

## USING HINDSIGHT TO ORGANISE BETTER

## Grassroots service solutions

Paul Hendler

A QUARTER of our population live in dispersed informal settlements which are disconnected from urban social services and amenities, have lower service levels than formal townships, are poorly maintained and have a high fire and flood risk. Unsurprisingly, many protest (sometimes with destructive consequences), aiming to improve and rectify the level of basic services as well as exercise their access to social services and amenities.

In the 1970s and 1980s, similar large-scale protests included a demand for voting and other democratic civil rights because there were political obstacles to changing material living conditions in segregated townships. Now, under a democratic dispensation, primarily economic obstacles to overcoming persistent poverty and degraded living conditions raise the question whether there is another way for communities to organise.

Two grassroots organisations used negotiations with local municipalities for improved basic services and housing. Could this be a forerunner of more creative interactions between local governments and empowered communities in the future? A precondition is that municipal governments listen to and support – with finances – the emergence of creative and accountable organisation at community level.

After a fire had destroyed around 400 shacks in an informal settlement area in the community of Masiphumelele in one night in 2006, residents refused starter kits provided by city officials and began to organise their struggle for houses – called “Amakhaya Ngoko” (Homes Now).

Through negotiations with the Cape Town Municipality and with support of a local architect and a fund-raiser, a plan was developed to house all families in the same small area in 12 two-to-three-storey walk-up blocks of flats for rent-to-buy tenure.

A few years later, another community in Langrug negotiated with the Stellenbosch Municipality to upgrade their sanitation, storm and grey water infrastructure. In both cases communities invested time and effort into the delivery of infrastructure and residential development, in stark contrast to the protest-demand mode of organisations elsewhere, and demonstrating an engagement that was absent from the insurrectionary social movements of the 1970s and 1980s.

Masiphumelele is a township between Kommetjie, Capri Village and Noordhoek, first settled in the 1980s – in 1990 there were 8 000 people (mainly in shacks), 26 000 in 2005 (many in brick homes), and 38 000 in 2010. Amenities are scarce – there has been a very high HIV infection rate – next to a library, a children’s home and other places of learning and support by different NGOs. Also, a first flat building by the NGO Homes for Kids in South Africa (Hokisa) was built.

The Amakhaya Ngoko Housing Association, which developed in a first phase 252 units on the same municipal land for shack households who qualified for the government housing subsidy programme, is owned by the tenants, maintains the property, collects the rentals and if people fail to pay, takes appropriate action (once even evicting people). It employs eight people to secure and maintain the property and administer the process – an overhead cost of R27 000 a month, which the revenue of rent has generally covered. Nine volunteers serve on the board.

Seasonal labourers established the Langrug settlement, just outside Franschhoek, in 1992. Langrug has 1 850 shacks, 4 088 households and over 11 000 people, one-third of whom previously had access to neither electricity nor sanitary facilities. In November 2010, the neighbouring farm owner obtained a court interdict against the Stellenbosch Municipality for the settlement’s grey water run-off into their irrigation dam.

Following interactions with the community a memorandum of understanding (MoU) was signed between the municipality and the Informal Settlements Network (ISN) – a national social movement with an established network in informal settlements in Cape Town, Ethekwini, Nelson Mandela Bay, Johannesburg and Ekurhuleni which facilitated the grassroots organisation at Langrug – in terms of which several sanitation points have been upgraded and extended and a stormwater gutter con-

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structed to prevent wash-away of shacks during winter rainstorms.

Technical assistance for the upgrading project was provided through two academic institutions as well as the Community Organisation Resource Centre (Corc), an NGO supporting the ISN. Corc’s and ISN’s organisation-building strategy emphasises engagement with municipalities by grassroots community representatives at all crucial decision-making points, to drive infrastructure and services upgrading: the communities bring collective assets (organised, cohesive social networks, like savings collectives) as well as equity funds to the table, which then leverage community labour, building materials and further funding for the upgrading development.

Access to potable water, electricity, safe sanitation and refuse removal has improved significantly and there is funding to support six full-time organisers with a R1 500 monthly stipend – lending organisational coherence. Sixty people were employed for three months to construct a stormwater channel paid for by the Expanded Public Works Programme at R90 a day.

The Amakhaya Ngoko Housing Association engaged in lengthy and challenging negotiations with the Cape Town Municipality and the provincial department of human settlements, and with a minority of squatters initially refusing to vacate their premises for the construction of the new units – tension was exacerbated by local political party competition.

