact to work on capacity-building and learn how to navigate ward committee meetings, and SERI, to fight criminal charges brought against residents during protests. For the latter, the TCC has also enlisted the help of pro bono lawyers Moray Hathorn and Webber-Wentzel. Webber-Wentzel helped the TCC fight the 2003 eviction order and also commissioned a report that investigated the safety of the settlement for human inhabitation (SERI, 2014). The TCC has also had the support of the LPM (particularly during its formative years, where the LPM would support its protests) and other social movements including the Anti-Privatisation Forum and the Informal Settlements Network, in the fight for *in situ* upgrading. The TCC has also worked with the Centre for Applied Legal Studies to address access to schools in the area (SERI, 2014). The TCC has been 'fortunate to receive advice from different NGOs' (M Makwela, pers. comm., 9 February 2016) which has meant 'many options are laid in front of them' (ibid).

This paper focuses primarily on the work Planact conducts with the community, given the NGO's role in enhancing the TCC's participatory process mechanisms, for its internal organisation and for its interaction with local government. Capacity building has been a core focus, mostly to help in interpreting 'the legal processes' and 'how to negotiate, lobbying skills, techniques' (M Makwela, pers. comm., 9 February 2016). Planact has done several workshops with the TCC, focused on 'leadership, IDPs, budgets, conflict resolution' (ibid). The NGO's role has not been to

represent the community, but rather to guide it: ‘When they go to meetings with provinces, we don’t have to always be there. They know the issues very well, they know how to argue their case’ (ibid). Another objective, in addition to helping the settlement secure basic service delivery and land tenure, has been to ‘make sure the mistrust, the unhelpful relationship between the state and in this case Thembelihle, is resolved amicably’ (Makwela, 2016).

Planact has also been involved in pushing for the City to conduct a geotechnical survey that will put to rest the question of the severity of dolomite in the area. The trust placed in Planact is high – not only to do the dolomite survey properly, but to represent the community as well. In one meeting where members of the TCC are not allowed in with government officials, they allowed Planact to speak on their behalf ‘because we have faith and trust in Planact’ (B Miya, pers. comm., 17 January 2017), with the NGO alongside lawyers representing Thembelihle and the geologists.

3.5. Key issues and demands of the TCC

One of the TCC’s main struggles has been to convince the City to declare Thembelihle a township and allocate funds for *in situ* upgrading rather than relocation. This struggle has been complicated by the presence of dolomite in the settlement, which the City says makes the area unsafe for human inhabitation. The TCC’s issues with relocation are that it will displace economic opportunities, as many are reliant on work in Lenasia, and disrupt their daily lives in terms of limiting access to schools and clinics, which are available close to Thembelihle. The concern is also that they will be further from major transport routes and need to pay to get to work. It must be made clear neither the TCC nor its supporters in the form of NGOs or lawyers deny the presence of dolomite. What they dispute is that the entire settlement is unsafe for occupation, and the findings of the previous geotechnical surveys. Indeed, there has been much debate about the reliability of these geotechnical reports (SERI, 2014). In 2005, the Centre for Housing Rights and Evictions pointed out ‘the reports found that large areas of the settlement are suitable for medium to high density residential development if certain water management precautions are taken’ (ibid).





Figures 4 & 5: Electrification under way in Thembelihle. Photos by author. Date taken: 03/05/2017

The TCC has also sought to electrify the settlement, which until 2015 had been met with resistance, with the City saying the area did not qualify for such. With the presence of dolomite meaning it cannot be declared a housing project and upgraded *in situ*, this also meant it could not be electrified. The TCC has succeeded in electrifying the settlement, though confusion persists around the settlement's status as a housing project. Another major point of contention with the City has been the installation of toilets in the settlement and running water. This last point has been marred by accusations of corruption, where residents are aggrieved by their perceived lack of involvement in the installation of toilets and by the perceived corruption in the awarding of tenders for such projects. These issues will be discussed in-depth in Chapter Four, to demonstrate their relevance in the objective of this paper.

Chapter Four

Situating the TCC in the broader critique of participation and housing rights in South Africa

The formation and structure of the TCC can be understood within the context of the inability of the space created by the government for participation to involve informal settlement residents and articulate their needs. The organisation serves as a platform where residents of Thembelihle are active participants in decisions regarding their future in the settlement. The TCC's drive to be as transparent and representative as possible can also be understood as a reaction against participatory platforms created by the government, with residents feeling that through the TCC they can rectify these weak spots. This section will identify and dissect these areas of concern, to show the ways in which they have come to manifest in the struggle by Thembelihle residents for *in situ* upgrading and service provision, and how they are symptomatic of broader participatory governance issues in South Africa.

4.1. Stifled participation

In devolving power to the local and charging municipalities with developmental planning—and the participatory processes seen as integral to its implementation—the state has come to conflate localism with democratisation, treating localism as 'an end in itself' or 'falling into the local trap' (Purcell, 2006: 1927). This conflation views governance structures that create local spaces for participation as sufficient in empowering ordinary citizens in decision-making processes regarding policy formation, even though the process of participatory devolution is open to manipulation (Purcell, 2006; Ercan and Hendricks, 2013). While 'at best it would mean citizens co-produce policy with decision-makers' (Ercan and Hendricks, 2013: 427), at its worst, it would '[fall] victim to tokenism, or worse, manipulation' (ibid). Tokenism, or consultation, grants citizens a platform to make representations, but are devoid of the power to ensure these will be heeded (Arnstein, 1969), while manipulation is virtually 'non-participation' and reduces decision-making to 'power-holders to "educate or "cure" the participants' (ibid: 216).

Thembelihle residents' experience of IDP meetings has such characteristics of tokenism and manipulation. On the first point, the TCC expresses its frustration at being asked what infrastructure the settlement needs, having it written down, and at the next IDP meeting, stating the same request because there has not been any implementation, or even discussion (B Miya, pers. comm., 17 January 2017). Its members feel they are there to 'rubberstamp whatever decision they've made' and maintain that 'raised hands are ignored' (S Mbatha, pers. comm., 28 January 2018). On the second point, there are allegations of manipulation by the ruling party. The ANC is accused of bussing in its members to control, disrupt and gatekeep the IDP process (B Miya, pers. comm, 17 January 2017; Mbatha, pers. comm., 28 January 2018). There are also allegations of measures to placate the residents: 'They know we are coming there hungry from where we are with poverty, and they will give you nice food, nice coffee … at the end of the meeting, they'll tell you "no"' (B Miya, pers. comm, 17 January 2017).

The process for meaningful deliberation has been hindered further by a neoliberal approach to development projects—supported by GEAR—that imposes 'a technocratic vision that emphasises stability and efficiency over political confrontation' (Etzo, 2010: 565). In this way, macro-economic and macro-social issues are decided and managed by 'experts' or 'technocrats' and the private sector becomes the preferred provider for services, while citizens are passive recipients or customers' (ibid). IDPs have indeed come to entail a top-down approach, where citizens are only allowed to comment on proposals developed by City officials rather than being invited to contribute to its content before drafting (Mohamed, 2006). Ordinary people are generally expected to endorse pre-designed planning programmes despite the Constitution's mandate that citizens contribute to the development of their respective communities (Williams, 2006).

Informal settlement communities face additional barriers to participation. While ward committees are required to reflect the diversity of local interests and gender equity, the system has failed to include informal settlement communities despite their political vulnerability and socio-economic deprivation and despite that IDP meetings are often attended in large numbers by these communities (Mohamed, 2006). This occurs even in wards dominated by informal settlements which have representatives in the committee. Local economic development practitioners have struggled to understand how to address the informal economy and associated livelihood strategies

that do not fit the mould of national planning frameworks and paradigms (Rogerson, 2010), reflecting a limited understanding of urban informality's relationship with the state. In South Africa, the state's 'limitations and responsibilities are being continually redefined through negotiation with a significant portion of its urban territory, informal areas in particular, on a daily basis' (Skuse and Cousins, 2007: 980). The right to housing, then, 'translates in practice to the experience of waiting' (ibid), which generates a 'politics of encounter' (Oldfield and Greyling, 2015: 1102) as citizens bypass and manage city officials and shifting policy techniques and approaches. This limited understanding of informality's fluidity and political undercurrents results in the municipality devising a top-down plan divorced from the material reality of the settlement (Huchzermeyer, 2011). Municipalities also struggle to reconcile their developmental role with their increasing responsibility to draw in local and foreign capital by creating 'favourable investment climates' (Muzio, 2008: 313, quoted in Huchzermeyer, 2011). In this way, then, policy tabled during IDP meetings that does not account for the needs of informal settlement residents can be understood as the municipality's desire to eliminate settlements to make way for a higher-income property development (Huchzermeyer, 2011).

There is also the issue of accessibility hindering informal settlements' representation on a broader scale, as these communities may not understand how ward committees work. In this regard, Planact has been instrumental in helping the TCC to engage without the help on an NGO, by hosting workshops on IDPs and budgets (M Makwela, pers. comm., 9 February 2016). Informal settlement communities also do not have access to the same resources ward committees do, generally facing greater difficulty in attending workshops, meetings and forums organised by the City (Mohamed, 2006).

Finally, 'while participation and decision-making are crucial ingredients in the planning process, these ingredients alone cannot ensure that quality of life will improve' (van Horen, 2000: 398). This results in the attendance of informal settlement communities in IDP meetings being marked by a lack of discussion about development and instead being dominated by questions about unfulfilled promises by the City (Mohamed, 2006).

4.2. Other (unsuccessful) channels to air grievances

Frustrated with being sidelined in ward committee meetings and the IDP process, the TCC has used other measures to draw government's attention to Thembelihle residents' grievances, including memoranda and petitions that outline their demands for the development of the informal settlement. In these, it seeks not only to direct its demands to its ward councillor through an alternative avenue to IDP meetings, but also to engage directly with officials from the City of Johannesburg and Gauteng provincial government. One of the first documented marches occurred in June 2002, where residents resisting relocation to Vlakfontein marched to then-Gauteng Premier Mbhazima Shilowa's office to draw attention to the lack of infrastructure at the site (Mquqo, 2002). Over the years, the TCC has presented memoranda to City's municipal office outlining its demands for the upgrading of Thembelihle (SERI, 2014; S Mbatha, pers. comm., 28 February 2018), marched to City Power's offices calling for the installation of electricity in the settlement (Ranchod, 2011), and called for meetings involving residents, the government and contractors undertaking the installation of services in the settlement (SERI, 2014). In almost all of cases of submitting memoranda and petitions, the residents have not received timely responses, if at all. The TCC has also sought to attend meetings held at the City's office over the reliability of geotechnical reports that have determined the settlement is not suitable for inhabitation and therefore does not qualify for *in situ* upgrading owing to the safety risk posed by the presence of dolomite in the area. Involving city officials, a team of geotechnical engineers and Planact, TCC members who expected to attend the meeting have often been told to wait outside, or else the 'meeting would be called off' (B Miya, pers. comm., 17 January 2017). Having faith that Planact will represent their case fairly, the TCC has sat out these meetings.

Reflecting the frustration at not being heard by government despite the TCC's efforts through numerous channels, during a protest when then-City mayor Amos Masondo came to Thembelihle to ask residents about their issues and requested a memorandum, the community refused to articulate its demands. Instead, 'You know what we did? We took 30 placards, a pile of them, and we gave it to him to say, HERE'S our petition' (B Miya, pers. comm., 17 January 2017).

4.3. Context matters: the intersection of race and class in Ward 8

Localism in South Africa has also struggled to generate meaningful participation through its rigid design that ignores context and assumes ward committees will serve as representation for a harmonious community. The term 'community' in community participation suggests local institutions are harmonious and consist of nonhierarchical entities where there is consensus regarding resources, even though on the ground such assumptions do not hold (Roy, 2005). In Ward 8, under which Thembelihle is governed, race and class differences have combined to result in a deep divide between its residents and come to the forefront of the Thembelihle's fight to resist relocation. Its municipal boundaries include Lenasia Extensions 2, 6, 9 and 10, home to mostly Indian South Africans, who comprise twenty-nine percent of the total ward population; and Thembelihle and Anchorville, home to mostly Black Africans, making up sixty-percent. Among the TCC, there is the belief that the Indian community does not want poor black citizens in its area and the municipality's attempts at relocation has been motivated by 'those middle-class people who were complaining about us' (B Miya, pers. comm, 17 January 2017), rather than by the safety risks presented by the presence of dolomite in the settlement. This belief on the part of the community stems from the question regarding why only the part on which the settlement is located is deemed unsafe for inhabitation, when 'ten paces away from Thembelihle to Lenasia, there is no talk of this same safety' (M Makwela, pers. comm., 9 February 2016). Indian residents have been vocal about their dissatisfaction of the proximity of the settlement to Lenasia devaluing their property prices, with one resident interviewed by the South African online news service *Daily Maverick* calling on government to demolish the houses because they 'are making the price of our houses go down' (Nicolson, 2012).

