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Socio Economic Rights Institute (SERI) Evaluation Report

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Independent evaluation of

Socio Economic Rights Institute (SERI)

Projects and titles

KZE Project No. 150-900-1105 ZG *"Socio-economic rights intervention in support of informal settlements and migrants"* with a project period of 24 months, 1st May 2010 to 31st April 2012;

KZE Project No. 150-900-1157 ZG *"Socio-economic rights intervention in support of informal settlements"* with a project period of 34 months from 1st May 2012 to 28th February 2015

KZE Project No. 150-900-1200 ZG *"Informal settlement upgrading and urban land access in South Africa"* with a project period of 36 months from 1st March 2015 to 28th February 2018

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The views expressed in this publication are those of the authors and do not necessarily reflect the views of SERI or MISEREOR

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Abbreviations

AbM	Abahlali baseMjondolo
ANC	African National Congress
CALS	Centre for Applied Legal Studies
CBO	Community Based Organisation
CDF	Community Development Forum
CoJ	City of Johannesburg
CORC	Community Organ. Resource Centre
DA	Democratic Alliance
DAC	OECD Development Action Committee
DAG	Development Action Group
ED	Executive Director
ICF	Inner City Federation
ICRC	Inner City Resource Centre
KII	Key Informant Interview
KZN	KwaZulu-Natal
NDHS	Nat. Dept. of Human Settlements
NDP	National Development Plan
NGO	Non-Government Organisation
NUA	New Urban Agenda
NUSP	National Upgrading Support Programme
PILS	Public Interest Legal Services
SDF	Spatial Development Framework
SDG	Sustainable Development Goals
SERI	Socio Economic Rights Institute
SPCDF	Slovo Park Community Development Forum
SPLUMA	Spatial Planning and Land Use Management Act
ToR	Terms of Reference
ToC	Theory of Change
UISP	Upgrading of Informal Settlements Programme
ZAR	South African Rand

I. Executive summary

Context and SERI

Despite great achievements in the delivery of housing in 23 years since the end of apartheid (including more than 3.7 million housing subsidies provided[1] through the South African reconstruction and development programme) poverty and socio-spatial segregation continue to grow in South Africa (SA), and there is a tendency of the apartheid patterns being perpetuated by the dynamics of new markets ideologies and politics. Indeed, a rising backlog in housing (2.1 million in 2016), together with a perpetuation of informal settlements (2 600 settlements that house 13% of SA's households) and the prevalence of hundreds of "illegally" occupied inner city buildings (such as in Johannesburg) illustrates the limited capacity of the government to provide the poor and vulnerable in the country with adequate solutions. While South Africa is a country with one of the most progressive constitutions in the world and a progressive and innovative policy framework, the problem mainly lies in their implementation on the ground. Within this context, the Socio-Economic Rights Institute of South Africa (SERI) is a non-profit human rights organisation trying to address the gap between policy and implementation by working with communities, social movements, individuals and other non-profit organisations to develop and implement strategies to challenge inequality and realise socio-economic rights for the vulnerable and poor. The organisation was founded in 2010 and provides legal advice and representation, research services and advocacy support to its clients and partners.

The evaluation

The MISEREOR collaboration with SERI is targeted at informal settlements dwellers and inner city residents. Even though MISEREOR has been a funder of SERI since nearly the beginning of its inception, a formal evaluation of SERI's performance with respect to its three contracts with MISEREOR has never taken place. As SERI nears the completion of its third funding cycle and prepares for its fourth, an assessment of the results SERI has achieved to date was mandatory. SERI itself has wanted to use this opportunity for reflection as a broader opportunity for organizational learning. As such, there are two components to the evaluation. The first is summative based on MISEREORs past three projects, two of which have ended. The second dimension is formative in that it serves as an institutional review of SERI. These two dimensions guide the two broad questions of the evaluation:

1. In how far SERI's work related to poor communities is supporting emancipatory processes and helps to develop, enhance and consolidate grassroots movements and to strengthen their performance in the defence of their interests.
2. Whether and how the extent to which the relationship of SERI as a legal NGO to poor communities as "partners" or "clients" influences dynamics of local organisation.

The evaluation reviewed the outputs and outcomes achieved through the implementation of three MISEREOR-funded projects and demarcated the broader impacts they have had in helping shape the spaces in which informal settlement dwellers and occupiers of inner city buildings act to set their own agendas for change. This is an opportunity for SERI to learn about its key factors of success and to reflect on some organizational areas of reform in order to improve its performance going forward.

[1] http://www.politicsweb.co.za/news-and-analysis/why-cant-we-clear-the-housing-backlog--irr (r14.12.2017)

Methodology

The methodology of the evaluation is qualitative drawing on a variety of instruments for data collection ranging from site visits (6 sites), to focus group discussions and group interviews (8 groups, 2 group discussions), to key informant interviews (25 interviews) so that a triangulation of the diverse set of data sources ensures validity of the knowledge generated. This primary data collection has been supplemented with secondary data collection based on a reading of selected SERI publications and contextual reports. The project contracts have been systematically analysed and assessed in combination with the periodic reports. This qualitative approach has been used to address a comprehensive list of 70 questions organized along the criteria of the OECD Development Assistance Committee (DAC). These are listed in Annexe 6.5 and correspond to the ToR for the assignment Annexe 7.1. In addition, two case studies were developed that present a deep story of SERI's interventions and that drew on a realist synthesis method, which outlined the context, mechanism (intervention used by SERI) and outcomes and it explored the configurations between these three points of analysis. The two case studies selected draw on two of SERI's strongest and oldest clients/partners.

Summary of key findings by DAC criteria

Relevance

The focus of SERI's work is well-aligned with national and international drivers, trends and challenges related to the realization of socio-economic rights. These trends include increasing poverty, marginalisation and exclusion in combination with privately-driven urbanisation, privatisation of land and housing markets and the perpetuation of post-apartheid patterns of segregation. The rights-based approach reflects the international human rights convention and is well-aligned with international frameworks and policies such as the 2030 Development Agenda (SDGs) and the New Urban Agenda, as well the National Development Plan (NDP).

SERI's mission and programme of work is "needs-based" and operates on eye-level with the poor and vulnerable in informal settlements and in occupied inner city buildings. This work empowers and builds the capacity of organisations of the poor. The housing/land themes work hand-in-hand with SERI's work on strengthening opportunities for securing economic livelihoods and protecting the target beneficiaries in exercising their first generational rights. As such, SERI's three programmatic areas of work ("Securing a home", "Making a living" and "Expanding political space") are well-aligned with MISEREOR's approach of solidarity and empowerment of the poorest of the poor and of assisting people to help themselves.

Impact

SERI's interventions opposing evictions have directly reached more than 70 000 dwellers of informal settlements, approximately 3 500 inner city units (with ca 10 000 residents), and close to 1 000 people receiving alternative accommodation. Beyond this, SERI's key strategic litigation cases have set precedents on the interpretation and implementation on the role of basic rights and appropriate standards as related to shelter and alternative accommodation, basic services and protest rights. This has had country-wide impacts on all residents of informal settlements in the country (5-6 million) as well a similar mummer vulnerable and poor in other forms of "deprived" accommodations.

In addition to empowering and securing social movements and communities that are its clients/partners, SERI's work has had significant impacts in changing the jurisprudence around the state requirements that have to be in place in order to evict poor people. Examples include: San Jose and Blue Moonlight, two legal cases in the inner city of Johannesburg obliging the government to provide alternative accommodation before relocating tenants. Most of the experts interviewed as part of this evaluation confirmed that the outcomes of these repeated victories have led to an apparent reduction of eviction cases and provided a voice and an action space to residents and communities. Moreover, the

Slovo Park informal settlement victory has put new pressure on local governments for the implementation of the Upgrading of Informal Settlements Programme (UISP) as the court ruling established that the programme is binding on all municipalities ascertaining that upgrading is preferred to relocation. The recent victory on the Marikana informal settlement in the Cape Town in August 2017 has granted security of tenure to 60 000 people, whom over years had been living on small-holdings on private property. This High Court victory has moved the goal post for informal settlements beyond the "alternative accommodation" pathway to a change in property relations.

SERI works in a "societal arena" that includes long time frames for change, is highly dynamic, complex, politically contested and characterised by multiple "players". Chains of causes and effects and medium- and long-term outcomes can hardly be predicted and controlled. In this context this evaluation observed various possible unintended consequences, for example people who remain "stuck" in transitory shelters for many months and years. But by no means can SERI be "blamed" for exclusively causing any of these effects, as they belong to the complex setting as outlined. SERI seems well aware of many of the unintended effects and mitigates these through close relationships with clients and long-term partnership engagement. Nonetheless, the evaluation sees significant potential for a more systematic and institutionalised reflection and monitoring of this "cosmos" of effects of its own work.

Effectiveness

A majority of the outputs related to the three MISEREOR Projects on litigation, the organisation of community organisations, as well as research and advocacy work on the Inner City and on informal settlements has been fully achieved. Some targets, such as the number of members of the social movement Abahlali baseMjondolo (Shack Dwellers) that have received training for paralegals, have been surpassed. Apparently, a few results, especially those related to impact on partners, have been difficult to measure and to report for SERI. In this context, the evaluation recommends a consistent and standardised format of the contracts and project designs and better SMART indicators. Even so, the evaluation affirms that the objectives of all project contracts have been feasible, given the fact that almost all objectives have been met and to a high quality of standard.

Efficiency

The budget of the organisation has tripled from R5 million per annum in 2010 to more than R15 million (ca USD 1,1m) per annum in 2017. With this increase in budget, the organization has expanded from 9 people to 24 and the operational activities of SERI's three programmes have substantially widened and deepened as a result of this increase in budget. At present, the organisation seeks to optimise efficiency and effectiveness through a combination of selected strategic litigation and a team size that still allows for close cooperation and communication. Cost effectiveness is maximised through factors such as motivated and capable staff (with high social skills), young advocates programmes and interns, in-house research and advocacy services, and cooperation of partners and peers to support with litigation. Further increases in cost efficiency would be possible through a better use of technical infrastructure and support services as well as through partnership strategies to help move community development issues forward, as the approach to remain with clients in the long-term takes up much time and resources.

Organisationally SERI has a highly efficient (and effective) staff structure. An Advisory Board provides oversight and strategic guidance. Despite the fact that several of the founding members remain with the institution, there has been an inevitable trend of turnover and transformation. This has underlined the need for an ongoing strengthening of SERI as an organisation, through an institutionalisation of processes and standards, e.g. on monitoring, evaluation and learning and staff development.

Sustainability

Social sustainability is an intrinsic component of SERI's work that focuses on socio-economic rights in relation to the housing and human settlements sector, mainly through its "Securing a Home" pro-

gramme. The needs-oriented and demand-based approach and the practices of communicating at eye-level and remaining with "clients" for many years are leading to partnerships based on trust and are ensuring processes that are largely owned and driven by the "clients". The circumstance that most of the clients have exhausted all other options as available to them by the time they turn to SERI, and the fact that the "power" of litigation is on SERI's side, naturally implies that the relation with the "clients" is asymmetrical and tends to promote dependencies. In most instances as observed in this evaluation, SERI is acutely self-conscious about this challenge. Nonetheless, SERI needs to continue to ensure that this circumstance finds sufficient room for reflection and debate both internally and with its "clients".

Human rights, elsewhere a cross-cutting topic, is at the centre of SERI's work. Cross-cutting issues, such as gender, the excluded, the vulnerable and the poor are comprehensively addressed in their work programme and processes. At times, the deep respect of clients and the long-term view necessitates SERI to partner with vulnerable client groups who don't comply to all "norms" for example on gender equity. Nevertheless, the organisation has demonstrated that they are able to reflect and handle these situations without compromising its own ethics. Going forward, SERI could and should try to integrate more gendered-analysis into its research and advocacy work

As far as financial and organisational sustainability is concerned, SERI's relevant and successful work over the years has attracted a group of core donors. It will be important that this group is retained and expanded in the future. The potential to further enhance SERI's sustainability relates to the "developing SERI as an organisation" theme, including institutionalizing the learning from its external work and codifying its internal practices.

Partnerships

SERI works with different categories of partners. The first and most significant to SERI are clients that become partners, namely communities that it has been approached by and chosen to work with. Here SERI is reactive as a result of its needs-based approach to client selectivity. Ideally the "clients" benefit from SERI's action research, advocacy, and litigation services and SERI benefits from this as presenting a case that can advance its strategic programming. The second category is with networks and partners relating more significantly to its research and advocacy work. Here SERI's approach to partners is largely pragmatic, ad-hoc, intuitive and instrumentalist to serving SERI's own research/advocacy agenda. This applies in particular to NGO partners in the "field". There are also very good and close relationships with many peers in the public litigation field. Relationships with "other" NGOs exist on a case by case basis regarding collectively planning around how to tackle the development trajectory that follows after court victories. Not least, SERI's relationships and cooperation with government shows the highest degree of diversity. SERI works best with national institutions and national government bodies. It works well with the provincial layer of these institutions. The local government level is where SERI's tactical approach to being confrontational in defence of its clients' interests seems to have created a reputation that makes it difficult to simultaneously to be collegial and collaborative. The nuance of maintaining multiple relationships within a single local council that requires SERI to be confrontational and provocative in order to defend its clients has to be balanced with other entry points in the same organization that requires building alliances.

MISEREOR is one of SERI's long-term funding partners that have supported the organisation from the very beginning. Without this support, many of the landmark victories in the courts as well as substantial research outputs affecting all residents of informal settlement and "illegal" accommodations in the inner city would have not been possible.

Recommendations

1. The "Securing a Home" programme would gain from a medium- to long-term approach to spatial development and planning at the neighbourhood and city level. This could involve preparing for a

response to the estimate that (according to 2011 census figures) Johannesburg will grow by a further 1 million people by 2020, at a rate of 200 000 people per year, and that around half of these new residents will be poor and vulnerable. It is important to realise here that the answers to these challenges cannot be solved in a quantitative sense alone, such as 370 000 new houses that will be required, or affordable quantities of land. What is needed are approaches to urbanisation that promote social and economic diversity, integration, efficient densities, walkable neighbourhoods that enable communication, open architecture that stimulates socially-generated safety and security, public spaces and streets at human scale. The evaluators recommend that the growing line of spatial planning and thinking that SERI is doing should try to address how legal instruments and regulations could support the normative vision outlined above. There is a potential that SERI can become one of the thought leaders on the nexus of planning and law. For this purpose, it will be most efficient that SERI addresses this in combination with the recommendation four on strategic partnerships. SERI and MISEREOR should discuss internally whether new project components on urban legislation and urban planning could be developed in the ensuing contract to grapple with these realities.

2. SERI needs to institutionalize some of its organizational processes including strategic plans, annual targets, impact monitoring, project-based learning (MEL) and their interlinkages. On the monitoring side, indicators should be standardized and measured in order to better assess progress over time and demonstrate how outputs have led to outcomes. This should also be combined with consistent and better-designed contracts and project frameworks with MISEROR.
3. Looking inward, aspects of staff development, learning, and conflict management should be further strengthened and institutionalised. These internal processes of reflection could have the added benefit of deepening the understanding of organizational culture and the role of this in shaping SERI's interventions.
4. In order to ensure a transition from where SERI's interventions stop and the work of other critical players continues, a partnership strategy should be elaborated that sets out which partners are needed to help further some of the objectives within each of SERI's programme areas. This will require dedicated staff time on partnership management, preferably led by all directors and organised by one staff member. Specific attention should be put to refine the nuanced strategy for engaging with the various levels of governments and to define appropriate points of handing over and transfer of tasks to complementary organisations.
5. Despite the outstanding quality of SERI's advocacy outputs (i.e. the practical guides), for many of the "clients" and target beneficiaries, these are still hard to comprehend. Therefore, it is recommended that SERI should introduce the key project documents (especially the tool-kits and guidelines) geared at target beneficiaries in local languages most relevant to the clients in question. This should be done after an additional careful assessment of needs and feasibility and in close cooperation with the clients. In addition to the printed materials, complementary trainings and instructions should be offered.

1. Methodology

The methodological approach for this formative evaluation draws on a realist approach[2] that assesses the alignment between context, mechanism and outcomes, drawing on SERI's past work in informal settlements and the Inner City of Johannesburg, forming part of the "Securing a Home" programme. While the approach is implemented through two exemplary case studies, it is complemented by a combination of data gathering methods: a review of internal and external documents, a diverse sampling of individual and group interviews, a site visit and observation, a SWOT, a ToC and a stakeholder workshops with staff, followed by a triangulation approach to the findings.

1.1. Objective of the evaluation

The two main guiding questions based on the ToR are

1. To what extent SERI's work related to poor communities is supporting emancipatory processes and helps to develop, to enhance and to consolidate grassroots movements and to strengthen their performance in the defence of their interests.
2. Whether and how the relationship of SERI as a legal NGO to poor communities as "partners" or "clients" influences dynamics of local organisation.

The first question speaks to a summative evaluation of the three projects funded by MISEREOR between 2010 and 2016. As such, this evaluation will focus on reviewing the outputs and outcomes achieved through the implementation of the projects and the broader impacts they have had in contributing to shape the spaces in which informal settlement dwellers and occupiers of inner city buildings act to set their own agendas for change. The review of SERI's advocacy, research and litigation work will focus on the effectiveness of the projects in producing change and how they have contributed to the outcomes of supporting the achievement of SERI's broader organizational objectives.

The second question speaks to a formative evaluation that draws on a larger review of SERI's work in the "Securing a Home" programme and answers questions relating to issues of relevance, impact, efficiency, sustainability and partnership themes. This second component of the evaluation draws on how SERI's programme objectives for its "Securing a Home" programme have been achieved in terms of gaining a better understanding of the role of SERI amidst the engagement of a broader configuration of stakeholders. A qualitative methodology is used for answering both questions drawing on data collected from a desktop review, focus groups, site visits and key informant interviews.

Both questions are answered through qualitative methods of data collection relying on a desktop analysis of key documents, key informant interviews, focus groups as well as on-site observations. A key-element is the triangulation/cross-verification of the respective information presenting different perspectives in the data analysis process.

1.1.1. Conceptual approach

A realist evaluation methodology, as applied in the two case studies, looks for context-mechanism-outcome hypotheses (configurations), as a means of capturing the complexity of an intervention (Pawson and Tilly 2004). For instance, understanding the political or socio-economic circumstances underlying housing delivery in informal settlements forms a basis for identifying the SERI interventions through litigation, advocacy and research and how the outcomes of these mechanisms are shaped by contextual factors, like a policy environment, that can and at times and often do, change rapidly. These three key concepts – context, mechanism, and outcomes – are central to the case studies prepared for this evaluation to address issues of relevance, context and impact. These con-

[2] Pawson, R. and Tilley, N., 1997. *Realistic Evaluation*, Sage, 1997

cepts are central to the analytical framework used for processing the information gathered for the evaluation.

The authors believe this approach is best suited in order to contribute to the first of the two overarching questions of this evaluation on whether and how SERI's approach was capable of empowering and supporting community organisations and grassroots movements. The realist synthesis approach draws on empirical evidence in a manner that demonstrates the causality of context and SERI's interventions in shaping the development outcomes of the communities it works with.

1.1.2. Implementation

The implementation of the evaluation unfolded in three main phases with ten steps along the way.

1. After a ToR was prepared by the client, a bi-national team of consultants with complementary skills in urban planning, evaluation and basic services was selected. The first phase focused on data gathering with the first step involving document reviews of SERI's substantial body of research and advocacy products, as well as some context literature. These were summarized and annotated according to their relevance to key questions developed for the Evaluation Plan. This took place in late June and early July 2017.
2. The second step entailed an inception meeting with SERI staff to present the evaluation plan prepared by the consultants. The first session included three one hour workshops and teased out some of the more granular assumptions in SERI's TOC by getting staff to reflect on their day-to-day work. The second session focused on presenting the high-level themes and questions guiding the evaluation, and was helpful in surfacing additional questions that staff felt were important for the evaluation. The final group work exercise focused on a stakeholder analysis and illustrated how various staff member had very different perceptions of how they would rate key stakeholder vis-a-vis their power and influence. The inception session engaged staff into understanding what the evaluation was about and building staff ownership in the process outlined, and it also contributed to refining some of the questions and underlining some critical issues for the evaluation process such as the question of clients trust and dependency, or the relationship between SERI and the state.
3. The third step involved site visits to six locations including both informal settlements in Durban, Johannesburg and Ekurhuleni as well as two alternative accommodations in the inner city of Johannesburg. The selection of the sites was done in a collaborative manner with SERI. It corresponded to the scope possible during the mission and ensured that it reflected the diverse spectrum of SERI's work on "Securing a Home" while at the same time allowed for some deeper concentration on a few case studies. A further site visit to Cape Town was discussed but dropped during the planning process in order to concentrate on fewer case studies allowing more time for an in-depth examination.
4. The fourth steps in the data gathering phase involved 25 key informant interviews and 10 group interviews drawing from a diverse sample of academics, government officials, NGOs, SERI staff, former staff, board members, as well as "clients" and their organisations. A few of the interviews (3) have been led with eternal experts who know SERI, but who don't have any close working relationships to the organisation. An important aspect of the interviews with "clients" was the probing on the dimension of "trust" as a component of quality relationships. Significance was also given to observations related to gender equality. The majority of the interviews took place in the last two weeks of August 2017, and two additional interviews have been conducted in early September. Table 1 below outlines a breakdown of interviews held (see 6.3 for the list of names and sites visited).

Figure 1. Distribution of KI-Interviews and Type of engagement

Category	Completed	Original list
Academia, & Experts	6	10
Civil Society	10	12
Ex-SERI	1	1
Judge		1
Local Goverment	1	3
National and Regional Government	2	4
NGO	3	7
Private Sector	1	1
SERI	11	11
Ward Councillor		1
Grand Total	**35**	**51**

Type of engagement	Completed	Original list
Focus group	8	8
Group interiew	2	2
Interview	25	41
Grand Total	**35**	**51**

Summary:

- 35 interviews (8 FGs, 2 GIs, 25 KIIs),
- 6 Sites: Siyanda ISS, Thusong IS, Winnie Mandela IS, Ekurhuleni (Shelter), MBV1 (Shelter), Slovo Park IS
- Focus on Civil Society (CBO) Interviews (10),
- Gaps: Lack of local government i.e. Councillors,
- Some respondents belong to various categories (we indicate the present position/ role in the table)
- Important aspect: Probing on the dimension of **"trust"** as a component of **quality relationships** (Trust components: Competence, Dependability/Reliability, Integrity, Openness and Honesty, Vulnerability, Concern for Employees, Identification, Satisfaction, Commitment. (Delahaye 2003)

5. The second phase of the evaluation entailed entering the interview data. This was done by the means of a spreadsheet based tool combining the basic information of the interviews together with summaries on SWOT, DAC criteria, key quotations and selected recommendations coming out from the interviews. (Annexe 6.6).
6. In order to present the early findings to the SERI staff, a debriefing and validation workshop was held on September 1st 2017. A presentation was made on high level findings in which staff were able to interrogate these findings and question areas of emphasis. Group work was organized around a SWOT analysis stemming from evaluation findings where staff interrogated ca. 80 statements on SERI (Annexe 6.10).
7. Step seven focused on deductively coding the data on an excel spread sheet to tease out key findings from each of the interviews and site visits held. Furthermore, the stakeholder analysis of a few site visits was mapped out in order to capture the nuances in the power dynamics of a wide body of actors that influence SERI's work. (Annexe 6.12) This took place in the last few days of August 2017.
8. The third phase of the evaluation focused on an analysis of the data to answer the key questions developed in the evaluation plan and to reveal new and unexpected findings. This analysis was written up into a draft report, which was circulated to SERI for comment. This took place in the middle of September 2017.
9. Step nine entailed the generation of the final report through refining the results and taking into consideration the external comments made.
10. Step ten is outside the evaluation and comprises the follow up of the discussions by SERI and MISEREOR

1.2. Limitations

The evaluation at hand addresses three projects throughout seven years in complex urban settings. It also combines a summative and formative approach that addresses approximately 70 questions within a field work period of around two weeks. This approach entails advantages, such as a longitudinal and holistic perspective, but it also has limitations. The most significant of these are:

a) A complex and multidimensional urban context with many actors, regulations and long-time spans limit the ability to clearly attribute specific project outcomes and outputs to effects in the medium- and long-term.
b) The constrained time that was available for the field work led to a limited number of interviews, site visits and focus group discussions. While these can be seen as probes into the subject matter leading to findings with hypothetical character (as a result of a triangulation process), the setting does not aim and cannot produce any scientific, evidence-based findings and results. Nonetheless many recurring responses (such as comments made on SERI's confrontational relationship to the local government, clients showing strong dependence of SERI (in the worst case)[3], and a request for more cooperation from other NGOs), deserve to be taken seriously and as a ground for further consideration even when they are seen as controversial.
c) As far as the diversity of respondents is concerned, one limitation is an insufficient number of interviews with local government officials and local politicians. Despite the efforts of the evaluators, it was not possible to talk to any of the councillors related to project sites visited in order to get a direct perspective of the lowest level of local government. At the city level, the data collection focused on one former senior government official in the city of Johannesburg and a focus group with four officials from the planning department in eThekwini. At the national level, two former National Housing Department officials were interviewed who had an intimate understanding and engagement at the local level but understood the city's challenges from an intergovernmental perspective. Nonetheless, this was a drop in the ocean in trying to gain a sufficiently deep perspective at a local and national government level perspective.
d) Not least, while the deep examination of two case studies, of Slovo Park and AbM, following the realist approach manages to convey the complex setting and non-linearity of cause and effects chains at hand, generating a rich array of observations and results, the two case studies alone are not sufficient to provide comprehensive findings and general results. They can "only" provide individual examples of the rich and multifaceted contexts. The evaluation addresses this "gap" through the combination of the case studies with information from a larger and more diversified sample of sites and project stakeholders.

2. Project and broader context

2.1. Context South Africa

2.1.1. Global and SA policy context

One of the most significant international development agendas that has shaped debates around rapid urbanization and how best to cater for the urban poor has been with Goal 11 within the Sustainable Development Goals (SDG). One of the key target areas that the South African Government has signed up to relates to "ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums by 2030" (UN, SDGs, Goal 11). The second significant international influence on these debates is the New Urban Agenda emerging from the Habitat III agenda, held in late 2015 and speaks to the adoption of "policies that support incremental housing and slum/informal settlements upgrading programs." (UN 2015)

Despite great achievements in the delivery of housing in 23 years since the end of apartheid in South Africa (with 3.7 million housing subsidies provided through RDP), there have been numerous challenges such as ongoing disparities in income, socio-spatial segregation, and the marginalisation of poor in peripheral regions. Indeed, a rapid growth of informal settlements in areas of economic op-

[3] The issue of dependency of clients had emerged already during the inception workshop, indeed demonstrating that it is being reflected and debated in the organisation. The sensitivity to this dependency raised the antennae of the evaluators to the issue.

portunity and masses of poor people "illegally" residing inner city buildings can be seen as a sign of the failure of state policies to tackle the correct issues, trends and needs.

In the post-apartheid period in South Africa, a large majority of the population looked to the ANC and the government to deliver a new dispensation, aligned with constitutional imperatives. The state, for a long time, looked at the progressive realization of socio-economic rights in terms of targets. This is reflected in the significant reduction of backlogs both for housing, water and sanitation and the electricity services to households that had never had these services. The supply-driven approach, however, ignored an ongoing and ever widening gap between the capacity to deliver and the quantity and quality of demand of communities on the ground. Twenty-three years on from the dawn of democracy, with growing levels of corruption through state capture from above and below and the violence associated with it, the belief that the state can deliver the vision of what the constitution lays out has crumbled.

From a policy perspective, the National Planning Commission and National Development Plan spoke to a more capable state that could deliver based on the vision of a society set out in the constitution. With the declining capacity of the state and political will to see this vision through, the courts are increasingly stepping in to play a role that holds the executive to account.

2.1.2. Informal Settlements in SA

In South Africa there is an estimated 2 600 informal settlements, with 1.25 million households living in these settlements (Statistics SA 2012) compared with approximately 300 informal settlements in 1994. The concentration of these informal settlements are in the eight metropolitan municipalities, which host 62% of the national economic activity, 58% of all job opportunities and 40% of the population (National Treasury 2015). The functioning of urban areas is therefore key to the development of the nation.

While there has been significant investment of the South African government, the scale of delivery is not meeting demand. The government tried to address this through policy reforms, such as Breaking New Ground (BNG) in 2004, which allowed for more diverse housing interventions like tackling informal settlement upgrading as a recognition of entry into the incremental housing delivery process. The BNG was critical in introducing a policy shift from eradication of informal settlements towards support.

In 2009, the department of Housing was transformed to the Department of Human Settlements (DHS) to address the broader spatial issues within which housing delivery needed to be considered as well as the integrated service delivery requirements that could support a quality environment within which housing delivery was located. It established the Urban Informal Settlement Programme (UISP), which had the impact of creating greater "tolerance" towards informal settlements by municipalities. With the recognition of needing to upgrade existing informal settlements rather than focus on developing greenfield housing projects in remote areas leading to spatial inequality for the urban poor, the UISP set up grants to upgrade informal settlements by providing planning, services and secure tenure to beneficiaries.

The DHS also established a new Housing Code and part 4, vol. 5 (2009) points to the role of informal settlements in including households that did not qualify for housing subsidies by providing funding or area-based upgrades. Despite this shift in policy and greater latitude in the rules and regulations governing delivery in informal settlements, the main response of the state intervention has been relocation and replacement with subsidized houses (DHS Policy Rethink Reference Group meetings, Oct. 2012).

To try to address this, the UISP established the National Upgrading Support Programme (NUSP) as a five-year plan to upgrade 400 000 households in well-located informal settlements (NDP, 2011: 269). It did this by providing support to 51 municipalities with over 700 informal settlements. The aim of the programme was to strengthen the capacity of provincial and local government to facilitate in situ and incremental approaches to the upgrading of informal settlements (Minmec, 2016: 1). According

to the NDHS Medium Term Strategic Framework for 2014/2019, it aimed to upgrade 447 000 households and ensure 750 000 households in informal settlements got access to basic water, sanitation and road infrastructure services.

This programme has, however, made slow progress due to rigid local regulations, uneven attitudes across governments towards informal settlements and a lack of capacity to upgrade such settlements. Recent studies show that the majority of upgrading projects mirror standard housing delivery (World Bank 2016:3). Part of the difficulty has been the move to phase IV, since between 8 and 5 percent of households living in informal settlements in metropolitan areas earn under R3501 p.a. and thus do not qualify for conventional top structure subsidies (Statistics SA, 2011)

While rapid assessments and appraisals for all informal settlements have been done, there is a long way to go in regularizing informal settlements so they can be brought into the mainstream of the urban fabric (NDP 289). Informal settlements are highly differentiated in terms of history, location, levels of vulnerability and social structures, which require context–specific interventions. This is difficult to achieve in the absence of adequate information about the nature and conditions of each of the informal settlements that would allow for tailored solutions (NDP, 2011: 273).

The Urban Informal Settlement Programme (UISP) is flawed through its continued focus on house building and needs a mind shift to look at the broader environment within which these houses are located. There is clearly a need for a new approach to resolving these challenges.

2.2. SERI

The Socio-Economic Rights Institute of South Africa (SERI) is a non-profit human rights organisation. SERI works with communities, social movements, individuals and other non-profit organisations in South Africa and beyond to develop and implement strategies to challenge inequality and realise socio-economic rights.

SERI's conviction is that it is the people who are subjected to poverty and inequality who are best placed to devise and implement strategies to challenge them. SERI provides legal advice and representation, research services and advocacy support to its clients and partners. SERI acts to protect and expand the political spaces in which individuals and communities organise and press for social change. The three major challenges facing poor communities in South Africa today are defining SERI's focal areas of work:

1. SERI's work on "Securing a Home" focuses on opposing evictions, working for informal settlement upgrading, challenging unfair foreclosures and reforming banking practices that prejudice the poor.
2. SERI's work on "Making a Living" takes up the needs of people in precarious work, particularly farm workers and informal traders, and helps them challenge unfair labour practices and restrictions on their rights to do business.
3. In its "Expanding Political Space" work, SERI confronts the use of the criminal justice system to suppress community-based protest, the use of defamation actions and other common law remedies to stifle protest and freedom of speech, and police violence in poor and vulnerable communities.

The objectives of SERI's informal settlement work, part of SERI's "Securing a Home" theme, are:

- To ensure that social movements, CBOs and target communities are better able to push for informal settlement upgrading through access to research, advocacy and litigation assistance.
- To assist poor and marginalised households living in informal settlements and inner city communities to secure improved access to tenure and basic services.

- To compile a body of action research that explores the gaps between law and policy, and practice, helps to develop a deeper understanding of the links between access to services, tenure security, land use practices, democratic participation and livelihoods.

SERI approaches these objectives through a blend of community-based research, advocacy and legal advice and litigation. The informal settlement project is currently active in at least seven informal settlements across South Africa, affecting the lives of at least 100 000 people. SERI is representing informal settlers and inner city residents against eviction, assisting them to access more and better basic services, helping them to compel the implementation of community-controlled upgrading processes, holding local government accountable for the delivery of housing, protecting informal settlers' rights to protest, and helping informal settlers to document their lived experiences, tenure practices and the inner life of their settlements.

SERI's interventions in the Inner City of Johannesburg have taken the form of litigation and policy influencing around evictions and alternative accommodations and have led to the establishment of the Inner-City Federation, which operates as a platform for knowledge sharing and problem solving, seeking to bring about collective action and solidarity among inner city residents. An analysis of Jurisprudence and Implications for Local Government (2000-2016) has been undertaken, together with a series of Community Practice Notes, a policy brief on Affordable Public Rental Housing, popular education on tenants' rights and evictions, and video material.

The diagram below delineates SERI's strategic position between the law, the state and civil society. See also Annexe 6.12 with stakeholder maps on the Slovo Park case.