Ultimately the housing association secured sufficient private donor funding as well as institutional subsidies to cover the outstanding capital required for the first phases of the development. First volunteer-provided, later professionally paid technical architectural and engineering assistance enabled physical implementation, and still partly provides oversight for operational management.

The Langrug organisers developed strong relationships with the then-Stellenbosch Municipal manager (who facilitated the MoU), as well as with municipal Human Settlement officials, who play a critical role in the ongoing process of service provision and maintenance. Relationships with the academic institutions are important for the envisioning – and planning – of a different, connected, Langrug in the future.

Langrug Network has a significantly larger constituency and its local and global linkages are embedded in solidarity organisations, whereas Amakhaya Ngoko functions primarily as a housing delivery vehicle in which donor funding forms a significant portion of the equity – its local and global linkages are critical for (and therefore remain focused mainly on) funding. These different strategic emphases account for two unique organisational processes.

The Amakhaya Ngoko board represents 352 households, 232 families already in formal houses, 120 already approved but still waiting on a temporary relocation area (TRA) nearby. Households each have one vote at the annual general meeting. The board has actively engaged with its constituents – for example, extensive consultations about clearing the site and relocating households to an existing public municipal space (TRA), leading a deputiation to the Human Settlements Department to expedite the provision of subsidies, as well as many consultation meetings before building commenced.



**RISK:** Masiphumelele needs a process called “re-blocking” to negotiate the removal of shacks to make space for firebreaks and storm water run offs, says the writer.

Rules require tenants to pay their rentals, but as an organisation trying for the poor they provide rental relief (ie duties instead of paying) for the truly needy; where rent defaulters are able to afford payments but do not co-operate, they have had once to evict people, which has led to tensions and threats of violence.

Through ongoing and firm communication, the organisation has been able to manage these tensions through winning over the majority of the boycotters to resume payments.

The Langrug Network follows the organisational methodology of the ISN, first conducting an enumeration questionnaire to get a profile of household and community needs and then using a process called “re-blocking” to negotiate the removal of selected shacks to make space for firebreaks and stormwater run-offs. Both organisations remained independent of all political groupings because these are seen as short-term, opportunistic and corrupt, rather than developmentally oriented; but Langrug Network has ongoing communication and consultation with political parties, civic and youth forma-

tions – this is important for ensuring that important role-players in the community do not stymie their projects. Representatives are elected at a general meeting by show of hands. Local neighbourhood block structures meet regularly and link into a range of community-based organisations and NGOs covering services ranging across HIV and TB support, crèches and education. Block structures discuss neighbourhood needs and feed this to the overall representative structures from where demands are taken for negotiation with the municipality.

Langrug community organisers discuss their right to be able to live and work in Franschhoek, but this more far-reaching demand (“right to the city”) is not discussed at grassroots level where the priority is basic services.

There have been considerable improvements to date, but the continuing focus on basic services reflects ongoing shortfalls in service delivery, for instance, water was previously provided through irrigation pipes but now the municipality has built a water enhancement pump to increase pressure. Most shacks are electrified on a

prepaid basis, although there are some people who can’t afford to buy electricity. Sanitation services are sometimes irregular and solid waste is dumped in containers and the municipality is meant to collect these twice a week – often this is only once a week, and they do not supply enough bags.

As a developer and property manager, Amakhaya Ngoko has facilitated a transformation of the housing circumstances of a limited number of people – there is little time for considering bigger issues like the integration of Masiphumelele with the nearby business, commercial and recreational centres. Its delivery model works – an important lesson for informal settlement communities attempting to make the transition from informal structures to formal, institutionally managed housing.

Both Amakhaya Ngoko and the Langrug Network face the risk of being cut off from their base constituencies as they develop into more formalised structures that assume co-responsibility with municipal authorities:

First, Amakhaya Ngoko as a company has shareholders that are also their customers, 21 households of which recently refused to pay their rentals. They managed this risk by a combination of talking and firm action that led to legal evictions. The fact that Amakhaya Ngoko survived this issue and is preparing to complete the project for the remaining 120 families is an indication of a strong organisation – many housing co-operatives in the Johannesburg central city during the 1990s fell apart, rocked by similar conflicts. Its challenge is to retain its identity as an organisation fighting to improve people’s living conditions when households fall on hard times, for which it needs reserve funds. Where will this come from?