Lenasia residents also appear to equate the presence of informality with criminality, leading them to refuse to engage with Thembelihle or take their demands seriously. A message from the station commander during a protest fighting relocation states 'Thembelihle residents are on a rampage to attack those living in the surrounding areas' (Moodley, n.d.). The forced removal by the Red Ants in August 2002 was described as having 'brought fears and pains to the residents of Thembelihle while to the residents of Lenasia Ext 9 and 10 it's a relief' (Mbunda, 2002), while the community has previously been referred to as an 'angry mob' by a Lenasia-based newspaper (Mnguni, 2011a).

Meanwhile, conversations by the author with two residents of Lenasia (who requested to remain anonymous) found that they believed residents had occupied the land illegally, and that the settlement was a haven for illegal immigrants.

There is also the belief that developers wanted to build the Trade Route Mall in Lenasia on the land Thembelihle is situated on, given the strategic location of the settlement to the main road (Makwela, pers. comm., 9 February 2016). Thembelihle is in the middle of the suburbs and because of the settlement, the mall 'had to be stopped' (Miya, pers. comm., 18 January 2017).

Finally, Lenasia residents wishing to relocate to Lehae through the national housing allocation subsidy feel their housing applications are 'repeatedly overlooked because of their race' (PARI, 2013: 8) and that housing officials at the regional level in the City have been 'very resistant in including the lists of Indian families' (ibid). While housing allocations do not reflect a 'chronological prioritisation' (Rubin, 2011, quoted in PARI, 2013), this perception—and the feeling government departments must be pressured to accommodate Indian families—serves to deepen the division between the two groups in Lenasia.

4.4. Voices 'drowned' by the ANC

The dominance of the ANC in local government has presented a myriad of challenges for the participatory process in the new South Africa. At the level of the electoral, it prevents other smaller parties from being heard, including the OKM. As mentioned in Chapter Three, OKM was created in 2006 in affiliation with two CBOs, the SEEC and the now-defunct LPM, with the aims of understanding the mechanisms of local government and attempting to influence the process from within (Clark, 2014: 18). The party won a PR seat in the 2011 local government elections, and with the agreement by all three affiliates, TCC member Simphiwe Zwane is chosen to serve as its representative (Clark, 2014; Pingo, 2013). The challenge within the current political system is that 'if you're a PR councillor in the City with over 200 ward councillors surely your voice is not going to be heard' (M Makwela, pers. comm., 9 February 2016). Indeed, observations of ward meetings where Zwane was present in her role as PR councillor, revealed she was only allowed to speak if she had a 'pertinent point to add to a specific item on the agenda' (Pingo, 2013: 86) and was

'allocated a small amount of time in keeping with the size of her constituency' (ibid). In addition to the hurdle posed by the dominance of the ANC, the vision for a City without informal settlements also interferes with the ability of OKM to be taken seriously by government: 'When it comes to an area like Thembelihle, where people are not paying for services, you are not going to be heard' (M Makwela, pers. comm., 9 February 2016).

Beyond these two issues is the ANC's distaste for any challenge to its claim to representation, reflected in the contention caused between its local branch and the TCC upon the latter's entry into the so-called formal political arena. In 2011, the TCC delivers a memorandum outlining its demands for the settlement, including the provision of housing and services, and an investigation into allegations of corruption in housing allocations, to newly-elected ward councillor Ndarala, as a way of 'establishing a participatory mandate for the councillor's tenure' (Clark, 2014: 21). While it could be said the demands of the TCC 'could probably be reconciled with that of the local ANC' (ibid), in the recent 2011 local government OKM had won a PR seat in Ward 8, with TCC member Simphiwe Zwane serving as its representative, as mentioned (Clark, 2014; Pingo, 2013). This 'politically-charged environment' saw the relationship between the two parties break down rapidly, as both the ANC and the TCC claimed to represent the area (Clark, 2014).

The ANC's reaction to the presence of OKM mirrored its response to power-sharing agreements since it came into power. During the party's first term between 1994 and 1999, it shed most of its coalition partners, dismantling civil society structures including the United Democratic Front, as it transitioned from a liberation movement to a ruling political party (Brown, 2015; Piper and von Lieres, 2016). Its failure to then entrench citizen participation in the new South Africa through policy—beyond the devolution of power to local government and treating localism as an end in itself—can be understood through its 'own assumptions about its representative authority and legitimacy':

> These assumptions are reflected in the idea that the ANC is both a political party and a social movement (Booysen, 2011), and that, in the language of liberation nationalism, the party is the sole legitimate representative of the oppressed black majority in South Africa, a fact seemingly confirmed by its overwhelming victories at every national election since 1994 (Piper, 2015). For these institutional, ideological, and electoral reasons, the ANC has tended to elide nation with movement and party, and more recently, party with the state, underestimating the crucial importance of independent citizen institutions. (Piper and von Lieres, 2016: 319)

This ‘logic of party capture’ that positions the ANC and its allies as ‘representatives of its people’ has constrained civil society in post-apartheid South Africa in reorganising and establishing a unified discourse on participation (ibid).

Favouring the party over the constituency has meant that decentralisation—which can theoretically restrict the dominance of one political party—has not managed to prevent the ANC from monopolising power at the local level. In particular, floor-crossing, which allows councillors to switch political parties during their term, undermines the desires of the constituency who cannot prevent it (Williams, 2006) and was used by the ANC to its advantage. While floor-crossing was initially disapproved of by the ruling party, it switches its position during the 2009 election to retain control of the Cape Town metropolitan municipality, after hearing members of the former New National Party did not feel at home in the Democratic Alliance (Muriaas, 2011). The system of proportional representation in local government is also theoretically able to ‘guard against one-party dominance’ (Brown, 2015: 37) by ensuring no one area’s votes are weighted more heavily than another and ensuring the representation of minority interests in parliament (ibid). Indeed, in most cases where the system is used, they result in a coalition government (ibid). This system did not, however, limit the ANC’s power, owing to its shedding of most of its coalition partners as discussed, but also because of the presence of ward councillors that are in direct contact with voters, and therefore able to influence party decisions (Muriaas, 2011). Indeed, on a smaller scale it becomes more difficult to challenge government, particularly as ‘individual politicians can wield extraordinary powers’ (Veenendaal, 2013: 99) and many citizens ‘commonly express their vote for a candidate they know personally’ and from whom they expect some form of reciprocal gesture (ibid: 100).

On this last point, the presence of patronage networks in South Africa—in particular, their distortion of reforms promoting local participatory processes and their undermining of the accountability of local governments—cannot be understated. In transforming the public administration from a centralised, racialised system to one that catered for all citizens, the ANC was faced with two major concerns. First, most of its leaders, despite strong education and training backgrounds, lacked experience in running a modern state, while experienced public servants were

mostly white South Africans, Afrikaans-speaking and supporters of the Nationalist Party, and could not be trusted to execute the new democratic government's mandate (Chipkin and Meny-Gibert, 2011). Second, during the transition, it needed the support of the black middle-class administrators in the homelands, who conversely become aligned with 'the white, apartheid civil service in seek job security in the new administration' (ibid: 7). The ANC's solution to these problems was to allow black homeland officials to retain their positions when absorbed into the nine new official provincial governments, a solution which aligned with (and was justified by) its Affirmative Action policy—even though this move undermined the part of civil service reform that emphasised testing and qualification criteria to overcome the 'ineffectual state of bureaucracy' that it believed 'further entrenched a culture of patronage' under apartheid (ibid), key among the reasons for the ANC adopting the framework of NPM. From this, the political culture of patronage from the homeland system crossed with local ANC politicians at municipal level, who could now play a role in political and economic brokering for local communities (ibid) and there began to emerge a 'clear correlation between the level of systematic corruption and the degree of administrative continuity with the old homeland administration (Hyslop, 2005: 785). The result was former homeland areas continuing to be afflicted by poor service delivery, even as they were part of the state. In some cases, communities in such areas have a hand in sustaining patronage networks, with residents—as 'clients'—aware that resisting means losing vital resources and worsening their deprived condition, or even in interpreting the exchange of goods for votes as a demonstration of how helpful the councillor—as the 'broker'—can be (Auyero, 1999).

While not within the context of the homelands, the corruption that can flourish at the local scale and imbalance of power between government and citizens is evident in the case of the allocation of housing in Thembelihle. In the aforementioned memorandum the TCC delivered to Ndarala in August 2011, one of its demands include 'the City to investigate possible corruption in the allocation of state-subsidised housing and land and that "the culprits be brought to book"' (Clark, 2014; 21). The allegation—which reared its head again in 2014, after the municipality does not take action—was that stands in Vlakfontein were sold illegally to residents by Dan Bovu during his time as ward councillor for ZAR300-500 (Moagi and Kunene, 2014), distorting the housing allocation waiting list. Ndarala told residents to open cases of corruption at the local police station, but residents claimed police had disregarded their claims as a housing issue out of their remit

(ibid). In January 2018, Bovu and an accomplice were arrested on charges of fraud and corruption 'after allegations of illegally selling a City owned property stand in Vlakfontein' (The Citizen, 2018). The charges were traced to 2006, during Bovu's tenure as ward councillor, and were brought forward by two community members in Vlakfontein. It is alleged that after one of these community members approached Bovu for assistance in buying a stand through the Thembelihle Development Fund and depositing money, he found out the same stand was sold to another community member (Mbasa, 2018). Both men took the matter to court, where the National Prosecuting Authority (NPA) dismissed it on the grounds of insufficient evidence (ibid). The matter was raised in 2017, after the ANC lost control of the City to the Democratic Alliance (DA), and now-executive mayor councillor Herman Mashaba of the DA 'petitioned the NPA to prosecute' (ibid). At the time of writing, the hearing is set for April 2018.

Whether or not Bovu is guilty is irrelevant here, and it would be remiss to make a call about what is at this point an allegation that can only be debated in court. What is significant about this story is first what it tells us about patronage networks in the new South Africa, and second, what it means for the relationship between the TCC and government. On the first point, should the charges of fraud and corruption hold, it demonstrates the extent to which patronage networks embed themselves at the level of the local, where brokers take advantage of the deprived condition of their clients, at the expense of equality and justice in housing and redistribution. On the second point, for the TCC, Bovu's arrest has served to legitimate its claim of corruption against him during his tenure, to the point that it does not matter whether or not he is found guilty, further deepening the divide between Thembelihle residents and the state—a divide that is already a yawning chasm.

4.5. Lack of transparency and involvement regarding the security of tenure

One of the key grievances for Thembelihle residents is the government's insistence the settlement does not qualify for *in situ* upgrading. Neither they nor the NGOs that assist them deny the presence of dolomite or dismiss the safety risk; rather, they are concerned the City's decision to relocate residents rather than upgrade the settlement *in situ* to be based on incomplete studies and that it 'may be using the dolomite issue as convenient rationale for its attempts to relocate poor communities even further away from the city' (Clark, 2014: 14). (Indeed, a sinkhole opened in

2015, confirming the dangers of dolomite but not answering the question whether the entire settlement area was at as high a risk.) This concern is not wholly unfunded given the City's desire to stamp out any forms of informality to make way for other economic opportunities or to appease residents in formal dwellings who complain the proximity of the settlement devalues their property. What is key here is 'to be satisfied that is the situation before relocation is seen as the only alternative' (M Makwela, pers. comm., 9 February 2016).