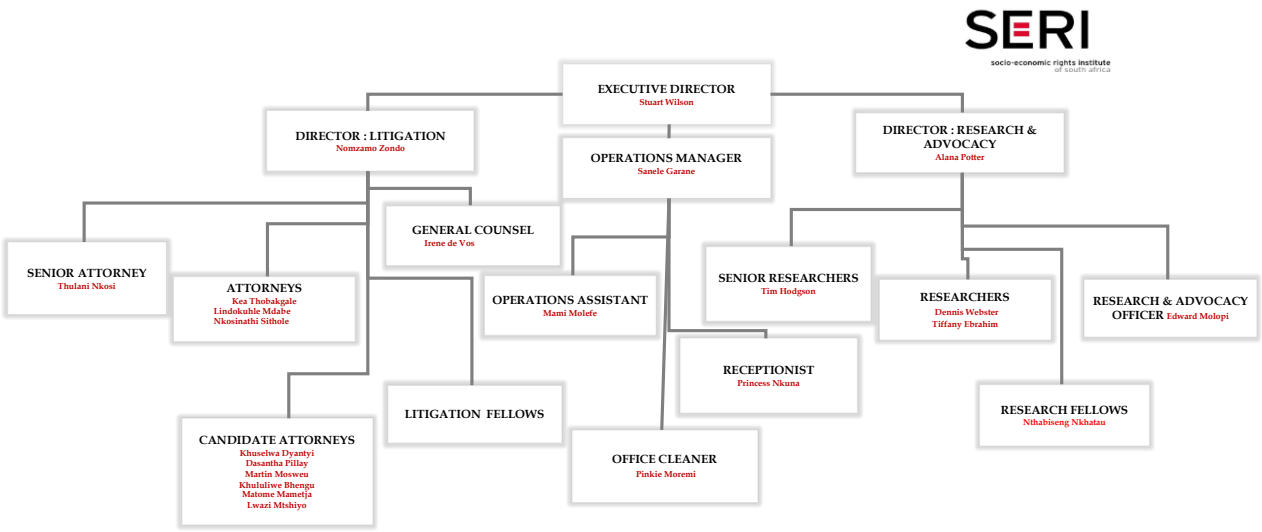
Figure 2 SERI's strategic position between the law, the state and civil society

2.2.1. Organisation and governance

SERI was established as a non-profit company in January 2010 as a result of close working relationships with some key funders and community partners including the former and present Executive Directors and some key staff members (Stuart Wilson, Jackie Dugard, Kate Tissington) and earlier partners (ICRC) who had previously been based at the Centre for Applies Legal Studies (CALS) at Wits University. The organisation started with nine core staff members and seven interns in 2010. In 2017 the organisation had 24 staff members (including candidate attorneys) as well as 3-5 interns and two part-time consultants. Seven board members serve the establishment, some of which include renowned personalities, such as Zak Yacoob former Constitutional Court judge (also patron of SERI), and Professor Jackie Dugard, a co-founder of the organisation and now Associate Professor of Law and Director of the Gender Equity Unit, University of the Witwatersrand.

SERI's core donors are the Ford Foundation, MISEREOR, the Open Society Foundation, the Bertha Foundation, The RAITH Foundation, and the Sigrid Rausing Trust. SERI's income amounted to ca 5,3 Million South African Rand (ZAR) in January 2010 and increased to 16 Million ZAR by February 2017.

Figure 3. Organogram of SERI in August 2017 (©SERI)



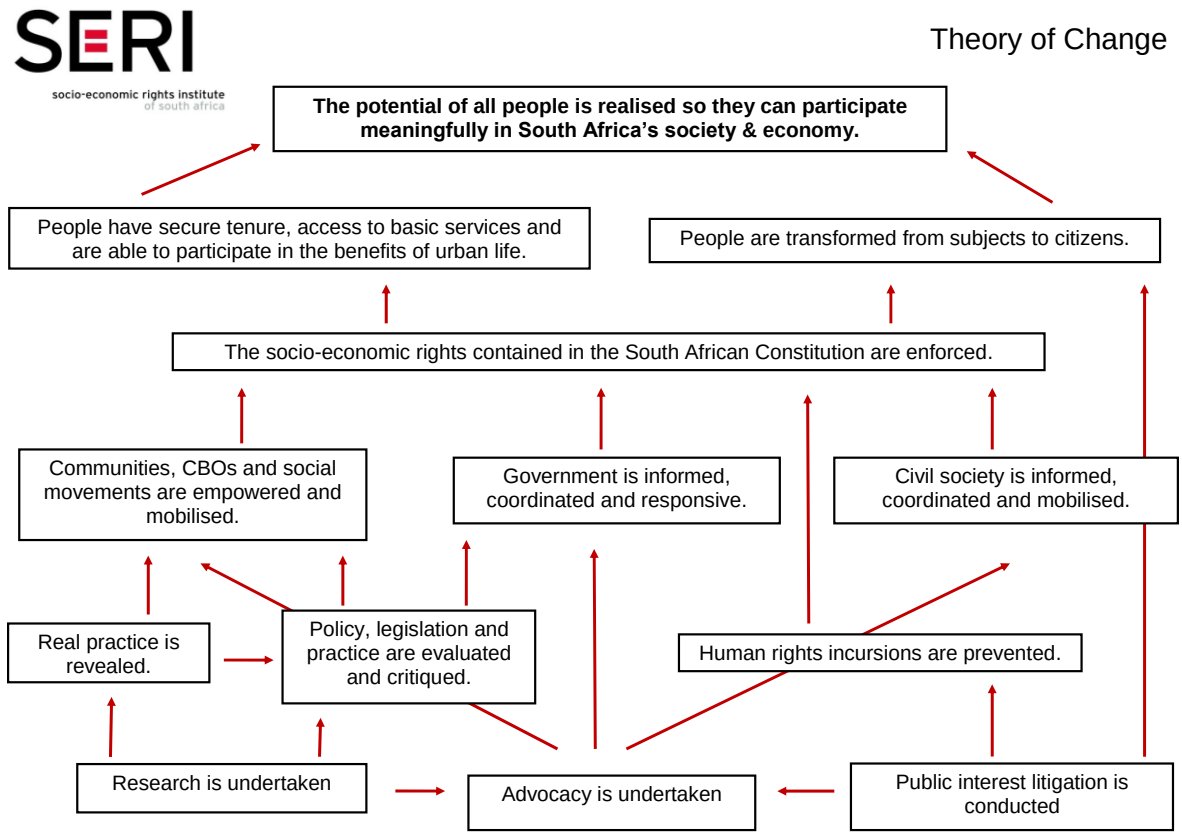
2.2.2. Theory of Change

A ToC specifically dedicated to SERI's three programmes does not exist, however it does have an organisational ToC (Figure 4). Representing a higher-level pathway to change, the ToC is fully applicable to MISEREOR's projects. The ToC was developed in collaboration with the Ford Foundation as part of the project "Public Interest Legal Services in South Africa" in 2015. It is based on SERI's activities in Research, Advocacy, and Litigation rising up through one level of outputs and three levels of intended impact to the general objective of realising people's potential for enabling their meaningful engagement in the society and economy of the country. While the ToC does not address the dimension of risks and programme-associated assumptions, it presents an ideal model of how SERI's interventions create a virtuous circle for its clients/partners to bring about positive social change. The two main assumptions underlying this ToC is that SERI's funding community will remain interested and engaged to enable it to continue doing the work it is doing, and that the judiciary will remain stable.

The evaluation at hand utilised the ToC as an instrument to comprehend and scrutinise SERI's modes of operation. It was comprehensively presented by the ED during the inception session and was part of a staff exercise of formulating critical assumptions in relation to the day to day operationalization of SERI's work.

> *"SERI is built on a specific model, employing a unique working methodology. Driven by community issues, the organisation aims to address local problems in structural ways through a close interweaving of research, policy advocacy and public interest litigation. This approach seeks to match problems on the ground with resolutions, whether in the form of engagement with government, formation of civil society advocacy networks, or the uptake of strategic public interest litigation." (SERI's Annual Report 2011)*

Figure 4. Theory of Change, (©SERI 2015)



2.3. Collaboration with MISEREOR

MISEREOR / KZE provided support to SERI with the following three projects since 2010:

2.3.1. Project 150-900-1105 ZG

KZE Project No. 150-900-1105 ZG "Socio-economic rights intervention in support of informal settlements and migrants" with a project period of 24 months, 1st May 2010 to 31st April 2012; funding amounts: 220,000 Euro KZE (25,0 %), 660,000 Euro co-funding (75,0 %) from Atlantic Philanthropies (37,5 %), Ford Foundation (25,0 %) and Open Society Foundation (12,5 %).

Objectives of project 150-900-1105 ZG

1. Social movements and communities from informal settlements as well as migrant and other target communities have access to six expert reports on housing, informal settlement upgrading, water and basic sanitation, electricity tariffs, informal trading regulations and discrimination against migrants in access to health care and education, which can be used to support advocacy and public interest litigation.
2. Three relevant advocacy issues in the areas of housing, basic services and migrant rights are fed into public and government advocacy initiatives and co-ordinated with public impact litigation, through the publication of relevant submissions to parliament, popular news articles and ad hoc submissions to policy makers and implementers.

3. The SERI Law Clinic is established and provides expert legal assistance to social movements and target communities, pursuing at least 20 litigious interventions per year and at least 25 more non-litigious interventions per year.
4. At least 20 paralegals of the Abahlali baseMjondolo Movement are trained to provide effective paralegal support to the movement in its target communities.

2.3.2. Project 150-900-1157 ZG

KZE Project No. 150-900-1157 ZG "Socio-economic rights intervention in support of informal settlements" with a project period of 34 months from 1st May 2012 to 28th February 2015; funding amounts: 325,000 Euro KZE – 22,64 %, 1,110,500 Euro co-funding – 77,36 % from Atlantic Philanthropies, Ford Foundation, Open Society Foundation and others.

Objectives and indicators of project 150-900-1157 ZG

1. High quality, responsive and relevant research helps to develop a deeper understanding of the barriers and mechanisms that impede participation by social movements and target communities in their own development. Indicators: (1) Three research reports and at least one set of workable resource guides/practical tools are developed per year and disseminated to target communities, relevant government officials and academia. (2) Each year, at least 20 active community members, relevant government officials, NGOs and well-known academics have provided feedback and confirm in majority the usefulness of the research outputs.
2. Social movements and target communities from informal settlements are mobilised and trained to more effectively engage government and influence decision-making at communal level; in this, they receive further support through advocacy and relevant litigation. Indicator: Evidence is available of better connected and capacitated social movements and of communities that are better able to articulate and take up socio-economic rights issues.
3. Social movements and target communities have the dedicated legal support they need to improve their living conditions and to defend their political rights. Indicators: (1) Each year, at least 20 new litigation cases and at least 10 cases that advance socio-economic rights jurisprudence are conducted. (2) There is an increasing demand for SERI's litigation assistance. (3) There is evidence of improved access to justice and strategic litigation in relation to SERI's thematic areas.

2.3.3. Project 150-900-1200 ZG

KZE Project 150-900-1200 ZG "Informal settlement upgrading and urban land access in South Africa" with a project period of 36 months from 1st March 2015 to 28th February 2018; with a funding amount of 325,000 Euro only from KZE.

Objectives and indicators of project 150-900-1157 ZG:

1. Social movements, CBOs and target communities are better able to push for informal settlement upgrading through access to research, advocacy and litigation assistance. Indicator: Evidence of better capacitated social movements, CBOs and communities that are able to push for informal settlement upgrading.
2. Poor and marginalised households living in informal settlement communities have improved access to secure tenure and basic services. Indicator: At least 4 informal settlement communities per year supported with legal and litigation assistance.
3. Action research that explores the gaps between law and policy, and practice, helps to develop a deeper understanding of the links between access to services, tenure security, land use practices, democratic participation and livelihoods. Indicators: (1) Research conducted in four informal settlements and a report produced and disseminated to target communities, relevant government officials and academia. (2) Communities, social movements and other

stakeholders request copies of research output and have provided feedback on its usefulness.

2.4. Case studies

The following section presents two selected case studies on the Slovo Park informal settlement from Johannesburg and on the social movement Abahlali baseMjondolo from Durban (eThekwini). It elaborates on a "deeper" story of SERI's intervention taking into account: the context, the mechanism in relation to SERI's three intervention arms (litigation, research and advocacy), and the outcomes and unintended effects, seeking to provide a basis for the subsequent findings sections.

2.4.1. Case study 1: The Slovo Park Informal Settlement

"Council is reverting to a truncated solution where the fine grain of the process is lost" (Expert member in the JSTT)

Context

In 1994, at the dawn of South Africa's democracy, the state response in trying to redress past inequalities was a promise to provide shelter to all who qualified. This resulted in a substantial investment through various housing instruments (especially the Reconstruction and Development Programme) to give poor households an asset, through an RDP house. The state machinery through the housing programme has been set up over the past twenty years to roll this out vision, irrespective of the importance of location as a means to supporting livelihoods. Nevertheless, today, ca 13,1% of South African's live in informal housing (19% in Gauteng) and more than 2 100 informal settlements existed in the country in 2016, a sign that this programme alone, will never meet the needs of poor people living in informal settlements. Despite the fact that more than 3 million RDP houses have been constructed, in 2015, the country's backlog of housing stood at 2,1 million in 2016 (Statistics SA)[4].

The landmark Grootboom judgement in 2001 brought two reforms to the subsidy policy, the first being an Emergency Housing Programme that allows budgets to be used for immediate temporary relief, and the second was the introduction of the Upgrading of Informal Settlements Programme (UISP). The latter provided a permanent solution for all informal settlements with relocation only as a last resort. These two reforms emerged as subsidy elements in the Breaking New Ground policy, which was introduced in 2004, requiring political endorsement through all three spheres of government, since housing is a concurrent function. The UISP as a concept was not well communicated across government, nor well understood and thus largely ignored. The National Upgrading Support Programme (NUSP), a programme designed to support the National Department of Human Settlements in its implementations of the UISP, only emerged in 2009. While the capital subsidy associated with this programme is located at a provincial level, the operational requirements to properly implement this programme remain unfunded (Key Informant Interview).

By 2009, however, President Jacob Zuma's first term in office brought the introduction of the country's 12 outcome areas as vehicles for tracking the implementation of the National Development Plan, South Africa's 30-year development agenda. Outcome 8 focused on housing delivery and spatial integration, and with this came new found pressure on the state to deliver free and subsidized houses as the primary pro-poor intervention of the South African government. The President set an ambitious target that by 2014, the upgrading of informal settlements in well-located areas would benefit 400 000 households.

[4] http://www.statssa.gov.za (r. 09.2017)

The housing machinery in the state was impressive in its rapid delivery of houses, although at times of questionable quality, however the process in delivery in large part ignored the UISP principles. The lack of attention to process brought three cases to the Constitutional Court in 2009. According to Marie Huchzermeyer the implications of these three judgements enshrined several principles:

> *"The state must act urgently (the Nokotyana case), the state must listen to affected households and engage them meaningfully (the Slovo Park case), and the state must consider the feasibility of upgrading for every informal settlement (the Abahlali case)." (Huchzermeyer 2017[5])*

In response to these judgements, NUSP and the Housing Development Agency set out to support municipalities to reach their targets, with lists of projects set up across the country affecting a housing waiting list that had been ignored for over a decade. Rapid assessments of informal settlements were conducted in several municipalities, categorising all the informal settlements within the municipal boundaries in four categories: A and B1 for settlements that could be upgraded in situ, and B2 and C for those that where to be relocated due to inappropriateness for development of the land they were located in. As a result of these rapid assessments many settlements did not qualify for further upgrading plans, some due to geotechnical reports indicating that they were not suitable for in-situ upgrading. Slovo Park, an informal settlement formed in the early 1990s, deemed unsuitable for in-situ upgrading, due to dolomite issues was earmarked for relocation 11 km away.

In 2001, the Community Development Forum (CDF) was formed when Slovo Park residents elected leaders of the community. In 2007, the CDF was formalized into the Slovo Park Community Development Forum (SPCD) and took on a much wider representation (Tissington, 2011[6]). The leadership of the CDF with the support of the residents of Slovo Park handed the reigns of control to several younger community members. These "young men", with "fire in their bellies", took up the challenge and twelve years on form the current leadership of the Slovo Park Community Development Forum (Focus Group interviews in Slovo Park).

After decades of protests, negotiations and empty promises, Slovo Park residents took the matter to the courts with the support of SERI. The High Court judgement on Slovo Park in 2016 was a landmark case that gave this community the right to in-situ upgrading and forced the various spheres of government to cooperate with the community in implementing the principles of the UISP.

As the Slovo Park residents (as represented by the Task Team, along with the council, province and NUSP) sit together to figure out how to put these principles in practice, they now have a new legislative framework for planning to bear in mind, such as the Spatial Planning and Land Use Management Act (SPLUMA). This, among others, requires municipalities to integrate informal settlements into the urban fabric through consideration of flexible zoning schemes. The spatial justice considerations that come with SPLUMA are welcomed. The complexity, however, in testing the practicalities of this new legislation and the risks of delayed development that could arise from trying to interpret its implementation, is a decision-making challenge for this community. Particularly for a community that has waited 20 years to have the security of tenure to formalize their development and the services that come with it.

Intervention

Research

The "Slovo Park working paper", which fed into the Slovo Park practice notes (2011) captured the history of Slovo Park's struggle over twenty-five years with the outcome of becoming a powerful source of mobilization and community activism by virtue of collectively understanding their own

[5] Huchzermayer, Marie: "The Dangers of Housing at the Centre", Citiscope, February, 2017. http://citiscope.org/commentary/2017/02/dangers-housing-centre (r 09.2017)

[6] Slovo Park Working Paper (SERI)

history and the degree to which they have been repeatedly given "broken promises". Following this documentation of their own history, the Slovo Park Community Development Forum (SPCDF) decided litigation was required in order to escalate their frustrations and turned to SERI, who launched a case in 2014, regarding the ongoing threat of being relocated.

The SERI Research team's views and understanding on the Upgrading of Informal Settlements Programme (UISP) process has influenced the SERI litigation team's focus on the implementation of the UISP, which is a policy and programme that is poorly "understood" by the various spheres of government. The key focus in the research and advocacy and the litigation teams at SERI has been trying to track and monitor court orders in relation to Slovo Park and how they have been implemented or not. This has revealed a long-term view to research and litigation, which "requires allowing a process and cycle to take place, post-litigation"[7] that has informed SERI's strategic planning around all three interventions.

Legal mechanism

The legal intervention to contest a flawed process in how the UISP was being managed by the Johannesburg City Council in its application to the provincial government was ground breaking. Despite the drafting of the UISP as a programme in 2009, it took until 2016 for the high court judgement on the Slovo Park case for the proper reading of the UISP to be endorsed. While only a High Court decision, the ruling is clear that the proper approach outlined applies to every informal settlement and that any relocation has to happen under the principles of the UISP. The court ruling came to the defence of the residents of Slovo Park against the City's efforts to relocate them to another location 11km away from where they had lived for 25 years. This achievement can be attributed to SERI's taking its research to court to provide the evidence to support the judge in making an interpretation about what these UISP principles mean in practice regarding in-situ upgrading.

Advocacy

An example of how SERI's research, advocacy and legal interventions intertwine to inform decision-making both in the courts and within the state is illustrated in SERI's engagement with the provincial administration on its interpretation of the UISP. Since the Melani judgement, the provincial administration has understood that the UISP funds can and should extend beyond a focus on essential services. This understanding of the policy at provincial level, was an outcome of SERI's advocacy, where in collaboration with academics based at Wits University, it drafted a letter on behalf of the SPCDF to Provincial Housing Authorities outlining why the City of Johannesburg's UISP application was flawed. This information helped educate the provincial administration on how to interpret the policy, thus contributing to more informed decision-making.

SERI's research and careful documentation of Slovo Park's history has become an important feeder into SERI's advocacy work that requires taking an adversarial role in getting state players to agree to deliver on the court rules and moving towards enforcement. The reluctance of the council to follow the rules of the UISP has driven SERI's advocacy to implicitly play a monitoring role in enforcing what was agreed in the court rulings. This requires careful documentation that feeds into SERI's negotiations with and on behalf of the Slovo Park Task Team[8]. SERI's active and ongoing engagement with Slovo Park residents reveals new insights that shed light on constraints and enablers to the implementation of the UIDF. This information, once moving from tacit to explicit, strengthens the leadership of the Task team, allowing it to reposition based on new understandings of what is emerging from the day-to-day implementation of the UISP.

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[7] Lauren Royston, SERI consultant and former Director of Research and Advocacy.

[8] In the evaluation world, Michael Quinn Patton (2011) has termed this approach as developmental evaluation, which is an approach to evaluation that can assist social innovators to develop social change initiatives in complex or uncertain environments. Such an approach, facilitates real-time feedback to programme staff thus facilitating a continuous development loop

Intended consequences

Legal victories

In 2010, a Constitutional Court judgement offered much-needed clarity, placing the function of spatial planning exclusively at the municipal level. Importantly, the judgement sped up reform in planning legislation, ordering the state to conclude a process of in-situ informal settlement upgrading in Slovo Park that it had delayed for over a decade.

The 2016 Melani ruling *c*uts through the issue of lists and elevated the UISP above council decisions (key informant interview). It demonstrated that municipalities are compelled to apply for funding under the UISP for all informal settlements, with relocation as a last resort and handled only under this highly participatory programme. The judgement reads "The City of Johannesburg's "failure to apply the UISP is unlawful".

This Gauteng High Court sets out the terms of the UISP in terms of the requirement of community involvement in the formulation of the development plan for the area. This is a victory for all informal settlements as it sets a precedence in enforcing informal settlement upgrading by municipalities as a constitutional right of communities living in these areas. Through this ruling, according to Planact, communities are empowered to challenge their municipalities for failure to involve them in the design of the UISP. The positive outcome of the Melani judgement is that it forces a collaborative implementation of the UISP by both communities and the state and in doing so, according to Marie Huchzermeyer "has opened up new space for mutual learning and co-production of in situ solutions for informal settlements".

The draft UISP submission is in process. The initial plan prepared by the Council's appointed planning firm, Urban Dynamic, was limited in its degree of engagement with the community's own plans. The community was consulted about the layout but not advised of the true limits of the layout process. Nevertheless, this has since been addressed and the current drafting process is allowing for a wider reflection and interrogation between the Council and The Task Team.

Outcome

At the time of the court victory in April 2016, SERI was representing 7000 people living in 3709 households in Slovo Park. Residents gathered here in 1992 because of its close proximity to the city. The key reasons for its inability to become formally promulgated as a township has to do with the dolomitic land underlying many parts of the settlement, the floodplain running alongside it, as well as the power line running straight through the community. The geotechnical studies done in the area all led to the same conclusion that the community must be relocated. These studies were nevertheless insufficient in deterring the residents living in the area from wanting to remain rooted to a location in which they had formed a place called home.

From the field visit of the evaluators in addition to the review of documentation and conversations with key informant interviews, Slovo Park appears to be an exceptionally well-organized community. This is demonstrated through regular meetings, report back structures and democratic procedures of representation in the make-up of the SPCDF. For instance, the 130 members of the SPCDF draw on representatives from the Youth Forum, the Religious Forum, the Business Forum and so forth. The level of ownership of this community structure by residents of Slovo Park is demonstrated through the commitment of the Business community in the SPCDF. The latter has historically drawn on its own savings to finance many of SPCDF's meetings that have taken place over the years with the city, province and national authorities—all of which have been necessary in coming to a stronger position of power in negotiations with the City.

Over the years of negotiation, the SPDF has built up a network of expertise drawing from numerous universities and NGOs in trying to secure tenure and fighting to gain access to basic services. The SPDF had been engaging with various different spheres of government before approaching SERI in 2010, and there were few results stemming from these sustained efforts in terms of securing access to basic services as well as security of tenure.

According to a staff member at SERI, the SPCDF came to SERI with a clear mandate around their interests in collective forms of ownership being brought into how the UISP would unfold. Despite this rationale, the first encounter with SERI, started at the level of community engagement through the development of the Slovo Park practice notes. These were then used to support the SPCDF in going to court to avoid eviction. The experience, according to the founding fathers of this community structure, of going into litigation helped raise their confidence about articulating their issues around lack of basic services and security of tenure and moving into a negotiating position, with the help of its legal representatives.

In February 2017, national and provincial housing departments came to Slovo Park to get clarity on who was leading the residents. Through this visit, the Slovo Park Task Team was endorsed by the state to represent the community in the negotiation process for implementing the UISP. This proposal would be the source of engagement with the various spheres of government in getting the UISP implemented. The task team was made up of nine representatives of the SPCDF as well as representatives from SERI, lawyers from the City, the Provincial Office of Housing and the representatives of NUSP from the National Housing Department to ensure proper community consultation processes were followed.

The formalization of the community organization into a task team has strengthened its negotiating power in engagement with the municipality around the UISP. This has helped the relationship between residents and the city, but it had to go through the courts to get to this point. 20 years soft negotiations reached a point where the community chose a partner that could bring in a legal dimension as a necessary instrument when negotiations failed. Residents of Slovo Park understood that the legal instrument would be blunt if it were not sharpened with the evidence stemming from the research arm of SERI.

This is a demonstration of the community's choice of partners and service providers for different needs. For instance, the SPDF's longstanding engagement with CORC and the support it has had for exchange programs has helped build its understanding of how other informal settlements have tried to work through these issues. Nevertheless, according to the views of a key informant interview, CORC would have taken a different approach in terms of being "more cosy in working with the CoJ, but it wouldn't be able to deliver the same results in terms of helping achieve the UISP". While SERI was chosen by the task team to represent it legally in engagements with the City Council, there is still room for improvement in how SERI and the SPCDF relate as equals. SERI's legal team, when engaged by the community as a legal advisor or advocate, is seen as playing the role of an "expert" and this power dynamic works well. Nevertheless, the relationship between residents and the research and advocacy team is framed as a partnership amongst equals and as such commands a different form of engagement. SPCDF's ability to take decisions on what it views as its own best interests, despite legal advice would be a case in point. This was illustrated with the community's engagement with the City, which led to the withdrawal of an application for leave to appeal against the High Court Judgement. A decision in the higher courts would have been in SERI's interest of pushing the jurisprudence to ensure that more people can benefit from it. Yet the community went for the shorter route in order to ensure implementation as quickly as possible. This deviation from SERI's advice is a healthy sign of autonomy.

In August, 2017, a compact was signed with the COJ and the Slovo Park Task Team, outlining how this community's development will take place. Taking an optimistic stance, this could be seen as a demonstration of council's commitment to the principles of engagement and evidence of how the interplay between advocacy, research and litigation have helped the residents of Slovo Park gain power in negotiating with the city on their terms and their vision of the development of where they live.

On a less optimistic note, as the country moves forward in beginning to implement the UISP programme according to its original intent, there is a growing understanding that its operationalization has been grossly underestimated. Without the programming mechanics in place, such as operational

budgets, in place to make the implementation of the UISP work, it will likely continue to be a reason for poorly equipped municipalities to resist implementing the UISP according to its original policy intent.

Figure 5. Mapping of SERI's work in Slovo Park provides a summary mapping of stakeholders and processes between the State, the law and civil society in Slovo Park case. It delineated the Slovo Park Task Team (green) shows the activity fields of SERI's litigation, research and advocacy interventions. The problems comprise lacking participation and a local government and a private consultancy firm lacking capabilities and capacities on the issue of participatory informal settlement upgrading. (For the entire set of maps see Annexe 6.12.)

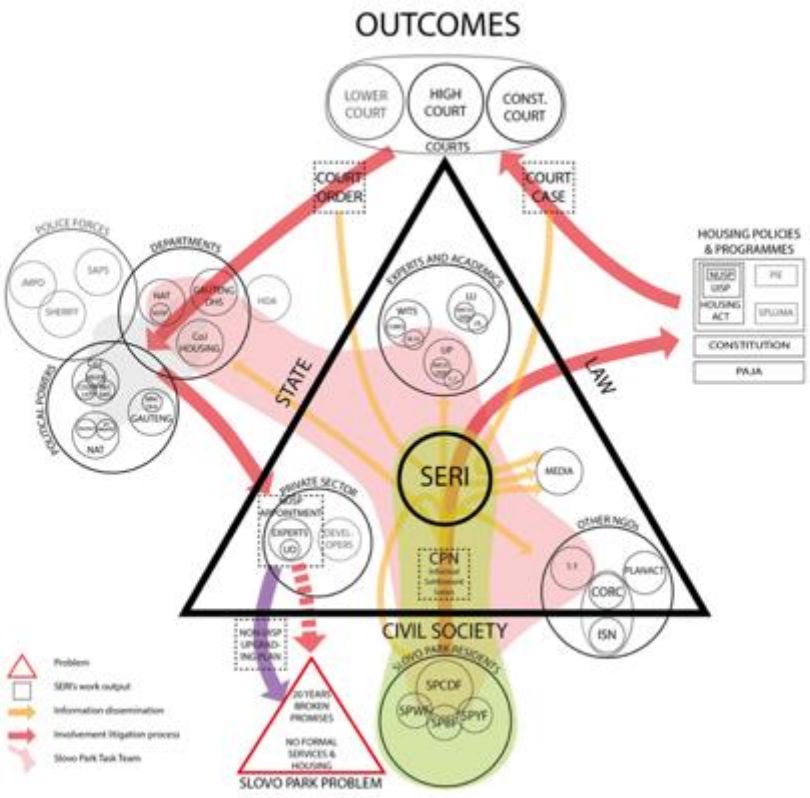


Figure 5. Mapping of SERI's work in Slovo Park

2.4.2. Case study 2: Abahlali baseMjondolo, eThekwini

> *There is a "Culture of violence and political animosity in KZN"*
> *(Lawyer, SERI representative in KZN)*

Context: Power, violence and the right to the city

The first democratically elected Mayor of Durban, Obed Mlaba (1996-2012), was a successful entrepreneur that drove a series of major urban development projects that have been hailed by some as

significant in restructuring the colonial and apartheid urban landscape. Some of the major developments include the KwaMashu Town Centre Upgrade, and the River Horse Valley Business Estate, a development designed to provide strategic infrastructure linking major residential and business townships. Critiques of his efforts tend to view the significant economic development project under his reign as moving the city's wealth north through the creation of gated communities and shopping malls and in doing so, restructuring the colonial and apartheid urban landscape to further exclude the poor. To quote one key informant interview, during this period of ANC reign "the political elite saw their fortunes tied to the market" where "the contestation between landless people and city and provincial authorities was about upsetting the economic development plans for the middle class of the city" [9] .

By contrast, the current mayor, Zandile Gumede, does not come from a social class of a self-made elite tied to corporate wealth but rather she comes from a shack settlement herself. The change in the same ruling party between the first democratic mayor and the current one is about state capture from below. According to council planning officials, there are 569 informal settlements in Durban and "80% of these are on private land and 80% of these with absentee landowners".

The ANC in Kwa Zulu Natal sees their own route to accommodating patronage not through the market, but through land. In the efforts to control undeveloped land, the ANC actively incites violence because, to quote R. Pithouse (a political scientist), "this is how local elites earn income: through managing security and horizontal violence." The local party in power delivers patronage networks to its local constituencies through providing access to land and access to jobs (such as security posts) in order to protect the land invasions that it is driving. This cuts to the core of the conflict with AbM's members who are moving onto the very same land.

Most informal settlements in eThekwini are in middle class suburbs. As such, in the fight for access to land, AbM is at the forefront of fighting a class battle. Due to these stakes being high, when AbM fights the state, they are subjected to unlawful arrest and threats to their safety when they engage the state and local power brokers who enable upmarket housing in eThekwini[10]. Those able to build shacks and homes have frequently had these torn down without an alternative and when evicted are brought back into the countryside. The Chairperson of AbM, S'bu Zikode, terms this as a form of 'ruralisation' that subjects shack dwellers to "abject conditions of poverty where there are no job opportunities and no schools"—areas that are named by AbM members as "a human dumping space" (ibid).

Intervention

Before SERI was established, AbM engaged with COHRE, CALS and the Legal Resource Centre, Norwegian People's Aid and the Church Land Programme, amongst others, but there was not a clear working relationship with any of these institutions (key informant interview with senior leadership of AbM). These organizations would liaise with AbM on single issues but not in relation to a broader fight for securing a home.

According to S'bu Zikode, one of the most significant legal victories and influences on jurisprudence relevant to AbM was the dismissal of the Slums Act case by the constitutional court in 2009. The case was won by CALS on behalf of AbM. In leading to this victory, the relationship with the key individuals working on the case, such as Stuart Wilson, carried onwards as these staff left CALS to form SERI in 2010 (Key informant interview with S'bu Zikode).

In 2012 AbM started working on service delivery issues related to trying to secure access to water, sanitation and electricity for its members, which evolved into addressing broader themes in its social movement, such as landlessness, homelessness, and human dignity (ibid). There were moments during this maturation of the movement when eThekwini municipality wanted to engage, but where

[9] Interview with Richard Pithouse, former political studies academic at Grahamstown University.

[10] S'bu Zikode, Chairperson of Abahlali baseMjondolo

AbM was not equipped in the tools of negotiation. AbM's self-identified weakness was an ability to negotiate with "power" as it did not have the language or tools that were needed. The Freedom of Expression Institute was the first NGO to provide support to AbM in this domain. SERI's research "Making Local Government Work" was a systematic guide to dealing with evictions and proved useful to AbM in educating its members about how to protect themselves against unlawful evictions as well as in supporting their engagements with council around securing socio-economic rights.

In an effort for AbM to widen its engagement with municipalities (but without success on the council's side), the movement turned to protest as a critical means of self-expression regarding denial of their basic rights. The brutality with which AbM members' protests were clamped down by authorities, led to a demand for support from SERI to move beyond legal interventions in getting AbM out of jail to a demand for support in strengthening their advocacy by learning about the rules about public protest. SERI's programmatic area of work around Political Voice emerged around this demand for their research and advocacy. Research and guides, such as the "Resisting Evictions in South Africa: A Legal and Practical Guide" (March 2015), was a guide to strengthening community based organizations were relevant to influencing AbM's own strategy and tactics in fighting to secure access to basic rights.

The advocacy dimension of this work extended to building capacity internally within AbM through training paralegals in order to manage growing demands for legal advice from its members, given the distance of SERI's Johannesburg offices. The training of these paralegals helped strengthen what became the senior leadership of the social movement. There are questions as to how effectively this training was able to cascade outwards into the movement in more distant locations from eThekwini.

Nevertheless, in relation to the social movement in KZN, this legal support was also further supported by SERI establishing an eThekwini branch, through its affiliation with Trudi Nichols, working for Bowman Gilfillan, one of South Africa's largest legal firms. The outcome of this engagement is that AbM can now protest in a way that diminishes the state accusations of this expression being a form of criminal activity, because members of the movement know how to protest in a manner that is in accordance with the law.

Despite SERI's advocacy and capacity building around evictions and rights, this level of engagement was seen as insufficient given the frequency of violations of court orders. Through growing levels of frustration leading to increasing protests that were violently responded to by the city council, AbM engaged with SERI to support its civic rights regarding the right to protest. SERI's response to this request led to an emergent programme of work on "expanding political space" focusing on advocacy, media literacy and popular education around the right to protest (Dear Mandela Tool Kit) and legal engagements around criminal defence when these rights are denied. Out of the criminal defence work, SERI developed a policy to represent leaders of social protest, who had been victimized solely for their activism on socio-economic rights. SERI limited this mechanism (legal service) to pre-existing clients. This was a trade-off SERI made in terms of not always being able to reach the most vulnerable in the cases it took up, partially due to the simple capacity constraints the organization had and the need to draw boundaries about what it could practically take on.

Intended consequences of SERI's long-standing collaboration with AbM

The sense of achievement in the growth of this social movement is how the leadership has changed the social consciousness of homeless people and shack dwellers to have a greater degree of self-respect and the belief that justice is possible for the impoverished. This consciousness has created hope. SERI has widened AbM's understanding of law and its capacities to use it. When politicians have been sentenced for their collusion in violence and unlawful evictions or for failing to enforce court rulings, most members of AbM take stride in stating "We enjoy justice today". An example of this is in 2013, when Abahlali brought an interdict against the municipality which was demolishing their homes and evicting them unlawfully in Cato Crest. Ethekwini had continued to act in contempt of the order but SERI obtained an order holding that the Mayor and City Manager were in contempt.

The contempt resulted in an order that the Mayor and City Manager could be detained but this was suspended for a period of three years. This resulted in a period where there was relative peace. SERI also prosecuted claims for damages on behalf of these unlawful evictions and injuries that were inflicted during protests against these evictions.