Second, rolling out the Langrug type of development elsewhere also requires larger amounts of funding, a fact recognised by ISN and Corc, who are in the process of scaling up their Community Upgrade Finance Facility through a significant tranche of donor funding and trying to get municipalities to augment city-wide funds in return for co-ownership of these funds – co-ownership means that ISN participates in structures driven by the interests of donors and municipalities, and not simply by those of the grassroots, who could institute a top-down process which could undermine (or complicate) the ISN’s bottom-up approach.

ISN Langrug risks being cut off from its base if scaling up funding operations reaches the point where corporate structures emerge that lose touch with grassroots needs. Strengthening the role of savings collectives in the decision-making around disbursement of larger, municipal-sourced funding could mitigate this risk.

Lastly, the consequence of these risks is the disintegration of grassroots organisational power which enabled both organisations to get as far as they have.

By focusing only on the basic services and housing needs of their constituents, Amakhaya Ngoko and ISN Langrug risk losing sight of the need to integrate their local urban hubs with existing CBDs – this requires significant municipal investment in primary and secondary transport routes to give effect to the required connectivity. As much of this money comes from national grants, this is an issue which will be influenced by national governmental policies and practices.

Both the Masiphumelele and Langrug experiences could point the way to future infrastructure upgrading at scale and at a cost affordable to both communities and municipalities, as well as a transformation of informal housing into medium-density walk-ups. There is, however, a limit to the extent that community savings and donor funding can fill the current gaps in capital expenditure.

In the current economic climate, with talk of greater austerity measures (as in the “unsustainability” of the social grants), there is also a limit to greater municipal and national government funding which, if insufficient, will expose both Amakhaya Ngoko and Langrug ISN to the risk of managing their communities’ austerity, and thereby becoming the objects of community resistance.

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## The itch in Madiba’s ear signals the deafness of politicians

IN A STATE

Peter Wilhelm



THE RABBIT in the Madiba memorial statue at the Union Buildings has caused a furor.

The late icon stands glaring out with peaceable determination – just as one would expect. However, tucked into his ear is a tiny bunny, for which the sculptors (André Prinsloo and Ruhan Janse van Vuuren) have apologised, on the basis that the mini-mammal was by way of a signature.

Do I believe them? At least they owned up and immediately grovelled. In 1911 – when the Mona Lisa was stolen from the Louvre – the first suspects were Pablo Picasso and Guillaume Apollinaire. Neither did the deed and the painting was undamaged by the time it turned up a couple of years later.

The shadowy thief did not, for example, scrawl some celebrity’s name across the bottom – say “Leonardo DiCaprio”, though that’s a little snarky and anachronistic.

The disappearance of Da Vinci’s lady’s smile notorious. Theories about its origins are that (a) she was smirking because she could inform her lover that she had a bun in the oven; (b) she had seen a rival who appeared in public without blowing her nose; and (c) nobody knows. Note that these are all satirical reflections on her succubus-like look.

Back then to the fractional rabbit. If Prinsloo and Van Vuuren had intended it as a ribald comment on the disorientated leadership vacuum we all feel at present, why is it so small? Remember *The Spear?* Surely Mandela’s head should have been tucked into his ear while huge bunny ears listened to the awful society he (via a few presidential loops) bequeathed us. Bugs Bunny has clearly had more influence on the born-free cadres than Mandela.

Scraping out the rabbit – which will give the statue the same status as the Mona Lisa’s Kinky Boots smile, sneered at by AWB types who believe that Jacob Zuma always has a large one stuffed in his ear – will not be easy.

The monument is nine-metres high, so that if, for example, a dentist is enlisted for the task, he would need a fireman’s ladder and a bunch of incomprehensible wires (like a computer) to attach his hideous drill. It could take time.

At least the statue is not as high as the proposed Shivaji monument in Mumbai – 190 metres once completed.

A number of Buddhas are scattered around the planet. Were it to be discovered that they all had thumper hoppers in their lugholes, the Shivaji eminence (including a museum, murals, fountains, and an amphitheatre for old rock bands to pretend to be playing) would seem a little deflated.

Even the Taliban would have problems shelling these world heritage sites.

The same cannot be said for the Burj Khalifa (829.8 metres) in Dubai, the tallest building in the world. While spectacular from a distance, an entire Disneyworld atop it would make no difference when it falls down in a few years.