Questions around the 'the reliability, accuracy and interpretation of the geological reports' are based on the insufficient number of exploratory drilling holes for the studies undertaken in 1992 and 1998 (SERI, 2014). According to the TCC, the geologists hired by the City were meant to dig 80 boreholes to accurately assess the dolomite risk, but only 20 were complete (B Miya, pers. comm., 17 January 2017). In 2004, a report commissioned by pro bono lawyers Webber Wentzel found that parts of Thembelihle are upgradable if certain water precaution measures of taken (SERI, 2014). The following year the City agreed to investigate the feasibility of *in situ* upgrading but refused to cover the cost of a new survey, maintaining this should be the community's responsibility.

While the adoption of BNG in 2004 enabled municipalities—for the first time—to plan an *in situ* upgrade, the process has been the exception 'rather than the norm of removal/relocation' (Huchzermeyer, 2011: 33). Indeed, the recognition of informality and catering for social over economic needs is at odds with the urban competitiveness agenda that prioritises economic growth over social capital. This means:

> The very 'exception' that informal settlement upgrading remains in urban planning expertise, procedures, practice and political decision-making (irrespective of policy) requires a contestation in every locality for such an exception to be made and sustained. (ibid: 30)

This struggle is particularly acute in Gauteng. Following the introduction of the Informal Settlement Upgrading Policy, it declared it did not need a pilot under this programme (ibid). Its rationale was its Essential Services Programme, launched in 1997, already channelled land under freehold title and basic services in a standardised manner to households that qualify for the once-off household-linked capital subsidy for housing (ibid). While this programme is not aligned with

the objectives of *in situ* upgrading, which seeks formalisation rather than eradication, it reveals the province's 'determination not to depart from entrenched ways of dealing with informal settlements' (ibid: 126) and serves as a helpful insight into why the City has refused to take seriously the feasibility on *in situ* upgrading in Thembelihle and why residents and NGOs do not readily except its reasons for relocation.

It also explains the City's lack of consideration for the economic marginalisation that residents of Thembelihle would encounter by relocating Lehae (some three kilometres away from Thembelihle) and Vlakfontein Extensions 1-3 (eight kilometres), and its dogged pursuit of its strategy to 'reduce its current housing backlog of 217 000 units to 50 000 over the next three and a half years' (Redmond, 2002). This second point serves as insight into why any threat to its performance objectives—that seek to make the city 'world class', a picture in which it equates visible forms of informality with state failure—is dealt with through exclusion—a lack of adequate consultation with residents—and met with heavy-handed tactics, including forced removals and the rigid policing of protest.

While some formal housing existed at Lehae, Thembelihle residents did not consider the settlement a suitable alternative owing to its 'lack of infrastructure in the form of incomplete roads, no school, no clinic, a lack of public transport due to taxi associations and a ZAR5.00 fare to employment opportunities' (Pingo, 2013: 17). Relocation would mean that residents of Lehae would need to use amenities in Thembelihle at an 'additional cost' (ibid). Moreover, the prohibition on the use corrugated iron sheets that prevents 'backyard letting or informal trade stalls means cutting off a lifeline' (Huchzermeyer, 2009: 65). Vlakfontein is regarded as similarly unsuitable for the same reasons—a greater travelling distance to economic opportunities which incurs higher transport costs and a lack of schools in the area—and is also believed to be a 'higher-risk dolomite area than Thembelihle' (Nemaonzeni 2005, 51). Vlakfontein also did not offer formal housing to residents, moving them 'from a shack to another shack' (M Makwela pers. comms, 9 February 2016). Another issue was the distance from job opportunities: according to LPM, 'the majority of employed Thembelihle residents work for the nearby Indian community and earn between R300 and R800 a month' (Nemaonzeni, 2005: 51), with a large portion domestic workers who simply 'go across the road to the neighboring Indian community [Lenasia] to work' (B Miya, pers. comms,

17 January 2017). Indeed, with Thembelihle being 40km away from the city centre economic prospects for its inhabitants are dim, making economic opportunities in Lenasia a lifeline for residents in nearby informal settlement communities (Steva, 2016: 8).

In contrast, the City has described Vlakfontein as a 'reasonable distance' from Lenasia Extensions 9 and 10 (Lenasia Times, n.d.) and said the 'vast majority' of Thembelihle residents would relocate voluntarily (ibid). It has stated that immediately after the decision was taken to relocate residents owing to the risk to their safety posed by dolomite, it held extensive public meetings' (SERI, 2014: 14) through a 'consultation process … with the affected communities' (Lenasia Times, n.d.)

In June 2002 Thembelihle residents staged a protest against the removal, blockading roads and burning tyres. The community said it has 'informed the councillor of their reluctance to move' (Venter, 2002) and were being intimidated to pay connection fees. Residents also alleged 'officials employed by the City threatened a number of residents into relocating by claiming their houses would be demolished if they did not relocate (SERI, 2014; Wilson, 2005). Then-director of Region G Sibongile Mazibuku refuted this, saying there were no forced removals and the government was 'only moving about 350 families who paid their connection fees' (Mazibuku quoted in Venter, 2002). The Pan-Africanist Congress (PAC) supported the TCC during the protest, saying that '[t]hey have been told to move to an undeveloped site where they have only built toilets' (PAC secretary-general Thami ka Plaatjie quoted in Venter, 2002). A month later, three residents appeared in the Protea Magistrate's Court on charges of public violence relating to the protest, following a police search for 'ringleaders' (Mabuza, 2002). Bovu (quoted in newspaper clipping kept by the TCC, n.d.) attributed the opposition in the form of protest to a 'small clique' consisting of 'outsiders or illegal immigrants who do not qualify for the government's housing subsidy scheme'; or those with 'narrow political party schemes'. Then-spokesperson for LPM Andile Mngxitama (quoted in Mabuza, 2002) maintained the state was employing a strategy to 'remove the leaders who are capable of organising resistance among the people of Thembelihle'. In August 2002 the Red Ants demolished houses in Thembelihle and forcibly relocated a number of households despite reassurances two months prior that 'no one would be removed without a court order' (SERI, 2014: 4). In 2003 the City sought an urgent eviction order from the South Gauteng High Court to authorise the eviction of Thembelihle residents, basing their argument on the danger

the threat of dolomite posed to inhabitants (SERI, 15). To oppose the eviction application, the community acquired pro bono representation. After this, the City took no further steps to obtain the eviction order (SERI, 2014: 15), but over the coming years, continues to reiterate its position on the unsuitability of the settlement as an *in situ* housing project (SERI, 2014; City of Joburg, 2010). It continues to set targets for the eradication of Thembelihle, estimating that by September 2010 approximately 1000 beneficiaries would be allocated houses in Lehae and that it was 'conducting a feasibility study on two portions of land – one on the north of Lehae and a farm called Misgund next to Lehae' (City of Joburg, 2010). It called on 'residents and community leaders to contribute towards finding lasting solutions for the area's future and refrain from violent protest action' (ibid).

This is not the only time residents' resistance to government's desire to relocate them to Lehae and Vlakfontein and their grievances over the lack of service delivery in the settlement resulted in a clash between them and the state. In September 2011, approximately 1 500 residents embarked on a large-scale protest lasting several days, blocking roads in an attempt to exert pressure on the City following its failure to respond to their memorandum timeously—the same memorandum mentioned earlier in this chapter. The Public Order Policing Unit fired rubber bullets and tear gas at the crowd (SERI, 2014: 5), while residents claimed live ammunition was used against them and that police entered their shacks to shoot at them with rubber bullets (Tau, 2011). Fourteen protestors were arrested and charged with public violence and malicious damage to property (SERI, 2014: 5).

On the second day of the protest, MEC for Local Government and Housing Humphrey Mmezi visited the settlements and maintained the City's position the residents would be relocated and not receive electricity or water (SERI, 2014; Mafisa, 2011). The fourth day of the protest saw Gauteng Premier Nomvula Mokonyane condemn the protesters' actions and several more arrests were made before Thembelihle is declared under control (SERI, 2014: 4). Several days after the protest ended, Miya was arrested on charges of public violence and intimidation. Despite the 'scant evidence' against him he was denied bail and spent over a month in detention before the High Court ordered his release on bail (SERI, 2014: 5). In the seven months that followed the arrests, there were nine postponements before the case was eventually struck off the roll (ibid).

Understanding the violent confrontation that erupts between residents and the state over the right to housing must consider that democracy and its institutions structure and distribute power in specific ways and 'in an unequal society such as South Africa's, tend to distribute power in highly unequal ways' (von Holdt, 2013). Violence is then deployed to 'defend this distribution', i.e. the state using the police to quell protest, or to 'challenge and reconfigure it', i.e. popular protest action through strikes (ibid). Patronage networks and 'cadre deployment' are instrumental in sustaining imbalances in distribution as they establish their own economic biases through the state (ibid). What is important to understand here is that violence is not the antithesis of democracy and a sign of the failure of democracy. Instead, its presence makes it necessary then to explore how the 'interaction between democratic institutions and power relations within the elite and subaltern politics produces particular forms of violence' (ibid). On the part of the state, this violence expresses itself in measures like informal settlement eradication and the use of the police force (as part of state machinery) to stifle dissent, through the use of teargas and rubber bullets to disperse crowds; through charges of public violence with the intent to discourage similar action in future; or by 'erroneously' applying the Regulation of Gatherings Act to prohibit gatherings from taking place (Brown, 2015: 16). On the part of citizens—in this case, the TCC—protest has been used as a last resort to draw attention to its demands, after processes through state-sanctioned channels including ward committee meetings, petitions and memoranda have failed to produce meaningful engagement with the state. In this way then, protest can be understood as 'the failure of the space that was created for residents to engage so they had to use other tactics to pressure the state' (M Makwela, pers. comm., 9 February 2016); and as 'part of a broader repertoire of political expression' (Brown, 2015: 18). The TCC also knows that in protesting, it will elicit a response from the state, even if this does not translate into its demands being met: 'You close the road every two months or so, it's embarrassing for government, especially if it results in litigation processes' (M Makwela, pers. comm., 9 February 2016).

4.6. Dissatisfaction with project execution

In addition to having felt ignored in local governance process and that information regarding the dolomite is concealed for them, Thembelihle residents have often felt aggrieved at their lack of

involvement in the tendering process for projects to be carried out at the settlement, and in some cases, their lack of participation in the construction phase. This dissatisfaction has stemmed from the belief they would 'have a say' in the development of the settlement, 'after fighting so hard and so long' (M Makwela, pers. comm., 9 February 2016). When the City did an about-face on its long-held stance on the relocation of the settlement by committing to conduct a new geotechnical survey (Lenasia Times, 2015) and agreeing to install electricity, residents felt the government could not take credit for their victory: 'Thembelihle has now been registered as a housing project, and through what? Asking the government? No, through the struggle. Today, Thembelihle is being electrified, and through what? The same struggle' (B Miya, pers. comm., 17 January 2017).

In October 2015 the City began the installation of electricity in the settlement through City Power. Estimated to cost ZAR323 million and deliver power to approximately 8 000 households, the project entailed a 'hybrid electrification which includes an energy mix of the grid, photovoltaic panels and portable gas bottles accompanied by gas stoves' (City of Joburg, 2016). According to City Power's Managing Director Sicelo Xulu, the energy mix would ensure 'that during load-shedding residents would still have their lights on as they would at that point be using energy harvested from sun' (ibid). Gas stoves were to be delivered by City Power and include a free nine-kilogram gas cylinder per household, enabling 'residents to cook and provide heating to mitigate the impact of load-shedding' (ibid). The City also stated residents 'might prefer using more gas' (ibid), an important consideration given that sixty-nine percent of electricity consumption was from cooking and the remainder from lights and plugs. Xulu stated 'there would be gas depots in both informal settlements manned by Jozi@Work contractors, who would be charged with the responsibility of maintaining solar panels, among other things' (ibid). Finally, streetlights would remain on even during load-shedding (ibid). Then-mayor Parks Tau said the aims of the project were to stop unnecessary electrocutions; restore people's dignity; regularise the power supply by preventing illegal connections that overload the network; and prevent the loss of revenue caused by illegal connections' (City of Johannesburg 2015; City of Johannesburg 2017).