Today "uneducated" shack dwellers can speak to section 26 of the constitution. This has given members of AbM the courage to confront the state in instances of unlawful arrest and violence and has given them hope that the law can help them lead to eventually securing a home. These achievements have in many instances provided physical security to informal settlement dwellers while many members still remain insecure. Through the increased knowledge of the right to protest, and what the law says around evictions, AbM members have gained self-confidence, solidarity and an ability to communicate and organise. The quantitative growth of the movement, which today represents 35 000 members across 64 settlements from several provinces including Mpumalanga, the Eastern and Western Cape, is evidence that members of AbM have acquired significant positive benefits for those who have chosen to associate with it. For instance, several long-standing residents of Siyanda informal settlement who are AbM members are now able to formally be represented on the local ward council in order to fight for their community's access to basic services.

The Constitutional Court ruling referring to Abahlali baseMjondolo Movement SA and Another versus Premier of the Province of KwaZulu-Natal and Others (2009) had the consequence of solidifying the right of informal settlement dwellers to at all costs remain in-situ in the building of their homes and only "as a last resort, and in exceptional circumstances, [may] the possible relocation and resettlement of people on a voluntary and co-operative basis as a result of the implementation of upgrading projects". This judgement formed the foundation for much of SERI's legal engagement in protecting AbM members from being evicted and relocated from where they reside.

SERI's legal support has proved that, as one key informant put it "poor black people are not all criminal", allowing them to access certain resources, such as the media. The confidence gained through SERI's legal support helped strengthen the strategy and tactics of AbM's advocacy. For instance, the publishing of an article written by the Chairperson of the social movement in the Mail & Guardian in London and the international exposure of the practices of the state, curtailed the violence around evictions in KZN for a number of years. Furthermore, SERI's legal victories against evictions have allowed many households to stay in informal settlements in well-located land and with it, access to the benefits of city life in eThekwini.

Outcome: Evolution of a social movement

AbM is a social movement that puts emphasis on changing the structures within which self-help happens. Its origins began as a community in Kennedy road trying to engage with the eThekwini municipality with regard to what the development plans for the area were. Engagement with councillors ran from 1994 to 2005 with no implementation of plans for the area. Community and committee organizing was about formulating an organization, which would have more power to confront the city. They reached a point where they had to take improvements in their own lives into their own hands and as voters, felt they deserved better. AbM started in 2005 as a social movement defending shack dwellers (Key informant interview with senior leadership of AbM).

On the surface, the residents organized themselves into a social movement structure that had a democratic way of operating, although there has been an internal critique of activists from within the movement that have questioned just how democratic this space is in practice. Residents organize through a structure of committees with a chairperson, vice chairperson, secretary and organizer positions in order to ensure that they are engaging once a week as a committee and once a month as a community at large. When the movement originally started, residents used to meet every Tuesday as a Kennedy Road committee and realized they could not work alone. They had to organize other branches to ensure that poorer people would be heard. Poverty is what united different communities who wanted to know about their rights and what was going to happen to them

Three elements stand out regarding the relationship between pro-bono legal organizations and grassroots movements who are potential clients and how this helps explain the dynamics of local organizing. First, AbM, stood out amongst grassroots community based organizations regarding their unwillingness to work with one single NGO, but rather preferring to work with several different organizations depending on the need of the time and the area of specialization of the NGO in question. According to R. Pithouse, many NGOs have historically not been comfortable with this approach. Second, many pro-bono organizations who wanted to represent grassroots movements were "not willing to take instruction from poor black people but want a middle class intermediary". SERI, by contrast was interested in engaging directly with the AbM members and the communities they formed. Third, SERI, similar to its sister public interest legal organizations chose cases that could inform their broader strategy around influencing jurisprudence and would not take up a case if it did not fit their strategy. SERI differed slightly in terms of having an established relationship with AbM as a partner and perhaps being more responsive than most in individual criminal cases or lower level high court eviction cases that it would not have taken under regular circumstances had it not been for the loyalty it had to supporting AbM.

When AbM goes to communities, it talks of three strategies: 1) a political strategy, focused on resistance and the voice of the many; 2) dealing with the media and exposing corruption; 3) having a legal strategy without building a culture of dependence on the law to solve problems. AbM is very conscious of not wanting the communities it works with to believe that its legal wing, managed by SERI, will solve all of the problems that AbM is trying to fight. SERI's various interventions as noted above have responded to different needs expressed at different times by AbM.

At the outcome level, the longstanding engagement with SERI on research and advocacy has enhanced capacity around advocacy that is shaping AbM's engagement around the UISP and an interest in beginning to take on development issues as a social movement. The collaboration with the legal division of SERI has allowed AbM leadership and members to better understand socio-economic rights as enshrined in the constitution and to use this knowledge to raise awareness among communities on the ground about the constitution and the subsequent laws that govern housing-related policies.

3. Findings and analysis

3.1. Relevance

3.1.1. Relevance for target groups

> *"The voices of these people don't count because there are perceptions that shack dwellers have nothing to contribute" (Researcher, CBO Supporter)*

SERI's work, in general and as part of the MISEREOR project is highly relevant to the needs of target groups and beneficiaries (i.e. organised groups representing poor and vulnerable populations in Inner cities and in informal settlements). The main reason for this is because SERI is demand-driven based on the needs of its clients.

In the context of South Africa, the law and the ability to resort to the courts have become critically important for poor people. The two remarkable leaps of faith (and at the same time the main basis of work for rights based organisations such as SERI) are that the courts still work and that the constitution remains a reference point that give people hope. As one key expert put it: "For a democracy that is only 23 years old, it is incredible that the constitution it has seeped into the DNA of the country so deeply." The Treatment Action Campaign, Section 27 and SERI, amongst other rights-based organizations have helped reinforce this cultural moray by showing that the courts can be used for poor people despite the broader beliefs that they only work for the wealthy.

> *"As the courts themselves have become the last bastion of hope for poor people, the work of SERI through the courts, and of other rights based organisations in the field, remains an important vehicle for delivering change." (External expert)*

The two case studies, as discussed in this evaluation, illustrate the relevance of SERI's intervention in litigation, research and advocacy with regard to the context that their clients are engaged in detail. AbM's use of protest instruments first and foremost and legal instruments as a last resort has made SERI's support highly relevant given the political backdrop of KZN. The need to know one's history through an ethnographic approach to the Slovo Park community has made SERI's research highly effective in allowing Slovo Park's residents to determine which pathways were best for its own objectives in becoming a formalized township so as to secure basic services for all its residents. SERI's research in the Thusong informal settlement regarding the non-compliance of Ekuruleni municipality in meeting basic service delivery needs has allowed it to understand which legal interventions were needed to engage more constructively with council.

Relevant as it might be, as a legal organisation SERI is not allowed to solicit clients, therefore the approach of strategic litigation requires a basic level of self-organisation and "service on demand" by the target groups. This then bears the risk of being blind to those who cannot "knock on SERI's door", or those who are not addressed by existing policies and laws.

Likewise, SERI's ability to read the landscape from below and interpret where the flaws in implementing national policy are, make its research and advocacy increasingly prized amongst public interest litigation firms, NGOs and the community of professionals in urban planning, housing, informal trading, and so forth. Due to the quality of its outputs, demand from a wide grouping of stakeholders engaging in similar spaces as well as working effectively with the media to reach the general public, SERI's influencing agenda is significant.

Yes, I think generally SERI has done this [addressed the most relevant issues — aligned in with the needs of the most vulnerable and poor] (within the confines of its size and thematic focus areas). (External Expert, Researcher)

3.1.2. Relevance in the context of global and local trends and policies

The observations of this evaluation affirm that SERI's work is highly relevant in the context of local and global trends and challenges as well as respective policies and regulations (Section 2.1 above).

The region is reeling with the consequences of modernization and modes of economic development that produce patterns of inequality and that are particularly visible in rapidly growing cities.[11] Masses of poor and vulnerable people occupying prime land in cities are being forcefully evicted, or are under threat of becoming homeless. SERI's work in South Africa is highly significant in this context as the raising public awareness around the violations of basic human rights is providing the poor and vulnerable with the means of resistance and negotiation.

SERI's work has clearly raised the standards for pro-poor litigation in the country. This has been done in particular with respect to the issues of resisting and preventing evictions, defining spaces for meaningful engagement and the advocating of the government's obligation to provide alternative accommodation.

SERI's efforts have also been recognised internationally. For instance, its work has been referenced in the first decision in an individual complaint taken by "the United Nations Committee on Economic, Social and Cultural Rights (CESCR) under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as in the Special Rapporteur on the Right of Access to Adequate Housing's most recent report." (Annual Report 2016, p.7)

Generally, SERI's work is highly aligned with the core principle of the 2030 Agenda for Sustainable Development (SDGs) of "leaving no one behind." It is highly pertinent to Goal 16 (Peace, Justice and Strong Institutions) and Goal 10 (Reduced Inequalities), while also addressing Goals 1 (No Poverty), 5 (Gender Equality), 6 (Clean Water and Sanitation) and 11 (Sustainable Cities and Communities).

The work of the organisation for the poor, homeless, landless, and vulnerable, especially inner cities and informal settlements, is also aligned with the policies and principles of the New Urban Agenda. The NUA, among others, strongly promotes the "right to appropriate housing", as a part of "the right to an adequate standard of living, without discrimination, universal access to safe and affordable drinking water and sanitation", as well as equal access for all to public goods and quality services in areas such as food security and nutrition, health, education, infrastructure, mobility and transportation, energy, air quality and livelihoods. [12] These rights culminate to the "right to the city" (UN-NUA 2016).

"The New Urban Agenda represents a shared vision for a better and more sustainable future – one in which all people have equal rights and access to the benefits and opportunities that cities can offer" (UN-NUA, p.1 first sentence)

Presently SERI is concentrating on the role of providing critique to laws and regulations, as well as on research and advocacy on selected strategic and mainstream issues such as housing (e.g. "Tenants guide") and spatial divide (e.g. "Edged out"), among others. What the organisation is doing here in promoting policy debates amongst key civil society and government stakeholders is highly relevant and successful.

[11] https://qz.com/998970/kigalis-vision-city-and-lagos-eko-atlantic-are-among-several-smart-city-initiatives-taking-off-in-africa/ (r.12.09.2017)

[12] These are grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome. It is informed by other instruments such as the Declaration on the Right to Development

Nonetheless, the evaluation also identifies a further potential for SERI to reflect upon and emphasize an understanding of cities as a source of solutions rather than just confronting the challenges that our societies are facing today. Indeed, SERI has the potential to be a thought leader that shapes and proposes new policies, laws, regulations, designs for better and more sustainable cities and neighbourhoods, and not "just" identifies the "mistakes" of others.

There are a few new "messages" of the NUA (http://habitat3.org/the-new-urban-agenda/, r1.10.2017) as compared to previous Habitat policies which are also reflected in South African NDP (Cf. to quotes above and below). These new messages speak to a view that well-planned and well-managed urbanization can be a powerful tool for sustainable development and that cities and neighbourhoods are more than the sum of all parts (houses, factories, infrastructure-lines and streets), requiring a certain mix of uses, social diversity, minimal densities, parks and public spaces and a human scale.

> *"More attention must be paid to aspects of human settlement apart from top structures, including public infrastructure and the public environment. There are other ways to support household shelter while directing attention to the full range of factors that make up sustainable settlement (NDP 2012, P. 272).*

These opportunities should be reflected by appropriate staff capacities (or in combination with partnerships, for example with NGOs such as DAG) and/or factored in new funding projects. (Cf. to the recommendations section for a list of more concrete proposals and opportunities).

3.1.3. SERI's and MISEREOR's mission

SERI pursues a needs-based approach that is aimed at realising and protecting the basic socio-economic rights of the poor in SA. This is done through pro-poor litigation in resisting evictions, meaningful engagement, and the provision of alternative accommodation and its target of a "just, equal and free society, in which all are treated with dignity and have access to the means of self-realisation". A main assumption is that the Constitution and legal and policy framework apply to everyone – and not exclude the vulnerable and poor. This is largely consistent with MISEREOR's vision and mission to support initiatives that are driven by poor and disadvantaged communities. The same is true for the goal to fight poverty and inequality through empowering target populations to change their own lives. SERI's values of solidarity, partnership, advocacy and transparency are similarly shared between the two organizations (MISEREOR 2012). This stance is best expressed by the following statement:

> *SERI has been driven, not by its own sense of what is right or wrong for our clients, but by our clients' own needs and aspirations, and the agendas for change they have set for themselves. We have also made clear that we stay with our clients for the long-haul, from the moment they approach us for advice and support, for as long as it takes to ensure that a remedy is obtained and implemented (Stuart Wilson in Annual Review, 2015-2016:5)*

The strength of an approach that is problem-based and needs-oriented is that it promotes sustainability by requiring, and promoting, initial engagement by the "clients" or target beneficiaries.[13] Its "weakness" is that it does not promote actively addressing those poor and vulnerable who are not so well organised and who are too weak to "knock" on SERI's doors. Whereas SERI's annual strategic workshop and retreat and the regular Friday team workshops offer a chance of exploring and scop-

[13] As a matter of fact, organisations form the sector are not allowed soliciting clients by the law society, and any allegations of solicitation may result in losing the accreditation. Moreover, it is a common principle that rights are to be claimed, not facilitated externally.

ing the ground, the evaluation sees further opportunities of periodically and systematically identifying all relevant categories of the vulnerable and poor.[14]

Likewise, the issues such as urban land, informal settlement upgrading and inner city housing that are in the focus of SERI's MISEREOR projects, while highly relevant and aligned to mainstream debates and to the policy context, are also highly relevant and aligned with MISEREOR's interests. At the same time informal housing and inner city housing are mainstream issues that SERI tackles because these are high on a national agenda. The evaluators would like to encourage SERI to create more room for creative debates and scoping out whether there are other issues outside the mainstream debates related to the realisation of socio-economic rights for the vulnerable and the poor that might be pertinent. This is where SERI's thought leadership can have even more influence.

3.2. Outcomes and impact

3.2.1. Achieved and likely to be achieved effects on the ground

SERI's impacts on local organization are dependent on the strength or weakness of the client/partner at hand. In instances of where SERI is working with strong social movements that are themselves well organized, SERI has strengthened these forms of local organization by helping to mature their advocacy strategies and by building their understanding of the law. One case in point is Abahlali baseMjondolo (AbM). The impact of the partnership is several fold. First, SERI provides knowledge to help enhance their own advocacy. Second, action research is growing through the organization, which is allowing members to combine both research and advocacy when working on the IUSP and development issues rather than just land invasions. This has in and of itself signalled a shift in AbM's own tactics. Third, the result of the enhanced self-confidence in AbM's own negotiating powers has led to greater collaboration with the state through capacity development of ward councillors on how government works. This realized capacity also has deepened AbM's understanding of how to engage with the various spheres of government. Fourth, AbM has developed the skills to challenge the government regarding its wrong interpretation of the law because AbM has itself acquired the capacity to understand how litigation works through consistent engagement with SERI. Fifth, AbM has gained a better understanding of socio-economic rights and the constitution of the country, which it uses to raise awareness amongst the communities on the ground that it represents. All of these forms of support from SERI have been a small yet significant contribution to AbM's expansion as a movement and increased recognition by KZN authorities as a stakeholder that must be "reckoned with". AbM has been strong enough to determine the kind of support it has needed and been tactical in drawing in SERI to help its own evolution of organizational development.

Similarly, the Slovo Park Community Development Forum has benefited from SERI's research and legal interventions at tactical moments that have had the impact of contributing to the SPCDF's own advocacy. For instance, the research through the Community Practice Notes on Slovo Park enhanced the community's self-awareness of its own history and provided the documentation that empowered it to turn to a legal route once it had exhausted all other avenues. In the end, these combinations of strategies had the impact of moving from relocation to acquiring security of tenure. Furthermore, the Slovo Park Task Team earned a seat at the table with the City of Johannesburg in co-determining a development plan for their settlement. In this process, while SERI is the legal wing of the Slovo Park Task Team, it is one actor amongst many capable actors that take their cue from the community itself.

[14] Furthermore, there is a tendency, as generally common in the development sector, to romanticise notions of the poor or community and to neglect that both of these are idealised notions and socio-politically produced concepts, that in reality are highly diversified, politicised, controversial and often non-democratic.

By contrast, in instances where SERI has been working with organizations that are weak, the levels of dependency are still thick and the impacts on local organization remain narrow. The example of the Inner City Federation (ICF) in Johannesburg, a relatively new organization, is still largely dependent on SERI for strategic guidance and logistical support for its own self-organization. SERI has been gradually building the skills of this coalition through advocacy. The ICF, as a network of tenants, is able to provide more effective legal support in instances of urgency associated with imminent threats of eviction. Despite this strong dependency on SERI for skills and resources in developing itself, its very existence as a hub for tenants living in bad buildings has had a catalytic effect. This has helped improve living conditions for tenants through the establishment of a committee in each building that looks toward improving maintenance and security issues in in what are highly undesirable living environments.

> *SERI's work has meant that thousands of people living in the inner city and in informal settlements have not been evicted. SERI's litigation in the inner city has been important in shifting the city to address the issue of evictions and alternative accommodation, …. (Expert, Researcher)*

To conclude this section, the courts are a central vehicle for SERI's Theory of Change and have been a crucial platform through which SERI's has yielded widespread and long-lasting impact. The killer assumption of SERI's Theory of Change, however, is that the courts will remain strong. While this is certainly true, it is important to note that the courts themselves, are limited to bringing about change on the ground. Local Government stands out as a critical agent in affecting the communities SERI's works for and with by putting implementing the court rulings. The gradual breakdown in urban governance in places like the City of Johannesburg, where coalition politics make the political landscape more difficult to predict, has made local government an even more important force to be reckoned with. The low levels of political will and even lower levels of capacity at the local government level have become significant stumbling blocks in effecting the change that SERI's victories in court are meant to bear. These challenges point to how central SERI's ongoing negotiations with the state are in order to maintain its hard won achievements in the courts.

3.2.2. Quantitative effects

This evaluation affirms projections that SERI informal settlement upgrading work has directly contributed to secure tenure for at least ten thousand direct beneficiaries (see Slovo Park below). The work opposing evictions has secured the homes of at least 70 000 people nationally (Table 1).

*Table 1. Number of direct beneficiaries in informal settlements (SERI estimates, *interpolation by evaluators)*

Place	*Residents*	*Households*
Marikana informal Settlement in Philippi, Cape Town	60 000 people	20 000 households[15]
Slovo Park	10 000 people	3 700 households[16]
Marie Louise	930* people	261 households
Ratanang	1 241 people	380 households[17]
Abahlali Interdict	571 people	241 households
Mikani	145 people	46 households
Siyanda	112* people	32 households
Winnie Mandela	465* people	133 households

[15] The City of Cape Town estimate

[16] Socio-economic Survey

[17] As per SERI audit

Thusong	2 500 people	590 stands
Makause	10 000 people	2 800* households

Beyond this, SERI's key strategic litigation cases have set precedents on the interpretation and implementation on the role of basic rights and appropriate standards as related to shelter, basic services and protest rights in the entire country. As such, the results affect all residents of informal settlements and of "illegally" occupied inner city buildings in SA. If there are an estimated 5-6 million people (or 1,25 million households) living in more than 2 200 informal settlements in the country according to 2016 (Statistics SA), then these figures would be justified as quantifying the beneficiaries of SERI's work.

As far as the inner city work is concerned, SERI's work directly reached at least 3 500 people directly

Table 2. Number of people reached in the inner city

Name of Building	*Number of Occupiers*
Davies Street	536 occupiers
Sailing Queen	50 occupiers
Jeanwell Court	39 occupiers
Remington	60 occupiers
Jeppestown	520 occupiers
Soper Road	94 occupiers
Hercules	115 occupiers
Delvers	233 occupiers
Bertrams Priority Block	160 occupiers
Fattis mansions	257 occupiers
Kiribilly	184 occupiers
Ekuthuleni	13 residents
MBV 2	38 households
Janie Road	468 occupiers
Mayfin	417 occupiers
Edwardian Court	79 occupiers
View Court	112 occupiers
Persimmon	40 occupiers
Ingelosi House	84 people

At a broader outcome level in relation to SERI's inner city work, it is difficult to quantify the wider effects of SERI's contribution when it comes to preventing evictions. It is not possible to determine how many instances city councils have refrained from evictions because of the growing understanding of the need to be able to provide alternative accommodation if they were to proceed. These numbers are not insubstantial in terms of people that were prevented from being homeless through the changes in norms and behaviours around evictions due to SERI's influences in jurisprudence. Nevertheless, it is possible to quantify the actual success in SERI obtaining alternative accommodation options for its clients in instances where evictions have happened. This includes, as reported by SERI:

Table 3. Units of alternative accommodation generated as a result of SERI's intervention

Client group	*units*
Marie Louise clients	over 150 units

Saratoga Avenue clients	100 units
Chung Hua clients	150 units
Olivia Road clients	300 units
Siyanda	35 units
Moth clients	200 units
Fattis Mansions and Hercules cases	Emergency accommodation for clients was provided but these are not quantifiable at this stage

3.2.3. System of change and role of contextual factors

> *… this has been a very slow process and the ideological, policy and institutional change that was hoped/expected has not really happened. This is partly due to the constraints that come with litigation as well as challenges with/within the city. The kind of regulation of the private sector that I think was a desire of SERI, has not really happened. (Activist and Researcher)*

SERI has helped moving forward the jurisprudence on housing forward into a better understanding of what the intent of the constitution is. Housing, according to a key expert, is more advanced in legal interpretation than any other socio-economic right. SERI deserves attribution in this achievement. For instance, the successes of many cases around evictions such as San Jose and Blue Moonlight in the inner city in Johannesburg has helped move people to alternative housing. This, according to one key expert "in theory changed the way the COJ understands its obligations. When the COJ first started bringing evictions, before SERI, they never considered it an obligation".

Furthermore, the same person notes:

> *It is difficult to measure the successes of these cases, other than that there are fewer attempts to evict large groups of people. To measure the impact of the jurisprudence, you would need to measure where the court or landlords don't bring applications, which is impossible to measure, but by contrast to the early 1990s this was done with relative ease.*

Further progressive contributions to jurisprudence, in referring to the impact level of SERI's work, point to the Marikana Informal Settlement in Cape Town, with 60 000 people living on various smallholdings on private property. This constitutional court ruling and the victory for the communities living in the Marikana area moves the goal post for informal settlements beyond the "alternative accommodation" pathway to a change in property relations. To quote a key informant, this prevents the state from "shipping people off the land to places they don't want to live. This is a more radical goal of keeping people where they are".

One of the significant contributions of SERI's research has been in the domain of amplifying the voices of the clients but from a perspective of spatial injustice and telling this story from a quantitative perspective. SERI positioned this research as a critique against the Human Settlements Theory of Change that their housing subsidy programme builds assets and through this provides an exit to poverty for beneficiaries. SERI's research looked at Census data drawing on unemployment rates and household characteristics, as well as jobs location data (from the CSIR) to create a job proximity index. The research revealed the spatial mismatch between where people live and the distances they travel to in order to get to work (in the formal sector). Each metropolitan area was given a score on the rate of spatial mismatch and this index provided evidence to municipalities that their spatial development planning frameworks were reproducing spatial injustice and needed to be rethought. The impact of the research was to encourage municipalities to use these spatial mismatch

indicators as a tool for monitoring the implementation of the SPLUMA act and to consider this kind of data analysis in their own spatial development frameworks. Key agencies such as SALGA, the SACN and coalitions of NGOs have received this research well and hopefully can integrate these concepts into contemporary debates about the importance of location in housing.

3.2.4. Unintended effects

> *"The closeness of our relationship with SERI has limited broader coalition building with other legal clinics" (CBO, Partner)*

The complex urban context and the long time it takes for change to occur in people's lives based on court rulings, present many unintended consequences in the dynamics of local organization. For instance, the evaluation observed that in some cases:

- Despite victories in courts people remain in dilapidated buildings, or move to alternative accommodations that are not really appropriate;
- "Temporary" accommodations become permanent solutions and people spent many years there;
- Some occupants of alternative accommodations rent out their places;
- Power struggles erupt in some of the communities and result in divisions that make the day-to-day organizing harder;
- People leave social movements after their situation has improved;
- Some CBO members who have grown accustomed to working with SERI will not turn to any other public litigation organization, despite the fact that SERI itself is unable to manage all of the demands that come its way from this client;
- Government officials (i.e. individual politicians) required by the courts to implement public laws actually "block" the situation after they have been defeated in court.

It is important to note that the effects as describe above cannot solely be attributed to SERI's interventions. They are the result of many interlinked factors. As a matter of fact, it was observed that SERI is aware of most of the unintended effects and mitigates these through close relationships with clients and long-term engagements.

In light of the above picture pointing to complex causes and effects, it is important to note that the courts are themselves limited to bringing about change on the ground. Local government in particular stands out as a critical agent in affecting the communities SERI works for and with. The gradual breakdown in urban governance in places like the City of Johannesburg where coalition politics make the political landscape more difficult to predict, has made local government an even more important force to be reckoned with. The low levels of political will and even lower levels of capacity at the local government level have become significant stumbling blocks in effecting the change that victories in court are meant to bear. Ongoing strategies of confrontation while effective in the short term, might not alone resolve the limited capacity of local government officials.

In light of the elaborations above this evaluation recommends to SERI a more systematic review, reflection and monitoring of effects in combination with a more nuanced approach to the local government. This would greatly benefit the efficiency, effectiveness and sustainability of the interventions.

3.3. Effectiveness

The following section on effectiveness aims at understanding whether SERI has achieved its intended outputs and outcomes as agreed in the three project contracts with MISEREOR (4.3.1). Based on this, general remarks and recommendations are provided (4.3.2) and sum the factors and challenges to delivery are summarised (4.3.2). Not least the feasibility of aims and objectives as per project contracts is outlined (4.3.3). For the purpose of verifying the results the evaluation has systematically compared the project contracts and SERI's re-

ports. Annexes 6.10. and 6.11 present the project contracts and frameworks as well as the analysis in more detail.

3.3.1. Achievement of results

The examination revealed that a large majority of the outputs related to the three MISEREOR Projects on litigation, the organisation of community organisations, as well as research and advocacy work on the inner city and on informal settlements has been fully achieved. Some targets, such as the number of AbM members that have received paralegal training (150-900-1106 ZG, 2010-2012) and the number of people providing positive feedback about the research outputs (150-900-1157 ZG, 2012-2014), have been surpassed. A few, such as the number of research reports produced in the first contract (150-900-1105 ZG, 2010 – 2012), have not been fully achieved, either because the indented diversity was not achieved (e.g.: no submissions to government around inner city housing options, research topics not covered), or potentially because SERI has faced other challenges such as staff rotation leading to incomplete reports.

The early project component addressing the socio economic rights of non-South Africans/ migrants was discontinued and a new area of work on political space was created in in 2011. Since then migrant's access to socio-economic rights are broadly covered along the rights of other vulnerable groups as part of all other working areas. This was appropriate. SERI has continued to work on the housing of migrants in Johannesburg's inner city and in the informal settlements work.

Project 150-900-1105 ZG (2010 – 2012)

Indicator	*Evaluation Result*
Six reports are completed; at least two of them are used in public interest litigation and advocacy initiatives.	Objective met. Indirectly reported to Misereor.
Three relevant advocacy issues in the area of housing, basic services and migrant rights are fed into public and government advocacy initiatives and co-ordinate with public impact litigation, through the publication of relevant submissions to Parliament, popular news articles and ad hoc submissions to policy makers and implementers	Objective met. SERI has been extremely active in the media, conducting submissions to government and engaging in relevant platforms around specific issues dealt with in the research, advocacy and litigation activities. (No specific submissions were made to government around the provision of inner city housing for the poor. Issues around xenophobia and exclusion of refugees and migrants in the trading sector were not taken to the general media.)
Registration of the Law Clinic and the Bar Council is affected.	Objective met. The SERI Law Clinic was established in 2010.
On completion of 24 months, at least 20 litigious interventions and at least 50 more non-litigious interventions are documented.	Objective exceeded. SERI has been involved in 86 cases. From those, 48 were litigious and 38 non-litigious. SERI exceeded the expectation for non-litigious cases by almost doubling the expected number of cases and was short of only two in terms of number of litigious cases. Taking this into account, we consider that the expectations for this indicator were exceeded.
Social movements' and target communities' comments and views	Objective met – despite the fact that SERI failed to report these appropriately. The respective reports show no evidence.

Indicator	*Evaluation Result*
on the usefulness and quality of the reports, the advocacy initiatives and the interventions of the Law Clinic.	Interviews with clients during the evaluation process showed satisfaction with SERI's work and that clients see value on SERI's reports and advocacy work.
At least 20 activists have completed paralegal training successfully and have been deployed in Abahlali's communities.	Objective exceeded. SERI's paralegal training in 2010 was attended by 30 AbM members and the one in 2012 was attended by 40.
Members of Abahlali comment positively on the usefulness and quality of the paralegal training.	Objective met. AbM submitted a letter to SERI with very positive feedback after the first series of para-legal training workshops.

3.3.2. Project 150-900-1157 ZG (2012 – 2014)

Indicator	*Evaluation Result*
Three research reports and at least one set of workable resource guides/practical tools are developed per year and disseminated to target communities, relevant government officials and academia.	Objective partially met. Expectations exceeded in terms of quantity of work produced, met in terms of dissemination but with gaps in relevance and quality. SERI has produced eight research reports and four resource guides / practical tools. This work has been widely disseminated in different platforms. However, most of these research outputs do not focus on the "barriers and mechanisms that impede participation by social movements and target communities in their own development."
Each year, at least 20 active community members, relevant government officials, NGOs and well-known academics have provided feedback and confirm in majority the usefulness of the research outputs.	Objective exceeded. Positive feedback has been received from informal settlement communities, NGOs, lawyers, government departments, media, social movements, academics and CBOs.
Evidence is available of better connected and capacitated social movements and of communities that are better able to articulate and take up socio-economic rights issues (verification: continuous monitoring of and feedback from communities documented in a spreadsheet).	Objective likely met. SERI has conducted a large amount of work to mobilise and train social movements and target communities, however there is no evidence of the results of this work. Taking into account the large amount of work undertaken by SERI on this regard, we can assume that the expectations were most likely met.
Each year, at least 20 new litigation cases and at least 10 cases that advance socio-economic rights jurisprudence are conducted (verification: internal litigation matrix).	Objective met. Not possible to evaluate based on narrative reports. However according to the verification of the litigation matrix that was also submitted to Misereor (and that was made available to the evaluators.) It is not possible to evaluate SERI's success to accomplish this indicator since this information is not included in the narrative reports.
There is an increasing demand for SERI's litigation assistance (verification: internal register of number of requests for legal assistance).	Objective likely met. Attendance registers from May 2013 to February 2014 show a general trend for an increased number of meetings which appears to indicate an increased demand for legal assistance. Better tools to measure this indicator should be developed.
There is evidence of improved access to justice and strategic litigation in relation to SERI's thematic	Objective met. SERI's work on advancing socio-economic rights jurisprudence and public impact in terms of the protection of human rights defenders are

Indicator	*Evaluation Result*
areas (verification: internal record of the number of reported cases, positive comments from external sources and recognition of the role of SERI).	focused around 15 strategic litigation cases. These cover a variety of themes within SERI's thematic areas and should have a larger impact than for the clients themselves.

3.3.3. Project 150-900-1200 ZG (2015 – 2018)

Indicator	*Evaluation Result*
There is evidence of better capacitated social movements, CBOs and communities that are able to push for informal settlement upgrading in at least four informal settlements (Verification: continuous monitoring of and feedback from the communities).	Objective likely met. SERI's work does not always have a clear "action-effect". SERI has conducted a series of activities that indicate that social movements, CBOs and communities have been capacitated, however we do not have enough information to assess if these activities really had the intended effect.
At least four informal settlement communities per year supported with legal and litigation assistance manage to resist evictions or improve their access to services (Verification: Continuous monitoring of and feedback from the communities)	Objective likely to be exceeded in terms of resisting evictions, ambiguous in terms of improvement of access to services. Legal assistance was provided to thirteen informal settlement communities. The reports do not include the results for all the thirteen cases but taking into account SERI's track record. We can assume that all or most of all will be successful. SERI has been extremely successful in supporting communities to resist eviction, however, we have not yet seen such clear results in terms of the provision of services from litigation activities.
Research was conducted in four informal settlements and a report produced and disseminated to target communities, relevant government officials and academia.	Objective exceeded. Research report about land under customary administration covering four informal settlements and two Community Action Notes about relocation have been published. SERI started action research in two informal settlements.
Communities, social movements and other stakeholders request copies of research output and have provided feedback on its usefulness.	Evaluation result: Not possible to evaluate based on narrative reports It is not possible to evaluate SERI's success to accomplish this indicator since this information is not included in the narrative reports.

3.3.4.General remarks based on the assessment of project contracts

Reporting structure

- Project 150-900-1105 ZG (2010-2012). The final project report as well as annexe document was made available to the evaluators. While it was easy to read the annex document contained contradictory information with the narrative report in terms of number of cases, research outputs and advocacy initiatives. This may be because the narrative report was dated May 2012 - April 2012 and the annex was January 2010 - May 2012.
- Project 150-900-1157 ZG (2012-2015) is not structured around the specific indicators and activities. This makes it time-consuming to extract the information on achievement of outputs. The other reports are much easier to evaluate. It would be good to avoid this reporting format in future.

- Project 150-900-1200ZG (2015-2018): In the first two 6 month reports (March 2015 to February 2016 and March 2016 to August 2016), the section for activities implemented is structured exactly as the project contract. This is not the case for the last project (Sept 2016 to February 2017) where the activities are together in a narrative for research, advocacy and litigation activities, making it very time consuming to evaluate. Therefore, it would be good to avoid this recent reporting format in future. The initial reporting formats are more evaluation friendly and can be recommended as a template for future projects.

3.3.5. Factors of success (and failure)

> *"The man who punches in court." (CBO-Partner on SERI's ED)*

The following list summarises, from the evaluators perspective, the key factors that led to SERI's successful delivery of outputs and achievement of outcomes as intended in the three Misereor projects.

- The context of SA's first rate laws and policies ("Best constitution in the world") is instrumental to the effectiveness of SERI's approach as a rights based organisation.
- SERI can offer its services for free to the "clients" (target beneficiaries).
- The organisation attracts very talented staff (especially lawyers, many of which come from backgrounds similar to clients).
- Through the "strategic litigation approach" that is geared at "securing homes", "making a living" and "promoting political space", SERI systematically seeks to identify cases and claims not normally brought or conceived of by other public interest law firms and that are most promising in terms of large scale impact.
- It effectively uses litigation reference cases to advocate adequate values and processes in the application of socio-economic rights in the housing sphere.
- SERI employs a client based on-demand approach as a central part of its culture and values that means that the target beneficiaries i.e. 'clients', are at the centre of SERI's activities and driving the process. As a result, there is a very high level of trust of clients to SERI. (This is a very distinctive characteristic of the organisation and a very important factor of success.)
- After the court cases SERI is able to follow-up with the clients and so cultivate an ongoing relationship of trust.
- SERI's very skilled lawyers and the very good teamwork in SERI lead to high quality litigation;
- The litigation department can directly draw on the capacities of the research and advocacy section.
- Moreover, the approach of action research equally benefits from (and further nurtures) good relationships with the clients, as both sides benefit from the information that is generated and from the learning and communication process.
- Research outputs are of high quality and are highly relevant for the target groups: The research reports use a qualitative approach of 'deep' narrative stories, for example in the "practice notes". These are highly legible for the target groups and all other interested stakeholders.
- SERI's advocacy arm also effectively addresses several target groups/ stakeholders, from the law community, city officials, the general public and especially the target beneficiaries.
- Partners are identified in a pragmatic way and on a case-by-case basis and networking activities are predominantly ad-hoc and sporadic. This promotes direct effectiveness and efficiency.