Another point, made by Robert Graves, the British poet, is that sticking up bronze versions of the famous is in itself objectionable.

After a while no-one would care and the statues would merely “dribble green in times of rain”. I reckon Mandela would be repulsed by this.

If the current nomenklatura insist on spending public money on sticking up past heroes within sight of tourists, I suggest they erect a 400-metre memorial to the invisible man of the liberation movement – I mean of course the insane Dimitri Tsafendas who stabbed Hendrik Verwoerd, and so cleared the decks for everything that ensued.

Parliament Square would be a suitable repository for this rightly forgotten freedom fighter.

They can stick a tapeworm in his ear.

## Foul-mouthed magistrate offers greater courtroom sleaze than any soapie

THAT foul-mouthed magistrate who physically bullied witnesses may have lost her job – but she’s right back in court. This time she’s on the other side of proceedings, trying to find a presiding judge who might be more friendly to her.

Leah Shaanika, who, among other bizarre behaviours, throttled a litigant when he was reluctant to sign documents, has been challenging the legal processes that led to her losing her job.

Last November she asked the judge who is hearing her disputes to recuse himself. And his replacement had to be a judge from “any SADC country except Namibia or Zimbabwe”.

Shaanika, formerly a magistrate in Namibia, ran into trouble when her less than judicial temperament surfaced and caused a widespread scandal.

LEGAL &amp; GENERAL

Carmel Rickard



The local magistrates’ commission said she had to be sacked, but the minister of justice refused to act. Eventually the matter was taken on appeal, and in 2012 three judges, including former South African Constitutional Court judges Pius Langa and Kate O’Regan, said the minister had no choice: once the commission made the recommendation, the magistrate had to go.

Now Shaanika is challenging the finding by the disciplinary hearing of the magistrates’ commission. If that verdict is overturned she could apply for reinstatement.

Her challenge is being heard by Judge Maphios Cheda, formerly of the high court in Bulawayo, Zimbabwe. Shaanika has taken issue with Judge Cheda, asking for his recusal because he was rude to her.

In his decision, delivered this week, Judge Cheda said her application made no sense. While Shaanika claimed that the judge had “abused her and laughed at her with sarcastic insults”, the facts showed the reverse. He quoted from the record to show that she had been sarcastic and rude and that when he, the judge, intervened, she had apologised for her behaviour.

At one stage she had even pointed a threatening finger at Norman Tjombe, counsel in the matter, causing the judge to reprimand her.

This led to an apology and an undertaking by her to behave.

Given this background the judge said it was reasonable for the court to have reminded Shaanika to conduct herself properly, especially as she had acknowledged and apologised for her misconduct. But was it reasonable for her now to ask that he stand down?

Would a fair-minded and informed observer, having considered the record, conclude there was a real possibility of bias? Judge Cheda said that a “reasonable person” would not fear bias by the court. Moreover, having acknowledged and apologised for her improper conduct, Shaanika could not make her bad behaviour a tool for forcing the judge to quit the case.

As for her demand that the matter be heard by a judge from outside Namibia and Zimbabwe, this was “tantamount to judge-shopping”.

There are still other technical objections by Shaanika for the court to consider; but once the judge begins an examination of the magistrates’ commission findings he will be faced by serious allegations of misconduct by Shaanika.

Among other charges against her: she brought “lunch boxes” to court, which she advertised then sold to the public during recess.

Then in 2007 Silvanus Amunyela brought a defamation case against Shaanika, saying she defamed him during a court case over which she had presided.

Amunyela said she had claimed that he had a sexual relationship with a woman in the justice department who lived in the same street as Shaanika.

According to the court record in the defamation case, Amunyela said the mag-

istrate’s exact words were: “You and Anna Amunyela are f\*\*\*ing each other and in return she is writing letters to spoil my job.”

The judge who heard that case found for Amunyela, awarding him N\$35 000 (R35 000). He said Shaanika appeared to believe that Amunyela had poisoned her dogs, tried to run her over and had shot at her car. Given these beliefs, said the judge, it was astonishing that she had heard the matter herself instead of referring the case to another magistrate.

He said he was convinced that Shaanika had used her position to “get at” Amunyela.

All this salacious evidence – in open court, too – could mean that for Namibians, legal soapies will soon take a back seat to the real thing.