Thembelihle residents felt, not for the first time, sidelined from the beginning of the installation at the settlement. According to the TCC, it was unaware of the details of the construction of the project until the contractors were appointed: 'We didn't know how the tender process for this

worked or how it went, so that's another thing [the City] excluded us from' (S Lorotholi, pers. comm., 28 January 2018). Issues also arose when a resident from Lehae was chosen as the community liaison officer appointed for the project (M Makwela, pers. comm., 9 February 2016), and when Thembelihle residents were not reportedly not chosen for involvement in the construction (Khumalo, 2015). The TCC wanted to 'control the project' insofar as deciding who would be employed to work on the project (M Makwela, pers. comm., 9 February 2016). Allegations of corruption during the tender process were also raised by the TCC, which claimed 'one of the companies installing the electric poles is owned by the councillor' (ibid). While there was 'no evidence of that' (ibid), it highlights the antagonistic relationship between the government and residents and demonstrates the ongoing frustration at their lack of involvement in decisions regarding the development of the settlement.

Another issue regarding the installation of electricity has been the contractors leaving the site allegedly without completing the project. According to the TCC, not every household has received the pre-paid electricity box, and the solar plugs do not work except to power streetlights (S Mbatha, pers. comm., 28 January 2018). When the keypads for the meters do not work, there is no to report to (L Mthembu, pers. comm., 28 January 2018). The promise of gas stoves has also not materialised, with only 'two people getting the stove and about three appliances (ibid).

The provision of sanitation in the settlement has also been a point of grievance for residents, particularly the implementation of the Ventilated Improved Pit (VIP) toilet project initiated in 2009 by Joburg Water. This system of toilets 'has a pipe at the back to bring air into the system, eliminating flies and smells and lowering the chances of diseases spreading' (Kings, 2011). It also has 'a slab at the back that can be taken out so that the pit can be emptied' (ibid).

After failing to build 3 400 toilets by 2010, the project was reportedly halted (Mnguni, 2011). In June 2011 a meeting involving residents, the municipality, the contractor and the police to discuss the matter reportedly did not take place as scheduled, and shortly afterwards, residents protested that 'the project was undertaken without their consultation' (Moosa, 2011); they voice their concern that 'the contract was awarded with no open tender process having taken place' (ibid), asking for an investigation into the process to go back 'several years' (ibid); and demand a ten

percent stake in project through employment (Ranchod, 2011b; Mnguni 2011b). Bovu, then-newly elected Member of the Mayoral Committee for Housing at the City, stated the project would continue until all the toilets were installed (Mnguni, 2011b), while the municipality arranged that every week twenty residents would work on the project, before being replaced the following week by another twenty (ibid). Residents continued to clash with the contractor, with the former saying the structures were weak and could collapse if it rained, and the trenches were not secured after hours, posing a safety risk; and the latter saying residents had been stealing the nets for their vegetable gardens, those hired were stealing the nets for the trenches for use in their vegetable gardens, and that some residents came to work inebriated (Ranchod, 2011a).

VIP toilets must also be dislodged, or emptied, every five to six years (Kings, 2011). According to the TCC this is not done properly or at all (L Mthembu, pers. comm., 28 January 2018), which renders them unusable. As it 'does not know the agreement between the contractor and municipality', the TCC has been unclear on whether or not the municipality was meant to provide chemicals to residents to perform the dislodging or if it was meant to hire a company to undertake the task on a regular basis (ibid). Residents have called a service to dislodge the toilets but 'they want to take our money … and we are poor, we don't have money' (ibid). In a review of sanitation policy and practice from 2001 to 2008, the Water Research Commission 'found that most municipalities did not have plans for emptying toilets':

> It says municipalities were implementing "large numbers of VIP toilets without any operation and maintenance plans for emptying full pits". It also says the design of most VIP toilets "did not make provision for emptying". … Although emptying is handled at the municipal level, it takes place on an "ad-hoc basis", with responses whenever there is a crisis, instead of being planned in advance. (Kings, 2011)

Thembelihle residents would also like to see flushing toilets installed, connected to the sewer pipe that runs through the settlement but does not benefit its inhabitants--and also poses a health hazard by releasing waste into the area nearby (S Mbatha, pers. comm., 28 January 2018). According to the managing director of Joburg Water Ntshaveni Mukwevho, this demand is out of the mandate of the entity as it 'only provides basic sanitation to informal settlements in the city of Johannesburg as a stop gap measure until they are pronounced as townships by the Department of Human Settlements' (Madisha, 2018).

It is difficult to untangle the reasons for the conflicting narrative regarding the upgrading of the settlement. The primary point of confusion is why the government is investing money in electricity when it is unclear whether or not the settlement will qualify for *in situ* upgrading once the dolomite risk is reassessed (M Makwela, pers. comm., 9 February 2016). A rudimentary explanation is the ANC's attempt to decrease the visibility of informality in the City through pacifying residents with promises their demands will be met so protests subside; and as part of campaigning ahead of the local government elections in August 2016. A month before the elections were to be held and electricity had been installed in parts of the settlement, former president Jacob Zuma 'came to switch on lights in houses, even though he was not part of everything. It was a way of campaigning, before the local government elections' (L Mthembu, pers. comm., 28 January 2018). The TCC says 'come election time, the ANC will give us 100 houses, we will vote, and they will go away for five years. Then months before the next election, they will come back to us. It happens all the time' (B Miya, pers. comm., 17 January 2017).

In understanding the poor implementation of projects, there is the 'intrinsic problem of soft budget constraints' in decentralisation (Faguet, 2013: 6). Local politicians have 'strong incentives to overspend and reap the benefits themselves, while nationalising the cost of their behaviour through central bailouts' (ibid). This behaviour is driven by the knowledge that at least some of the blame for a local government default can be passed onto central government politicians for two reasons: 'many such services are jointly financed and voters may not clearly distinguish among responsible parties, and the centre could have averted default by bailing out the insolvent municipality' (ibid).

4.7. The use of protest as participation

According to the TCC, protest is not its preferred method of engagement, but the result of prolonged frustration with local government processes and the failure to be heard and taken seriously through 'traditional' channels of participation provided by the state. The decision to protest comes at the expense of economic gains: '

> I'm unemployed, I've got three kids to feed, I cannot as a father sleep and say tomorrow "I'm going to protest"—what about going to do some odds jobs to feed my family? We don't just wake up and go and

> protest. But I'm saying, this government of the ANC will push you to an edge whereby you cannot say to me, "Bhayiza, don't do this, do that" (B Miya, pers. comm., 17 January 2017).

It also feels that while protest has been effective to an extent, the overall aim is for inclusion in the state: 'If the protests that we are doing were supposed to help, everything was supposed to be okay by now, the service delivery was supposed to be on point' (L Mthembu, pers. comm., 28 January 2018).

These remarks reveal the demand for housing and service provision is tied up in a deeper call for substantive citizenship, understood as the access to socio-economic rights. Following from apartheid, which dispossessed Black populations of land and resources, and relegated other non-white populations to specific residential designations, it was recognised that to make citizenship meaningful and not only tied to the political right to vote, the right of all South Africans to adequate housing and basic services had to be recognised (Miraftab, 2006). Citizens have struggled to realise this right, however, as the government shifted from its redistributive agenda to the market-driven agenda, GEAR. Applying neoliberal policies that espouse the principle of cost recovery through users' fees 'in a society with some of the world's largest social and economic inequalities has stripped the universal aspect from substantive citizenship, i.e. has limited actual access to socio-economic rights' (ibid: 196):

> While the overall provision of basic services has increased substantially, the ability of vast numbers of poor residents actually to *afford* them has decreased dramatically [emphasis in original]. … Since 1994, nearly 2 million South Africans have been evicted from their homes because of service non-payments [.] In addition, the cost-recovery strategies have led to extensive cut-offs of water to disadvantaged households. Since 1996, in Cape Town alone, the post-apartheid government has disconnected water service to an estimated 92,772 poor households, or for nearly 463,000 people' (ibid: 196-7).

It also reveals how, for economically weak communities, the space for meaningful deliberation and consultation has become relegated to very specific forms of engagement. In South Africa's case, ward committees have become the most broadly applied and accepted method for community participation (Mohamed, 2006), and can understood as part of 'invited spaces of participation' which are those 'occupied by those grassroots and their allied non-governmental organisation that are legitimised by donors and government interventions' (Miraftab, 2004: 1). This is despite their inability to understand the presence and persistence of urban informality, and the incidences of

informal settlement communities falling victim to tokenism and manipulation discussed at the beginning of this chapter.

Frustrated with the lack of meaningful participation, vulnerable citizens take to the 'streets' (Bayat, 2000), which can be understood as 'invented spaces of participation', which are 'also occupied by the grassroots and claimed by their collective action, but directly confronting the authorities and the status quo' (Miraftab, 2004: 1). Here there are met with resistance, as the state employs through the police repressive tactics to silence dissent by—in South Africa specifically—attempting to prohibit gatherings, forcefully dispersing protestors, and equating strikes with public violence. In this way, it is evident the legitimising of invited spaces of participation has led to an increasing illegitimacy of older/traditional forms of participation, including popular protest in the form of demonstrations, strikes and petitions (Cornwall, 2004). This means that those who do not want to be accommodated within the agendas of the powerful now have less space to create their own agendas, which 'deals a blow to democratic vitality' (ibid: 88).

Grassroots organisations often straddle the two in order to have their demands heard (Miraftab, 2004), as witnessed in the TCC's participation in local governance processes, assistance from NGOs, its entry into local government politics, and its protest action. This can be understood as a new form of 'insurgent politics', one where citizens enact politics:

> through protest, through compromises and alliances with non-governmental organisations, with parts of the local state, and with the formal political arena, and through using courts and the legal system to challenge the unspoken logic of contemporary governance. (Brown 2015, 4)

To do so, however, is to live in considerable tension, 'between the authorities' desire for their ultimate disappearance' and their 'desire and often need for an urban existence' (Huchzermeyer, 2011: 72).

Chapter Five
Conclusion

This analysis of the TCC's efforts to make its voice heard and its demands realised serves as a useful insight into the challenges faced by grassroots organisations at the level of local government. It also serves to highlight that despite the narrowing of the space for participation, and the subsequent delegitimisation of any action taken outside of that or any action that challenges the status quo, vulnerable citizens are determined to, at any cost, continue the struggle for the realisation of their socioeconomic rights—and what is enshrined in the Constitution.

This paper found that the navigating security of tenure within the context of an informal settlement is a complex, layered process, not only through the state's distaste for informality and the Gauteng Province's particular determination for the eradication of informal dwellings, but also through smaller networks of corruption that appear at this level. The dominance of patronage networks can be traced to the adoption of NPM in public service reform, which absorbed corrupt officials into the new provincial system. It is also through NPM's favouring of project-based outcomes and poor accountability that sees residents struggle to benefit fully from the provision of services and the participatory processes to identify these needs, even when government promises to deliver. In this way, then, these residents exist in a permanent space of tension. Participatory process mechanisms can at times, despite their best intentions, become narrow and unable to account for the existence of informality, and also at times, be used to forward a neoliberal agenda. Devolving such mechanisms to the local does not necessarily mean they will be more democratic in nature, and so such spaces must be worked upon constantly to fulfil their inclusionary mandate to not fall victim to tokenism and manipulation.

In this, participation appears as a delegitimatising force, that entrenches inequality rather than enhances it. It must be noted that this emerges within a very specific state structure, with rigid rules set by the economically and politically powerful. The TCC's ability to mobilise and organise the residents of Thembelihle to demand substantive citizenship is testament to the power of

participation when it is used for the advancement of justice and rights. This is not to pretend there are no issues within the organisation or the community. Rather, it is a suggestion to consider more closely the structure, constitution and accountability methods of an organisation that functions at the level of the local but has not fallen into the local trap.

The TCC has been able to, in its sixteen years of existence, open a space for participation to re-establish the agency of residents of Thembelihle. It has done this by ensuring the various groups within the informal settlement are represented, applying the principles of democracy to be transparent and grant residents a role in decision making, and reworking its tactics to have its demands heard. In doing this, it has achieved what most informal settlement communities struggle to gain from spaces of participation created by the state. While these gains have been incremental and the future of the settlement remains uncertain, they nonetheless point to the power of participation in realising the promise of substantive citizenship. Thembelihle residents have seen their demands heard and realised to an extent that would not have been possible without the TCC, including resisting eviction and seeing electricity installed in the area.