Other factors of achieving outputs and outcomes have been more ambivalent and challenging

> *"Too much of the stick and not much of the carrot." (External expert, Local government)*

The following list summarises the key factors that from the evaluators point of view SERI are obstructing, or could be hindering an effective delivery of outputs and attainment of outcomes as intended, i.e. of the three MISEREOR projects.

Factors impeding delivery of results:

- Opportunities and spaces for innovative out of the box thinking are rare, due to the high pressure and workload on a day-to-day basis.
- Institutional vision and strategy are not formalised
- Despite the learning that occurs internally and externally through dissemination, it is not systematically reflected and strategized.
- Inconsistent format of contracting and project designs with deficient indicators that make monitoring, evaluations (also self-evaluations) and learning difficult.
- The organisation handles risks successfully, but rather intuitively. A risk management plan does not exist.
- Significant external threats to effectiveness and efficiency are: political changes, conflicts, open violence and threat to staff and allies, change of partners in municipal administration and socio-economic crises exaggerating poverty and exclusion.

3.3.6. Feasibility of objectives

The objectives set in the project contracts on litigation, research and advocacy relating to "Securing homes" are deemed feasible if we take into account that SERI met most of the objectives and exceeded some of them. Those objectives that were not met (as per reporting) mostly refer to "soft" factors relating to impact on the ground, not on the quantity of work done but on the effects of that work. Somehow SERI has been limited in delivering consistent and high quality reporting. While the reasons for this have to be internally elucidated, lacking or inappropriate SMART indicators and lack of qualified staff could be reasons for the deficiencies here. Therefore, it is important that future project contracts (while SERI should continue to report on outcomes, impact and effects), are consistently designed and have better (SMART) indicators around tangible and measurable results.

The second and third projects included indicators that are not easily measurable. For example, "Evidence of better capacity being built in social movements, CBOs and communities that are able to push for informal settlement upgrading in at least four informal settlements" proved to be difficult to assess because of a difficult attribution and because measuring impact in an urban context may take a long time. Therefore, it will be useful that future project contracts avoid non-measurable indicators.

3.4. Efficiency

3.4.1. Resourcefulness of delivery (cost efficiency)

Income/budget has more than tripled from R5 million in 2010/11 to more than R16 million in 2016/2017. With this increase in budget, the organization has expanded from nine people to 24 and the operational activities of SERI's three programmes have substantially widened and deepened. Programme costs moved from 17% of overall budget in 2010/2011 to 29% of the overall budget in 2016/2017. Litigation has consistently taken up the lion's share of the programme budget and stood at 17% of the overall programme budget by 2016/2017. From 2015/2016, the research budget nearly doubled from R329 397 to R619 783 in 2016/2017, which is a testament to the productivity of SERI in this domain and the growing recognition of its intrinsic value in supporting the legal and advocacy dimensions of SERI's work.

The ultimate cost-effectiveness of SERI's approach to its overall funding basket is to draw on various donor contributions to feed into its programmatic work as opposed to running the organization to respond to the myriad donor requests for specific projects. This has allowed SERI to move beyond

outputs towards achieving substantial outcomes that have a longer time horizon than might be possible within a single contract from a single donor.

Further elements of cost effectiveness are illustrated through factors such as: motivated and capable staff, young advocates and internship programmes, in-house research services, and cooperation of partners and peers to support with litigation (evidence is regularly reflected in annual reports). On the other hand, a large amount of resources is used for follow-up activities on the ground with strategic clients. Further opportunities for increasing cost-efficiency can be achieved through upgrades in technical infrastructure (knowledge management, database management of projects, and access to international indexes) as well as various supporting services for high-qualified staff such as typing or couriers – all of which would free up their time for more substantial work.

3.4.2. Internal efficiency

Administration

SERI has substantial operational systems that are embedded in the organization with regards to finance and administration. There are some frustrations in the operational team regarding the degrees of compliance by staff in getting the appropriate requisition forms in on time. The reasons given for this lapse seems largely a result of staff workloads and the prioritization of content work, at the expense of complying with time-frames for meeting organizational administrative requirements.

Governance

The organization is structured in a hierarchical manner with two layers within management beginning with the Executive Director, two Directors (one of Advocacy and Research and the other of Litigation), and a Manager of Operations. From the top, SERI has a Board of Directors that largely play an advisory and oversight role. It meets three times a year, twice to receive reports on progress from the Executive Director and once to engage in a strategic review of organizational performance with all of the staff.

The ED, a founding member of SERI, has shown strong leadership, vision and drive in having expanded the organization substantially since 2013 both in terms of widening its programmatic themes as well as expanding the number of staff that now sit at 24 people. According to an own estimate the ED spends ca. 40% of his time managing the organization, which entails relationship management with donors, meeting with his management team, and concentrating on quality assurance of all documentation emerging from SERI. As a highly capable legal professional, the ED spends the remaining 60% in the court room on strategically selected cases. While this division of labour is understandable for someone who is as driven and as effective in winning cases as the ED is, there might be inevitable trade-offs for the organization's stability. These trade-offs are in terms of managing the growth in demand, producing the strategic documentation that helps inform decision-making and creating an enabling environment for a staff contingent that face enormous pressures and often psychological trauma related to the nature of their interface with clients and partners.

The Director of Litigation, who also spends 40% of her time on managing what is a fairly large team (12 people) also has strong institutional memory, having been in the organization since 2012. The institutional memory that resides with both the ED and Director of Litigation cannot be underestimated in their ability to balance an immense workload with 60% focused on litigating and being highly effective in this regard, while 40% of their time is on management. Nevertheless, some of the lack of strategic documentation around partnerships, sustainability, codification on approaches, tools and instruments seem to reflect on the fact that only two days a week are spent in managing an organization that is dealing with really complex issues that are often emotionally challenging.

The first Director of Advocacy and Research put strong foundations in place for guiding research strategies and how this should intertwine with advocacy and communication. The current Director of this section began in 2017 and is proving very effective in consolidating her team. The reliance on

the RACI instrument by senior management has been a useful tool to keep track of staff performance in terms of deliverables within the legal, advocacy and research streams.

While there are regular staff seminars on Friday's, there are no meetings amongst all of the staff to discuss operational issues. These are brought up individually within the three respective teams (Litigation, Research and Advocacy and Operations) and then the managers of these teams can escalate pertinent issues to the ED in their bi-monthly management meetings.

Organisational efficiency (and effectiveness)

As SERI has grown substantially from nine staff members in 2010 to a team of ca. 24 in 2017, its management has chosen not to grow much more, despite an enormous demand. The decision was made to "stay small and strong" while supporting strategic litigation and maintain a degree of coherence across its programmes and staff interface. While this seems to be a positive drawing of the line and while an effective mechanism seems to exist of referring ongoing requests from the population to peers and colleagues, it will be important that this policy is regularly reviewed.

According to the observations of the evaluators the elements that promote organisational resilience are the high degree of collegiality and shared values, a good communication culture, succession planning, and a capable management level with complementary styles. A grievance mechanism is available but not often used, and conflict mediation occurs largely informally. This leaves room for improvement of internal communication and crisis management mechanisms.

Staff turnover [18]

SERI has had twenty staff leaving the organization since the organization started in 2010. On average, since 2011, this has been three people leaving per annum.[19] This has not been unusually high for an organization of this type and size, given the workload and commitment that are required. This turnover has not stood out as having a negative effect on outputs. That said, there has been some turnover of researchers in the Research and Advocacy department, with four people having left since 2015, excluding the two senior staff that have left but been retained as part time consultants. While three departures per annum may be a normal attrition rate, there might be a risk that such departures affect institutional memory within the organization[20] in terms of the years it takes to understand the nuancing of issues that is necessary in constructing effective and tactical strategies for taking advocacy forward.[21]

MEL (Monitoring, Evaluation and Learning)

The litigation and research and advocacy teams meet bi-monthly to review cases and discuss the content of their work. There are also bi-monthly research seminars in which the content work emerging from the two units are debated and discussed as a means of self-reflection and progress. While these research seminars may be illuminating in terms of self-awareness, there degree to which the learning gets reflected in project activities is difficult to determine as there is no regular codification of this learning beyond how it filters into regular management and research meetings.

The annual strategic retreat (that includes the board) is an important source of learning for the organization as it is an opportunity for all staff to meet with board members and reflect on past per-

[18] The source of these figures has been provided by the SERI operations team, which details the staff that have left each year and the jobs they have moved into.

[19] The departures noted above exclude the 4 candidate attorneys who are contracted for two years and interns who are contracted for one year.

[20] This refers to Kate Tissington, Tim Hodgson, Dennis Webster and Nadira Munshi.,

[21] Approximately 21 of the 24 people that have left SERI (inclusive of interns and candidate attorneys) have remained in the sector with information unavailable for the remaining four. This is a very successful rate of throughput into the human rights discipline. SERI has a tracking measure, for indicating where these emerging practitioners go to once they leave SERI. This helps provide evidence as to whether the degree of mentorship provided by senior staff is effective in having the organization serve as a vehicle for bringing people in and onto the socio-economic rights discipline.

formance, which helps take stock of new strategic directions. The documentation from these annual meetings is thin however, and only some fragmented documentation related to research and advocacy existed for the 2017 meeting. While SERI is certainly highly strategic in how it does its planning around litigation, research and advocacy, the ability to demonstrate follow-through on recommendations emerging from these meetings is limited without adequate documentation.

While current mechanisms for learning and balance of time spent on content versus management appear to be sufficient for a small organization, a higher level of formalisation is recommended in SERI's case, as the organisation has grown substantially and its staff experience very demanding workloads. The selectivity criteria used to sift through to determine what new work SERI takes on, for example seem insufficiently formalised, documented and institutionalized to adequately support the difficult and necessary decisions that require saying no.

In this vein it also seems that there is a shortage of a monitoring, evaluation and learning framework to guide the implementation of annual strategic reflections as well as the regular internal discussions about what staff are learning from the activities and outputs they are engaging with. This effects how the "business" of the organization translates into broader outcomes. This MEL framework could assist the organization strategically and operationally in order to provide a greater set of guidelines for SERI decision-making in how it manages demand and how it tracks its programmatic results.

Obviously it is a challenge to track outcomes and impacts, but is a very important space of reflection, self-critique, accommodating dissent, etc. Where this does not exist, it is difficult to be honest about impact and unintended consequences of the work, and where approaches need to be changed.

3.5. Sustainability

3.5.1. Ownership by target groups and beneficiaries

The ownership of the processes by the "clients" plays a very important role as part of SERI's approach. To work on eye-to-eye level is an intrinsic component of SERI's work that focuses on socio-economic rights in the housing and human settlements sector. The approach can be seen as a blending of cultures of litigation that are oriented at and driven by "clients" together with positions of deep respect and solidarity and eye-to-eye level partnership to the vulnerable and poor. Moreover, the long-term and continuous engagement with communities is leveraging trust. A core component in this context is also the social sensitivity of all staff members, several of whom share a beneficiaries' background.

The main "clients" in this context are predominantly the community based organisations and social movements, whether the AbM section of the Siyanda IS (Durban), the Inner City Federation in Johannesburg, the Slovo Park Community Development Forum, the Thusong CBO, or the Erkuhuleni Concerned Residents Association (ECRA) of the Winnie Mandela IS.

The high level of ownership and engagement is underlined by the following statements:

> *"We are a co-founder of SERI"; "SERI is the Abahlali's legal wing"; "AbM is on the driving seat of the partnership"; and "We don't always need to go back to SERI when problems arise in implementation" (AbM),*

…confirm very high levels of engagement, autonomy and independence. The same was true when other CBOs, such as the ECRY reported about the spaces they actively use to protest:

> *"Our protests such as the roadblocks are our strategy to get attention and make the municipality look at us and to talk to us" (ECRA); "We are in control and we know our rights and responsibilities" (ICF)*

Yet, while SERI's approach attempts to provide a fertile ground for horizontal partnerships and maximum autonomy, the reality on the ground is more complex. Local organisations often remain very weak with a "natural" inclination of being dependent on SERI. Quotes such as

> *"We are dependent on SERI. We trust them and we need them" or "If SERI goes - this would be a bombshell" (ECRA); " Without SERI we would have to shut down" (ICF)*

… illustrate this point.

Indeed, the fact that the "power" of litigation is on SERI's side as well as the fact that SERI's services are for the clients naturally implies that the relation with the "clients" is asymmetrical. During the evaluation it appeared that some of the "stronger" and "older" clients, with a long history of struggle and/or with a track record of cooperation with other NGOs, such as AbM, reported being independent of SERI, but others, such as clients from the Winnie Mandela IS or the Inner City were dependent on the organizational strength SERI brought to bear in part of the research leading up to a litigation strategy (Winnie) or logistical support (ICF). This fact is neither "good" nor "bad". Nonetheless, dependencies bear challenges and risks for the sustainability of the client's own pathways to change and require SERI to engage in ongoing reflection on how to distinguish itself from the agency of its clients.

3.5.2. Organisational sustainability

SERI has a diverse and sound funding base. This is an important factor promoting organisational sustainability in financial terms and one that distinguishes the organisation from many other developmental NGOs that have been struggling in the last decade as many international donors have left South Africa and as priorities of internal organisation have shifted.

Other factors that have been observed and that promote the organisation's sustainability are: an effective strategy, sound communication processes, a succession plan, a very high level of skills commitment and dedication of all managers, staff and the board, and a robust presence of first generation staff and founders. Internal and external interviews have pointed to a few factors that can put SERI at risk. These are the retention of skilled staff, recruitment and safeguarding of donors and potential criminalisation of NGOs by the state.

The high reliance on informal and implicit practises and corresponding limited levels of institutionalised processes as perceived in the evaluation might be a risk factor that is limiting the medium- and long-term sustainability of the organisation and so need to be addressed.

From a broader sustainability perspective in terms of SERI's strategic direction, SERI's current focus is absolutely necessary and needed, but it has to go beyond what it is doing. This has to do with the debates between development-based organizations and human rights-based organizations when confronting the question of how winning a court victory get translated into sustainable development. SERI has addressed this through its "Making a Living" programmatic work as well as the research that is beginning to address spatial issues in its advocacy around urban planning.

3.5.3. Lessons and Replicability

SERI is very successful in promoting lessons and replicable results to stakeholders in the field. However, the organisation does not work with 'classical' demonstration projects as usually known in the housing and basic-services development sectors. SERI's type of demonstration projects are its litigation cases that influenced the legal sphere and that are used as references and models in the field. Many of these have been ground-breaking and highly influential to the SA legal context, especially in respect to the realisation of socio economic rights in the housing and human settlements sector (security of tenure and informal settlement upgrading, meaningful engagement, appropriateness of

accommodations, etc.). A second type of demonstration and learning "models" are the strategic case studies on the ground – for example SERI's Community Practice Notes with stories and lessons from the work with selected informal settlements, the Inner City Alternative Accommodation Cases and its informal settlement relocation cases as well as its guideline documents, such as the Relocating to Alternative Accommodation: Legal and Practical Guidelines (2017), or A Tenant's Guide to Rental Housing (2013), among many others.

Another very strong approach to mainstreaming, replication and knowledge are the "smaller" and "larger" videos on some of the major areas of its work that SERI co-produced, such as the "Dear Mandela" movie and toolkit (albeit the funding for these is not part of the MISEREOR project).[22]

3.5.4. Cross-cutting issues

SERI does not have a dedicated strategy on cross-cutting issues, rather these are mostly handled implicitly and intuitively. Basic human rights, elsewhere a cross-cutting topic, are at the centre of SERI's work. Many other cross-cutting issues, such as gender equity or addressing problems such as inequality, poverty and exclusion, are comprehensively addressed in the work programmes and processes of the organization. On the other hand, SERI does not actively tackle issues such as youth, safety, climate change or disaster risk reduction. The evaluation deems the present convergence of the crosscutting issues focused on human rights addressing issues of poverty, exclusion and gender as highly relevant and appropriate. This coverage is thorough but often addressed implicitly, particularly with regard to gender and migration issues.

The evaluation observed that SERI is not always able to implement all principles related to the cross cutting issues it tackles on the ground. The deep respect of clients often necessitates SERI to tolerate situations that are weak on gender equity, for example when it works with an all-male community development forum even though women were never excluded from participating. Nonetheless, it was also observed that SERI is capable of reflecting and handling the situation without compromising its own ethic. For instance, appointing a female staff member to represent SERI as a partner of an all-male CBO.

3.6. Partnerships

3.6.1. Added value and lessons from partnerships

> *"The partnership has worked effectively … SERI are experts legally but weak politically, we are strong politically and weak legally- powerful collaboration when you bring the two together" (CBO, Partner)*

SERI does not have an explicit partnership and networking strategy. There are however, clear procedures for how partnerships get formed, whether with "clients", likeminded NGOs, governments or other partners such as universities and donors. The majority of partnerships SERI engages with is on a case-by-case basis and is strategic. The evaluation revealed a diversity of views on the values of partnerships. SERI's representatives tend to prefer the pragmatic project based approach. At the same time many respondents from other NGO's, experts, or governments representatives would like to see SERI engaging more systematically and strategically in partnerships and cooperation and exploring their benefits and efficiencies. A few board members also affirmed the relevance of the issue.

[22] Cf. http://www.fightingforaliving.org/ (r11.09.2017)

"Client-partners"

The selectivity criteria begin with prioritizing clients as the entry point for becoming a partner with SERI. According to the observations made as part of this evaluation SERI's the criteria establishes that:

- the client coming to SERI must be represented by an organized community,
- it must be a case relating to furthering jurisprudence on socio-economic rights issues,
- it must be sufficiently "strategic" to ensure that winning such a case would reach a wider-group of beneficiaries, i.e.: set a precedence in court that would subsequently positively affect others.

As the legal journey in the majority of the cases in the field might be very long (i.e. securing protest space, ensuring livelihoods, avoiding evictions, temporary accommodation, to permanent solutions etc.), the relationships often take many years and the clients often evolve into "partners" while the needs, requests and engagements move beyond litigation into advocacy and research.[23] Due to the long process and the need for a close relationship of trust, there is no exit strategy with most of SERI's clients/partners. As one SERI staff person put it "Once you become a client of SERI it is for life".

These client-led partnerships may be demanding and longstanding but, as the Executive Director notes they "have intense and then latent periods", which allows SERI the band-width to manage a different coterie of partners that are more focused on the substantive issues around taking debates forward in relation to the implementation of a rights agenda.

Peers, NGOs, Governments, Universities and Donors as partners

When it comes to this second category of partnerships and networks, SERI engages with multiple organisations, law clinics, pro-bono attorneys, unions, networks and NGOs as well as government bodies directly and indirectly.

The evaluation revealed that SERI is well networked, especially through sporadic and informal links as well as more formalised alliances such as the Good Governance Learning Network. As mentioned, most collaborations occur in an ad-hoc and needs based manner.

The Research Advocacy arm of the organization is where the greatest demand on time to coordinate SERI's networking has been funnelled through engagements at workshops, conferences, public sector meetings and so forth. These gatherings are an inherent part of the dissemination of SERI's work. The effect of these networks and partnerships is to get key issues onto the decision-making agenda in order to make the gaps in implementation more apparent and to explore policy alternatives. A question is, where are these articulations of broader outcomes, recorded to inform SERI's own organizational learning?

Peers in the litigation field

There are very good and close relations to many peers in the public litigation field. SERI's relationship with other pro-bono legal organizations is determined by collaboration on litigation cases. There are, however, no standardized platforms for these PILS organizations to share notes in order to reflect on emerging trends in jurisprudence.

Universities and academic institutions

SERI has emerged from an academic institution (CALS) and has a long track record of engaging with academia. For instance, a former collaboration with CUBES on informal trading is illustrative of a productive alliance of two organizations working in similar areas that can built upon their respective expertise in supporting the policy environment on street-traders. The question is what happens to the collaboration with CUBES once the output (booklet produced) is completed given that both organizations remain engaged in working for and with informal traders? This is just an example to

[23] In some instances, research has been the entry point for establishing a partnership, such as in Slovo Park with litigation following afterwards.

highlight the need for a more systematized collaboration with like-minded research-based organizations that could help complement SERI's work when it might not have the time to keep abreast of themes that are being worked on by others.

Other NGOs

SERI's approach to partners which is largely pragmatic and ad-hoc and that serves its' own research/advocacy agenda applies in particular to NGO partners in the "field".

Most representatives of other developmental NGOs reflected that SERI's work is extremely pertinent and effective, and at the same time most shared a view that there was room for further cooperation. Interestingly it seems that SERI's own perception differs here from the view of some of its partners and target beneficiaries, in that the organisation has the feeling that its project- based co-operation strategy is adequate and efficient.

The evaluation sees further potential for a collaborative dimension with organizations like Planact, BESG, DAG in thinking through the pathway to development with SERI's clients, particularly when it comes to alternative affordable housing. One example of where there are lessons to draw from is a working model in Cape Town.

As one key informant notes, "NASHUA's approach to collaboration in Cape Town on rental housing options could be useful for SERI." The instance at hand involves a coalescence of interests in partnerships with Indufuno Kwazi around Tafelberg in Cape Town. This process of collaboration built trust between different roles played by each stakeholder, which was tested in the Salt River/ Woodstock area. The collaboration between Nashua and DAG on the urban regeneration programme is looking at transitional housing and how to support people who cannot afford to stay in social housing. Structuring such a model of collaboration in the inner city of Johannesburg could be worth considering for SERI's strategic thinking about broadening its impacts through selected partnerships.

Government

SERI's relationships and cooperation with government reveals significant diversity. SERI seems to work best with national institutions and national government bodies. It works well with the provincial layer of these institutions. The most problematic relationships are at the local government level as this is where SERI's (in line with the entire sectors') tactical approach to being "confrontational", or "adversarial" in defence of its clients' interests- can make it difficult to simultaneously have a more collaborative engagement with different parts of the same government institution that is trying to figure out how to put existing legislation into practice. The broader challenge at the local government level relates to a highly politicised context, particularly in relation to how power operates at the ward level in relation to housing, services and land tenure. For instance, some ward councillors will choose to make it impossible for basic services to be extended to a given ward, despite the constitutional right of the residents living in this same ward, based on their voting behaviour in local government elections.

It is not surprising therefore that the interviews with some government officials as part of this evaluation reflect diverse perceptions of SERI. While some state representatives and policy experts (i.e. at local government level) perceived SERI's relation to the state as confrontational others experienced the organisation SERI as co-operational. The results demonstrate that SERI's can't be reduced to demonstration alone and that it adapts its tactic to the situation

Lessons and conclusions on partnerships

SERI's work has been very successful in building community organizing and providing support to these groups in forming their own vision and pathway of what their own development should be. However, SERI seems to have eluded engagements with organizations that could take SERI's important victories in the legal sphere forward into the domain of development – at least from the point of view of many outside perspectives.

However, some of the interview respondents representing other NGOs, representing the government, as well as several experts in the field, have pointed to there being a weak spot in SERI's avoidance of engagement on the development dimensions of their client's interests. In this vein, they note that the impacts of SERI's partnerships in this area of engagement (due to research, litigation and advocacy) will not in and of themselves bring concrete improvements in people's lives, except for preventing eviction and instilling hope and the possible security of tenure. The next step in the pathway to development entails an arena of engagement that may be justifiably beyond the remit of SERI but is critical in getting the road cleared, the house built, and the essential services working.

In light of the above, the evaluation sees a significant potential for SERI to develop strategic partnerships with complementary NGOs and to develop a more nuanced approach to engaging with local government bodies that can allow it to retain its confrontational approach where needed but in parallel be working more collaboratively in trying to build alliances with champions fighting for the same cause within the state.

3.6.2. Partnership with MISEREOR

MISEREOR is one of SERI's long-term funding partners that have supported the organisation from the very beginning. Without this support, many of the landmark victories in the courts as well as substantial research outputs affecting all residents of informal settlement and "illegal" accommodations in the inner city, would have not been possible. A continuation of the partnership is highly recommended. In order to increase efficiency and facilitate monitoring and evaluation, the evaluation recommends a revision of the reporting formats in future contracts. (Cf. Effectiveness section)

4. Conclusion

The case studies above, as well as other observations as part of this evaluation have highlighted the ongoing weakness in the state, especially at the local government level in bringing to fruition what the constitution promises. Court rulings have progressively given definition and interpretations of national housing policies as they were originally intended. These rulings are, however, over time, having limited impact because of the lack of political will and operational capability of local government to implement the policies that are aimed in realizing socio-economic rights in a participatory manner, such as the UISP. The litany of reasons for poor enforcement of court rulings on socio-economic rights includes political struggles, patronage systems, bureaucratic red tape, technocratic approaches focused on outputs and meeting targets but that undermine sustainability and silo mentalities in city councils that constrain the cooperation and integration necessary for addressing the complexities associated with addressing affordable accommodation, and so forth. The poor enforcement of high court rulings therefore remains a threat to the litigation mechanism that SERI has been successfully using over the past 7 years. This view was shared by one of the commissioners at the Human Rights Commission at a gathering by the National Department of Human Settlements on the PAIA act (Sept, 12th 2017), where he indicated that the breakdown in the constitution's rulings on housing has to do with urban governance and the deteriorating urban management capabilities of city councils.

The failings of cities to deal with accommodation is a broader urban management issue. In the late 1990s, the national government chose to realize a developmental approach to urban management through the Municipal Systems Act (which was only enacted in 2001), drawing on the Integrated Development Plans as the key instrument to resolving the challenges of urban development. When courts rule regarding the expected behaviour of cities to accommodate poor people's housing needs and these rulings are systematically ignored, this speaks to a broader urban management issue that goes beyond the powers and functions of courts. The lack of instruments to deal with these urban management issues is leading to increasing pressure on the courts to enter into the policy domain of the state, which is beyond their purview. This was why the Phiri court case, managed by the Centre

for Applied Legal Studies, was lost in 2009 where the state was unwilling to carry the administrative burden of determining what was a "reasonable" water service.

With the understanding that turning to the state to solve the implementation challenges associated with securing a home for people living in informal settlements and inner city bad buildings is no panacea, many of the interviews with key experts suggested that this was an area of weakness in SERI's programme of work.

> *"So much more could be gained from a clearer understanding of the state and what is possible within its limitations"*

For SERI to further the progressive realization of socio-economic rights, how it works with the state beyond its successful and important engagement through litigation, is critical. Taking a confrontational/ adversarial stance at the local level on behalf of the clients is absolutely needed when there are consistent infringements on people's first and second generational rights. One of the challenges lies in continuing to deepen its understanding of local government, how it works and why it fails. The potential lies in an approach that would also see the state as client, even if to a much more limited extent than the vulnerable and poor, seeking out more opportunities to cooperate and engage. Together with capable partners SERI, could bring this research more strongly into its advocacy work. There could be more attention to the how and not just the what the research produces. This is where the advocacy style of SERI could help build bridges at the local government level in seeking out allies where possible to entrench this combined learning journey.

> *SERI's research outputs are important and useful, but to what extent do they really address the challenges in local government (and are possibly a bit naïve in content and orientation), and should perhaps be workshopped in a more collaborative way with local government. So that the nature of the research process is as important as the output. (External Expert, Researcher)*

To SERI's credit, relevant research interventions exist and have had strong advocacy impact in trying to reform policy and practice at the state level. For instance, SERI's work "Minding the Gap", certainly went beyond identifying a problem as it was proactive in looking to solutions and was used by the city to shape its own agenda in the Inner City Partnership (ICHIP) strategy.[24] The degree to which this kind of strategic engagement is integrated into SERI's strategic planning and partnership management remains unknown because this documentation regarding forward plans was not available.

In taking a long-term view to changes in jurisprudence, Zac Yacoob, SERI's patron and board member and former constitutional court judge, has observed the gap in bringing greater definition to what is reasonable in the progressive realization of human rights. SERI needs to confront these gaps in its theory of change if it wants to be more effective in its interventions by ensuring there are tangible links between the court victories its work is contributing to, and the difference these victories make in people's lives. Future litigation work on enforcement will go well with future research work on what is reasonable. SERIs everyday interrogation of what is reasonable inevitably informs and shapes its legal tactics, which often result in progressive court rulings that advance the interests of the communities SERI is serving. The challenges around the enforcement of these rulings may need to form a stronger part of SERI's advocacy with local government. The understanding of the reasons behind the enforcement of these challenges, beyond lack of political will or poor capacity, can assist SERI in deepening its ability to work with local council's in finding solutions to the problems it has so capably highlighted through its body of work.

[24] Moreover, the Public Housing Policy Brief has engaged with the internal workings of the state and how constitutional obligations can be translated into policy and practice. Another example is a series of workshops SERI conducted in partnership with SALGA for municipalities struggling to understand and implement anti-eviction legislation.

5. Recommendations

Five main recommendations are presented below. These are the main recommendations that have been included in the recommendation matrix to put forward between Misereor and SERI. A list of further, secondary recommendations that results on various findings of the report follows.

5.1. Key recommendations

	Why?	*What?*	*How? and Who?*
1	(Urban Planning and the Law) SERI's roots in litigation involve a reactive focus. (This is not a problem, but an asset.) Despite many individual pro-active actions (mainly by the research and advocacy arms), there is a risk of missing a larger, more coordinated medium and long term perspective and pro-active agenda on inclusive, sustainable, equitable and resilient spatial development.	Take forward existing potentials and strengthen pro-active approach and capacities on spatial development and planning on a neighbourhood and city level. Focus here on the nexus of urban planning, and the law and combine this goal with strategic partnerships (Recommendation 4)	Though strategic cooperation/s contribute to developing an "spatial" vision including the way you seek to steer urbanisation, for SA's cities and neighbourhoods (possibly in cooperation with NGOs such as DAG and/or with Academic partners such as ACC or CUBES). Become an agent of NUA and SDG principles and implementation that are the international standards today. Especially address how legal instruments and regulations could support the normative urban vision outlined above. Become a stronger agent in urban law making process. Discuss relevance and feasibility internally, and with MISEREOR whether new project components on urban planning could be developed in the ensuing contract.
2	(Institutional development) SERI has strong organizational strategy and institutional culture, but many project related processes are still handled informally or semi-informally. MISEREOR projects lack standardized approaches making it difficult to compare progress over time.	To formalize an institutionalized strategy and regular update and mechanisms. To advance impact monitoring and "external" learning. To establish coherent project frameworks including MEL (Monitoring, Evaluation and Leaning) mechanisms. This should also be combined with refined project design and reporting and better structure and consistency and refined indicators of MISEREOR projects.	Reflect current situation. Organise trainings. Record results from annual strategic sessions systematically. Explore feasibility of community-based oversight and monitoring methods. Establish in-house capacities for the MEL task. Discuss relevance and feasibility internally, and with MISEREOR new project components

	Why?	*What?*	*How? and Who?*
3	(Capacities and staff development) While SERI is on a path from a "team" to an organisation/institution, staff development and conflict resolution mechanisms are existing but can be further strengthened through consolidation and formalisation.	To advance and formalize mechanisms for reflection, internal learning, staff development and conflict management. To create the managerial capacity to put more attention to finding creative ways to manage internal conflict.	Reflect current situation. Gradually establish in-house capacities. Use consultants and trainings. Discuss relevance and feasibility internally, and with MISEREOR whether new project components on staff development could be integrated in the ensuing contract.
4	Ad-hoc needs-based collaboration in combination with long term partnerships is very effective but also takes up many resources. Likewise, no cooperation and doing it alone in taking up developmental, technical and social work might take up many resources and distracts form core competencies.	To develop a partnership strategy. To initiate strategic partnerships/teams with a) government partners, b) developmental NGOs specialised on community organisation and on the implementation of informal settlement upgrading processes.	Undertake systematic mapping and analysis of potential partners. a) Partnerships with government partners: Strategize partnerships with higher-level of government (to which good relationships already exist) that can have an impact on local government. b) define interfaces where processes can be gradually transferred to other partners and NGOs that specialise on technologic and social aspects of development. Designate staff responsible and allocate staff time to partnership management. But the directors should lead partnerships in the respective fields. Discuss internally feasibility and with MISEREOR combined funding models for consortia of NGOs.
5	Most of the research and advocacy outputs are excellent, and already a reference in the field. However for many of the "clients" and target beneficiaries they are still hard to comprehend.	To maintain and expand quality of research and advocacy (including media outputs). Specially to introduce key project documents, especially toolkits and guidelines geared at target beneficiaries in the most important local languages. To support the advocacy and raining materials through workshops and trainings.	Select publications and verify their value and feasibility, internally and with target groups. Organise translation process. Discuss whether funding for translation can be provided as part of the next contract with MISEREOR.

5.2. Secondary recommendations

5.2.1. To carry on non-adversarial work on promoting effectiveness of local government

Continue to undertake research on local government dynamics from the perspective of identifying spaces of cooperation and of local government as an additional client (not to compromise the main client groups the vulnerable and poor). Consider exploring new project components on Alternative

Dispute Resolution such as Mediation, using specialised techniques of communication and negotiation. Consider cases where it would make sense engaging another neutral third party as an additional conflict resolution strategy and project component.

5.2.2. To maintain and expand quality of research and advocacy outputs

SERIs has a track record of high quality research and advocacy outputs. These have a distinctive value. It is vital to maintain and expand this strength. In this context SERI should consider:

- To employ more specialized staff i.e. with journalism (to enhance the communication/dissemination/advocacy) and training experience (to address growing demand for capacity building amongst clients and partners,
- To consider separate advocacy and research branches,
- To produce documents in local languages
- To develop stable quality assurance and peer review mechanisms,
- Formalize mechanisms for quality assurance in public lectures, trainings, such as review of the housing training done at the School of Governance at Wits.

5.2.3. To progress quality of future reports

Based on the findings in section 3.3.2 and 3.3.3 it is recommended for future reports. Also to be included in future contracts:

- To include a table indicating the relationships between reports produced and advocacy and litigation work. Where has the research work been used? (litigation cases, media, workshops, submissions to government, etc.) There is no precedent for this as it has not been done in any report so far.
- To split the reporting of activities between those that are a continuation of an old project and new projects (e.g.: Slovo Park should be reported as the continuation of an old litigation case).
- (Re: 150-900-1157 ZG project, 2012-2015) To create some sort of record system for litigation support petitions so that one can track the increase of demand. If it already exists, include information on the report.
- For those project contracts that include an indicator about feedback on SERI's work, the narrative reports should include a specific section were this feedback is unpacked. This was done in project 150-900-1157 ZG but not in the others

5.2.4. To promote spaces for reflection, internally and with the clients on the risk of dependence

It is recommended that the inclination towards dependence (that is based on the fact that the process and technical knowledge lies on SERIs side) continues to find sufficient room for reflection and debate – internally and also with the “clients”. The goal should be that the CBO partners should always have the feeling that a separation from SERI is possible and that they see alternatives.