There are valuable lessons to be learnt here: if participatory process mechanisms are redesigned to become more inclusive, they can become so. The TCC shows the possibility of participation for inclusion and how its limits may be overcome. Of course, this is part of a much larger struggle, that involves an inevitable clash with the neoliberal agenda that guides South African policy and leaves little to no room for the acceptance of the presence of informality, or for those citizens who do not contribute significantly to capital to be recognised. Rather than this appear as an insurmountable task, however, the reworking of how participation may be conceived and carried out—as the TCC has demonstrated since its inception—shows the promise of possibility. In other words, if there is to be room for inclusive participation, then the agenda that accommodates only the powerful may too begin to be questioned and challenged and hopefully, reformed. The other lesson is that without reworking spaces for participation, the disconnect between the government and its citizens will grow wider, and with the latter refusing to be marginalised, result in further clashes with the former. There is a way for the two to coexist—but only if the state begins to recognise the agency of all citizens and is open to alternate ways of creating spaces of participation.

In this, it could begin to look to organisations like the TCC to discover the ways in which this is possible.

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Appendices

Appendix 1

THE RISING SUN Lenasia - November

SIRC-91-21

Electricity installation halted

BY JABULANE KHUMALO

THE installing of electricity in Thembelihle has been halted due to technical issues and procedures that are said to have been flawed or were not followed.

On November 3, stakeholders arrived on site in response to reports that the project was halted. They had learned that Ward 122 residents in Lehae had been recruited for the project instead of the people from theThembelihle community said Bongani Simala, a stakeholder.

Simala says that the project is for the Thembelihle community. Recruits for the project are supposed to come from the community – and not from Ward 122.

"From a meeting on Tuesday it was decided that the project will be halted until the situation is rectified," said Simala.

On October 27, a meeting was convened between stakeholders and Region G. The prime objective was to familiarise stakeholders with the need for and procedure to appointing a Community Liaison Officer (CLO), particularly as the stakeholders' main argument is that the recruitment process was flawed or was not followed. Simala added that the Region G Director, Mickey Padayachie, would in the meantime call upon City Power to halt the project until further notice.

Further discussion centred around the qualities required of a CLO. Richard Salwana, another stakeholder, said that a CLO should meet the minimum requirement of having a matric certificate and should come from within the Thembelihle community. "The process will have to start afresh, for everything to be transparent," said Salwana. The stakeholders feel that should any post be available, it should be advertised in the community so that no one would feel side-lined.

According to Simala, a public meeting to address the recruitment issue was planned for Sunday November 1, with Councillor Janice Ndarala in attendance, which they say she failed to attend.

"We ask that the recruitment take place in public so that everyone will be satisfied and everything will be transparent.

We want development, however. With that said everything needs to happen in order and in a transparent manner," said Simala.

Community activists Bhayiza Miya and Nhlakanipho Lukhele spokesperson of Thembelihle Crisis Committee were among stakeholders present on November 2 at the site.

Ward 8 Councillor Janice Ndarala said her perspective was that the project is being delayed by certain individuals, and the process of recruitment was not flawed.

She starts by saying that in a meeting she told community members to take their CVs to her office. Then, certain individuals started arguing.

"Certain people did not get the position they wanted and therefore started arguing," Ndarala said.

Additionally, the process of recruiting a CLO is underway though work must continue with or without the CLO Ndarala said.

"The document that they requested says that a CLO can be appointed if he or she has a Grade 10 or relevant experience,' it does not say it is a must that one must have a matric certificate," she said.

The CLO is a person who liaises with City Power, the contracting company, and the councillor.

She argues that the posts that were available were advertised, and as Ward 8 everyone can participate in the project.

"This is a project of the Ward not Thembelihle only. They need to understand that and stop segregating," said Ndarala.

She claims that people want jobs to come to them. "Jobs do not come to you, you go to the job," she adds.

"The project is transparent, that is why I called a public meeting to inform people that there are jobs available, if it was not transparent the meeting would have not taken place," adds Ndarala.



The sattelite construction office erected in Thembelihle.

Visit our website @ www.risingsun-lenasia.co.za

Appendix 2



THEMBELIHLE squatter camp settlers held a protest at the Protea Magistrate's Court, yesterday, demanding the release of the fellow squatters who were arrested during street blockades in Lenasia last week. *Picture by PETROS RAPULE*

TUESDAY 23 July 2002

Demos seek to free 'violent' squatters

By KINGDOM MABUZA

THIRTEEN people arrested in Thembelihle informal settlement appeared in the Protea Magistrate's Court in Soweto yesterday, facing charges of public violence and interfering with police while executing their duties.

Soweto Police spokesman Superintendent Richard Luvhengo said police raided the homes of ringleaders seen instigating residents of Thembelihle to loot shops and burn a local school, or who were directly involved in public violence.

Among the sympathisers who joined residents protesting outside the court, demanding the release of the accused, were former pyramid scheme boss and aspirant politician Sibusiso Radebe, and spokesman for the National Land Committee Andile Mngxitama.

"The strategy employed by the state is to remove the leaders who are capable of organising resistance among the people of Thembelihle," said Mr Mngxitama.

He said the removal of residents from the area in Lenasia was a council move to ensure that wealthy delegates from all over the world attending the World Summit would not see the "inhuman conditions" under which people lived.

Three of the accused, Sophia Keseabetswe, Michael Ndlovu and Edward Khanyile, were unable to raise the R1 500 bail granted by magistrate Mr Venter.

Seven of the accused were remanded in custody and charges against the other three were dropped.

Appendix 3

Hell is better than living in Thembelihle, say residents

New Age Friday 9 Sep 2011



Feature

ITUMELENG MAFISA

LIVING in Thembelihle is hell – there is no running water, no proper toilets, no proper houses and no electricity. In fact, things are so bad no one really wants to live there.

Mothers are always fearful of their children's safety, especially because of the pit latrines.

"Our kids are falling into these pits; our grannies cannot use these pits," complained a resident of the sprawling informal settlement.

"I have dug holes all over my yard so we can relieve ourselves; I am even running out of digging space."

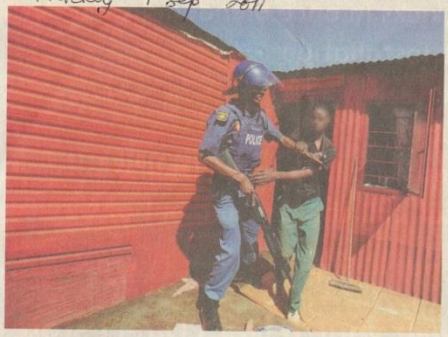
The settlement has been in existence for about 25 years and yet there are no basic amenities – the makeshift houses are made of all sorts of materials including rubber, plastic, cardboard and billboards.

Miriam Adam, 37, who has been living in the settlement for the past 10 years, said hell was better than living in Thembelihle. "When it rains water comes flooding in the house. We have to open a hole in the wall so water can flow out of the shack," said Adam.

She said her children do not enjoy playing outside because of the stench coming from the nearby dumping ground and pit latrines. No one collects the garbage in Thembelihle.

"My child got diarrhoea from playing near the rubbish dump," complained Adam, an unemployed single mother of two.

Adam said the township was pitch black at night as there are no street lights. "You can only walk from 7am to 7pm here, otherwise you will get mugged," she said. "There are no trees in the area, which makes it difficult for residents to enjoy sitting outside when it's hot."



FOUND: A young man who was hiding in a shack is arrested for rioting in Thembelihle

This week the settlement, which has a population of about 17 000, turned violent. Protesters barricaded roads and pelted passing motorists and the police with stones. They also burnt tyres.

Armed police officers moved into the area to try and quell violent protests that left cars, traffic lights and a substation in nearby Lenasia damaged.

At least 33 people were arrested – three of them were children who were released into the care of their parents.

"There are women and children among those arrested. Some of those women are still breastfeeding," said Bhayiza Miyo, one of the community leaders.

"We all fighting for the same cause. We should all be prosecuted if we did anything unconstitutional."

In between recurring running battles between protesters and the police, some residents have revealed how hard life is for them at Thembelihle, which is situated south of Johannesburg.

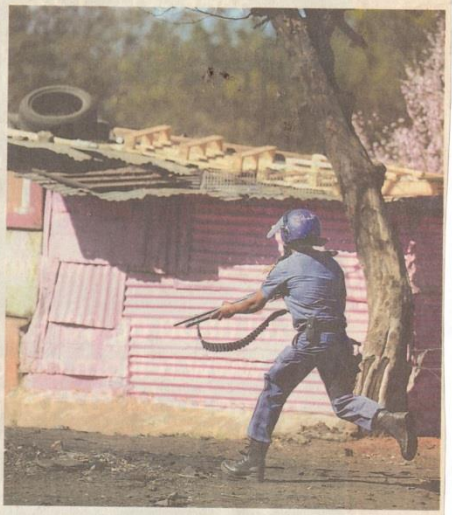
"We are sick and tired, no one is listening to us. If we have to go on protest the whole week we will," said a resident.

For many years the residents claim they have been promised heaven and earth by their local councillor.

"We vote evening, day and night, but all we vote for is expensive multiple weddings for our president," said longtime Thembelihle resident, Diana Moloi, 75, in apparent reference to President Jacob Zuma who has three wives and a fiancée.

"I am retired now and I have seen this country in all its phases. It is disappointing that our own people are doing this to us," said Moloi.

Thembelihle, which means "good hope", is mired in poverty. Joblessness, crime, drugs and alcohol abuse are rife.



LAW AND ORDER: A police officer chases rioters in Thembelihle informal settlement Pictures: FATI MOALUSI

Residents of the nearby Lenasia suburb are apprehensive about the restless informal settlement on their doorstep.

They suspect that youths from Thembelihle torched two substations in area, leaving many residents without electricity.

Earlier in the week Gauteng local government MEC Humphrey Mmemezi visited the informal settlement, where he received a hostile reception.

Mmemezi said the[illegible] tive area that had been identified in Valkfontein and Legae as suitable to relocate Thembelihle residents.

He said Thembelihle was not suitable for human habitation as it was on a dolomite site, which could result in the houses sinking.

Mmemezi said there were 4 000 houses already available at the alternative sites, but the increasing number of residents at Thembelihle were posing a challenge.

itumeleng@thenewage.co.za

Appendix 4

TALKING TO THE BLACK MARKET IN SOWETO & THE CBD - AUGUST - 2002

Thembelihle under siege again!

WHOM TO BLAME, COUNCILLOR OR THE RESIDENTS?

BY LEBOHA'NG MBUNDA



The Landless People's Movement (LPsM) and the Anti-Privatisation Forum (APF) together with the residents of Protea South, Freedom Park, Thembelihle, Lawley, Velaphi, Durban Deep, Orange Farm and Katlehong informal settlements took further steps by marching to the Gauteng premier's office to address the matter of Thembelihle eviction.

THIS MARCH OCCURRED after brutal performance acts by the councillor of Thembelihle Dan Bovu and Wozani Security (Red Ants) of removing homeless, old and poor people with force.

According to the angry residents, the councilor forcefully removed residents who re-occupied the spaces of those residents who agreed to be relocated to Vlakfontein.

As a result residents went on a rampage, disturbing traffic flow on the K43 Road, smashing cars passing-by Thembelihle and disrupting schools that has just re-opened from the winter holidays. Schools such as Azara High School, Apex Primary School and Saricrest Primary School were deeply affected by this horrendous act.



Trevor Ngwane revisiting the memorandum at the Premier's office.

Indian community described their day of terror at the hands of mob, which looted, trashed shops and smashed cars. One motorist was injured in the crossfire on the scene on K43 road.

The angry mob, allegedly threw petrol bombs inside the classrooms and sjambokked pupils trying to escape. This occurred after the mob heard that the councillor has been seen at Azara High School meeting with the principal.

This eviction has brought fears and pains to the residents of Thembelihle while to the residents of Lenasia Ext 9 and 10 it's a relief. Moreover, the police allegedly arrested the community leaders whom they believed to be perpetrators of the violence.

CONTINUED ON PAGE 4

CONTINUED FROM PAGE 1

Thembelihle under siege

People who are living in the camp are foreign and illegal immigrants without identity documents."