5.2.1. To refine, strategize and formalize a gender approach

SERI does not have an explicit gender strategy but the vast amount of its work affects women in positive ways, such as families not being left homeless due to SERI’s victories against evictions, women not being separated from their husbands in inner-hostels due to SERI’s efforts to improve the living conditions of hostel dwellers, and so forth.
SERI needs to take more credit for the real gains it is making in people’s lives that helps to diffuse intense power relations that are intertwined in how women and men relate at a household level, as tenant to landlord, as inner city housing building representative to tenant…sheriff to evictee… and so forth.

Integrating a stronger gender design into the some of the research and advocacy work that SERI carries out in its “Securing a home” programming would make much of its implicit gains explicit. This documentation could be incredibly powerful making more visible how poverty and inequality negatively affect gender relations. This contribution, once understood by SERI’s clients, would bring an additional dimension of self-determination and empowerment that moves beyond the community-level to the individual.

5.2.2. For Misereor: To continue partnership with SERI

A continuation of the partnership is highly recommended. In order to increase efficiency and facilitate monitoring and evaluation, the evaluation recommends a revision of the reporting formats in future contracts. (Cf. 5.2.2 above)

6. Annexes

6.1. Terms of reference

Terms of Reference

MISEREOR AND SERI's Joint Evaluation of SERI's Research, Advocacy and Litigation Work 2010 to Date

1. Introduction

The evaluation is a joint initiative of MISEREOR and SERI and will be undertaken to review SERI's research, advocacy and litigation activities since 2010. A specific focus of this review will be on SERI's informal settlement and Inner City work, which forms part of SERI's "securing our home" theme.

The Socio-Economic Rights Institute of South Africa (SERI) is a non-profit human rights organisation. SERI works with communities, social movements, individuals and other non-profit organisations in South Africa and beyond to develop and implement strategies to challenge inequality and realise socio-economic rights.

SERI's conviction is that it is the people who are subject to poverty and inequality who are best placed to devise and implement strategies to challenge them. SERI provides legal advice and representation, research services and advocacy support to its clients and partners. SERI acts to protect and expand the political spaces in which individuals and communities organise and press for social change.

SERI's work reflects the three major challenges facing poor communities in South Africa today: securing a home; making a living and protecting and expanding political space. SERI's work on "Securing a Home" focuses on opposing evictions, working for informal settlement upgrading, challenging unfair foreclosures and reforming banking practices that prejudice the poor.

SERI's work on "Making a Living" takes up the needs of people in precarious work, particularly farm workers and informal traders, and helps them challenge unfair labour practices and restrictions on their rights to do business. In its "Expanding Political Space" work, SERI confronts the use of the criminal justice system to suppress community-based protest; the use of defamation actions, and other common law remedies to stifle protest and freedom of speech; and police violence in poor and vulnerable communities.

MISEREOR / KZE provided support to SERI with the following three projects since 2010:

I. **KZE Project No. 150-900-1105 ZG** *"Socio-economic rights intervention in support of informal settlements and migrants"* with a project period of 24 months, **1st May 2010 to 31st April 2012**; funding amounts: 220,000 Euro KZE (25,0 %), 660,000 Euro co-funding (75,0 %) from Atlantic Philanthropies (37,5 %), Ford Foundation (25,0 %) and Open Society Foundation (12,5 %).

Objectives of project 150-900-1105 ZG:

1. Social movements and communities from informal settlements as well as migrant and other target communities have access to six expert reports on housing, informal settlement upgrading, water and basic sanitation, electricity tariffs, informal trading regulations and discrimination against migrants in access to health care and education, which can be used to support advocacy and public interest litigation.
2. Three relevant advocacy issues in the areas of housing, basic services and migrant rights are fed into public and government advocacy initiatives and co-ordinated with public impact litigation, through the publication of relevant submissions to parliament, popular news articles and ad hoc submissions to policy makers and implementers.
3. The SERI Law Clinic is established and provides expert legal assistance to social movements and target communities, pursuing at least 20 litigious interventions a year and at least 25 more non-litigious interventions a year.
4. At least 20 paralegals of the Abahlali baseMjondolo Movement are trained to provide effective paralegal support to the movement in its target communities.

1

KZE Project No. 150-900-1157 ZG *"Socio-economic rights intervention in support of informal settlements"* with a project period of 34 months from **1st May 2012 to 28th February 2015**; funding amounts: 325,000 Euro KZE – 22,64 %, 1,110,500 Euro co-funding – 77,36 % from Atlantic Philanthropies, Ford Foundation, Open Society Foundation and others.

Objectives and indicators of project 150-900-1157 ZG:

1. High quality, responsive and relevant research helps to develop a deeper understanding of the barriers and mechanisms that impede participation by social movements and target communities in their own development. **Indicators:** (1) Three research reports and at least one set of workable resource guides/practical tools are developed per year and disseminated to target communities, relevant government officials and academia. (2) Each year, at least 20 active community members, relevant government officials, NGOs and well-known academics have provided feedback and confirm in majority the usefulness of the research outputs.
2. Social movements and target communities from informal settlements are mobilised and trained to more effectively engage government and influence decision-making at communal level; in this, they receive further support through advocacy and relevant litigation. **Indicator:** Evidence is available of better connected and capacitated social movements and of communities that are better able to articulate and take up socio-economic rights issues
3. Social movements and target communities have the dedicated legal support they need to improve their living conditions and to defend their political rights. **Indicators:** (1) Each year, at least 20 new litigation cases and at least 10 cases that advance socio-economic rights jurisprudence are conducted. (2) There is an increasing demand for SERI's litigation assistance. (3) There is evidence of improved access to justice and strategic litigation in relation to SERI's thematic areas.

II. **KZE Project No. 150-900-1200 ZG** *"Informal settlement upgrading and urban land access in South Africa"* with a project period of 36 months from **1st March 2015 to 28th February 2018**; with a funding amount of 325,000 Euro only from KZE.

Objectives and indicators of project 150-900-1157 ZG:

1. Social movements, CBOs and target communities are better able to push for informal settlement upgrading through access to research, advocacy and litigation assistance. **Indicator**: Evidence of better capacitated social movements, CBOs and communities that are able to push for informal settlement upgrading.
2. Poor and marginalised households living in informal settlement communities have improved access to secure tenure and basic services. **Indicator**: At least 4 informal settlement communities per year supported with legal and litigation assistance.
3. Action research that explores the gaps between law and policy, and practice, helps to develop a deeper understanding of the links between access to services, tenure security, land use practices, democratic participation and livelihoods. **Indicators**: (1) Research conducted in four informal settlements and a report produced and disseminated to target communities, relevant government officials and academia. (2) Communities, social movements and other stakeholders request copies of research output and have provided feedback on its usefulness.

The evaluation should incorporate the interventions realised in the context of these projects with their outputs, outcomes and impacts. As informal settlements and housing are a major concern in all these three projects, a specific focus should be directed to SERI's informal settlement work and the intervention in the Inner City of Johannesburg.

The objectives of SERI's informal settlement work, part of SERI's "securing our home" theme, are[1]:

[1] Other work on informal settlements to consider since 2010:

- SERI's first set of community practice notes, the informal settlement series published in August 2014 focused on struggles of development.
- Working paper: Informal Settlement Upgrading in South Africa: Linkages to Livelihood Creation, Informal Sector Development and Economic Opportunity Generation (November 2012)

- To ensure that social movements, CBOs and target communities are better able to push for informal settlement upgrading through access to research, advocacy and litigation assistance.
- To assist poor and marginalised households living in informal settlements and inner city communities to secure improved access to tenure and basic services.
- To compile a body of action research that explores the gaps between law and policy, and practice, helps to develop a deeper understanding of the links between access to services, tenure security, land use practices, democratic participation and livelihoods.

SERI approaches these objectives through a blend of community-based research, advocacy and legal advice and litigation. The informal settlement project is currently active in at least 7 informal settlements across South Africa, affecting the lives of at least 100 000 people. SERI is representing informal settlers and inner city residents against eviction, assisting them to access more and better basic services, helping them to compel the implementation of community-controlled upgrading processes, holding local government accountable for the delivery of housing, protecting informal settlers' rights to protest, and helping informal settlers to document their lived experiences, tenure practices and the life-world of their settlements.

SERI's interventions in the Inner City of Johannesburg have taken the form of litigation and policy influencing around evictions and alternative accommodation, and led to the establishment of the Inner-City Federation, which operates as a platform for knowledge sharing and problem solving, seeking to bring about collective action and solidarity among inner city residents. An analysis of Jurisprudence and Implications for Local Government (2000-2016) has been undertaken, together with a series of Community Practice Notes, a policy brief on Affordable Public Rental Housing, popular education on tenants' rights and evictions, and video material.

2. Objectives of the evaluation

The evaluation will:

1. Assess and document the relevance and impacts of SERI's work with informal settlement informal settlement communities and Inner City residents.
2. Assess the performance, effectiveness and efficiency of SERI's work with poor communities in South Africa against the project objectives and indicators set out above, and any additional objectives and indicators that emerge during the course of interviews with those involved in SERI's research, advocacy and litigation interventions.
3. Appraise the sustainability of the outcomes and quality of partnerships, including the quality of collaborative processes, shared ownership of actions, the creation of empowerment and added social value, and joint learning processes
4. Distil key lessons learned from the approach and identify aspects requiring improvement and further development and recommend strategies and roadmaps.

- Collaboration with the HDA: Tenure Security in Informal Settlements on Customary Land (December 2015)
- In 2016 the informal settlement relocation series of community practice notes were published.
- Further developments beyond the scope of the project include SERI's key stakeholder role in the implementation of the UISP through the Slovo Park task team and possibly in Thusong informal settlement, where we have acquired rights to reresent the community (power of attorney) and are in preliminary talks with the Ekurhuleni municipality.
- SERI is also exploring the operationalisaiton of the Spatial Planning and Land Use Management Act (SPLUMA) in these settlements.

5. Provide constructive feedback to SERI and Misereor on the successes of the three projects, their limitations, and how the performance of the projects could be improved, and guide future SERI research, advocacy and litigation work.
6. Advance institutional learning for MISEREOR, SERI, and crucial stakeholders and beneficiaries (such as government and community groups).

Relevance, lessons learnt and strategic guidance to SERI and Misereor are the key foci of the evaluation.

Two key questions for the assessment to address are:

- The extent to which SERI's research, advocacy and litigation work related to poor communities is supporting emancipatory processes and helps to develop, to enhance and to consolidate grassroots movements and to strengthen their performance in the proper defence of their interests.
- The extent to which the relationship of SERI as a legal NGO to poor communities as "partners" or "clients" influences dynamics of local organisation in a positive or negative way and/or creates dependencies and/or limitations in the strategic orientation of grassroots communities.

3. Key issues

DAC [2] criteria will be applied in the evaluation. Key issues to be addressed in the evaluation are formulated as concrete questions that are expected to be answered by the evaluation are presented below as lead questions to orientate the assessment. Based on the project contracts, the evaluation team will delineate and verify specific indicators and sources of verification prior to the field work, in collaboration with SERI.

Relevance: The extent to which the projects have been suited to the priorities and policies of the different target groups, the organisation responsible for the project and the donor organisation.

It is useful to consider the following questions in the evaluation:

- To what extent is SERI's work in informal settlements important for people residing in informal settlements and to the CBOs and groupings that support and or represent them?
- To what extent is SERI's work in the Inner City important for people residing in "bad buildings" and to the CBOs and groupings that support and or represent them?
- To what extent does the work hone in on key felt needs, priorities and drives of residents and supporting organisations, including government? How do we know this? And which aspects of the work are most strongly prioritised by residents themselves?
- How has the informal settlement housing and basic services / tenants' housing terrain/ context shifted since 2010? What issues have become more or less relevant as a result?
- What key civil society debates have surfaced through the work of SERI? What contribution has the work made to furthering knowledge and discourse on these debates and questions?
- Are the planned activities and outputs of the three projects consistent with the respective project objectives and development goals (i.e. what is the extent of coherence in the planned chain of causality) and in keeping with SERI's strengths?

[2] See: http://www.oecd.org/document/22/0,2340,en_2649_34435_2086550_1_1_1_1,00.html

Outcomes and impact: The positive and negative changes produced by a project, directly or indirectly. This involves the main outcomes and impacts resulting from the project. The evaluation should be concerned with both intended and unintended outcomes and impacts.

It is useful to consider the following questions in the evaluation:

- What tangible differences has SERI made to the lives of informal settlement dwellers and Inner City residents? (e.g. social, economic, political, cultural, and ecological changes, and for women specifically?)
- What differences has SERI's work made to the skills, knowledge and efficacy of supporting organisations? (CBOs and government)
- What impact had the intervention of SERI on the dynamics and strategies of local organisation?
- How many people have been affected?
- What impacts and outcomes have SERIs research, advocacy and litigation intervention and products had?
- How do we know this? Is there anything else to which these changes can be attributed? What other contextual factors have changed since 2010 that may be influencing these outcomes?
- Have there been unintended consequences of the work? If so, what kinds of consequences? What factors influenced this?
- How does SERI deal with the risk of strategic litigation possibly causing court rulings against the target group interest and as a negative reference to other cases?
- What impacts had the litigation intervention in informal settlements and the Inner City of Johannesburg to the dynamics of local organisation and the relationship of residents to local authorities and to local CBOs?
- How has the work contributed to local governance and public participation?
- Is influence on land tenure and basics services possible through formal public participation structures and platforms? If not, what alternatives have emerged? How does SERI position itself with respect to the formality or informality of public participation, protest and pressure on duty bearers? How has this work contributed to SERI's positioning over time?
- Has SERI approached its informal settlement work or its work in the Inner City with a particular rationale? Has that rationale changed over time and if so how and what has influenced the changes?
- What did SERI set out to do? Why? And does that logic still hold?
- How has the thinking and approach changed? How do we ensure local practices of land use management and economic livelihoods are minimally disrupted with policy intervention
- What impact does the research have on the nature of relationship built between residents and their municipality?
- What policy and community-based advocacy agendas will this research shape?
- Has a relocation of an informal settlement been avoided?

Effectiveness: A measure of the extent to which a project achieves its objectives as laid out in the project contract, i.e. a comparison of the intended outcome with the observed outcome (see 'Outcomes and impacts' above).

- Are social movements, CBOs and residents better able to push for informal settlement upgrading?
- Is this as a result of better access to research, advocacy and litigation?
- Do the poor and marginalised households living in informal settlement communities or in Inner City buildings have improved access to secure tenure and basic services?
- Do communities, social movements and other stakeholders request copies of research outputs and have they provided feedback on its usefulness?
- What feedback from target audiences (specify) is there on the body of action research that explores the gaps between law and policy, and practice?
- Has this work deepened their understanding of the links between access to services, tenure security, land use practices, democratic participation and livelihoods?

In short:

- To what extent have the different project objectives been achieved and how do we derive this

information?

- What were the major factors influencing the achievement or non-achievement of the objectives?
- Were the initial objectives realistic?

Efficiency: A measure of the relationship between outputs and inputs. In the first instance this means looking at the qualitative and quantitative products and outputs of the project in relation to the resources (i.e. inputs) used, including relating the effects of the project to the resources used.

It is useful to consider the following questions in the evaluation:

- What evidence is there to indicate that the projects were implemented with due efficiency under the given circumstances? Did SERI and its team members act in an economical and cost-conscious way?
- What are the parameters on which this component of the assessment is based? (e.g. costs per project output; costs per training course or trainee, or costs per hectare of converted agricultural land; costs per beneficiary ...)? Are any benchmarks for these parameters available from other projects or institutions?
- How efficient is SERI's organisational performance, for example management and administration systems, communication structures, monitoring and evaluation systems, thematic breadth versus concentration?
- What is the relationship between the observed effects and the resources used? Are there own means of: control, critique, and self-reflection and progress verification in place? Which?
- Are learning processes deliberately incorporated in the project activities? Which processes and how?

Sustainability: Sustainability is concerned with measuring whether the benefits of a project are likely to continue after funding has been withdrawn. Benefits need to be environmentally as well as economically, technologically and socially sustainable.

- What indications are there that SERI's work has a sustainable impact on the lives of informal settlement residents and other poor communities?
- What are the next steps and who drives these with which resources? Are the structures and platforms and capacities in place likely to hold once SERI stops working with them?
- If not, what is needed to bridge the gap?
- What were the major factors which influenced the achievement or non-achievement of sustainability of the project once project funds are withdrawn?
- What lessons have been learnt and how might SERI approach this work differently in future?
- Were there specific impacts and outcomes for women, human rights, community participation, peace-building and civic conflict transformation, good governance, civil society involvement, HIV/Aids, health and the environment?

Partnerships:

- How was the collaboration with MISEREOR? What did SERI receive apart from funding? Were support and monitoring visits carried out?
- Which M&E systems are in place to ensure compliance with mutual obligations? Are these adequate?
- Are reporting processes adequate?
- Is the communication good?
- What should be the strategic funding priorities of MISEREOR in South Africa in order to attain its general objectives? Which role should SERI play?

4. Organisation

The evaluation is to be undertaken in a collaborative manner between SERI and MISEREOR/KZE. It will be conducted by a team of two individuals – one local appointment made by SERI and one appointment made by KZE/MISEREOR. All partners will be included in the respective decision making process. The experts will work as a team in generating the mission's results and coordinating all activities. Both experts should contribute equally to the activities and to the reporting of the results while collaboratively defining the fine-tuning and details. The international consultant is the mission leader and chief editor of the report.

Expertise required:

- Experience with and conversant with DAC evaluation methodology, demonstrable track record of programme and project evaluations
- Working knowledge and experience of informal settlement land tenure and basic services issues in the South Africa will be a strong advantage
- Ability to work both independently and in collaboration with a lead co-evaluator
- Transparency, impartiality and credibility
- Familiarly with social, economic and political discourse and public interest litigation issues pertinent to informal settlements, tenure and basic services provision
- Ability to give and receive constructive feedback
- Excellent writing, facilitation and presentation skills

The international expert needs at least 10 years of professional experience in social development, self-help, capacity building, policy development, and/or law, and/or urban planning and architecture: as well as familiarity with M&E tools, pedagogic qualifications, and proven writing and reporting skills.

The local evaluator should have relevant experience in conducting external evaluations particularly in the civil society context in South Africa, and should ideally have an understanding of current issues related to urban development and participatory governance in the South African context.

The evaluation should be conducted between May and September 2017 including preparation, implementation, and reporting activities. Field work is scheduled in the second half of August 2017. The expertise of the two members of the team should be complementary.

5. Methodology

The consultants will follow a formative qualitative research methodology and a participatory approach involving SERI, key stakeholders (such as the board of trustees, director, staff), partner organisations, and target groups.

The final portfolio of methods is subject to change and adaptation by the two evaluators.

Relevant documents and logistics support will be provided by SERI and MISEREOR

The consultants will interview:

- SERI staff engaged in the implementation of the informal settlement and inner city work
- Key informants in the state and civil society who are aware of SERI's work and its impact on informal settlement policy and practice. This will include social movement and community-based activists who are engaged by SERI's work.

- Beneficiaries of the informal settlement project in at least four sites across South Africa.

The consultants will also conduct a desktop review of documentation generated in the course of, and in response to project activities.

There are 3 phases, and associated activities, in the evaluation as follows:

A) Preparation, B) Implementation, and C) Reporting.

A. The first phase of Preparation will focus on the evaluation design consisting of:

- Consensus on the joint goals of and expectations from the evaluation and refinement of the ToR and contracting of the consultants
- Conducting a coordination meeting with the clients MISEREOR and SERI staff to align the mutual goals and expectations to the evaluation and obtain inputs on methods and activities.

Gather and review secondary data relevant to the evaluation

- Develop a refined programme of work including a field plan and methodology.
- The key deliverables for this first phase will be a field plan, analytical framework and approach, all of which will be submitted in early July, 2017.

B. The second phase, or Implementation, will take place in the second half of August. It will consist of the following main elements:

- Inception session with the German and the SA consultants and the local client (SERI and team) to present and to discuss the evaluation approach and programme and to further coordinate and refine necessary aspects in the working plan and itinerary.
- Workshop with the clients (and further partners upon further discussion) on SERIs change models, risks and project stakeholders, and organisational efficiency (SWOT).
- Field work, mostly in the form of Key Informant Interviews, Site visits and Focus Group Discussions and Observations, in order to gather data.
- The consultants will document an assess the data and contextualize these within the internal (organizational) and external (political and socio-economic landscape) also with the client and key informants.
- The key deliverable for this phase will be a draft report and a debriefing workshop (at the end of the field work in late August) to serve as a forum to present and discuss preliminary findings.

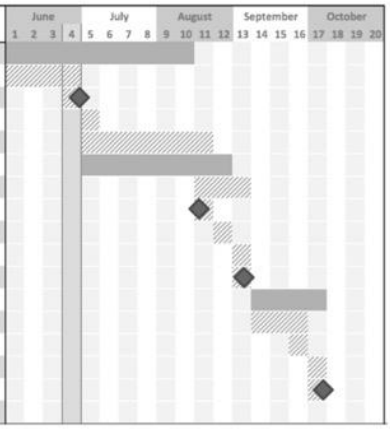
C. The third phase of the evaluation, Reporting, consists of authoring and revision of the final report as well as feedback session to MISEREOR. Deliverable: final report. Timeframes: 5-6 days

The international evaluator will be allocated an additional 5 days to edit the report. Submission date for the final report will be approximately one month after the debriefing workshop or as mutually agreed by SERI and Misereor.

5.4 Time Plan/ Gantt Chart

Table 1. Time plan, including the main Phases, Activities and Milestones

ACTIVITY /Task	Actual Start Date	Plan Start	Plan Duration
A Preparatory Phase	01/06/2017	1	10
1 Refinement of ToR and Methodology	01/06/2017	1	4
2 Submission of Methodology (M1)	30/06/2017	4	1
3 Feedback and Review of Methodology by Clients	03/07/2017	5	1
3 Further refinement, design of specific tools	01/07/2017	5	7
4 Readings, Document Review	01/07/2017	5	8
B Field Phase	15/08/2017	11	3
5 Debrefing and Inception workshop with clients and partners (M2)	17/08/2017	11	1
6 Field work and KIIs	23/08/2017	12	1
8 Draft Report	30/08/2017	13	1
9 Debfiefing Workshop, Preliminary Results (M2)	01/09/2017	13	1
C Reporting Phase	04/09/2017	14	4
10 Preparation of draft final report	04/09/2017	14	3
12. Submission of draft final report	25/09/2017	16	1
13. Feedback from clients	02/10/2017	17	1
14. Revision and submisson of final report	07/10/2017	17	1
15. Personal Bebriefing with Misereor	tbc		



5.5 Field Work Plan

Table 2. Field Work Plan

M. Day	Milestone	Day	Date	AM	PM	Who	Place
	M1. Draft Methodology		Late June				
		Sun	13.08.2017		PG Departure from FRA		
a		Mon	14.08.2017	Document analysis, Orga	Document analysis, Orga	PG, LS	
1		Tue	15.08.2017	Internal coordination PG and LS	Internal coordination PG and LS	PG, LS	Jo'burg
2		Wed	16.08.2017	Internal coordination PG and LS	KI and Expert Interviews – SERI	PG, LS	SERI
3		Thu	17.08.2017	Briefing with SERI and Stakeholders	Workshop with SERI and Stakeholders	PG, LS	Jo'burg
4		Fri	18.08.2017	KI and Expert Interviews – SERI	KI and Expert Interviews – Exp	PG, LS	Jo'burg
5	M2. Final Methodology	Sat	19.08.2017	KI and Expert Interviews – Exp	Document analysis, Orga	PG	Jo'burg
6		Sun	20.08.2017	Documentation and Data Interpretation	Documentation and Data Interpretation	PG, LS	Jo'burg
7		Mon	21.08.2017	KI and Expert Interviews	KI and Expert Interviews – Durban	PG, LS	Durban
8		Tue	22.08.2017	Field research – Durban (ISU)	Field research – Durban (ISU)	PG, LS	Durban
9		Wed	23.08.2017	KI and Expert Interviews	KI and Expert Interviews	PG, LS	Jo'burg
10		Thu	24.08.2017	Field research – Gauteng (ISU)	Field research – Gauteng (ISU)	PG, LS	Gauteng
11		Fri	25.08.2017	Field research – Gauteng (ISU)	Field research – Gauteng (ISU)	PG, LS	Gauteng
12		Sat	26.08.2017	KI and Expert Interviews – Exp	Document analysis, Orga	PG	Jo'burg
13		Sun	27.08.2017	Documentation and Data Interpretation	Documentation and Data Interpretation	PG, LS	tbc
14		Mon	28.08.2017	Field research – Jo'burg (I.City)	Field research – Jo'burg (I.City)	PG, LS	Jo'burg
15		Tue	29.08.2017	Draft Report	Draft Report	PG, LS	Joburg
16		Wed	30.08.2017	Draft Report	Draft Report	PG, LS	Joburg
17		Thu	31.08.2017	Documentation and Data Interpretation	Internal Coordination PG and LS	PG, LS	Joburg
18	M3. Draft Report	Fri	01.09.2017	Workshop with SERI and Stakeholders	Workshop with SERI and Stakeholders	PG, LS	Jo'burg
		Sat	02.09.2017	Documentation and Data Interpretation	Documentation and Data Interpretation	PG	Jo'burg
		Sun	03.09.2017		PG Departure JBN	PG	Jo'burg
		Mo	04.09.2017	PG Arival in FRA		PG	Jo'burg
p	M4. Final Report		Late Sept/ Early Oct.				

5.6 Consultant's Scope of Work

The following table maps out the working days of the two consultants in relation to the various activities that are part of the evaluation. Among others the relation between the field and home office work becomes visible. The table I intended to provide a guide for designing the process and for planning and verification of the personal resources used.

Table 3. Activities and working days for the respective consultants

Activity	International Consultant	Local Consultant
1. Preparatory readings and orga.	4	4
2. Travel to/ from South Africa	1	0
3. Internal Coordination between Evaluators and Instruments Refinement	2	2
4. Briefing and Stakeholder workshop	1	1
5. Document Analysis	2.5	2,5
Field research with FGDs	4	4
KI and Expert Interviews	4.5	3.5
Documentation & Data Interpretation	3	2.5
Preliminary Findings/ Draft Report	2	2
Debriefing Session	1	1
Final Reporting	5	5
Follow-up in German including summary and debriefing with MISEREOR	1	0
Total	31	25
(mission)	21	16

6. Report

The consultants should report to Stuart Wilson and to Katrin von Hagke, Department of Evaluation and Quality Management, MISEREOR.

The overall responsibility for the report writing is with the international evaluator. The local consultant will provide contributions as per arrangement. The report should comprise approx. 25- 30 pages plus annexes.

Contents of the final report to include:

1. **Executive summary** (4 pages maximum) outlining the evaluation objectives, the procedure followed, the main findings, and a reflection on the work evaluated including key recommendations.
2. **Methodology:** Describe and explain precisely the evaluation assignment itself and the methodology selected and applied in relation to the assignment (see also Annex 1 of the Information Document *Evaluation in the Development Cooperation Activities of MISEREOR and its Partners*)[3]. Include tools and questionnaires as annexes.
3. **Project and broader context:** As a basis for the analytical and evaluative sections that follow. Aspects to be considered:
   - Project context and framework conditions
   - Project goals and objectives
   - Project strategy/approach
   - Description of project activities. Was there a difference between the planned activities and those actually implemented? Were there any lobbying or networking activities?
   - Description of target groups. How many were reached through the activities?
   - Organisational structure. How does project administration work?
   - Description of the cooperation with MISEREOR
4. **Findings and analysis:** set out findings and analysis related to the questions in the ToR including evidence and rationale. Tables and other detailed data to be annexed to the report.
5. **Conclusions** that follow logically from the findings but are clearly distinguishable from these. The conclusions should provide answers to the main evaluation questions, include an overall assessment of the work evaluated and list any lessons learnt.
6. **Recommendations** follow logically from the conclusions. They should be actor oriented (Who should do what?) and prioritised (What is most important? What could be improved above and beyond that?).
7. **Documentation of a selected lessons:** reflect on lessons learnt and identify, describe and document one or two central lessons of outstanding value, which will be communicated and shared.

If the concluding workshop showed that evaluation results, conclusions or recommendations were not shared by the project actors then the differences should be delineated in the report – in a format clearly demarcated from the evaluation results. After the evaluation the partner organisation will discuss all findings and recommendations as part of a follow up process with MISEREOR.

Layout of the report:

- Cover sheet (including project and evaluation numbers)
- Page numbers
- List of contents
- List of acronyms and abbreviations
- Annexes, containing at least:
  - Terms of reference
  - Chronology of the mission
  - List of interviewees, focus groups discussions and workshops
  - List of documents on which the evaluation was based
  - Summary of main recommendations and suggested follow up activities
  - Selected lessons

[3] http://www.misereor.org/cooperation-and-service/evaluation.html

6.2. Chronology of the mission

Table 4. Chronology of the mission

#	Date	Day	Type	Activity
/	02 02 2017		Briefing	PG Briefing with Misereor (Aachen)
/	06 07 2017		Internal	Teleconferences with SERI, Finalisation of Methodology
	07 2017	4d	Internal	Context readings, Evaluation Design
0	13 08 2017		Travel	PG Travel to Johannesburg
1	14 08 2017	Mon	Internal	Internal coordination meeting
2	15 08 2017	Tues	Internal	Internal coordination meeting
3	16 08 2017	Wed	Internal	Preparation workshop and mission
4	17 08 2017	Thurs	Workshop	Introduction workshop with SERI
4	17 08 2017	Thurs	Meeting	Stuart Wilson
4	17 08 2017	Thurs	Meeting	Tiffany Eprahim
4	17 08 2017	Thurs	Internal	Organisation meeting evaluation team
5	18 08 2017	Fri	Internal	Setting up interviews and organisation
6	19 08 2017	Sat	Internal	Data analysis
7	20 08 2017	Sun	Internal	Documentation
8	21 08 2017	Thu	Interview	Syabonga Mahlangu (Inner City Federation)
8	21 08 2017	Mon	Interview	Nelson Khatani (inner city Johannesburg)
8	21 08 2017	Mon	Interview	Monty Natsoo (ex NUSP)
8	21 08 2017	Mon	Internal	Flight to Durban
9	22 08 2017	Tues	Interview	S'bu Zikode (AbM)
9	22 08 2017	Tues	Interview	Zandile Nsibande (AbM)
9	22 08 2017	Tues	Interview	CoJ Human Settlements
9	22 08 2017	Tues	Interview	Interview Zak Yacoob (SERI Board of Directors)
10	23 08 2017	Wed	Site	Siyanda Informal Settlement Group
10	23 08 2017	Wed	Interview	David Ntseng (Church land programme)
10	23 08 2017	Wed	Interview	Trudie Nichols (partner SERI)
10	23 08 2017	Wed	Internal	Flight to Johannesburg
11	24 08 2017	Thurs	Focus group	SERI Operational Team
11	24 08 2017	Thurs	Focus group	SERI Research Team
11	24 08 2017	Thurs	Focus group	SERI Litigation Team
12	25 08 2017	Fri	Site	Slovo Park Community Development Forum
12	25 08 2017	Fri	Interview	Lauren Royston (ex. SERI)
12	25 08 2017	Fri	Interview	Kate Tissington (ex SERI)
13	26 08 2017	Sat	Site	Thusong informal settlement
13	26 08 2017	Sat	Site	Winnie Mandela informal settlement
13	26 08 2017	Sat	Interview	Lindokule (SERI's attorney)
13	26 08 2017	Sat	Interview	Marie Huchzermayer (Wits University)
13	26 08 2017	Sat	Interview	Ahmedi Vawda (Department Monitoring and Evaluation)
14	27 08 2017	Sun	Internal	Documentation
15	28 08 2017	Mon	Interview	Stuart Wilson (Executive Director, SERI)
15	28 08 2017	Mon	Focus group	SERI Group of Young Staff
15	28 08 2017	Mon	Interview	Carin Combrinck (Univ. Pretoria,Partner Slovo Park)
15	28 08 2017	Mon	Interview	Greg Vermaak (Lawyer)
16	29 08 2017	Tues	Interview	Nomzano Zondo (Director of litigation, SERI)
16	29 08 2017	Tues	Interview	Jacke Dugard et al (SERI's Board of Directors)
16	29 08 2017	Tues	Interview	Prof Noor Nieftagodien (SERI's Board of Directors)
16	29 08 2017	Tues	Site	Ekhutuleni Shelter

#	Date	Day	Type	Activity
16	29 08 2017	Tues	Interview	Graham Gotz (Ex-CoJ Local Government)
16	29 08 2017	Tues	Interview	Steve Kahanovitz (Legal Resource Centre)
16	29 08 2017	Tues	Interview	Richard Pithouse (Rhodes University)
16	29 08 2017	Tues	Interview	Planact
17	30 08 2017	Wed	Internal	Draft report
18	31 08 2017	Thurs	Internal	Draft report
29	01 09 2017	Fri	Workshop	Debriefing workshop
20	02 09 2017	Sat	Internal	Coordination and documentation
21	03 09 2017	Sun	Travel	PG Travel from Johannesburg
	04 09 2017	Mon		Arrival at Frankfurt
	Sept 2017		Interviews	Shereza Sibanda (Inner City Resource Centre), Dennis Webster (Ex SERI)
	09 2017	/	Reporting	Finalisation of Draft report
	21 09 2017	Thurs	Reporting	Submission of Draft to SERIs for comments
	05 10 2017	Thurs	Draft Re-port	Submission of Draft and of SERIs comments to KT
	15 10 2017	Mon	Reporting	Submission of advanced draft report and Annexes to MISEREOR and SERI
	10 2017	/	Reporting	Final report review (Scheduled)
	09 11 2017	Thurs	Workshop	Debriefing with MISEREOR in Aachen (Scheduled)

6.3. List of sites visited

Date	Who	Name of Project	Location	Type	Activity
21 08 2017	PG, LS	MBV1	Johannesburg Inner City (Gauteng)	Post-eviction case, alternative accommodation. Litigation	Site visit
23 08 2017	PG, LS	Siyanda informal settlement	Durban (KwaZulu Natal)	Informal settlement eviction, alternative accommodation. Litigation	Focus group with settlement leadership and site visit
25 08 2017	PG, LS, Tiffany Ebrahim (SERI)	Slovo Park informal settlement	Soweto, Johannesburg (Gauteng)	Informal settlement upgrading. Research and litigation	Focus group with settlement leadership
28 08 2017	PG, LS, BCB, Lindokuhle Mdabe (SERI)	Thusong informal settlement	Germiston, Ekurhuleni (Gauteng)	Informal settlement upgrading. Meaningful engagement	Focus group with settlement leadership
28 08 2017	PG, BCB, Lindokuhle Mdabe (SERI)	Winnie Mandela informal settlement	Thembisa, Ekhuruleni (Gauteng)	Misallocation of RDP houses, informal settlement upgrading. Litigation	Focus group with settlement leadership
29 08 2017	PG, BCB, Nomzano Zondo (SERI)	Ekuthuleni Shelter	Johannesburg Inner City (Gauteng)	Post eviction case, alternative accommodation. Litigation	Focus group with residents

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6.5. Question matrix

Question in italics have been added by the evaluators in the process

Table 5. Question Matrix

Evaluation Criteria		Main Questions	Sub-Questions	Data Sources
A. Relevance *DAC: The extent to which the projects have been suited to the priorities and policies of the different target groups, the organisation responsible for the project, and the donor organisation.* *Are the activities and outputs of the programme **consistent** with overall goal of the programme and b) with the intended impact and effects (DAC)*	***A.1 Target Group and Beneficiary needs***	A.1.1 To what extent does the work hone in on key felt needs, priorities and drivers of residents and supporting organisations, including government? How do we know this? And which aspects of the work are most strongly prioritised by residents themselves?	A.1.1.1 To what extent is SERI's work in informal settlements important for people residing in informal settlements and to the CBOs and groupings that support and or represent them?	Mix of bottom up and top down information through Document review, KIIs and Interviews/ FG Discussions with target beneficiaries
			A.1.1.2 To what extent is SERI's work in the Inner City important for people residing in "bad buildings" and to the CBOs and groupings that support and or represent them?	
	A2. Context	A.2.1 How has the informal settlement housing and basic services / tenants' housing terrain/ context shifted since 2010? What issues have become more or less relevant as a result?	A.2.1.2 What key civil society debates have surfaced through the work of SERI? What relevant contributions has SERI's work made to promoting knowledge and discourse on the SA discourse on civil society and debates?	Document Review, KIIs
	A.3 Alignment/ Consistency	A.3.1 Are the planned activities and outputs of the three projects consistent with the respective vision, objectives and development goals of:	*A.3.1.1 SERI: i.e. realising the potential of all people, so that participate meaningfully in SAs society and economy.*	Document Review, KIIs, Group discussions
			A.3.1.2 MISEREOR: i.e.: empowering the poorest of the poor, excluded, and marginalised, through initiation of self-help processes	Document Review, KIIs, Group discussions
			A.3.1.3 The policy and regulation context in SA (such as Constitution, NDP…) and of international frameworks (such as the SDGs and the NUA)	Document Review, KIIs, Group discussions

B. Outcomes and impact *DAC: The positive and negative changes produced by a project, directly or indirectly. This involves the main outcomes and impacts resulting from the project. The evaluation should be concerned with both intended and unintended outcomes and impacts.* "What outcomes and impact/s have SERIs research, advocacy and litigation intervention and products had? "	***B.1 Achieved and likely to be achieved effects on the ground***	B.1.1. What tangible differences has SERI made to the lives of informal settlement dwellers and Inner City residents? (e.g. social, economic, political, cultural, and ecological changes, and for women specifically?)		Reports, Focus Groups, Kiis, Observations
		B1.2 What differences has SERI's work made to the skills, knowledge and efficacy of supporting organisations? (CBOs and government)		Reports, Focus Groups, KIIs, Observation
		B.1.3 What impact had the intervention of SERI on the dynamics and strategies of local organisations?		Reports, Focus Groups, KIIs, Observation
		B.1.4 Who else has been affected and how? … other stakeholders such as government officials, experts, private sector		Reports, KIIs, Observation
		B.1.5 How has the work contributed to local governance and public participation?		Reports, KIIs
		B.1.6 Have relocations from an informal settlement and the Inner City been avoided?	*B.1.6.1 In case of relocation, were the residents engaged and have they received an appropriate compensation and services.*	Reports, KIIs, FGs
	B2 Quantitative effects	B.2.1 How many people (beneficiaries) have been affected by the project interventions?		Reports, Databanks, Own assessments
		B.2.2 How many people (target groups) have directly benefited from the various activities and outputs – *and how are utilising these in their daily life?*		Reports, Databanks, Own assessments
General: How can we describe the system of change with short, term and long term outcomes and impact/s, including its influencing factors, especially risks) and the dynamics of stakeholders through time.	***B.3 System of change, and the role of other stakeholders and contextual factors***	B.3.1 How do "we" know this *(e.g. are we sure that it was SERIs interventions that exclusively triggered the effects)*? Is there anything else (other factors and incidents) to which the changes as observed could be attributed?	B.3.1.2 How do we ensure local practices of land use management and economic livelihoods are minimally disrupted with policy intervention?	Documents, KIIs, FGs, Change models and debated thereof, Stakeholder and risk analyses
		B.3.2 What other contextual factors influence the observed effects and have these changed since 2010?		Literature, Reports, Kiis, FGs, Change models, Risk mapping

		B.3.3 Have there been unintended (unplanned) consequences? Which can be attributed to SERI's work? If so, what kinds of consequences? Positive, or negative? What factors influenced these? (How) did SERI react?	B.3.3.1 For example: How does SERI deal with the risk of strategic litigation possibly causing court rulings against the target group interest and as a negative reference to other cases?	Literature, Reports, Kiis, FGs
		B.3.4 *How have SERIs interventions affected the relationships to partners, target groups and beneficiaries as well as within and between these groups? (e.g. among beneficiaries and between beneficiaries and the government?)*	B.3.4.1 What impacts had the litigation intervention in informal settlements and the Inner City of Johannesburg to the dynamics of local organisations and the relationship of residents to local authorities and to local CBOs?	Stakeholder mapping, KIIs, Observations
			B.3.4.2 What impact does the research have on the nature of the relationship built between residents and their municipality?	
	B.4 SERI' strategy and approach in the 'system' through time			
		B.4.1 What did SERI set out to do? Why? And does that logic still hold? How has the thinking and approach changed? *(Which models and instruments does it use?)*	B.4.1.1 What is the extent of coherence in the planned chain of causality and in keeping with SERI's strengths? B.4.1.2 How has the nature of demand for SERI's services influenced its approach to 1) selection of what work it takes on and 2) capacity building of other stakeholders to help meet this demand	Project documents, Reports, Kiis
			B 4.1.3 Is an influence on land tenure and basics services possible through formal public participation structures and platforms (*in the context of SA)*? If not, what alternatives have emerged? *(Invited and invented spaces for engagement and participation)*	Kiis, FGs (no evidence can be provided here)
			B.4.1.4 Has SERI approached its informal settlement work or its work in the Inner City with a particular rationale? B.4.1.4.1 How does SERI position itself with respect to the formality or informality of public participation, protest and pressure on duty bearers – and why?	Documents, KIIs, Group Discussions, Change models

			B.4.1.5 Has that rationale changed over time and if so how and what has influenced the changes?	
C. Effectiveness *DAC: The extent to which an aid activity attains its objectives (DAC).* *A measure of the extent to which a project achieves its objectives (or is likely to achieve those) as laid out in the project contract, i.e. a comparison of the intended outcome with the observed outcome (see 'Outcomes and impacts' above).*	***C.1 Achievement of results and likelihood of achievement)***	C.1.1 Are social movements, CBOs and residents now better able to push for informal settlement upgrading?	C.1.1.2 Is this as a result of better access to research, advocacy and litigation?	Documents, Reports, Kiis, FGs, Observations
		C.1.2 Do the poor and marginalised households living in informal settlement communities or in Inner City buildings have improved access to secure tenure and basic services?		Documents, Reports, Kiis, FGs, Observations
		C.1.3 Do communities, social movements and other stakeholders request copies of research outputs and have they provided feedback on its usefulness?	C.1.3.1 What feedback from target audiences is there on the body of action research that explores the gaps between law and policy, and practice?	Documents, Reports, Kiis, FGs
		C.1.4 To what degree has there been organizational change within the courts regarding greater acceptance of cases that relate to socio-economic rights	C.1.3.2 Has this work *(SERI's research outputs)* deepened their *(target groups and beneficiaries)* understanding of the links between access to services, tenure security, land use practices, democratic participation and livelihoods?	Documents, Reports, Kiis, FGs, Observations
			C.1.3.4. What transformations have taken place in the jurisprudence space as a result of SERI's litigation work *… Other outputs to be measures as per the contracts/ frameworks*	Reports, Kiis, FGs, Observations
	C.2 Factors of success	C2.1. What were the major factors influencing the achievement or non-achievement of the objectives?		Reports, Change models, Kiis, FGs
	C.3 Feasibility of objectives	C.3.1 Were the initial objectives realistic, appropriate and feasible in the initial 2010 contract?		Documents, Kiis, FGs
D. Efficiency *DAC: A measure of the relation-*	***D.1 Efficiency of organisational means and capacities (cost efficiency)***	D.1.1 *Has SERI sufficient capacities to design and implement its projects and activities*		Documents, Strategies and work plans, Kiis, Evaluation reports

ship between outputs and inputs. In the first instance this means looking at the qualitative and quantitative products and outputs of the project in relation to the resources (i.e. inputs) used, including relating the effects of the project to the resources used. *Were the activities cost efficient?* Were objectives achieved on time? Was the programme or project implemented in the most efficient way compared to alternatives?		D.1.2 What evidence is there to indicate that the projects were implemented with due efficiency under the given circumstances?		Documents, Reports, Kiis, (Benchmark projects and Reference measures)
		D.1.3 Did SERI and its team members act in an economical and cost-conscious way?		Documents, Reports, Kiis, (Benchmark projects and Reference measures)
		D.1.4 What is the relationship between the observed effects and the resources used?	1.4.1 Do expenses justify the results?	Documents, Reports, Kiis, (Benchmark projects and Reference measures)
		D.1.5 What are the parameters on which this component of the assessment is based? (e.g. costs per project output; costs per training course or trainee, or costs per hectare of converted agricultural land; costs per beneficiary …)? Are any benchmarks for these parameters available from other projects or institutions?		Documents, Reports, Kiis
	D.2 Efficiency of "project governance" - organisational processes and communication	D.2.1 How efficient is SERI's organisational performance, for example management and administration systems, communication structures, monitoring and evaluation systems? And … thematic breadth versus concentration? (Strategy)	D.2.1.2 Are their own means of: control, critique, and self-reflection and progress verification in place? Which?	Organigram, SWOT, Staff interviews, KIIs (Internal and direct partners), FGs
			D.2.1.3 Are learning processes deliberately incorporated in the project activities? Which processes and how?	Project documents, KIIs
			C.2.1.4 How does the turnover of the staff affect quality and timeliness of the outputs?	Reports, SWOT, Staff interviews, KIIs
			D.2.1.5 Which administrational, financial, and managerial obstacles does SERI face, and to what extent does this affect planning and delivery?	Reports, KIIs (i.e. Director and Board), Staff interviews
			C.2.1.4.1 How are the administrative and financial mechanisms (e.g. in relation to project contracts and agreements) supportive	Reports, KIIs (i.e. Director and Board), Staff interviews

			(or non-supportive) to the delivery models, staffing and partnership models of SERI?	
		D.2.2. What are SERIs models/ tools of change. Are models/ tools of change (such as Project Frameworks and the ToC, Risk mitigation strategies) adequate, effective and efficient.		Documents and Reports, Analysis of models and frameworks, KIIs
E. Sustainability *DAC: Sustainability is concerned with measuring whether the benefits of a project are likely to continue after funding has been withdrawn. Benefits need to be environmentally as well as economically, technologically and socially sustainable.*	***E.1 Social sustainability, ownership of target groups and beneficiaries***	E.1.1 What indications are there that SERI's work has a sustainable impact on the lives of informal settlement residents and other poor communities?		Documents and Reports, KIIs, FGs, Observations 8closely connected to impact)
		E.1.2 Are the structures and platforms and capacities in place likely to hold once SERI stops working with them?	E.1.2.1 What evidence do we have that the target groups and beneficiaries are engaged and that they have taken ownership of central processes	Reports, KIIs with partners and target groups, Observations
	E.2 Organizational Sustainability	E.2 How has SERI's portfolio of work established the foundations for its financial sustainability?	E.2.1 What proportion of revenue generated from SERI services helps fund its operational costs? E.2.2 What proportion of SERI's overall costs require core funding from donors? E.2.3 How does SERI's financial model shape its work program?	
		E.1.3 After the end of an intervention: What is SERI's exit strategy? Do these line up next steps and who drives these with which resources	E.1.3.1 If not, what is needed to bridge the gap?	Reports, Discussion of change models, Kiis
			E.1.3.2 What were the major factors which influenced the achievement or non-achievement of sustainability of the project once project funds are withdrawn?	Reports, Discussion of change models, Kiis
	E.2 Lessons (and Replicability)	E.2.1 What lessons have been learnt and how might SERI *(and organisations with likeminded objectives)* approach their work differently in future?		Reports, Kiis, FGs
		E.2.2 *To what extent have approaches and tools developed been replicated and mainstreamed?*		Reports, Kiis, FGs

	E.3. Cross-cutting issues	E.3.1 Were there specific impacts and outcomes for women, peace-building and civic conflict transformation, HIV/Aids, health and the environment[25]?		Reports, Kiis, FGs, Observations
F. Partnerships *(No DAC criteria available)* *Proposal: Partnerships during 2010-present? (Types, Numbers, engagement – strategic, pragmatic partnerships? Needs assessments?), How are partnerships forged? Are these relevant, effective, efficient and sustainable? What lessons can be learned*	***F.1 Added value and lessons of partnerships***	E.1.1 *How does SERI collaborate with external partners?*	*E.1.1.1 Does SERI have a partnership and networking strategy? Why if yes, Why if not?*	Document review. Stakeholder mapping and assessment, Focus group with staff, Feedback from stakeholders and experts/ key informants
			E.1.1.2 If yes? Is the partnership approach relevant, efficient and effective?	
	D.1 Quality of Partnership with MISEREOR	D.1.1 How was the collaboration with MISEREOR? What did SERI receive apart from MISEROR funding?	D.1.1.2 Were support and monitoring visits carried out?	Reports, Internal correspondence, Internal Interviews
		D.1.2 Which M&E systems are in place to ensure compliance with mutual obligations? Are these adequate?		Reports, Internal correspondence, Internal Interviews
		D.1.3 Are reporting processes adequate?		Reports, Internal correspondence, Internal Interviews
		D.1.4 Is the communication productive and efficient?		Reports, Internal correspondence, Internal Interviews
	D.2 Strategic implications for MISEREOR	D.2.1 What should be the strategic funding priorities of MISEREOR in South Africa in order to attain its general objectives? Which role should SERI play?		Reports, Kiis (Internal and External)

[25] Note that many of the cross-cutting issues such as good governance, civil society participation and human rights are core to this entire evaluation and are therefore removed from specific reference in the definitions of cross-cutting themes.

6.6. Sample data gathering instrument

The following table has been used by the evaluators to document and analyse the results of the 35 interviews that were a central part of the evaluation process. It contains the basic data on the interviews and provides a summary of results from the angle of SWOT, DAC criteria, key- quotations and recommendations. It was also used to generate the summative statistics for the interviews. The completed table cannot be made public for as the anonymity of the respondents requires protection.

Table 6. Sample instrument for assessment for interview results

Name	***Status***	***Type***	***Date***	***Time***	***Who***	***How***	***Organisation***	***Position***	***City***	***Category***	***Role in the Project***	***Remarks***	***SWOT***	***Assessment Summary (Evaluators interpretation)***	***Key quotes***	***Recommendations***
	Completed / Un completed	Interview / Group interview / Focus group			PG / LS / PG, LS	In person/ Phone				SERI / Civil Society / NGO / Nat & Reg. Gov. / Local Gov. / Academia & Experts / Private Sector / Ward Clr / Judge			S: W: O: T: L:	R: EFN: EFC: I: S: P:		

6.7. Summary table of findings

Figure 6. Key findings. Summary table

DAC	*Issue*	*Finding*
R1	Target group and beneficiary needs	SERI's work, in general and as part of the MISEREOR project is highly relevant to the needs of target groups and beneficiaries i.e. organised groups representing poor and vulnerable populations in inner cities and in informal settlements. The approach of strategic litigation, requiring a base level of self-organisation, is a critical selectivity criterion to help SERI manage its "service on demand" ethos. This has the consequences of being blind to those who cannot knock on SERI's door, or those who fall outside of contesting poor application of existing policies and laws, but this is justifiable on the grounds of SERI's ability to manage demand for its services.
R2	Alignment (Trends and policies)	The focus of SERI's work is well-aligned with national and international drivers, trends and challenges, such as increasing poverty, marginalisation and exclusion in combination with privately-driven urbanisation, privatisation and the perpetuation of post-apartheid patterns of segregation. The rights-based approach reflects the international human rights convention, among others and is well-aligned with international frameworks and policies such as the 2030 Development Agenda (SDGs) and the New Urban Agenda as well as national frameworks, such as the NDP. Notwithstanding, further potential exists in promoting pro-active "strategic" approaches on urbanisation, urban planning and development.
R3	Alignment (MISEREOR)	SERI's mission and its work is "needs-based". It operates on eye-level with the poor and vulnerable in informal settlements and in occupied inner city buildings and is geared to building the capacity of and empowering organisations of the poor. These housing/land themes work hand in hand with SERI's work on strengthening opportunities for securing economic livelihoods and protecting SERI's clients in exercising their first generational rights. As such, SERI's three programmatic areas of work: "Securing a home", "Making a living" and "Expanding political space" is well aligned with MISEREOR's approach of solidarity and empowerment of the poorest of the poor and of assisting the people to help themselves. The rights-based approach can and should be complementary to the developmental approach of other NGOs. SERI should use spaces for reflection and debate – internally and externally – on the aptitude (and agility) of their own implementation strategies and how these could better align with development NGOS in order to further their impacts.
I1	Achieved and likely to be achieved results (outcomes and impact) on the ground	SERI has had significant impacts in changing the jurisprudence around the state requirements that have to be in place in order to evict poor people. San Jose and Blue Moonlight are two legal cases won by SERI's clients that have contributed to this change in jurisprudence. The concept of alternative accommodation has been normalized to the degree where there is an actual reduction of eviction cases coming to the courts because of councils' understanding of what conditions need to be put in place to do this. The Olivia Road victory introduced the concept of meaningful engagement between council's seeking to evict and the residents/communities in question. This ruling had widespread impact in forcing council to consult in the process of seeking alternative accommodation and in so doing gave a voice to those facing eviction. The Slovo Park informal settlement victory has put new pressure on local governments for the implementation of the UISP programme. The court ruling established that the UISP is binding on all municipalities, showing that

DAC	*Issue*	*Finding*
		it is unlawful for them to ignore the programme and establishing that upgrading must be preferred to relocation. It is still to be confirmed, however, that UISP is really implemented as it should and that the state has the capacity to really implement the programme in all the informal settlements in the country. The recent victory at the Marikana informal settlement in Cape Town has granted security of tenure to 60 000 people whom over years had been living on small holdings on private property. This constitutional court victory has moved the goal post for informal settlements beyond the "alternative accommodation" pathway to a change in property relations.
I2	Unintended effects	The state failure to "meaningfully engage" prior to eviction, despite clearly outlined procedures for this, has to a certain degree kept poor people living in slums as the places they are often moved to are worse than where they were originally living. Despite several progressive court rulings, there is a growing trend of city councils in general and Johannesburg City Council in particular, increasingly ignoring the progressive court rulings to implement the concept of "meaningful engagement" as well as to find alternative accommodation that is deemed by communities as appropriate. A community/client may choose litigation as an instrument for bringing change to their lives. The long time frames it takes for change to occur in people's lives, resulting from court rulings, present many unintended consequences in the dynamics of local organization. The confrontational approach of litigation makes collaboration with other non-legal organisations complicated. SERI is aware of most of the unintended effects and mitigates these through close relationships with clients and long-term engagements.
I2	Quantitative effects	SERI's key strategic litigation cases have set precedents on the interpretation and implementation on the role of basic rights and appropriate standards as related to shelter, basic services and protest rights in the entire country. SERI's interventions have directly reached more than 70 000 dwellers of informal settlements, around 3500 inner city units, and close to 1000 people receiving alternative accommodation. In principle the results affect all residents of informal settlements and of "illegally" occupied inner city buildings in SA. An estimated 5-6 million people (1,25m households) have been living in more than 2 200 informal settlements in the country in 2016 (Statistics SA). The number of people "illegally" residing in Johannesburg's inner city is estimated at 30 000 (only the most vulnerable) in ca. 400 buildings (Thomson Reuters).
I3	Systemic factors and attribution	Seven years is too short to evaluate contextual change in relation to socio-economic rights. Nevertheless, the attribution of SERI's success in the socio-economic rights arena is that there are fewer court cases in the "securing a home" theme. The important work of SERI has been moving beyond lawyers, with an understanding of the limits to the law and that court cases alone cannot bring about the implementation of socio-economic rights. It therefore has researchers and capacitation and dissemination initiatives, which can explain rights to people and ensure they take advantage of what advocacy support SERI has to offer. The research will guide what court cases SERI takes on and help government chart its course properly. Underlying all of this is the need to have a stronger civil society. SERI, through its political voice work has tried to make it easier for people to protest. SERI's role in strengthening the civil society side to get the state to "chart its course properly" is only a drop in the bucket regarding the needs and challenges in doing this effectively. While SERI's work with the courts

DAC	*Issue*	*Finding*
		and civil society has been straight forward, the impact on the broader social system is beyond cause-and-effects chains and direct "lines of control".
ES1	Achievement of results and likelihood of achievement	A majority of the outputs related to the three MISEREOR Projects on litigation, the organisation of community organisations, as well as research and advocacy work on the inner city and on informal settlements has been fully achieved. Some targets, such as the number of AbM members that have received paralegal training (150-900-1106 ZG, 2010-2012) and the number of people providing positive feedback about the research outputs (150-900-1157 ZG, 2012-2014), have been surpassed. A few, such as the number of research reports produced in the first contract (150-900-1105 ZG, 2010 – 2012), have not been fully achieved, either because the indented diversity was not achieved (e.g.: no submissions to government around inner city housing options, research topics not covered), or because they faced other challenges such as staff rotation (incomplete research report). The early project component addressing the socio-economic rights of non-South Africans/ migrants was discontinued in 2011 and a new area of work on political space was created. This was plausible and appropriate as it was "strategically" mainstreamed in all of SERI's work areas especially the work on political space. After this transition migrant's access to socio-economic rights are broadly covered along the rights of other vulnerable groups.
ES2	Factors of success (and failure)	The list of success factors leading to the realisation of outputs and outcomes are long and diverse: These include: - strong relevance of SERI's work in the SA context, - strategic strengths of SERI that combines strategic litigation with action research, advocacy and capacity building, - the organisation's client-driven culture, - the outstanding capability of SERI's management and staff (combining their professional skills with those of social workers and "activists"—all demonstrating deep compassion for the work they do), - a sound (and mostly growing) base of resources and funding Important is that the factors are being integrated and combined. The main challenges of being efficient relate to contextual risks in finding a successful strategic balance between the powers of confrontation and collaboration to internal risks, such as securing qualified staff and sufficient funding (at the moment theoretical risks), and to deficient project designs, frameworks, designs and monitoring systems (a current deficit)
ES3	Feasibility of objectives	The objectives set in the project contracts seem feasible if we take into account that SERI met most of the objectives and exceed some of them. Those objectives that were not met (as per reporting) mostly refer to impact on the ground, not on the quantity of work done but on the impact of that work (e.g.: victories in court have not always resulted in services being provided to communities). Therefore, it is important that future project contracts have better (SMART) indicators around the tangible results of SERI's work as well as on the effects of SERI's work. The second and the third project included indicators that are not easily measurable (e.g.: There is evidence of better capacitated social movements, CBOs and communities that are able to push for informal settlement upgrading in at least four informal settlements). These are difficult to assess because SERI's work does not always have a clear "action-effect". It would be useful therefore that future project contracts avoid non-measurable indicators.
EY1	Cost efficiency	Income/budget has tripled from R5 million per annum in 2010 to more than

DAC	*Issue*	*Finding*
		R15 million per annum in 2017. With this increase in budget the organization has expanded from nine people to 24 and the operational activities of SERI's three programmes have substantially widened and deepened as a result of this increase in budget. Cost effectiveness is maximised through factors such as: motivated and capable staff, young advocates and interns, in-house research services, and cooperation of partners and peers to support with litigation (evidence in regular paragraphs in annual reports). On the other hand, a high amount of resources is used for follow-up activities on the ground with strategic clients. Improvements could be achieved through more systematic partnering and cooperation with complementary NGOs on the ground on the development dimensions of SERI's research and advocacy work. This could include taking note of Planact's own research and engagement in community planning in communities that are affected by the same legal victories that have been won in Slovo Park. It could also draw more readily on CUBES' research on traders to help inform SERI's own "Securing a Living" programme. Finally, this broader cognizance of what other NGOs are doing can help construct a constellation of the relevant players in relation to the UISP process and allow SERI to play to its strengths in doing so. Cost-efficiency could also be enhanced in the legal division through upgrades in technical infrastructure (knowledge management, database management of projects, and access to international indexes) as well as various supporting services for high-qualified staff such as typing or couriers – all of which would free up their time for more substantial work.
EY2	Organizational means and capacity	The staff numbers rose from nine in 2010 to 24 in 2016. A core group from the founding phase is still with the organisation, or part of the board, largely representing the "institutional memory" and culture of the organisation and transferring this to new generations of staff. The organisation is successful in attracting highly motivated and skilled staff that are professionally and socially skilled and politically motivated. The stature of SERI as a change agent is reflected in the high demand for people who apply for vacancies. For instance, over 300 people apply for one internship position. The fact that management and operational functions are combined at the ED level seems to be a strength and a weakness at the same time. Therefore, as SERI continues to grow and/or to change, models could be considered that separate managerial and operational leadership. This could lead to more attention (and time) to issues such as organisational development, staff development as well as learning, monitoring and evaluation on one hand and strategy, quality assurance and representation of SERI on the other hand. Moreover, while it is very likely that sooner or later more institutional memory will be lost, an effort to better formalise institutional knowledge and internal processes seems vital, such as codifying more of the "what works" emerging from SERI's practice. The above can be summarised as the need for "developing SERI as an organisation" an aim that the organisation presented early on.
EY3	Governance, organizational processes and communication	SERI has a classical "pyramidal" governance structure of a layer of senior managerial staff consisting of an Executive Director, three line Managers (Litigation, Research, Operation), officers, and is supported by senior and junior staff, interns and part-time consultants. A board with seven luminaries and renowned reputations as well as the ED has the function of general steering and oversight. The communication in the team generally works well and there are regular meetings on mutual reflection, exchange and learning. As SERI has grown rapidly and substantially in numbers, it has reached a

DAC	*Issue*	*Finding*
		critical size where more formal processes, such as for grievance and staff inception have been initiated. The evaluation recommends that these need more "testing" and refinement and that more such institutional processes, including on strategy formulation and update, staff capacitation, psychological counselling, learning, reflection, etc., need to be defined and formalised in order to generate more institutional resilience.
S1	Social sustainability and ownership	Social sustainability is an intrinsic component of SERI's work that focuses on socio-economic rights in relation to the housing and human settlements sector. The needs-oriented and demand-based approach and the practices to communicate at eye-level and to remain with "clients" for many years are leading to partnerships based on trust and are ensuring processes that are largely owned and driven by the "clients". Nevertheless, the fact that the "power" of litigation, and the fact that most of the clients have exhausted all other options of finding solutions, is on SERI's side. This naturally implies that the relation with the "clients" is asymmetrical and therefore tending to promote dependence. Thus SERI needs to continue to make sure that this circumstance finds sufficient room for reflection and debate both internally and with the "clients". Ideally, the CBO partners should always have the feeling that exits and alternative strategies are possible and that they could engage with other partners the PILS sector.
S2	Organisational sustainability	SERI has a sound and diverse funding base with six donors, many of which are anchor donors that provide core funding. This has been an effective fundraising strategy of SERI and has allowed it to focus on delivering on its core programs and through this to achieve longer term outcomes of societal change, rather than focusing on outputs that are oriented towards donors' financed projects. Furthermore, SERI has an effective strategy and communication process with a high-level ability to deliver "results" and far reaching impacts that will continue to retain and grow its donor base. The organization will need to manage succession planning carefully as much of the success in SERI's fundraising efforts have been driven by the familiarity of the founding members of SERI. This approach might be at challenge when this first generation of SERI staff move on. Nevertheless, the sustained support by donors to SERI's human rights achievements is as a result of the entire organization where there is a high level of commitment and dedication of managers, staff and board members. Organisational sustainability would further benefit when the above and other substantial risks would be systematically reflected, mapped and managed in order to monitor potential threats such as loosing senior staff that have institutional memory, complying to donor needs, changes in donor landscapes, and/or violence and aggression by the state actors.
S3	Lessons and replicability	SERI does not produce classical demonstration projects akin to other NGOs. SERI's main model of replication are reference cases as a result of its strategic litigation. Another useful model of mainstreaming, replication and learning are the formats of the community practice notes and of several guidelines that provide popular education for both its clients and networks.
S4	Cross cutting issues	Human rights, elsewhere a cross-cutting topic, is at the centre of SERI's work. Other cross-cutting issues, such as, gender, the excluded, vulnerable and the poor are comprehensively addressed in the work programme and processes. Youth is adequately addressed while climate change or disaster risk reduction are not, as they are not central to the issues SERI focuses on.

DAC	*Issue*	*Finding*
		Migrants are also addressed, in particular in informal trading regulations. SERI does not have a dedicated strategy on cross-cutting issues, rather these are handled intuitively. At times, the deep respect of clients and the long-term view necessitates SERI to partner with and assist vulnerable client groups who don't comply to all "norms" and do not necessarily intervene in situations that are weak on gender equity. Nevertheless, the organisation has demonstrated being able to reflect and handle the situation with its clients without compromising its own ethics. Going forward, SERI could and should try to integrate more gendered-analysis into its research and advocacy work, where there is an openness to this amongst its clients/partners.
P1	Partnerships with stakeholders	SERI has different categories of partners. The first and most significant to SERI are clients that become partners, namely communities that it has been approached by and chosen to work with. Here SERI takes a reactive and needs-based approach. The second category are networks and partners relating more significantly to its research and advocacy work. Here SERI's approach to partners is largely pragmatic, ad-hoc, intuitive and instrumentalist to serving SERI's own research/advocacy agenda. This applies in particular to NGO partners in the "field". There are also very good and close relations to many peers in the public litigation field. Relationships with "other" NGOs exist on a case-by-case basis, with further potential for strategic, systematic and long-term partnerships. SERI's relationships and cooperation with government reveals the highest degree of diversity. SERI works best with national institutions and national government bodies. It works well with the provincial layer of these institutions. The most problematic relationships are at the local government level as this is where SERI's tactical approach to being confrontational in defence of its clients' interests has created a reputation that makes it difficult to simultaneously be collegial and collaborative. The broader challenges here relate to an inflexible "silo" mentality of local governments, as well as a highly politicized context at the local level, especially the wards. In light of the above, the evaluation sees a potential for SERI to develop strategic partnerships with complementary NGOs and to develop a more nuanced approach to engaging with local government bodies that can allow it to retain its confrontational stance where needed but in parallel be working more collaboratively in trying to build alliances with champions fighting for the same cause within the state.
P2	Partnership with MISEREOR	MISEREOR is one of SERI's long-term funding partners that have supported the organisation from the very beginning. Without this support, many of the landmark victories in the courts as well as substantial research outputs affecting all residents of informal settlement and "illegal" accommodation in the inner city, would have not been possible. A continuation of the partnership is highly recommended.
C	Conclusions/ Reflection	With the understanding that the courts are themselves limited to bring about change on the ground, local government in particular stand out as a critical agent in affecting SERI and the communities SERI works for and with. The break down in urban governance has made local government an even more important force to be reckoned with. The low levels of political will and even lower levels of capacity at the local government level have become significant stumbling blocks in effecting the change that victories in court are meant to bear. Ongoing strategies of confrontation will not address the reality of this local government weakness.

DAC	*Issue*	*Finding*
		The balance between confrontation and negotiation is difficult and is an area where SERI needs to continue to develop more expertise. Part of this work is about SERI deciding on how to change the balance between challenging the authorities through the courts and cooperating with authorities in order to have a result. SERI needs to do more work to develop the criteria on how it finds this balance.

6.8. Dialectic spaces

SERIs work is not black and while but comprises many shades of grey. The following table portrays a list of “dialectic pairs” that define the arena of SERIs work. The pairs delineate spaces of negotiation and strategic decision that the organisation as well its staff members are confronted with day-by-day. The pairs have been elaborated by the consultants and presented and discussed with SER during the inception workshop.

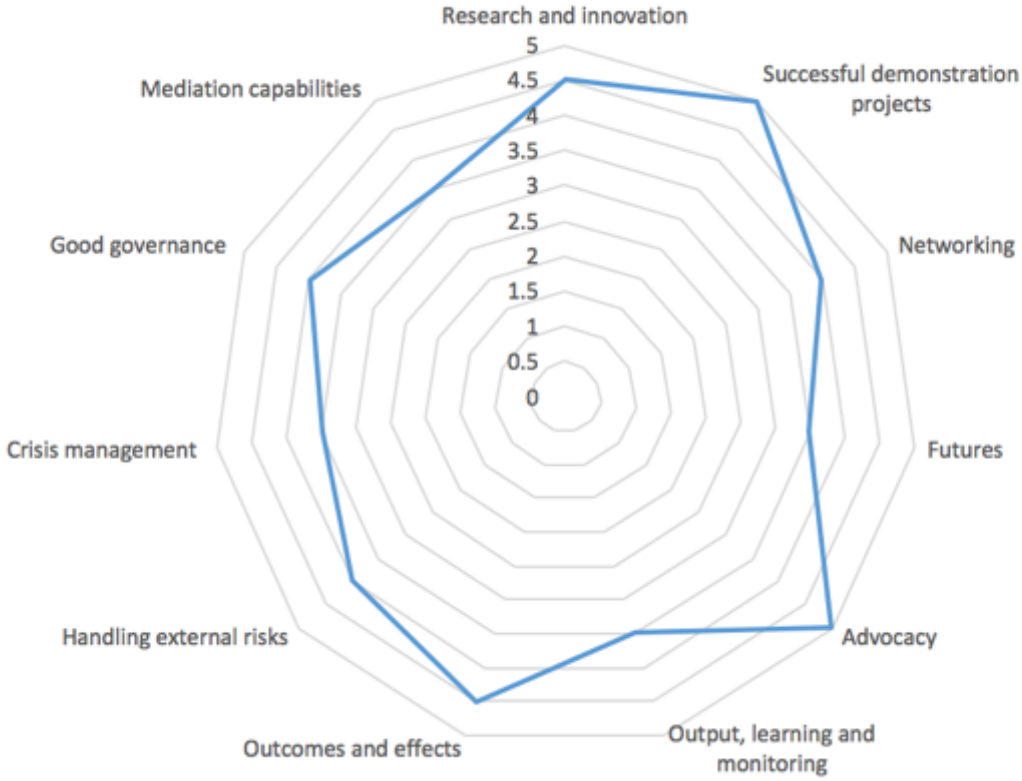
Table 7. The dialectic spaces of SERIS operation

Conflict	Cooperation
Strictness	Compromise
Re-Active	Pro-Active
Specialisation	Diversification
Autonomy	Networking
Political	Technical
Stability	Change
Strength	Vulnerability
Scepticism	Trust

6.9. Rating according success criteria for urban sector NGOs

Based on eleven NGO success criteria developed by Gotsch 2014 (pages 33-34), the following rating was presented and discussed during the debriefing session on September 1st 2017. It has to be purely seen as a relational indication of SERIs strengths and weaknesses. The diagram has been well received in the discussion, SERI would have like to see a stronger consideration of their litigation work. Moreover, it was proposed to distinguish output from learning and monitoring, because SERI does not have a problem of delivering outputs while learning and monitoring were accepted as an issue. Another aspect that was discussed was crisis management. It was discussed ere that SERI has demonstrated a good capacity of handling crises after a donor withdrew the support when SERI supported students' protests in 2016. Even so many of the indicative findings as presented in the chart below correspond to need for further formalisation and operationalisation of processes in the ongoing process of developing SERI as an organisation.