Meanwhile, at the community meeting held in 16 June the councillor said that, "The camp is located on top of the dolomite that can possibly cause dangerous sinking holes, which could be hazardous to the residents."

Donald Roro, chairman of PAC Thembelihle Branch said: ``We are going to forward our demands to mayor Amos Masondo office, and address the issue of force removal in Thembelihle and other informal settlement which are on the eviction list."

"Failing to meet our demands within the stipulated date we are going to march and address this matter to the state president Thabo Mbeki and his cabinet in Union Building Pretoria," he said.

He added that some of the residents have built face brick double-storeyed structures, which cost approximately R115.000 in construction.

The residents also claimed that the main reason for removal has emanated from racial discrimination between the black squatters and the Indians in the area.

Trevor Ngwane, chairman of APF said: "We support the struggle of the residents of Thembelihle and we will do any thing to counteract the governments plan of force removal."

He also emphasised that if the government is still going to pursue with its eviction plan, APF and LPsM will respectively march to the Union Buildings to address the matters regarding force removal and eviction to the government, cabinet and relevant authorities in Pretoria.

Appendix 5

Protest marches cause havoc

REPORT & PHOTO BY DAPHNEY MNGUNI



COMMUNITY members have reported that hundreds of angry pro testers from Thembelihle took to the streets last week, destroying property and robots, burning tyres and blocking off roads with rocks.

Rising Sun March 9-15 2011



The protest is believed to have taken place as a result of allegations of poor service delivery from Council and the failure of connecting legal electricity that was allegedly promised.

In light of this, many people believe that the breaking in at Azara Secondary was linked to the protest.

Apparently, five men approached the security guard of the school Joseph Morue, on the same night of the riots and demanded money from him. When he refused as he did not have any money on him they stole his cellphone and two suspects held him in the school toilet. The other three men then made their way to the staff room and after breaking the locks, rummaged through the cupboards.

However, their attempt to gain entry into the tuck shop proved unsuccessful.

The guard claims that the suspects had crowbars with them and threatened to kill him. The men made away with very little including sugar and tea from the staff room. ADT and the police responded to the scene.

Lenasia SAPS spokesperson, Captain Hector Netshvhodza, confirmed that the community gave the region G seven days to respond since the stage of their last march and because of them not responding, they demonstrated their frustrations by not only blocking off roads, but damaged municipal property and a home next to the K43 Road.

Appendix 6

Toilet issues flushed

RISING SUN July 5-11-2011

By Daphney Mnguni

AFTER a recent strike at the Thembelihle Informal Settlement, residents have now been employed as part of the toilet building project, which cause a stir in June.

Residents took to the streets a few weeks back, demanding that they be provided with 'a 10%' in the project. Councillor for the area, Janice Zondo, at that time clarified that the '10%' meant skills development and employment for residents of the informal settlement.

Finally, all issues seem to have been flushed and matters resolved. Residents were seen contributing to the building initiative, which is handled by contractor Pazimo Trading and Project.

The ***Rising Sun*** spoke to Community Liaison Officer Billy Thomo, who was one of the members elected by the community for the project. "So far, the project is going very well, and the contract was stated for three months. We hope to finish the project in time," he said.

Thomo added they are currently busy with section F of the building initiative. He explained that the it may take some time as they have to finish what the previous contractors left half done and that they had to first clean the toilet pits, which had rubbish dumped inside them.

The process then entails completing the inner and outer structures, plastering the walls and inserting a waterproof chemical that holds the plastering together.

The ***Rising Sun*** contacted Councillor Janice Zondo for comment but she was unavailable at the of going to print.

Appendix 7

DAILY SUN Friday 17 October 2014





Residents of Thembelihle squatter camp march to the municipal offices in Lenasia, south of Joburg to submit a memorandum of their grievances. Right: Some of the protesters sit on the street with rubber bullet cartridges lined up in front of them.

Photos by Christopher Moagi

Residents say stands are sold illegally

ANGER OVER HOUSING DELAY!

By CHRISTOPHER MOAGI and SONQOBA KUNENE

FURIOUS residents swore at cops as they ran away from a rain of rubber bullets yesterday.

This happened in Thembelihle, Lenasia, south of Joburg in the early hours of the morning.

The protest had not been going on for long when cops decided to clear the crowd.

Residents had a meeting and decided to march to the municipal office in Lenasia to hand over a list of their complaints.

They said the main thing bothering them was the lack of housing.

Thembelihle Crisis Committe member Bhayiza Miya (43) *Daily Sun*: "There is a lot of corruption happening in our area. Stands are being sold illegally. People were moved from the area so that development could take place but corrupt people are selling the empty space as stands.

"These stands are being sold for between R500 and R3 000."

Residents handed their memorandum to officials at the department of human settlements.

Ward councillor Janice Ndarala told the People's Paper that she was aware of the people selling stands.

"I've told residents to open corruption cases," Ndarala said.

"But they said cops sent them away, saying it was a housing issue."

■ On Wednesday, residents of Boiketlong squatter camp in Sebokeng, Vaal also protested for electricity.

It was the latest in a series of violent protests in the area.

Recently, the house and two cars belonging to councillor Maselloane Nthebe were set on fire.

"We need electricity and houses now, not in 2016 as we were promised," a protester told *Daily Sun*.

Gauteng police spokesman Lieutenant-Colonel Lungelo Dlamini said eight protesters were arrested and charged with public violence.

Gauteng Human Settlements spokesman Motsamai Motlhaolwa said 8 000 houses would be built in Boiketlong and another 4 000 in KwaMasiza.

"In our planning, we will only be able to start construction in 2016. It will be impossible to start at an earlier date," said Motlhaolwa.

Appendix 8

SOWETAN THURSday sep 8 2011



PROTEST AFTERMATH: Rocks and stones lie strewn on a road at Thembelihle informal settlement after residents protested against poor service delivery. They also demanded electricity. PHOTO: ANTONIO MUCHAVE

The poor left out in the cold

Katlego Moeng and Kingdom Mabuza

THE ANC in Gauteng has admitted that there is a serious disconnect between itself and its constituencies, resulting in violent protests in poor communities.

There have been service delivery protests recently in informal settlement areas including Zandspruit, Tshiawelo and lately Thembelihle.

Residents in these ANC-controlled areas are protesting against poor service delivery.

ANC provincial secretary David Makhura said yesterday: "There is a disconnect, there is no doubt about that. When the ANC takes too much time fighting among themselves, there will be an organic disconnect.

"The disconnect is a weakness of leadership of the ANC. At election time we win handsomely but in between there are problems. It is an internal weakness. It is not an individual issue, it's a failure of the organisation."

He said it was not a problem that had come with the leadership voted in at the ANC 2007 Polokwane conference but "a problem from when we (the ANC) took power".

"There are areas with strong organisation where councillors and leaders are in touch with the issues and they are the voice of the community on those issues. Even when there are problems there are no protests because the community understands what development is happening."



VICTIM: Thulisile Tshwala and her child Tebogo

Makhura said the ANC Youth League in Gauteng had informed them they would protest at Julius Malema's disciplinary hearing.

He said the provincial league was advised that such action would "undermine the organisational processes even with no violence".

"When the ANC has taken a decision you cannot mobilise against that.

"If we were dealing with the Gauteng youth league we would have reined them in. It was a national youth league decision and they should take responsibility," Makhura said.

"When there are these protests and we go to the branches and ask: Did you know about these problems – we find that they are too busy fighting among themselves and are engaged in (petty) politics or they are part of the protest."

Makhura also said the Gauteng ANC would not take any disciplinary action against any party members who participated in last week's violent protest by ANCYL members in the city.

The ANC in Mpumalanga, Free State and Western Cape are also not acting against their members.

ANC Free State spokesperson William Bulwane said they had taken a decision to subject league members to political education.

"They went there to support Julius Malema not to burn the ANC flag and T-shirt with the face of the president." he dais.

Appendix 9

THEMBELIHLE REMOVAL PROTESTERS CAUSING A STIR

Therefore SSP Moodley of lenasia has stated that the Thembelihle residents should not feel that the Lenasia residents requested their removal "this is not true." The SAPS Lenasia was in no way responsible for the relocation.

On wednesday 24 July 2002 a march to the office of Gauteng Premier Mbhazima Shilowa to demand an end to apartheid-style forced removals, was arranged by the landless people's movement. The LPM is a national movement of poor and landless people struggling to access land reform across South Africa.

The LPM and its allies in Joburg informal settlements reject and condemn all forced removals of the poor and landless.

As per the memorandum the following demands were made.

- Community participation in development, as the IDP clearly states that comunities must participate.
- An end to inhumane forced removals
- Land for development and farming

The LPM also states the following "instead of providing proper housing the government is spending millions of Rands up-grading Sandton in preparation for the up-coming World Summit. The government wants to put up a good show for the foreign visitors, While it is wasting millions of Rands, we the residents of Gauteng informal settlements are suffering. We are being evicted from the land. At time of going to press no comment has being received from Gauteng Premier Mbhazima Shilowa's office.

SSP S. Moodley makes special appeal to the community to stop listening to rumours and gossip regarding their safety and that Thembelihle residents are on a rampage to attack those living in the surrounding areas. Please seek confirmation or assurance from the station. SSP S. Moodley also assures you that the police are still maintaining strong presence and will do so until the situation returns to normal.

Appendix 10

Winter of our discontent – Hard(er) times in Thembelihle

LENASIA SUN Mid JUNE 2011

by Mems Moosa

Despite the cold of Thursday, June 9, residents of the informal settlement of Thembelihle took to the streets to demand better services in their area – from as early as 4am.

Somewhat allegorically, the latest issue to stir up a hornets' nest is that of the 'VIP toilet' project currently under way in the settlement.

It is being constructed alongside the taxi rank but angry residents say they were not consulted about the project, and neither are they going to be benefitting from it in any way.

Their major concern is that this project was undertaken without their consultation but they have also claimed that the contract was awarded with no open tender process having taken place.

The latest round of vociferous discontent comes just three weeks after local government elections were held, and new community representatives elected to deliver on the promises of service delivery, made by their respective political parties.

Frustrated residents burned tyres in the streets to protest against this R4, 7-million toilet project. Passing cars on the K43 were stoned by the protestors, who also barricaded the road with rocks.

As a result, morning traffic had to be diverted to safer, alternative routes.

Local councillor, Jennice Mdararaga (ANC), told the ***Lenasia Sun***: "This project by Jo'burg Water was started in 2009. The aim was to build 3 400 toilets for the community. "However, the project failed to supply all the members of the community with toilets and it was stopped in July last year."

One disgruntled Thembelihle resident, Zodwa Madiba, said she was 'tired of the lack of service delivery in this area' – "I have been living here for 20 years now and I still do not have electricity or access to clean water."

Another resident, who asked to rather remain anonymous, said: "[Council officials and workers] came and said that they would build toilets for all here...but all they did was leave behind these open pits, and these pose a great danger to the children around here, to all of us, in fact, especially at night when we cannot see so clearly..." he said.

But Dan Bovu, newly-appointed MMC for housing in Jo'urg, assured residents that this project would continue until all the toilets had been installed.

Police spokesperson, Kay Makhubela, later reported the situation on the K43 as being 'under control'.

"Nobody was injured during the protest although the protestors caused some damage as they burned tyres. "No arrests were made."

Among the demands made by the fuming residents on the day was a call for a 'full forensic investigation' into the awarding of the tender for the current project, and a request that this investigation encompass several *years*, and not just the past few months.

Appendix 11

To page 26

March to premier's office

17 July 2002 Sowetan

By Sapa and Hlela Mquqo

THE community of Thembelihle informal settlement, south of Johannesburg, will march to the office of Gauteng Premier Mbhazima Shilowa next week to state their objections to being relocated.

Yesterday morning some members of the community took to the streets barricading roads and throwing stones at passing cars after some of them were evicted on Monday. The residents were protesting against being relocated by the Johannesburg Metro Council to Vlakfontein, an area which they say has no proper infrastructure.

The protesters said Thembelihle residents who had moved to Vlakfontein recently intend returning after a dispute with the farm owner over a lack of infrastructure.

Two men were arrested for public violence in Lenasia during the protest.