Figure 7 Rating along the "11 NGO success criteria"



6.10. Tabular project contract

Table 8. Tabular project contract

	Project Aim	Specific objectives
150-900-1105 ZG (2010 – 2012) Socio-economic rights intervention in support of informal settlements and migrants	To promote the fulfilment of socio-economic rights by disadvantaged communities in South Africa. To contribute to public governance through empowering communities to understand their rights, government processes and to effectively engage in such processes, thereby holding government accountable.	Social movements and communities from informal settlements and migrant and other target communities have access to six reports on housing, informal settlement upgrading, water and basic sanitation, electricity tariffs, informal trading regulations and discrimination against migrants in access to healthcare and education, which can be used to support advocacy and public interest litigation. Three relevant advocacy issues in the area of housing, basic services and migrant rights are fed into public and government advocacy initiatives and co-ordinate with public impact litigation, through the publication of relevant submissions to Parliament, popular news articles and ad hoc submissions to policy makers and implementers. SERI Law Clinic is established and provides expert legal assistance to social movements and target communities, pursuing at least 20 litigious interventions in a year and at least 25 or more non-litigious interventions a year. At least 20 paralegals of the Abahlali baseMjondolo Movement (AbM) are trained to provide effective paralegal support to the movement in its target communities.
150-900-1157ZG (2012-2014) Socio-economic rights intervention in support of informal settlements and migrants	Historically disadvantaged communities in South Africa know their socioeconomic and cultural rights and are able to successfully claim them	High quality, responsive and relevant research helps to develop a deeper understanding of the barriers and mechanisms that impede participation by social movements and target communities in their own development. Social movements and target communities from informal settlements are mobilised and trained to more effectively engage government and influence decision-making at communal level; in this, they receive further support through advocacy and relevant litigation Social movements and target communities have the dedicated legal support they need to defend their living conditions and defend their political rights.
150-900-1200 ZG (2015-2018) Informal settlement upgrading and urban land access in South Africa	Target groups have secure tenure, access to services and are better able to participate to the benefits of South Africa's urban life	Social movements, CBOs and target communities are better able to push for informal settlement upgrading through access to research, advocacy and litigation assistance Poor and marginalised households living in informal settlement communities have improved access to secure tenure and basic services. Action research that explores the gaps between law and policy, and practice, helps to develop a deeper understanding of the links between access to services, tenure security, land use practices, democratic participation and livelihoods

6.11. Comprehensive analysis of effectiveness according to the three project contracts

6.11.1. – 150-900-1105 ZG (2010-2012)

Overall goal

To promote the fulfilment of socio-economic rights by disadvantaged communities in South Africa.

To contribute to public governance through empowering communities to understand their rights, government processes and to effectively engage in such processes, thereby holding government accountable.

Project objectives

1. Social movements and communities from informal settlements and migrant and other target communities have access to six reports on housing, informal settlement upgrading, water and basic sanitation, electricity tariffs, informal trading regulations and discrimination against migrants in access to healthcare and education, which can be used to support advocacy and public interest litigation.

Indicator: Six reports are completed; at least two of them are used in public interest litigation and advocacy initiatives

Evaluation result: Mostly accomplished

Only four of the six reports were completed. The other two research projects were started and SERI expected to complete the reports within the year 2012. See details about research produced in section 1 of "Measures to be supported". Unfortunately, SERI's narrative reports does not clearly indicate the relationship between the research outputs and the litigation and advocacy activities, making it difficult to assess whether the research outputs where used for other activities. We can however assume that some of the research outputs we see on Table 1 have been used in litigation and advocacy initiatives. Examples of this would be the research conducted in Slovo Park having been used in the litigation case for the same settlement and the research conducted around Free Basic Services being used in advocacy initiatives around the same issue.

> *Recommendation for future reports: Include a table that shows the relationship between research, advocacy and litigation activities.*

2. Three relevant advocacy issues in the area of housing, basic services and migrant rights are fed into public and government advocacy initiatives and co-ordinate with public impact litigation, through the publication of relevant submissions to Parliament, popular news articles and ad hoc submissions to policy makers and implementers.

Indicator: Press releases, parliamentary submissions and submissions to policy-makers exist and are taken up in the popular and specialist press

Evaluation result: Mostly accomplished

SERI has been extremely active in the media, conducting submissions to government as well as engaging in relevant platforms around specific issues dealt in the research, advocacy and litigation activities. However, some of the expectations outlined in the "measures to be supported" in the contract have not been fully met. This specifically refers to the lack of specific submissions to government around the provision of inner city housing for the poor and the fact that issues around xenophobia and exclusion of refugees and migrants in the trading sector were not taken to the general media.

3. SERI Law Clinic is established and provides expert legal assistance to social movements and target communities, pursuing at least 20 litigious interventions in a year and at least 25 or more non-litigious interventions a year.

Indicator: Registration of the Law Clinic and the Bar Council is effected

Evaluation result: Expectations met

The SERI Law Clinic was established in 2010 and compromises two attorneys, an advocate and a paralegal. A process to hire another paralegal was started as a response to the high demand for legal services.

Indicator: On completion of 24 months, at least 20 litigious interventions and at least 50 more non-litigious interventions are documented

Evaluation result: Expectations exceeded

During the two years of the project SERI has been involved in 86 cases. From those, 48 were litigious and 38 non-litigious. SERI exceeded the expectation for non-litigious cases by almost doubling the expected number of cases and was short of only two in terms of number of litigious cases. Taking this into account, we consider that the expectations for this indicator were exceeded.

Indicator (Re 1-3): Social movements' and target communities' comments and views on the usefulness and quality of the reports, the advocacy initiatives and the interventions of the Law Clinic

Evaluation result: Expectations met

Despite the narrative reports showing no evidence of social movements and communities feedback in regards to SERI's research reports, advocacy initiatives and interventions of the Law Clinic, interviews with clients during the evaluation process showed satisfaction with SERI's work and that clients see value on SERI's reports and advocacy work.

4. At least 20 paralegals of the Abahlali baseMjondolo Movement (Abahlali) are trained to provide effective paralegal support to the movement in its target communities.

Indicator: At least 20 activists have completed paralegal training successfully and have been deployed in Abahlali's communities

Evaluation result: Expectations exceeded

SERI has exceeded the expectations by capacitating about 30 AbM members in a series paralegal workshops conducted in Durban on the 11, 24 and 25 of June and conducting another paralegal training workshop on the 18th of February 2012 that was attended by about 40 AbM members.

Indicator: Members of Abahlali comment positively on the usefulness and quality of the paralegal training

Evaluation result: Expectations met

AbM submitted a letter to SERI with very positive feedback after the first series of paralegal training workshops. The letter stated that the "workshop has been hailed by all participants as an eye-opened" and it was clear that "all of our participants have developed basic skills and knowledge."

Measures to be supported:

1. Field research and completion of six reports:

- **Investigating the development of permanent housing options for the poor in the inner city areas, focussing on Johannesburg**
- **Investigating and analysing the implementation of the informal settlement upgrading policy**
- **Investigating appropriate sanitation policy for a middle-income country such as South Africa, tying this into UN endeavours to benchmark sanitation services**
- **Electricity tariffs analysis research: undertaking domestic and comparative research into the appropriateness and efficacy of the methods used for allocating Free Basic Water and Electricity to low-income households**
- **Investigating the interaction of migrants' rights in the development and enforcement of informal trading populations**
- **Investigating the impact of xenophobia on access to essential services (focussing n basic health care and education)**

SERI did not meet the expectations, completing only four of the six reports that were expected for the project. The other two research projects were started however they were not completed for different reasons. The research produced as well as reasons for delays are outlined in the table below. In addition to these research reports, SERI also produced six other research outputs during the reporting period covering issues such as the right to housing, access to justice and the role of paralegals, and water privatisation.

There is a contradiction between the files "150-900-1105 ZG_January 2010 - May 2012.pdf" (Annex 1) and "150-900-1105 ZG_May 2010 - April 2012.pdf", the narrative report we got about a week ago.

In the first one, there is a list of 10 resource guides / research reports / working papers and 17 journal articles / publications. Those are the ones I have mentioned in this section as this is the document I started working with. On the second one, Table 1 shows only 4 research reports and 6 additional research activities.

This evaluation has been based on the narrative report (May 2010 - April 2012.pdf)

Table 9. Table 1: Research expectations vs. outputs

Themes in contract	Completed research	Not completed research
Investigating the development of permanent housing options for the poor in the inner city areas, focussing on Johannesburg		Research post-*Blue Moonlight* judgement expected for June 2012. Reasons for delay: Prioritisation informal settlement work.
Investigating and analysing the implementation of the informal settlement upgrading policy	Working paper "Towards a Synthesis of the Political, Social and Technical in Informal Settlement Upgrading in South Africa: A Case Study of Slovo Park Informal Settlement, Johannesburg"	
Investigating appropriate sanitation policy for a middle-income country such as South Africa, tying this into UN endeavours to benchmark sanitation services	Resource guide "Basic Sanitation in South Africa: A Guide to Legislation, Policy and Practice"	
Electricity tariffs analysis research: undertaking domestic and comparative research into the appropriateness - and efficacy of the methods used for allocating Free Basic Water and Electricity to low-income households		Research conducted in Jan-April 2012 will be consolidated into output in late 2012. Reason delay: No in-house expert
Investigating the interaction of migrants' rights in the development and enforcement of informal trading populations	Research report "Criminalising the Livelihoods of the Poor: The Impact of Formalising Informal Trading on female and Migrant Traders in Durban"	
Investigating the impact of xenophobia on access to essential services (focussing on basic health care and education)		Research report "Limits to Caring: A case study of one asylum's seeker's struggle to access chronic renal treatment in South Africa" to be finished by May 2012. Reason delay: staff rotation, allow feedback from experts.

3. **Three relevant advocacy issues in the areas of housing, basic services and migrants' rights are fed into public and government advocacy initiatives and coordinated with public impact litigation,**

through the publication of relevant submissions to parliament, popular news articles and ad hoc submissions to policy makers and implementers.

There is a contradiction between these "3" relevant issues and the 8 different activities listed under advocacy. If we evaluate the advocacy work based on this, the target has been exceeded. If we go item by item looking at activities, we may say otherwise. I assume that there is no expectation to complete all the activities listed on the contract and that SERI would have achieved the target by taking up three issues to the general public and government.

- **At the invitation of government, through public submissions, advocating for the implementation of informal settlement upgrading in an inclusive and participatory manner and expanding the provision of inner city housing options for the poor**

- SERI did not fully meet the expectations for this activity. According to the reports, SERI did advocate for the implementation of informal settlement upgrading in an inclusive and participatory manner, It has also done lots of work regarding the provision of housing in the inner city but not submissions to the public at invitation of government in particular (at least, according to the reports we were given). SERI has made a total of six submissions to different tiers of government which cover a variety of issues including community participation in the implementation of new technologies at a CoJ Growth and Development Strategy 2040, Housing Tribunals, Limpopo's prevention and control of informal settlements, Spatial Planning and Land Use Management Bill, The Spatial Planning and Land Use Management Bill 2011 (SPLUMB), the right to housing and informal settlements and sanitation. Despite no clear indication of the submissions touching on inner city housing for the poor, we can assume that the Housing Tribunals touched on inner city housing. However, more specific work on the provision of inner city housing or the poor could have been expected.

- **Assisting Abahlali baseMjondolo and other similar organisations to develop litigation agendas for inclusion and integration into the urban fabric**

- SERI did accomplish the expectations for this activity by providing different type of training to AbM and other similar organisations. Assistance to AbM has been deployed in the form of paralegal training as well as other training activities. In addition to the work done with AbM, SERI has supported other organisations and informal settlement communities by facilitating a total of four workshops or training events including a Law and Organising skills workshop at Khanya's College's 'Crisis and Resistance' Winter School (2-3 August 2010), a social movement and community leadership training workshop (11-13 March 2010), a workshop with members of the Unemployed People's Movement (22-23 July 2011) and a workshop at the Spring Valley Informal Settlement in Emalahleni (Witbank, Mpumalanga, 13 August 2011). Two of those workshops were co-hosted with Planact. SERI is also hosting monthly 'social movements meetings' around housing and evictions in collaboration with ISN, Landless People's Movement, Soweto Forum and a number of social movements and communities in Gauteng.

- **Writing press releases and generally keeping media informed about evictions and housing policy**

- SERI has met the expectations for this activity with a constant and diverse presence in the media. During the two years of the project SERI has released 24 press statement, has had over 70 articles published in mainstream media and has published 7 op-eds in national newspapers. SERI has also appeared on national TV news and radio discussions on several occasions. Issues covered were diverse including ten press releases and 20 media appearances focused in evictions and six press relapses and 22 media appearances on housing policy in general including issues such as RDP housing, landlords' and tenant's rights, emergency housing, alternative accommodation, housing policy and informal settlements. Other interventions covered a diverse range of topics including access to basic services, police violence, access to land, asylum's seeker's medical rights and press freedom among others. SERI's was present in all sorts of media including newspapers such as the Mail and Guardian and The Star, radio stations like the Voice of Wits and SAFM, online news websites like News24 and TV shows such as 'Speak Out' on SABC.

- Apart from this media presence, SERI has also done 35 presentations to more specialised public in events such as the Ford Foundation international meeting on the enforcement of socio-economic rights litigation

(Bogotá, Colombia, 4-9 May 2010), the International Commission of Jurists Southern Africa Socio-Economic Rights Camp (1 September 2010), an event organised by Amadla! Forum, the Sawyer Seminar Series and the Wits Department of Sociology (20 October 2010), the Planact/BESG informal Settlement Upgrading Learning Event (23 February 2011) and the South African Human Rights Commission (SAHRC) section 5 meeting on basic services and local government (31 May 2011).

- **Participation and lead membership of Department of Water Affairs' (DWA) Civil Society Regulatory Reference Group (CSO RRG). Within this group, seeking policy and legal interventions and promoting rights-based approaches**

- SERI has met the expectations for this activity. SERI is a member of CSO RRG and was invited by the DWA to a Civil Society Consultative Workshop 'Institutional Reform and Realignment' on May 2011. SERI has also had several media appearances about access to basic services.

- **Participation in civil society forums on water, electricity and sanitary problems. Establishing a "Water Works" databases and campaign on sanitary problems. Informing the media about these subjects**

- Despite the great amount of work in this thematic area, the "Water Works" database and campaign on sanitary problems has not been established, therefore we consider that SERI has not fully met the expectations for this activity. SERI's work around basic services has been vast and consistent. SERI is part of two groups that engage on issues around service delivery (the Good Governance Learning Network (GGLN) and a group of NGOs, social movements and lawyers that is mobilising around local government action and put together the booklet 'Making Government Work: An Activists' Guide') and has organised four events around service delivery in collaboration with a number of organisations including the Legal Resource centre (LRC), LANDfirst network and the South African Human Rights Commission (SAHRC) among others. Two other indicators of the success of SERI's work on basic services are the facts that Jackie Dugard was invited to be a reference group member for two ongoing Water Research Commission (WRC) projects and that the National Sanitation Policy published by the Department of Human Settlements and SALFA draws on SERI's guide to basic sanitation (October 2011). SERI has also presented a written submission on review of the 2001 White Paper on Basic Household Sanitation draft policy and had three media appearances around basic services.

- **Putting refugee and migrants' rights on the street trading agenda. At the invitation of government, through public submissions, advocating against indirect exclusion of refugees and migrants**

- SERI met the expectations for this activity, completing a research reports on the migrants' rights in the street trading agenda and distributing it to relevant actors as well conducting two presentations around the issue. In 2011, SERI successfully completed the research report "Criminalising the Livelihoods of the Poor: The Impact of Formalising Informal Trading on Female and Migrant Traders in Durban"wich was distributed to relevant research institutions, community groups and networks dealing with migrant and refugee rights including StreetNet International, African Centre on Migration and Society, African Diaspora Forum, Lawyers for Human Rights, Medecins sans Frontiers, etc. The report received some very positive feedback from the International Coordinator of StreetNet, Par Horn, indicating that it is useful for other organisations working with migrants and refugee rights. In addition to the distribution of the reports, SERI presented on informal trading and developmental local government at the Informal Trade Management Summit organised by SALGA, SANIEF and SA LED Network (10 to 12 November 2010) and on informal trading and women at an event organised by the Gauteng Provincial Legislature's Public Participation and Petitions Unit on the 14th of March 2011. Both events were attended by over 200 informal traders and government officials. SERI also assisted the One Voice of all Street Traders in Yeoville to negotiate with the CoJ. After the 2011 decision, SERI took a more passive role in this thematic area, following work done by other organisations and feed relevant information into SERI's research endeavours.

- **Assisting nascent refugee and migrant organisations (especially African Diaspora Forum) to tackle discrimination in access to essential services**

- SERI did meet the expectations for this activity until 2011, however its decision of discontinuing its work with the thematic focus on migrant's rights in 2011 had an impact on the development of this this activity.

The expectations for this activity where not met thereafter. Prior to the 2011 decision, SERI engaged with a number of different groups and organisations around migrants' rights and livelihoods issues. These included SALGA, Gauteng Provincial Legislature's Public Participation Unit, CoRMSA, National Health Working group, Central Methodist Church, African Diaspora Forum, African Migration Association among others. SERI also facilitated a civil society migrants' rights roundtable on socio-economic rights problems faced by migrants which was fed on the Hakizimana case and that informed the two migrants' rights related research projects on August 2010. After the 2011 decision, SERI took a more passive role in this thematic area, following work done by other organisations and feed relevant information into SERI's research endeavours.

- **Writing press releases and generally keeping the media informed about xenophobia and exclusion of refugees and migrants in the trading sector**

- SERI did not meet the expectation of bringing xenophobia and exclusion of refugees and migrants in the trading sector to the media. Although the presence in media is vast and diverse, it does not cover issues around street trading. SERI did facilitate a migrants' rights roundtable on socio-economic rights problems facing migrants on 5 August 2010 and engaged a number of groups and organisations on the issue, however those only reached a specialised audience not the general public.

3. Litigation

- **Providing appropriate and skilled legal defences to people under threat of eviction**

- SERI has successfully defended hundreds of people against eviction applications in the High and magistrates Courts, including 256 people in the Chung Hua case, 96 in Mikani Holdings and 40 in Blue Moonlight among others. The success of the cases is however not just limited to preventing eviction of those individuals, some of those cases achieved a much larger impact by influencing policy. This includes the opening up the state's temporary shelter policy to many thousands of people who would otherwise be rendered homeless by eviction and declaring unconstitutional the execution of bonds against a person's home without judicial oversight.

- **Defending informal settlements which could be upgraded against eviction**

- SERI represents three informal settlements against eviction meeting therefore the expectations for this activity. Two of the cases, PreCast and Marie Louise informal settlements, have been successfully finalised while Makause informal settlement seems to be an ongoing case by the end of the project. The three cases amount a total of 13 300 beneficiaries.

- **Seeking to take on big, public impact litigation cases to compel the implementation of inclusive and participatory informal settlement upgrading**

- SERI has met the expectations for this activity. SERI is working in two big litigation cases that could have a public impact to compel the implementation of inclusive and participatory informal settlement upgrading in South Africa. Slovo Park, 5 000 people, and Makause, 12 000 people, informal settlements cases look at legal challenges to implement the upgrading programme in the National Housing Code.

- **Taking on a few individual administrative reviews of municipal practice before launching test case public impact litigation regarding practices that fail to live up to legislative standards, e.g. unlawful limitation of water or non-procedural disconnection of electricity**

  This activity is covered in page 14 of the final narrative report (May 2010-April 2012). The information there is not so clear. We have been looking for the Quantum case in the annexure provided but it doesn't speak about water and electricity. Could you please unpack this section of the narrative report?

- **Responding to cases of xenophobia and discrimination in access to essential services**

- SERI has been involved in two cases that deal with xenophobia and discrimination of migrants to access to essential services, meeting therefore the expectations for this activity. The first one is Hakizimana case,

where SERI dealt with the migrants' access to emergency healthcare services. In the second one, Riet case, SERI is engaging with the UNHCR for a solution for about 90 refugees facing eviction.

- **Training and free legal aid for Abahlali baseMjondolo as well as similar social movements**

- SERI has met the expectation for this activity by providing free legal aid in 70 cases and providing paralegal training (evaluated in bellow) as well as conducting several training workshops (evaluated in advocacy section) to social movements and communities.

- **Carrying out training workshops for at least 20 paralegals of Abahlali baseMjondolo**

- SERI has exceeded the expectations for this activity by capacitating about 30 AbM members in a series paralegal workshops conducted in Durban on the 11, 24 and 25 of June and conducting another paralegal training workshop on the 18th of February 2012 that was attended by about 40 AbM members.

6.11.2. – 150-900-1157 ZG (May 2012- Feb 2015)

Overall goal:

Historically disadvantaged communities in South Africa know their socioeconomic and cultural rights and are able to successfully claim them

Project objectives:

1. High quality, responsive and relevant research helps to develop a deeper understanding of the barriers and mechanisms that impede participation by social movements and target communities in their own development.

Indicator: Three research reports and at least one set of workable resource guides/practical tools are developed per year and disseminated to target communities, relevant government officials and academia.

Evaluation result: Partially met. Expectations exceeded in terms of quantity of work produced, met in terms of dissemination but not met in terms of themes covered

In terms of quantity of work produced, SERI has exceeded the expectations by producing eight research reports, instead of the expected six, and four resource guides / practical tools, two more than the expected minimum. However most of these research outputs do not focus on the barriers and mechanisms that impede participation by social movements and target communities in their own development. SERI has disseminated its work on different platforms including engagements with government, training workshops and the media.

Indicator: Each year, at least 20 active community members, relevant government officials, NGOs and well-known academics have provided feedback and confirm in majority the usefulness of the research outputs.

Evaluation result: Expectation exceeded

While feedback may have not been submitted in written form, SERI's research outputs have been well received for a much more than 60 people. The Community Practice Notes were extremely well received by over 120 community members of Thembelihle, Slovo Park, Rooigrond and Makause informal settlements, academic and activists. The resource guides for tenants and sectional title owners also received positive feedback on its usefulness and relevance by a number of NGOs, lawyers and government departments that also requested copies of the documents. The *Jumping the Queue* report on housing waiting lists was very enthusiastically taken up by the media, government officials, communities, social movements, and academics. Positive feedback for the report was received from five prominent academics, including: Sandra Liebenberg, Richard Pithouse, Pierre de Vos, Marie Huchzermeyer and Geoff Budlender. In addition, the Open Democracy Advice Office (ODAO) approached SERI to work together on a short version of the report, illustrating the demand from activists and social movements. Finally, the *Minding the Gap* and *Evictions and Alternative Accommodation* reports on inclusive regeneration policy in Johannesburg inner city received also considerable interest from the media, government officials, NGOs and CBOs.

2. Social movements and target communities from informal settlements are mobilised and trained to more effectively engage government and influence decision-making at communal level; in this, they receive further support through advocacy and relevant litigation.

Indicator: Evidence is available of better connected and capacitated social movements and of communities that are better able to articulate and take up socio-economic rights issues (verification: continuous monitoring of and feedback from communities documented in a spreadsheet).

Evaluation result: Expectations likely met

Effectively measuring this indicator is not really possible only from the narrative reports. These show the amount of work that SERI has conducted to mobilise and train social movements and target communities, however there is no evidence of the results of this work. Taking into account the large amount of work undertaken by SERI on this regard, we can assume that the expectations were most likely met.

SERI has been involved in a total of 15 training events that covered a large variety of themes and were attended by AbM as well as other social movements and communities. These workshop events are expected to have an echoing effect, not only benefiting beneficiaries but thousands of other people living in informal settlements, inner city buildings and in alternative accommodation. In terms of community organising, the workshop for over 100 residents living in four alternative accommodation inner city buildings may be the most relevant one since it resulted on an initiative to mobilise building committees across SERI's and other cases. SERI is also involved in the Gauteng Land and Housing Social Network and the Local Government Action (LGA) network which gather organisations, CBOs and communities around local government and housing issues.

SERI's litigation work around the right to protest and police brutality also enables social movements and communities to take up socio-economics rights claims. SERI has undertaken two criminal defence cases and four legal defence cases related to this issue. These cases have resulted in eleven press statements that have brought attention from the general public.

3. Social movements and target communities have the dedicated legal support they need to improve their living conditions and to defend their political rights.

Indicator: Each year, at least 20 new litigation cases and at least 10 cases that advance socio-economic rights jurisprudence are conducted (verification: internal litigation matrix).

Evaluation result:

In all three years in the reporting period the SERI Law Clinic exceeded this objective, and we were involved in over 30 cases per year in the Magistrates Courts, High Courts, SCA and Constitutional Court. Our litigation work cut across our theme areas: evictions and the municipal provision of alternative accommodation, informal settlement upgrading and access to basic services, participation, protest and political space and we extended our focus to informal trade.

Indicator: There is an increasing demand for SERI's litigation assistance (verification: internal register of number of requests for legal assistance).

Evaluation result: Expectations likely met

In order to measure the results for this indicator, the attendance register from May 2013 to February 2014 has been used as suggested by SERI. While this is problematic because not everyone that visited SERI was to request legal assistance and some people did visit several times for the same case, it has been agreed to use it as a tool. The attendance register shows the following picture:

Table 10.Summary attendance register

Month	*Number visitors*	*Number meetings*
May 2013 (10th to the end of the month)	19	12
June 2013	5	5
July 2013	2	2
August 2013	19	10
September 2013	5	3
October 2013	29	19
November 2013	55	30

December 2013	18	11
January 2014	14	9
February 2014 (only until 10th Feb)	14	11

The attendance register includes all people who have visited SERI's office. This is problematic in two ways:

Not everyone there was demanding litigation assistance (e.g.: Klaus Teschner). I haven't counted Klaus, but I am not sure how many more people are in the same situation

There are some people who come in groups in what appears to be a collective request for legal assistance. SOLUTION: I have counted everyone who came on the same day, same time, saw the same SERI person and for the same issue as 1 meeting in the third column.

Many people come several times for the same case. While this is obviously time spent for the litigation staff, it is not really a new request for legal assistance

Taking into account that December and January are holiday months and the table only covers a third of the month of February, we can conclude that there is a general trend for an increased number of meetings. In order to deal with these increased demand, SERI is engaging with other organisations providing assistance in particular to the issues of evictions and protest cases.

Indicator: There is evidence of improved access to justice and strategic litigation in relation to SERI's thematic areas (verification: internal record of the number of reported cases, positive comments from external sources and recognition of the role of SERI).

Evaluation result: Expectations met

SERI's work on advancing socio-economic rights jurisprudence and public impact in terms of the protection of human rights defenders are focused around 15 strategic litigation cases. These cover a variety of themes within SERI's thematic areas and should have a larger impact than for the clients themselves.

Measures to be supported:

1. Research projects:

The proposed subjects will highlight weaknesses and problems that CBOs have experienced in their work in informal settlements in the past years:

- **undertake a research project on the level of consciousness of communities in urban informal settlements regarding their constitutional rights and its significance for social mobilisation;**

- SERI has exceeded the expectations for this activity by completing two research projects related to this theme (one with them using funding from the World Bank). The first project looked in AbM and its uptake of rights discourse and claiming and it was written up in a book chapter entitled "Rights-compromised or rights-savvy? An examination of the use of rights to advance socio-economic struggles by Abahlali base-Mjondolo, the South African shack-dwellers' movement". The second project one looked at the rights consciousness in the face of acute environmental harm and was crystallised in the article "A Rights-Based Examination of Residents' Engagement with Acute Environmental Harm across Four Sites on South Africa's Witwatersrand Basin"

- **research project on the development, composition, functioning and strategies of informal settlement committees or community forums regarding internal and external factors that affect and often derail local development processes;**

- SERI has met the expectations for this activity by publishing the first Community Practice Notes themed Informal Settlement Series in August 2014. These examine how CBOs how CBOs in four informal settlements have organised and mobilised for development, particularly around in situ upgrading.

  - **research project on the criminalisation of CBO protests (protest and policing);**

- SERI produced a research report named *An Anatomy of Dissent and Repression: The Criminal Justice System and the 2011 Thembelihle Protest,* which was published in June 2014 meeting therefore the expectations for this activity. The report examines the week-long delivery service protest in Thembelihle to which the government responded with arrests and criminal prosecution to harass and intimidate community members and to target community leaders.

  - **research project on factors impeding participation of poor communities in integrated development planning processes at community level;**

- SERI did not report on any research project related to this theme. It is therefore assumed that the expectations for this activity were not accomplished.

  - **research project on the possibilities of budget monitoring and influencing public spending at local level by poor communities and social movements.**

- SERI did not report on any research project related to this theme. It is therefore assumed that the expectations for this activity were not accomplished.

Further subjects will be determined at a later date.

SERI has produced a number of other research outputs which do not fit in any of the themes mentioned in the project contract. These include four research reports and four resources guides. These cover a variety of topics including housing demand and allocation, sales-in-execution cases, supply and demand of low-income rental accommodation in Inner City Johannesburg, evictions and alternative accommodation, Free Basic Services (FBS) and Municipal Indigent Policies, Public Interest Legal Services, Informal traders' rights, rental housing regulations and legislation and legal rules around sectional title.

2. Advocacy

  - **Conducting trainings and workshops for the CBOs and social movements on legal issues and on the results of the research projects**

- SERI accomplished the expectations for this activity by being involved in 15 different training events. These included two paralegal training workshops for AbM members (23 march 2013 in Durban, 27 July 2013 in Cape Town), two inner city housing workshops for residents of Johannesburg inner city buildings (24 August 2013 and 12 April 2014), two "Dear Mandela" film screenings (30 May 2014 in Lindelande informal settlement and 6 September 201 in Diepkloof) and a workshop on the role of law/legal mobilisation for social movements (17-23 August 2012, Democratic Left Front Activist School), among others. SERI partnered with other organisations and social movements for some of these training events. Partners include: Planact, ISN, AbM, CUBES, Soweto Concerned Residents (SCR), Local Government Action (LGA) and Black Sash.

  - **Press releases on socio-economic issues, on evictions and housing policy**

- SERI has met the expectations for this activity by issuing a total of 34 press statements which have granted it a constant presence on the media with 130 articles published in newspapers and numerous interviews with TV and radio stations. The press statements covered issues related to the litigation and research work including seven press releases about eviction related cases, three on tenants' rights, six about informal traders, eleven on the right to protest and police brutality including eight on Marikana case in particular, and two on temporary accommodation among others. In addition to these, SERI has also published 20 op-eds covering issues such as the right to protest and police brutality, human and socioeconomic rights and low-cost housing.

  - **Participating in workshops and official government consultations as and if solicited by government, as well as submitting legal and policy submissions in favour of appropriate and participatory informal settlement upgrading measures that extend housing and basic services to poor communities**

- SERI has made submissions or sent comments for seven different laws or reports including the *Mpumalanga Eradication, Prevention and Control of Informal Settlements Bill* (2012), the research report of the Ministerial Sanitation Task Team in the state of sanitation in South Africa (published in December 2012), the Spatial Planning and Land Use Management Bill (SPLUMB) (21 August 2012), the City of Johannesburg's 2013 Draft By-Laws on Problem Properties (December 2013), the proposed amendment of Rule 46 of the Uniform Court Rules and the Rule 43 of the Magistrates' Court Rules (February 2014) and the Budget Vote Speech of the Minister of Human Settlements (28 July 2014), and the Lwandle Ministerial Enquiry (10 September 2014). SERI also engaged with government in five different occasions. These include open forums such as the National Roundtable about "Advancing a Participatory Approach to Informal Settlement Upgrading in South Africa" hosted by Isandla Institute and the Department of Human Settlements (DHS) (18 October 2012) and private forums such as a meeting with Department of Water Affairs (DWA) officials to discuss SERI's research on access to free basic services and the municipal indigent policies (11 September 2012).

    - **Participating in civil society forums about water, electricity and sanitary problems and information to the media about these subjects**

- SERI has partially met the expectations for this activity: While it has participated in civil society forums about basic services, none of the press statements and op-eds covered this issue not reaching therefore the general public. SERI attended a South African Water Caucus (SAWC) national water services meeting (Cape Town, 2-3 October 2012) and holds monthly meetings through the Gauteng Land and Housing Social Network (GLHSN) around basic services, access to land and housing. In addition to this, SERI has also distributed the publication *Targeting the Poor? An Analysis of free basic services (FBS) and municipal indigent policies in South Africa* was distributed to the South African Human Rights Commission (SAHRC) and a number of individuals and organisations that are represented on the SAHRC's expert advisory panel on water and sanitation and presented it to officials in the national department of Treasury. In addition to civil society, SERI has also engaged with government around in two occasions around basic services. On the 11th of September 2012 SERI met with Department of Water Affairs (DWA) officials to discuss SERI's research on access to free basic services and the municipal indigent policies and provided input to the report for the Ministerial Sanitation Task Team (MSTT) that was published in December 2012. No press statements nor op-eds related to basic services were made.

3. Legal aid and litigation: A total of ca. 100 litigation cases shall be accompanied in particular with the following priorities:

- **outlawing the use of trespass laws as a means of engineering evictions from homes;**

- SERI assisted hundreds of people to challenge their eviction from buildings and threat of homelessness in the inner city of Johannesburg. These cases include Soper Road, Moth Building, Koch Mansions, Sailing Queen, Opal Wall, Jeanwell Court and Josana Court. SERI was also admitted as amicus curiae in the Constitutional Court for the Schubart park case, a Lawyers for Humans Rights' case in which residents challenged a forced 'evacuation' from the building undertaken by the Tshwane Metropolitan Municipality. SERI has also appeared in the Magistrates Court, Supreme Court of Appeal (SCA) and Constitutional Court in four cases relating to sales-in-execution. One of this cases relates particularly to trespass laws.
- Apart from the inner city and sales-in-execution cases, SERI has also supported six informal settlements in eviction cases. One of this, the *Ratanang* informal settlement case, could have a larger impact in defining what sort of consent is required to ground a case in terms of the Extension of Security of Tenure Act (ESTA). The two other cases that could have a larger impact are the *Fischer* case (Marikana informal settlement, Cape Town), the *Zulu* case (Durban). These two cases challenge the circumstances in which an organ of state may undertake an eviction without court order.

    - **ensuring better and more widespread application of municipal temporary shelter policies;**

- SERI is involved in a three post-eviction cases regarding temporary accommodation, including the *Dladla* (Ekuthuleni shelter) which it will set precedent around the kind of alternative accommodation municipalities provide when an eviction leads to homelessness. The other two cases are the *Hlophe* case and the Chung Hua Mansions case. Besides this, SERI also is negotiating with the city to provide accommodation for the residents of Soper Road (eviction case) and engaging with the City around the nature of accommodation for Koch Mansions (eviction case) residents.

- **compelling the appropriate upgrading of at least two informal settlements;**

- SERI is supporting Makause and Slovo Park informal settlements to compel upgrading meeting therefore the expectations for this activity. Both cases argue the failure of their municipalities to apply to the provincial government for funding for the upgrading of the settlements in terms of the Upgrading of Informal Settlements Programme (UISP) contained in the Housing Code. The Slovo Park case also looked at the failure to take that decision as an administrative action in terms of the Promotion of Administrative Justice Act 3 of 2000 (PAJA).