It was reported that one person was shot in the mouth after police tried to disperse protesters.

But Soweto police spokesman Captain Mbazima Shiburi said he could not confirm the shooting and police were monitoring the situation.

Meanwhile, classes in the area were disrupted as some children joined their parents in the protests.

Appendix 12

March for legal electricity

Rising Sun Feb 23 - March 1 - 2011

REPORT & PHOTOS BY PRIYA RANCHOD

THE residents of Thembilihe, Ext 9, Lenasia marched to the City Power building at Corobrick after concerns of not having legal electricity, water and a sanitation.

Residents living nearby are said to have woken up last Thursday morning to 'toy toying' and burning tyres on the K43 raod.

Johannesburg Metro Police Department (JMPD) together with the Lenasia SAPS had to control the huge crowd which made their way towards City Power.

At City Power the residents of Lawley joined in the protest legal electricity. This follows an incident earlier this month, where illegal electricity cables were disconnected in the area.

Bhayzer Mia, a Thembilihe resident speaking to the *Rising Sun* said, "We have an issue with not having electricity and we are therefore using illegal electricity by connecting illegal wiring. We however, no longer wish to use illegal wiring for light. City Power must connect legal electricity for us."

Mia added that government is given seven days to respond and that if nothing is delivered, protests will resume.

Councillor for the area Dan Bovu said that Council wants to move residents to a better place, as Thembelihle is not a developed place like Lehae.

He stated that Thembelihle has water and 'VIP' toilets in place, and that Council will try to deliver the basic necessities where feasible. He also noted that electricity forms part of permanent infrastructure and that it cannot be installed if a place is undeveloped.





Protestors took to the streets with sjamboks and s… their frustration about service delivery issues.

Appendix 13

Service delivery protests

Report and photos by Priya Rachod

RESIDENTS of Thembelihle Informal Settlement again embarked on a service delivery protest.

This time around, the June 9 protest was allegedly due to a toilet saga.

Protestors blocked Capella Street with rocks and burnt tyres on the K43. A heavy police presence ensured that the K43 and Volta Street were also blocked.

Residents claim that a meeting was to be held between themselves, Joburg Water, Councillor Janice Zondo, a contractor from Limpopo Province and the police to discuss the putting up of toilets in the area.

However, they state that the meeting, which was to be held June 6, did not materialise. They added that members of the community were suppose to be employed as part of the toilet building project.

Councillor Janice Zondo, speaking to the ***Rising Sun,*** said that the toilet project was initiated before her term of office. She added that residents are demanding a 10% from contractors who were suppose to put up the toilets. "They (the residents) were getting information that the 10% is money. But is not money, it is the skills going to be given to the community. We are currently working on finishing the 120 toilets; 20 people (from Thembelihle) are working this week. Next week, another number will be starting."

Zondo stated that the meeting did transpire on Monday, and that Council is awaiting Joburg Water's response.

She also criticised protestors from stopping others within the community from going to work or school.

The recently elected MMC for Housing, Dan Bovu, who was previously the Councillor for the area, was also present on scene.

He said that stakeholders need to agree on methods used for creating employment locally so that solutions are found.



Protestors climbed the roof of a bus shelter and held up placards to get their views across.

Rising Sun June 15-21-2011





are pictured burning tyres on the K43 road which was blocked on June 9 after protest action in the area.

Appendix 14

The Citizen Thursday 27 June 2002

Jo'burg's squatters to get a better deal

By GILLIAN REDMOND

THOUSANDS of squatters living in greater Johannesburg are to receive better living conditions following the council's identification of eight informal settlements for upgrading.

Director for housing, Shimi Maimela, said the eight projects formed part of the city's strategy to reduce its current housing backlog of 217 000 units to 50 000 over the next three-and-a-half years.

The city also aimed to have all 89 informal settlements formalised by next year. By 2007, most informal settlements will have been upgraded while 22% will have been relocated.

The eight projects are:

Diepsloot

The development of 1 165 serviced sites for families will be complete by March next year. A total of 3 850 serviced sites and top structures have already been delivered.

Zandspruit

Zandspruit Extension 16 will replace the original transit camp and 240 families will receive title deeds to stands in the township.

The Golden Triangle

The relocation of about 7 000 families living in the Ruth First and Freedom Park informal settlements will be completed in July.

Baralink Precinct Nine/Elias Motswaledi Informal Settlement

Housing opportunities for 11 500 families will be provided.

Thulamntwana/Kekana Park 3, 4 and 5

The settlement of about 3 019 households relocated from Johannesburg Central has been formalised and the transfer of title deeds is awaiting the screening of housing subsidy applications by the Provincial Housing Department.

Weiler's Farm

A total of 3 200 residential stands with associated uses will be developed in three phases.

Vlakfontein 1, 2 and 3

A township will be established and services installed on 4 000 stands for the benefit of the Thembelihle community which will be relocated from August to the end of November.

Vlakfontein West Project

A township will be established and basic services installed on 6 000 stands for the Eikenhof, Dlamini Camp and Drill Hall families. – *CNS.*

Appendix 15



Page 02 LENASIA TIMES Mid-May, 2015

Government registers Thembelihle as a housing project

« continued from pg 1

government media statement on the matter, Thembelihle "will now receive dedicated government support, provision of services including housing and related infrastructure such as water and electricity following the approval and formal registration of Thembelihle as a housing project under the Department of Human Settlements".

Thembelihle will also be part of the City of Johannesburg's 'informal settlements electrification plan' whilst the issue of low water pressure in the area is set to be tackled by Johannesburg Water.

"The registration of Thembelihle as a housing project is a key milestone in the history of Thembelihle. Although we are rendering some services to enable residents to meet their daily needs, it has become imperative to plan better and to manage the informal settlement as a formal project because of the growing needs, demands and challenges in the area. The registration was approved on 30th March 2015 and this marked the beginning of a turnaround for Thembelihle," MEC Mamabolo explained.

The City of Johannesburg is also due to appoint consultants (who will "be announced to the community in two months") to conduct geotechnical studies in Thembelihle to determine the extent of dolomite in the vicinity and whether adequate development could subsequently occur. The presence of dolomite makes development in Thembelihle difficult, expensive and even dangerous. But residents of the settlement frequently contest the view that dolomite could be found beneath their feet so a detailed study has become imperative, the results of which would be submitted to the Council for Geosciences for "final reporting and approval".

The government statement mentioned that MEC Mamabolo did however assure the community that "basic services will continue to be delivered in the area pending (the) final geotechnical report and that the process of registering individuals for government housing will continue".

"Thembelihle has been registered as a housing project to enable government to invest resources for development and improving lives of this community. The process of registering people for government service will have to be re-done, it becomes difficult for us to plan without knowing who is qualifying for government services and who is not if people are not verified," added MEC Mamabolo.

According to the government statement released, the MEC mentioned that "priority will be given to vulnerable groups like women and people living with disability" whilst he added that "government will ensure that Thembelihle is stabilised and (will) bring the life of this community to normality".

Many Lenasia residents who've supported Thembelihle's quest to receive better infrastructure can now hope that this government announcement will make for a safer environment in the region, and that it will cause the termination of disruptive and sometimes violent

Appendix 16



THEMBELIBLE RELOCATIONS

LENASIA TIMES

Following a geological study that was carried out by the former Southern Metropolitan Substructure, it became apparent that Thembelihle is dolomitie and therefore unsafe for human habitation. A decision was taken to relocate the people of Thembelihle to Vlakfontein.

A consultation process was embarked upon with the affected communities and attendance registers of those meetings with testify to the extensive consultation process.

Initially 1500 stands were pegged in Vlakfontein. The Unicity of Johannesburg continued the development process of Vlakfontein that it had inherited. To date approximately 1300 families have been resettled in Vlakfontein voluntarily. Most people moved voluntarily despite isolated and sporadic acts of violence by a small group of protestors. 700 additional families have approached the offices of Region 11 to request their own relocation. This is a clear indication of the community's recognition of Council's bona fides in the relocation of the community to Vlakfontein.

A further decision was taken on the 7th March 2002 to ensure that a fast track programme would be embarked upon to bring the remaining 2500 stands to the same level of service as the first 1500 stands.

The Gauteng Provincial Department of Housing committed itself to providing the funding required to implement Mayibuve or the remaining 1500 stands and Essential Service funding on the balance of 2500 stands. It is regrettable that certain elements within the community seek to politicise and ride on the tide of a potentially volatile situation. We have learnt with regret the bombing of the school in Lenasia. The perpertrators of this ghastly act should be brought to book. We condemn all acts of violence and intimidation. Continued dialogue is the only solution.

For more information please contact:
Kgotso Chikane
Spokesperson for the Executive Major
Tel: (011) 407-7558 Fax: (011) 339-5704 Cell: 082 464 9446

Appendix 17

The Citizen Wednesday 26 June 2002

'We won't be moved'

By LIESL VENTER

AT least nine people were injured yesterday when police opened fire on residents of an informal settlement in Lenasia, where "forced removals" have been causing an uproar since Friday.

Superintendent Richard Luvhengo, Soweto police spokesman, said the problem had started when some residents of the Thembahle informal settlement had been told to relocate to Vlakfontein.

"Residents are resisting the relocation," he said. "They have blocked roads and put burning tyres over some of the roads."

Police opened fire when a few hundred residents, armed with sticks and stones, started moving towards the main roads.

Thami ka Plaatje, PAC secretary-general, yesterday addressed the residents and requested them to be peaceful.

"The people are not prepared to move," said Ka Plaatje.

"They have been told to move to an undeveloped site where they have only built toilets." He said people had been advised to move because the area was regarded as geologically unsafe, but he disputed this.

According to Sibongile Mazibuku, Director of Region 11 of the City of Johannesburg, the council had made a decision to relocate the people to Vlakfontein.



PEACE in Lenasia was shattered yesterday when police clashed with residents of an informal settlement, where some residents have been asked by the council to move. *Picture by LETTIE FERREIRA*

"It is not forced removals. At this stage we are only moving about 350 families who have paid their connection fees. I'm not sure what all this is about – everything has been voluntary so far."

She said 150 families had been moved from the area to Vlakfontein in December. About 5 000 people live in the informal settlement.

The community yesterday disputed this, saying they had informed the council of their reluctance to move.

Mondi Maila, a community leader and organiser of the marches in the area, yesterday said claims by the council that removals were voluntary was untrue. "People are being intimidated to go and pay connection fees," Mr Maila said.

Appendix 18

[redacted]



SCHOOL OF ARCHITECTURE AND PLANNING



SCHOOL OF ARCHITECTURE AND PLANNING
HUMAN RESEARCH ETHICS COMMITTEE

CLEARANCE CERTIFICATE	**PROTOCOL NUMBER SOAP/15/09/23/34**
PROJECT TITLE	Participation as civic governmentality? The Politics of Mediation in Thembelihle.
INVESTIGATOR(S)	Lourenco Marisa (student#: 951057)
SCHOOL	Architecture and Planning
DEGREE PROGRAMME	Master of Urban Studies
DATE CONSIDERED	14 October 2015
DECISION OF THE COMMITTEE	Approved
EXPIRY DATE	14 October 2016

CHAIRPERSON _____
(Professor Daniel Irurah)

DATE 14/10/2015

cc: Supervisor: Prof. Marie Huchzermeyer

DECLARATION OF INVESTIGATOR(S)
I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee.

_____ _____/_____/_____
Signature **Date**

School of Architecture & Planning
University of the Witwatersrand
Private Bag 3 Wits 2050
Johannesburg South Africa
www.wits.ac.za

T + 27 11 717 7623
F + 27 11 717 7649

Appendix 19

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

School of Architecture and Planning

Private Bag 3, Wits 2050, South Africa. Cell ph. +27-83 988 4582. E-mail: marisalourenco89@gmail.com

Date: ___/____/20____

Dear [Interviewee Name]

Information sheet for research on the impact of community participation in Thembelihle

Given your involvement with community members in Thembelihle, I would like to request an interview with you. This is in connection with my Master of Urban Studies degree at the University of the Witwatersrand, as part of the required research report.

I am interesting in uncovering and assessing the impact of community participation, using Thembelihle as a case study. When used to facilitate discussions to shape policy, community participation is seen to empower citizens, and tool to make government responses more appropriate. Yet this process is not without its issues. I would like to unpack these issues in the chosen study site.

I am conducting in-depth interviews with those who are currently facilitating participation in Thembelihle, as well as those who have been involved in the community prior. I will be conducting all the interviews myself. All your insights will be treated confidentially and only be shared with my supervisor, Professor Marie Huchzermeyer. I envisage an interview to last one hour, time permitting. The interviews will be conducted at a location chosen by you. I will take hand-written notes, but would like to use a tape recorder as back-up, should you be comfortable with this. If you are unable to meet in person, I would be able to send you questions over email.

The research report will be made available in hard copy in the main library at the University as well its online portal.

Participation in this research is of course voluntary, and your refusal to participate will not have any implications. You may stop the interview at any point and you may also withdraw consent after the

interview is conducted. There will be no direct benefits (such as payment) for participating in this study. I am aware that I might not fully understand the sensitivity of some of the questions I intend asking, and will appreciate this being pointed out to me in the course of the interview.

I would look forward very much to interviewing you, should you be available and willing. Please do not hesitate to contact me with any questions about the research before or after the interview via the contact details above. You may also contact my supervisor for clarification: Marie.Huchzermeyer@wits.ac.za or 083 424 2457.

Yours sincerely,
Marisa Lourenço

Appendix 20

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

School of Architecture and Planning

Private Bag 3, Wits 2050, South Africa. Cell ph. +27-83 988 4582. E-mail: marisalourenco89@gmail.com or marie.huchzermeyer@wits.ac.za

Consent form: Research on the impact of community participation in Thembelihle (conducted by Marisa Lourenço and supervised by Professor Marie Huchzermeyer)

The research for which I will be interviewed has been explained to me.

I understand that the research is for academic purposes (research report in partial fulfilment of the Master of Urban Studies degree) and will become available in hard and soft copy at the University of the Witwatersrand after its completion.

I also understand that my participation is voluntary, therefore I may refuse to be interviewed, may refuse to answer any of the questions and I may withdraw from the research process at any point. Should I consent to my name being used in citations of the interview, I also understand that I may request that certain statements be cited as anonymous (without my name being associated with them).

- I hereby agree / disagree to be interviewed [cross through the option that does not apply]
- I hereby agree / disagree for a voice recording device to be used [cross through the option that does not apply]
- I hereby agree / disagree to my name being used in citations of the interview, except where otherwise requested in the course of the interview [cross through the option that does not apply]

Full name and title of participant:

_____

Position/designation of the participant:

_____

Institution/department/section in which the participants works:

_____

_____

Signed: _____ Date: _____

Appendix 21

CONSTITUTION OF THE THEMBELIHLE CRISIS COMMITTEE

AS AMENDED AT THE ANNUAL GENERAL MEETING OF THE TCC ON 10 AUGUST 2013

A. THE FOUNDING PROVISIONS

1. PREAMBLE

We, the community of Thembelihle have been living in an informal settlement a long time and this has resulted in members of our community being unable to enjoy the fruits of the hard-fought-for democracy despite the existence of constitutionally guaranteed rights. We face a number of socio-economic challenges that obstruct our well-being and advancement.

Realising that the intervention of the community could bring about a positive change, we hereby resolve:

a) To establish a community based organisation whose main purpose will be to ensure the advancement of the community of Thembelihle through unity in struggle to overcome our socio-economic challenges, by encouraging active participation, control and ownership by members of the community.

c) To adopt the following document as our Constitution that will guide the affairs of the organisation and be the supreme law such that all policies, regulations, decisions and actions by our members should not contradict it.

2. NAME

i. The name of the organisation shall be the **Thembelihle Crisis Committee** hereinafter referred to as "TCC".

3. OBJECTIVES

i. To unite and mobilise the community in the struggle to win the satisfaction of our socio-economic needs.

ii. To advance the struggle for *in situ* development, that is, the building of houses and related infrastructure in the land we currently occupy.

iii. To expose forces propagating self-interest and capitalism at the expense of the working class and the poor; ensuring that they do not impede our struggle.

iv. To fight for the provision of free basic services for all.

v. To strive for maximum unity of the working class in general in the struggle against the capitalist class and their state.

vi. To eradicate gender inequality, racial discrimination, tribalism, xenophobia, homophobia and all other forms of oppression.

vii. To align ourselves internationally with other formations of the working class and the poor fighting against capitalist exploitation and oppression.

viii. To use solidarity and working class methods of struggle including mass democratic organisation, mass action, mobilisation, and campaigning as the foundation to win our struggles.

1

ix. To advance our struggles against capitalist deprivation guided by the vision of socialism.

4. LEGAL STATUS

i. TCC shall be a legal person with capacity to litigate on its own name. The chairperson and secretary, or any designated office bearer of the organisation, shall represent the TCC in all legal proceedings.
ii. An official or agent of the TCC shall be indemnified from derelicts committed while performing authorised duties of the TCC within the scope of his/her mandate.
iii. TCC shall acquire, own and dispose property in its own name.

5. MEMERSHIP

i. Membership of the TCC shall be open to any individual (regardless of colour, gender, age, country of origin and sexual orientation) who stays in and around Thembelihle and who support the objectives of the TCC as outlined in Clause 3.
ii. Members shall fill an application form which will be presented at the General Meeting which shall have the sole discretion as whether to admit a member or not.
iii. A joining fee payable on an annual basis will be determined at the General Meeting.
iv. The TCC General Meeting shall be entitled to expel any individual member from the TCC when in its opinion such an individual has materially contravened any of the objectives, resolutions, code of conduct or the Constitution of the TCC.
v. Members who are expelled from the organisation shall be entitled to appeal to the Annual General Meeting.
vi. All TCC members are equal in the organization and will treat each other as such.

6. RIGHTS AND OBLIGATIONS

a) Rights

i. Members have got the right to participate in the activities, decision making processes and meetings of the TCC, including attending the Executive Committee Meetings. However non-executive committee members shall only have observer status in this meeting – they will not have voting rights but speaking rights only.
ii. Members shall be entitled to be elected to any position in the TCC.
iii. A member has a right to express his/her views and opinions freely in the TCC and the necessary tolerance and respect will be accorded to him/her.
iv. A member has a right to resign whenever they want to.

b) Obligations

i. Members are obliged to work towards the achievement of the objectives of TCC as set out in Clause 3.
ii. Members must actively participate in the TCC, e.g. attending meetings, execute tasks and be involved in other activities.
iii. A member is obliged to respect other members' views even when they do not agree with them, but equally have the right to present their views on the matter.
iv. Members must respect all the democratic decisions of the TCC.

v. Members should report back to the TCC when mandated to represent the TCC in other structures, events and activities.

vi. Members must at all times be guided by the spirit and practice of working class solidarity in their participation in the organisation.

7. DISCIPLINE

i. Any member of the TCC shall be disciplined for violation of the Constitution, policies and resolutions of the TCC in accordance with the TCC code of conduct adopted by the TCC General Meeting.

ii. Five people elected at a General Meeting plus the chairperson and the secretary shall constitute a disciplinary committee. Where a member of the disciplinary committee is involved in a disciplinary matter, he/she must recuse themselves and a substitute will be elected from the General Meeting.

iii. The primary aim of discipline will be to rehabilitate a member and expulsion will be a last resort. Disciplinary processes must not be used to settle scores or resolve political differences.

iv. Rules of natural justice shall be followed in all TCC disciplinary injunctions.

8. STRUCTURES

8.1. Annual General Meeting (AGM)

i. The AGM shall be the highest decision making body of the TCC and shall be held once a year. The AGM shall be attended by members of the TCC who are in good standing.

ii. Members shall be notified of the date, time and venue of the AGM in not less than 21 days before the date of the AGM. Each member shall have one vote.

iii. A quorum shall be 50% + 1 of the entire membership of the TCC. If there is no quorum at the time of the meeting, then the meeting shall be adjourned for a further period agreed by those present, provided that no less than seven days notice is given to all members outlining the date, time and venue to which the meeting is adjourned.

iv. At the adjourned meeting, all those members present shall constitute a quorum. The Chairperson of the TCC shall preside, and in his/her absence, the Deputy Chair and in his/her absence any other office bearer of the TCC nominated by the members present at the meeting to do so.

v. Minutes for all TCC structure meetings shall be taken by the Secretary (or the Deputy Secretary in his/her absence) and shall be made available to members on request. TCC minutes shall be safely filed and made available whenever they are requested by members and any other authorised body.

vi. Any matter before any AGM shall be resolved by consensus and if not by a simple majority of members present. In the event of an equality of votes, the chairperson shall exercise a deciding or casting vote. Only members present shall be entitled to vote and there shall be no proxies.

vii. A member who has forwarded an apology and indicated his/her availability shall be entitled to contest for election.

8.1.1 The AGM shall further

i. Receive and consider the TCC's Chairperson's report, Secretary's report, Coordinator's report and a financial report for the preceding year.
ii. Nominate candidates for and elect the Chairperson, Deputy Chair, Secretary, Deputy Secretary, Treasurer, Coordinator, Spokesperson and three Additional Members.
iii. Consider any notice of motion which has been submitted to the TCC in writing at least 1 week before the AGM. Special motions can be submitted during the course of the AGM provided a simple majority of members agree to a particular motion being submitted for discussion.
iv. Transact any other relevant matters.
v. Have the powers to amend the constitution or refer these powers to the general meeting.

8.2. The General Meeting (GEM)

i. The GEM shall be the highest decision-making body of the TCC in between the Annual General Meetings (AGM). The GEM shall be a regular meeting and the day, time and venue shall be determined by the TCC memberships as they deem fit.

ii. The GEM of the TCC shall accommodate all members and supporters of TCC; however, supporters shall not have voting rights but shall retain the right to participate fully in discussions.

iii. The Chairperson, Secretary and Coordinator of the TCC shall be responsible to ensure that the GEM sits consistently.

8.3. Executive Committee (Exec)

i. The Exec shall compose of: a Chairperson, Deputy Chair, Secretary, Deputy Secretary, Treasurer, Coordinator, Spokesperson and three Additional Members. The Exec shall be responsible for the day-to-day running of the organisation. The Executive Committee shall propose the agenda for the GEM and provide strategic direction in between the GEMs.

ii. The meetings of the Exec shall be open to all members; however they shall only have speaking rights but no voting rights.

iii. The Exec shall hold office for a period of one year.

iv. The right of recall exists in relation to Exec members. A member, when exercising the right to recall shall submit written reasons supported by signatures of at least 10% of the total TCC membership for such a proposed recall before the GEM, and the GEM shall decide on whether there are valid reasons for a recall of the Executive Committee member, and where an Exec member is recalled, such vacated position shall be filled in the next GEM. A person filling the post shall hold the position in an acting capacity until the next AGM.

v. Any vacant Exec member position shall be filled at a GEM and a person shall hold the position in an acting capacity until the next AGM unless recalled before the date of that AGM.

9. Financial Matters

i. It shall be the primary responsibility of the Treasurer, with the Executive Committee's assistance to mobiles funds for the TCC.

ii. She/he shall also be responsible for the tracking and recording of funds coming in and going out of the coffers of the TCC and give reports when required.

iii. All TCC financial documents shall be kept in a file and made available when required by members for scrutiny and any other authorised body.

10. Amendments of the constitution

i. The constitution shall be amended with 70% of the votes cast in the AGM of TCC or a special GEM as directed by the AGM.

11. Dissolution of the TCC

i. The TCC may be dissolved by a resolution at a TCC GEM at which 75% of the votes cast are in support of such dissolution.

ii. The notice convening such a meeting shall state that a motion to dissolve the TCC is to be put at the meeting and not withstanding any contrary provision of the constitution it shall not be competent for such a meeting to waive the requirement of the notice in terms of this clause.

iii. The notice aforesaid shall be given not later than three (3) weeks before the date of the meeting.

iv. Upon dissolution, the TCC shall pay off its debts. In the event there are assets or money left, these shall **not** be distributed amongst members. Instead, the TCC shall identify, at the meeting where the dissolution is discussed, an existing non-profit organisation that shares similar objectives to those of the TCC and which could benefit from the assets or money leftover.

_____ _____

Chairperson **Secretary**