- **offering training and legal aid for Abahlali baseMjondolo and similar social movements;**

- SERI met the expectations for this activity by undertaking a total of 15 training workshops, which covered a diverse range of topics, and providing legal aid to AbM as well as a number of informal settlement communities. These included a paralegal training with leaders from AbM movement (Durban, 18-1 May 2013), a workshop on the role of law/legal mobilisation for social movements at the Democratic Left Front (DLF) Activist School which was attended by 60 activists from about 20 DLF affiliated social movements (Magaliesberg, 17-23 August 2012) and a workshop for over 100 Johannesburg inner city residents following the Olivia Road and Blue Moonlight Constitutional Court judgements (Johannesburg, 24 August 2013) among other. Legal support has been provided to specific individuals (e.g.: criminal defence to the former secretary-general of Abahlali, Bandile Mdlalose, after being arrested in a protest) as well as to informal settlement communities where AbM reside like the *Zulu* case, that looks at the constitutional validity of an order granted to the KwaZuu-Natal MED for Human Settlements and Public Works to prevent the erection of and remove any new structures in a particular piece of land. This case in particular, could have an impact on thousands of AbM who live in other settlements but are affected by the same problem.

- **ensuring access to a criminal defence facility for service delivery protestors;**

- While it is unclear whether SERI's criminal defence to protestor always refers to service delivery protest, SERI has provided criminal defence for two individuals who have been unlawfully arrested. The most noticeable of the two is the Moyo case which followed the arrest of General Moyo, leader of Makause community. This case challenges the constitutionality the Intimidation Act 72 of 1982 based on the interference with section 16 of the Constitution (which protects freedom of expression). SERI is also part of the Right to Protest (RtP) project, an attempt to coordinate the efforts of different organisations working on issues of protest and policing in South Africa.

- **ensuring better access to representation in claims against the police;**

- SERI has provided legal defence in four cases that deal with police brutality. These include the Cato Crest case where two protesters were injured and one killed after being shot by police, the Marikana massacre case where 36 mine workers were killed by police and many more were injured and arrested, the Kennedy Road informal settlement case following the attacks on the settlement in 2009 and a case related to the oppression of AbM activists.

- **resisting defamation and related claims against community-based organisations.**

- While nothing is mentioned in the reports referring to this activity, the same initiatives that have been mentioned for the two previous sections (ensuring access to criminal defence facility for service delivery protestors and ensuring better access to representation in claims against the police). By defending AbM protestors and proving their innocence, SERI is resisting defamation of the social movement. The cases against police brutality are also key to stop defamation of community-based organisations and other vulnerable communities in that they have challenged the general discourse that tend to criminalise the urban poor.

6.11.3. – 150-900-1200 ZG (2015-2018)

Overall Goal:

Target groups have secure tenure, access to services and are better able to participate to the benefits of South Africa's urban life

Project objectives:

1. Social movements, CBOs and target communities are better able to push for informal settlement upgrading through access to research, advocacy and litigation assistance

Indicator: There is evidence of better capacitated social movements, CBOs and communities that are able to push for informal settlement upgrading in at least four informal settlements (Verification: Continuous monitoring of and feedback from the communities)

Evaluation result: Objective likely met

SERI's work does not always have a clear "action-effect". SERI has conducted a series of activities that indicate that social movements, CBOs and communities have been capacitated. These include two paralegal training workshops, other training events related to informal settlement upgrading, action research around informal settlement upgrading, collaborations with AbM and other non-litigious organisations around informal settlement upgrading, and legal support to three informal settlement around informal settlement upgrading. However we do not have enough information to assess if these activities really had the intended effect.

2. Poor and marginalised households living in informal settlement communities have improved access to secure tenure and basic services.

Indicator: At least four informal settlement communities per year supported with legal and litigation assistance manage to resist evictions or improve their access to services (Verification: Continuous monitoring of and feedback from the communities)

Evaluation result: Expectations likely to be exceeded in terms of resisting evictions, ambiguous in terms of improvement of access to services

In the first two years of the project, SERI has provided legal assistance to a total of thirteen informal settlement communities. The reports do not include the results for all the thirteen cases but taking into account SERI's track record we can assume that all or most of all will be successful. SERI has been extremely successful in supporting communities to resist eviction however we have not yet seen such clear results in terms of the provision of services from litigation activities.

3. Action research that explores the gaps between law and policy, and practice, helps to develop a deeper understanding of the links between access to services, tenure security, land use practices, democratic participation and livelihoods

Indicator: research was conducted in four informal settlements and a report produced and disseminated to target communities, relevant government officials and academia

Evaluation result: Expectations exceeded

Two years before the end of the project SERI had published a research report about land under customary administration covering four informal settlements, two Community Action Notes about relocation, and was conducting action research in two informal settlements covering a large variety of topics.

Indicator: Communities, social movements and other stakeholders request copies of research output and have provided feedback on its usefulness.

Evaluation result: Not possible to evaluate based on narrative reports

Can we evaluate this from another source?

It is not possible to evaluate SERI's success to accomplish this indicator since this information is not included in the narrative reports.

Reporting format recommendation: Include section for social movements and target communities' feedback (it existed on project 150-900-1157 ZG but we lost it here)

Measures to be supported:

- **Supporting AbM through legal assistance and workshops**

- SERI has accomplished what was expected for this activity by providing continuous support to AbM during the first two years of the project through different "capacitation" initiatives and legal support. "Capacitation" has been provided through a diverse range of activities, including four workshops and screenings of "Dear Mandela" film, a para-legal workshop on evictions, the participation of AbM members in the Wits School of Governance certificate programme for Human Settlements officials, the establishment of a collaborative cross-provincial informal settlement upgrading strategy between AbM members and the SPCDF to undertake learning exchanges, the inclusion of one member of AbM in the reference group to guide action research and the creation of a new research and advocacy project in collaboration with AbM that speaks to the local context of the eThekwini municipality and the need for *in situ* upgrading according to the UISP. In addition to this, SERI has supported AbM in five different cases covering protection against illegal evictions, enforcing the order for relocation after an eviction, investigating a miss-allocation of housing and making police accountable for police brutality on an AbM lead protest.

    - **Supporting about four informal settlement communities with litigation and legal assistance per year**

- SERI's support to informal settlement's communities in KwaZulu Natal mostly takes place through AbM. Therefore, **some of the results for this activity overlap with results reported in Activity 1**. Despite the reporting overlap and taking into account that the project timeframe has not been complete yet, **SERI seems to have exceeded the expectations** in terms of supporting informal settlement communities. In the first two years of the project, SERI has provided legal assistance to a total of thirteen informal settlement communities. Five of these communities are part of AbM and have already been reported in Activity 1 while the other eight are independent communities. If we exclude the five AbM communities, SERI would have still met its target of supporting four informal settlement communities with litigation and legal assistance per year.
- The legal support provided focuses on two main areas: Three cases concerned compelling the implementation of the informal settlement upgrading programme (UISP) while the other five dealt with the provision of dignified living conditions for people displaced from informal settlement.

    - **Action research in four informal settlements exploring the gaps between law and policy on one hand and practices on the other in respect of selected themes including access to services, tenure security, land use practices, democratic participation and livelihoods.**

- SERI's action research work has exceeded the expectations. In December 2015 SERI, together with the Housing development Agency (HDA), published a project report namely "Securing Tenure in Informal Settlement on Land under Customary Administration" that investigates existing tenure arrangements in order to inform the HAD about how to incrementally secure tenure using the UISP in this specific context. The research project looked at four informal settlements in four different provinces. In addition to this, SERI has completed two Community Practice Notes for the Informal Settlement Relocation Series and completed the fieldwork for two of the four settlements for the Informal Settlement Action Research Project (ISARP), a research project that looks at lived experiences in informal settlements in relation to tenure security, basic services, land use management, participation and organisation.

    - **Monitoring the implementation of the UISP plans and programmes in the areas where SERI is active**

- <u>Evaluation result</u>: Expectations in terms of work have been met but not fully met in terms of results
- SERI has done extensive work with litigation, research and advocacy activities in regards to the UISP, however the implementation of the UISP has not yet been materialised. SERI's reporting for this activity in the narrative reports has been weak. The first report for the project (reporting period 01 March 2015 – 28 February 2016) says "we are taking forward our work in this regard via litigation, most notably in Slovo Park where we are challenging the City of Johannesburg's failure to apply for and use the informal settlement upgrading programme". The following reports (reporting periods 01 March to 31 August 2016 and 1 September 2016 to 28 February 2017) do not mention this activity. It is not clear why SERI exclusively refers to its litigation work, were three informal settlements were supported in cases dealing with the implementation of the UISP (Slovo Park case, Winnie Mandela and Makause informal settlements), in terms of this activity. Besides the litigation work, SERI has completed a research report about the implantation of the UISP in customary land and an action research that speaks to the local context of the eThekwini municipality and the need for *in situ* upgrading according to the UISP. Media appearances about Slovo

Park case have also brought general attention to the implementation of the UISP. Key informant interviews have offered contradictory views in this regard[26].

- **Monitoring the role out of the Spatial Planning and Land Use Management Act (SPLUMA), and potentially contributing to by-laws dealing with informal settlements**

- Evaluation result: Expectations met.

- During the first two years of the project, SERI has made a submission on SPLUMA municipal by-laws to the City of Johannesburg, submitted comments on the Spatial Development Framework (SDF) and participated in a workshop on the implementation of the SPLUMA which resulted on an agreement between Legal Resource Centre and SERI to collaborate on a SPLUMA policy brief in 2017. The SPLUMA submission points out the respects in which its bylaw inadequately grasps the opportunities for flexible planning to enhance the tenure security for informal settlers as well as potential conflicts between South Africa's Constitution and the by-law as it is currently framed. SERI's comments on the SDF focused on three issues: Spatial Justice, Provision of Affordable Housing, and Informal Work.

- **Engaging with government stakeholders at all levels on informal settlement upgrading, access to urban land and spatial transformation**

- Evaluation result: Expectations met

- While SERI has engaged with government stakeholders officials on issues related to the research and litigation work through different platforms, the effectiveness of those engagements however was questioned in some key informant interviews[27]. SERI conducted formal engagements such as participating in the Gauteng indaba as a panellist to discuss the issue of title deed delays in subsidy projects, participated in a workshop organised by SALGA around eviction law, attended the Gauteng engagement session on the proposed White Paper for Human Settlements organised by the Department of Human Settlements, and also held informal engagements through other projects such as the Slovo Park Task team that includes local, provincial and national Department of Human Settlements government officials. SERI has also diversified the type of departments they engage, starting new relationships with the City of Johannesburg Department of Planning through the SPLUMA submission and the Department of Performance Monitoring and Evaluation in the Presidency with discussions around social protection and human settlements.

- **Collaborating with other civil society and social movements around informal settlement upgrading and access to urban land**

- SERI has collaborated with a number of organisations including informal settlement communities, CBOs, NGOs and universities, meeting therefore the expectations for this activity. Collaboration with AbM has taken place though research projects as well as through the development of the "Dear Mandela Toolkit". SERI has participated in different events organised by other organisations including CORC's seminar "Scaling Up Informal Settlement Upgrading: The CODI Model, Thailand" (May 2016), the "Johannesburg Urban Lab" Organised by South African Research Chair in Spatial Analysis and City Planning of the School of Architecture and Planning at the University of Witwatersrand and the sixth annual Public Interest Law Gathering at University of the Witwatersrand School of Law (29-31 August 2016) amongst others. SERI has also established a collaborative partnership with Ndifuna Ukwazi to co-host two urban land colloquia on urban land and spatial transformation where the Slovo Park Community Development Forum, the South African Informal Traders Forum and Marikana informal settlement residents were invited to talk (October 2015). SERI also maintains ongoing relationships with non-litigious NGOs Planact and Afesis-Corplan through the GGLN Network. In addition to these, SERI also establishes ad hoc relationships for specific projects such as the ones created with Development Action Group (DAG), Ndifuna Ukwazi, the Social Justice Coalition and Isandla Institute in Cape Town while doing action research in Marikana informal settlement.

- **Conduct public engagement and awareness around informal settlement and access to urban land for people in cities**

[26] Interviews with key informants offered noted SERI's multidimensional approach to the UISP as well as failures in the real implementation of the UISP in Slovo Park.

[27] The reason for lacking effectiveness could not be ultimately resolved, while it exceeds the scope of the evaluation, it would be worthwhile to carry out more examination on this.

- SERI has met the expectation for this activity by continuously sharing the results of their work in special platforms as well as in the general media. SERI's work has been communicated to other organisations, government and communities through different means of engagement, as already mentioned for other activities, as well to general public through press releases, presence in the media and radio, op-eds in local newspapers, workshops and newsletters. During the two first years of the project, SERI has released eight press releases and nine op-eds in local newspapers including The Daily Maverick, the Business Day Live and City Press, with a special focus on evictions, the impacts of the court victory of Slovo Park informal settlement in the roll out of the UISP and the case of Marikana informal settlement in particular. SERI's work has captured the media's attention that showed SERI's work in twelve occasions in the reporting period September 2016 – February 2017 in SABS news, GroundUp and News24 amongst others. SERI has also engaged a more specialised public in thirteen different workshops (already mentioned in previous activities) and screenings of Dear Mandela movie as well as the launch of the Community Practice notes and publication of research reports.

6.12. Stakeholder mapping and analysis

To illustrate the "arena" of SERI's work a stakeholder analysis has been developed by the evaluation team. Stakeholder maps are essential tools to reflect understand complex societal situations that include a variety of actors, diverging agendas, and diverse needs.

The mapping was done through the example of SERI's activities in the Slovo Park Informal Settlement (2.4.1.) The exercise comprises a series of annotated maps, from a simple map delineating SERI's strategic position between the law, the state and civil society (Figure 8), to a general stakeholder map of the actors in the Slovo Park Project (Figure 9) to maps that emphasise aspects such as Figure 10. Research work in Slovo Park, Figure 11. Litigation work in Slovo Park, Figure 12. Advocacy work in Slovo Park. The last map provides a synthesis: Figure 13. Summary SERI's work in Slovo Park.

The mapping process was not only important the evaluators to understand the process and to analyse and communicate this process, but it was also a vital tool complementing the organisations' Theory of Change (Figure 4.). A preliminary version of the mapping was presented and discussed during the debriefing workshop, where the observers, among others, requested a better illustration of the role of SERI's research and advocacy.

The diagram as shown in Figure 8 is organised around four categories: Civil Society, the Law, the State and, as a central anchor to all of those, different agents involved in urban development processes. SERI appears at the centre of the diagram. The logic of the diagram is that civil societies, supported by SERI, make use of the law to enforce the state to deliver what has been agreed in the different laws, policies, regulations and programmes.



Figure 8 SERI's strategic position between the law, the state and civil society

Based on the general strategic positioning from Figure 6 the next " Figure 9 Map of Stakeholders in Slovo Park project" takes us to the stakeholder's ground Slovo Park informal settlement. It includes those stakeholders that came up from the different stakeholder analyses that SERI staff drafted on the introduction workshop conducted on the 17th of September in combination with the experiences and context knowledge of the evaluators. The state is divided in three groups: Different departments, political powers and police forces. The law appears in the form of housing policies in programmes, in particular the UISP and the SPLUMA. The courts appear in between the law and the state. Slovo Park residents, with their different groupings, makes up civil society together with the Informal Settlement Network (ISN) that is at the same time part of the "Other NGOs". In the central space, SERI is accompanied by different experts and academics, the private sector and other NGOs.

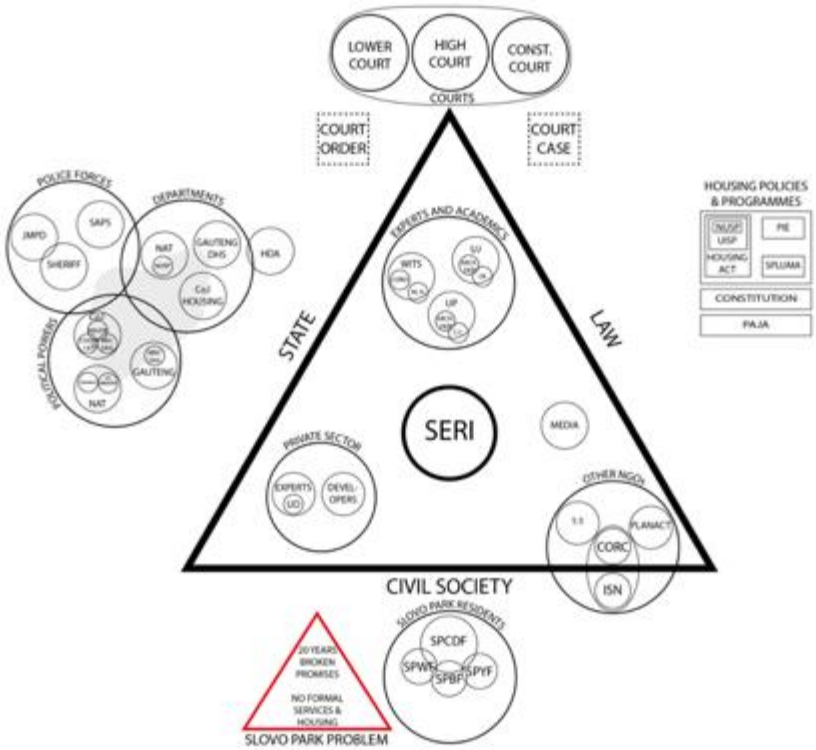


Figure 9 Map of Stakeholders in Slovo Park project

SERI's work has been organised in three different layers: one for research, one for advocacy and one for litigation. In each layer those actors that have not been involved show in black, the others show in grey.

- In terms of the research work conducted, SERI together with Slovo Park informal settlement community has developed a publication for the Informal Settlements Series of the Community Practice Notes 1.4 (SERI 2014). This publication has been used in the litigation work as a way to inform the case. (Figure 10. Research work in Slovo Park)

- The court case has been argued around the UISP and obtained a court order that compelled the state to implement this programme in Slovo Park informal settlement. This has been indicated in the second layer with the red arrows. (Figure 11. Litigation work in Slovo Park)

- Finally, the advocacy work is the one that has involved a higher number of stakeholders. In its advocacy work SERI has publicised and distributed the Community Practice Notes and has also used the media as an amplifier to reach not only the agents in the sector but also the society at large. The last diagram, shows all the layers together. The red arrow that indicated that the state was compelled to implement the UISP in Slovo Park, has however changed: It is not the government that directly implements the UISP but it appoints a private sector consultant to undertake the NUSP for the settlement. This however, does not follow the UISP guidelines and provides a non-UISP based informal settlement upgrading plan. (Figure 12. Advocacy work in Slovo Park).

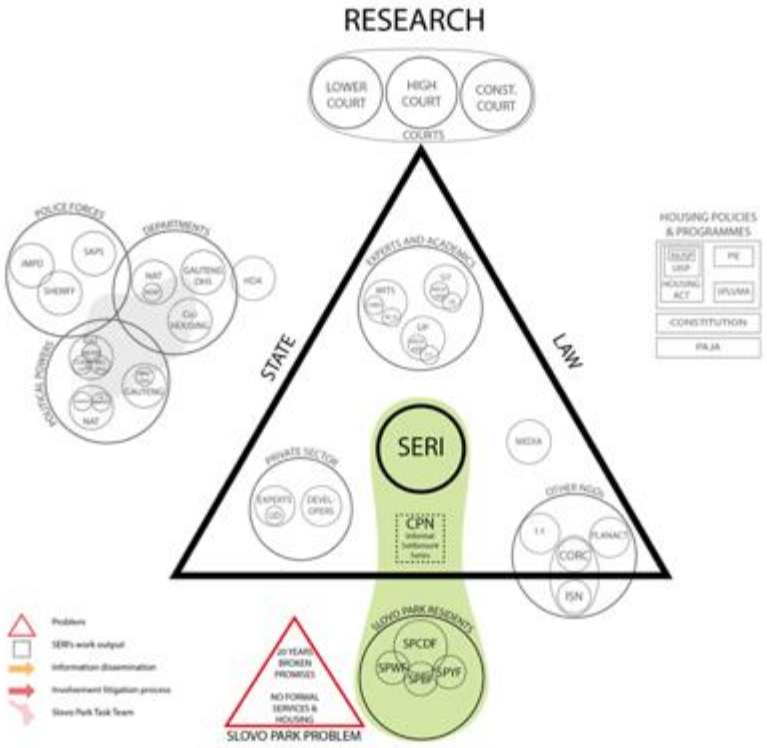


Figure 10. Research work in Slovo Park

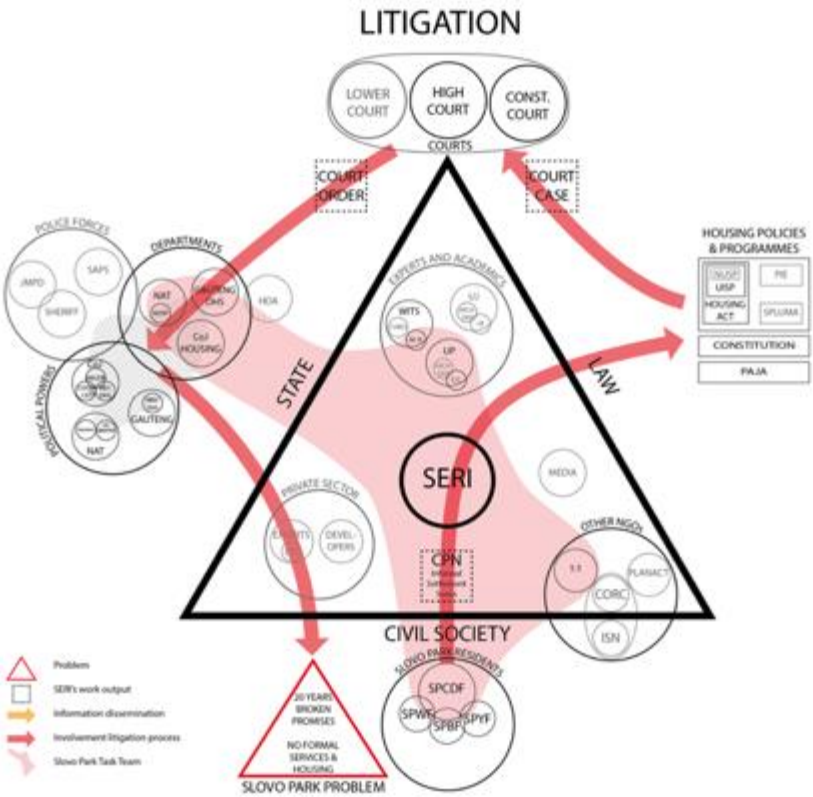


Figure 11. Litigation work in Slovo Park

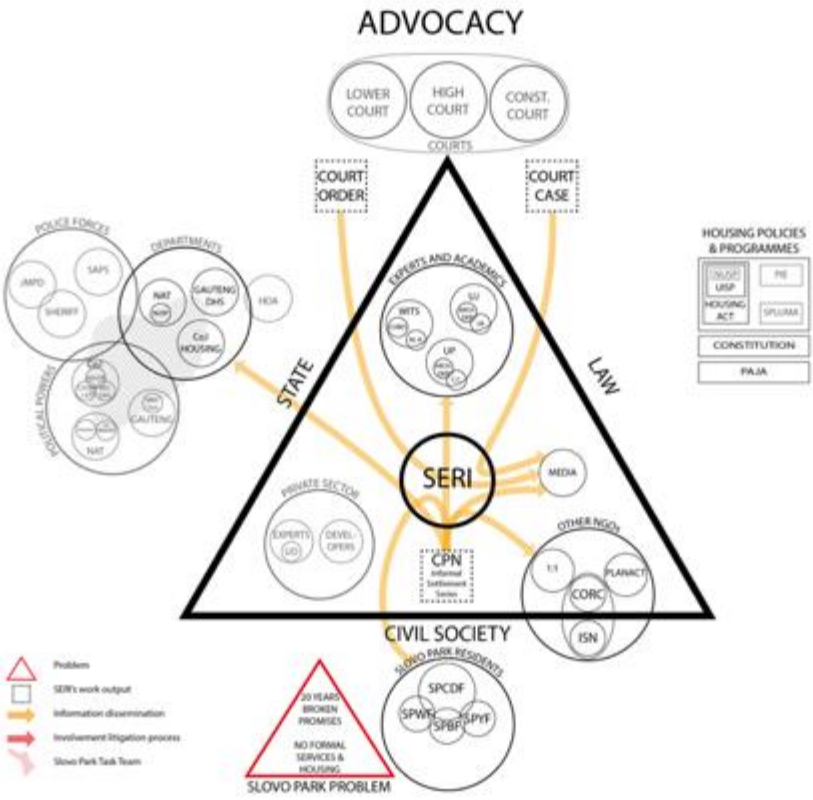


Figure 12. Advocacy work in Slovo Park

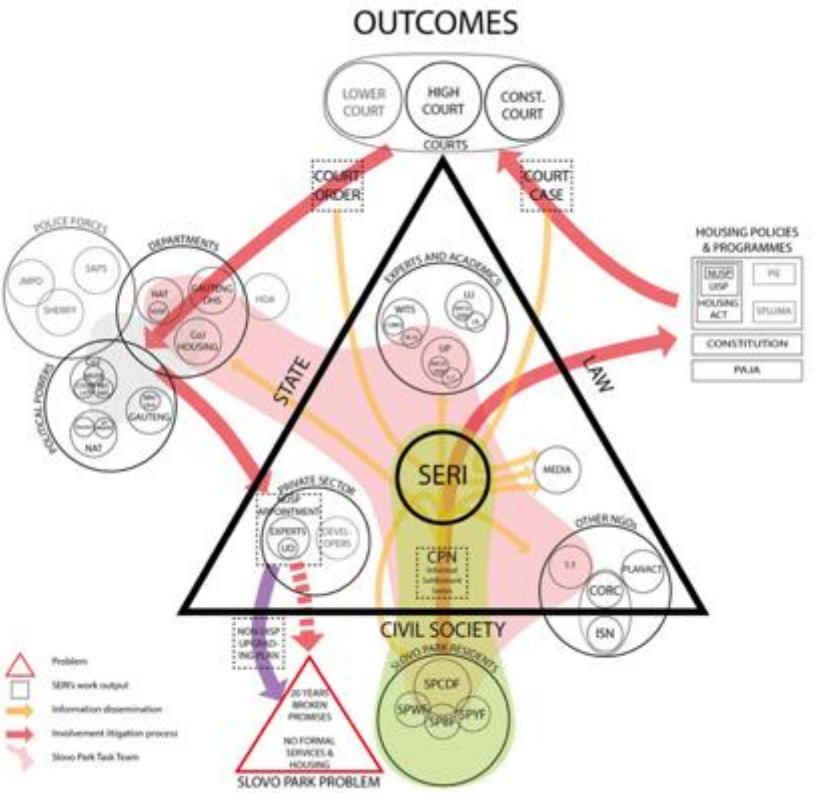


Figure 13. Summary SERI's work in Slovo Park

6.13. SWOT Analysis including SERI's comments

STRENGHTS	WEAKNESSES	OPPORTUNITIES	THREATS
Discussed on debriefing workshop: <u>Strongly agreed on (three or more green dots):</u> - Some SERI staff members have similar background to clients - In-house special experts to reduce costs <u>Agreed on (one or two green dots):</u> - SERI's litigation work has created a resource of common law material for furthering the field academically - Amongst SERI's biggest achievements is the interpretation of laws and regulations in the sector: (meaningful engagement, appropriate, accommodation etc.) - SERI documents cases in a comprehensive manner and makes them public - SERI has a distinct profile through combination of litigation with research and advocacy - SERI's work has had a massive country wide impact of litigation, changing the jurisprudence in more progressive law in protecting the poor - Solid financial base - SERI's wok is driven by client's	**Discussed on debriefing workshop:** <u>Strongly agreed on (three or more green dots):</u> - SERI's approach makes some clients dependent - SERI has weak staff mentoring, development, learning and processes - SERI staff carry an extreme workload <u>Agreed on (one or two green dots):</u> - SERI does not use SMART indicators <u>Contested:</u> - SERI does not have the capacity to identify poor and vulnerable who are not organised and who don't come to knock at SERI's door - SERI's approach can lead to people residing in bad building or transit shelters for many years <u>Not agreed on (one or two red dots):</u> - SERI does not have an exit strategy when working with communities. *SERI does not leave communities that it is working with. That's why there is not an exit strategy, because SERI*	**Discussed on debriefing workshop:** <u>Strongly agreed on (three or more green dots):</u> - SERI should include other languages and specific publication-related training for communities to make publications more accessible <u>Agreed on (one or two green dots):</u> - SERI's advocacy should be strengthened and become as a standalone arm - SERI could challenge current temporary accommodation policy for private sector to take financial responsibility - SERI could dedicate more resources to strengthen the enforcement of legal victories - SERI should use its current reach to bring together people with similar struggles <u>Contested:</u> - SERI should employ an in-house journalist and media-expert - SERI's capacity building should be strengthened to become a standalone arm <u>Not agreed on (one or two red dots):</u>	**Discussed on debriefing workshop:** <u>Strongly agreed on (three or more green dots):</u> - Planning and land use issues not dealt with by SERI <u>Agreed on (one or two green dots):</u> - There is a viable probability that SERI staff is at risk of being attacked and discriminated <u>Contested:</u> - It's "on demand" approach can hinder SERI to identify the vulnerable and poor - SERI's frequent change of personnel results in loss of institutional memory - <u>Not agreed on (one or two red dots):</u> - In future the state may take Illicit control of SERI and other NGOs - Newer movements are dependent on SERI to guide political strategizing <u>Strongly disagreed on (three or</u>

STRENGHTS	WEAKNESSES	OPPORTUNITIES	THREATS
agendas and needs (eye-to-eye-level) - "SERI is a political organisation" while at the same time political non-alignment as an important factor - SERI will always assist if there is an emergency (high level of responsiveness through ad-hoc operation) - Research and advocacy materials are appropriate for target groups (in content and format) <u>Not agreed on (one or two red dots):</u> <u>Strongly disagreed on (three or more red dots)</u>	*doesn't leave.* - Potentials are lost because SERI does not have a partnership strategy - SERI's *Transformation* of management functions has not been fully achieved *SERI's management positions are now taken by four people: two of them are black, two are white. two of them are men, two are women.* - Enforcement of the law after a legal victory is insufficiently addressed within SERI's strategy and tactics - SERI has no access to external materials and international online databases - SERI's approach often does not lead to long term sustainability - SERI's approach to Human Rights protection may impede urban development *The development that SERI is stopping is a non-inclusive development.* <u>Strongly disagreed on (three or more red dots)</u> <u>No comments / not understood:</u> - SERI's confrontational approach to the city hampers possible partnerships with other NGOs - SERI's internal digital archiving system are not efficient	- SERI should have regular staff meetings - Strategy for cooperation with government? <u>Strongly disagreed on (three or more red dots)</u> <u>No comments / not understood:</u> - SERI could be replicated throughout South Africa - Gender aspects could should be better included in SERI's current work	<u>more red dots)</u>

STRENGHTS	WEAKNESSES	OPPORTUNITIES	THREATS
	- SERI approach of incrementalism and ad-hoc operation is not efficient		
NOT DISCUSSED ON DEBFRIEDING WORKSHOP - Strengthening of communities by capacitation - Strong and experienced management and middle management - SERI is sufficiently connected and networked - SERI has a succession strategy aligned with *Transformation* - SERI focuses on housing as one of the most neglected socio-economic rights - SERI's approach of action-research is highly effective - SERI's approach is highly effective in the SA context (strong laws and regulation but weak implementation) - SERI provides legal support to protect civil organisations individuals to continue fighting for their rights - SERI's produced valuable practice notes - SERI's work has had a significant impact through research & advocacy - SERI has a good informal peer-learning-system - SERI is addressing socio economic	**NOT DISCUSSED ON DEBFRIEDING WORKSHOP** - SERI's annual strategic meetings are not sufficient - SERI strategic partnerships with complementary organisations are insufficient - It is a weakness that SERI's strategy is not documented - SERI's impact monitoring is weak - By employing a law-based approach, SERI is at risk of raising expectations of rights, policies or programmes that can't be widespread across the country. - SERI's internal culture corresponds to the confrontation in law sector - SERI's internal learning mechanisms are weak. - SERI's knowledge is with people and not institutionalised - SERI's legal victories do not lead to UISP implementation - - Because of SERI's "on demand" mandate, there is no integral support to a person's livelihoods - SERI does not use of results based frameworks - High expenditure travel costs due	**NOT DISCUSSED ON DEBFRIEDING WORKSHOP** - Partnership strategy - SERI could establish regular co-operation with external partners that deal with community empowerment and organisation - Unified strategy/planning document based on ToC - Couriers and typing assistants? - Pilot - "Projects" with the government? - To unpack the different stakeholders more often - SERI's donors should be more aligned and coordinated - SERI could develop mediation guidelines and tools - SERI should establish alliances with complementary non-profit civil sector organisations and NGOs to work more efficiently and to achieve more impact - SERI could establish community based monitoring, oversight and accountability systems - SERI could disaggregate operational and management functions - "The City" as the antagonist - SERI should include a long-term vision of land use and spatial form	**NOT DISCUSSED ON DEBFRIEDING WORKSHOP** - Context change, politics, economy, climate, epidemics - Political risks - SERI is at risk of losing funding base (low) - Violence against staff - Lack of funding, resources - Shortage of skilled staff - Demotivated staff, ED, board - If SERI's clients reject city response progress in informal settlement upgrading is at risk - It is a risk that the state may become numb to court orders - Funders' dynamics and competition in the field may interfere with SERI's work - The turnover of officials in the council is a threat to SERI's work - SERI's approach may lack ability to look outside the spotlight - The number of champions within the state that SERI could build alliances with is decreasing - It would be a risk if SERI was "only" swimming with the

STRENGHTS	WEAKNESSES	OPPORTUNITIES	THREATS
rights with focus on housing, livelihoods, political space - SERI has strong values and institutional culture - SERI's staff has high levels of motivation - There is a high degree of alignment with MISEREOR's principles and goals - Effectiveness of socio-economic litigation - SERI holds annual strategic workshops - Flexibility, openness and high responsiveness through ad-hoc tactic - High level of dedication by staff - Standardisation and centralisation of processes (travel forms, Finstats, RACI) - Approach that clients are not left alone - Combination of litigation with research and advocacy - Active member of GGLN Network - (Flexible) Cooperation is applied depending on context and needs - Good relations to funders (MISEREOR and others) - Succession plan - Strategic litigation but in combination with "urgency"	to nature of work - Transferability of approach to countries with weak legislation? - Processes that could be replicated and mainstreamed - Lacking plan, strategy? - Staff support, empowerment - Community conflicts not addressed (Thusong) - No content-based induction or orientation guide (ad hoc learning) - SERI's tactics inefficient to change city behaviour in ISU (municipality responses anchored on "business as usual", Slovo Park & Thusong)	of cities (promote i.e. compact, connected, inclusive, socially and functionally mixed, safe & affordable, walkable, with public space and amenities – through participatory and integrated approaches: SDG 11, NUA etc.)	mainstream in the sector - SERI considers sufficiently that changes take a very long time - It is a risk that the state may use litigation processes to delay and frustrate clients' fights