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Towards Inclusive Communities:

*The right to water and sanitation for urban settlers
in Cape Town, South Africa*

*A Research Project Presented in Partial Fulfilment of The
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ABSTRACT

The City of Cape Town is a fast-developing city facing challenges in rising informality. The city is challenged with basic service delivery and meeting water and sanitation needs of informal settlements where basic services are essentially urgent and a priority. Urban settlements' dwellers find themselves deeply marginalised living in squalor and trapped in urban poverty. Access to water and sanitation is not always available in Cape Town even though it is a basic human right essential to sustaining lives and achieving a minimum standard of living of a socially acceptable level of wellbeing. This study focuses on the delivery of water and sanitation facilities to urban settlements. Specifically, it explores urban poverty and uses a rights-based framework of analysis to understand the issues surrounded by the City of Cape Town's water and sanitation delivery policies. These basic needs are looked at in response to the rise of informal settlements' water and sanitation needs. This study found that policy and development documents show increased and improved outcomes of basic service delivery interventions. However, these policies are not correlated with the realities on the ground. The provision of water and sanitation in urban settlements is articulated in policy documents as an act of assistance (*a service*) and not as a legal, morally ethical, or social responsibility (*a right*) deserved by settlers. Poor access to water and sanitation for informal settlements is therefore a consequence of profound inequalities in basic service delivery and a reflection of persistent urban poverty compounded by non-responsive national and local government policies. Essentially, this study shows the City of Cape Town has a long way to go to meet water and sanitation needs in informal settlements.

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ACRONYMS

CCT	City of Cape Town
CoGTA	Cooperative Governance and Traditional Affairs
COHRE	Centre on Housing Rights and Evictions
CORC	Community Organisation Resources Centre
DBP	Departmental Business Plan
DWS	Department of Water and Sanitation
HSRC	Human Sciences Research Council
IDP	Integrated Development Plan
IHS	Integrated Human Settlements
IHRC	Icelandic Human Rights Commission
ISS	Institute of Security Studies
IUDF	Integrated Urban Development Policy
IUD	Integrated Development Plan
NIPH	Norwegian Institute of Public Health
NSA	National Sanitation Policy
OECD	Organisation for Economic Cooperation and Development
PMG	Parliamentary Monitoring Group
PWESCR	Programme on Women's Economic, Social and Cultural Rights
RBAs	Rights-Based Approaches
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
SAHRC	South African Human Rights Commission
SDG	Sustainable Development Goals
SERI	Socio-Economic Rights Institute of South Africa
SHRC	Scottish Human Rights Commission
SIDA	Swedish International Development Cooperation Agency
SIWI	Stockholm International Water Institute
Stats sa	Statistics South Africa
UDHR	Universal Declaration of Human Rights
UISP	Upgrading of Informal Settlements Programme

UN	United Nations
UNFPA	United Nations Population Fund
UNHROHC	United Nations Human Rights Office of the High Commissioner
UNICEF	United Nations Children’s Education Fund – UNICEF
UNSDG	United Nations Sustainable Development Group
UNSDG	United Nations Sustainable Development Group
VEOHRC	Victoria Equal Opportunity and Human Rights Commission
WHRDs	Women Human Rights Defenders
WSSCC	Water Supply and Sanitation Collaborative Council and the Commonwealth of Independent States

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Chapter 1: Poverty and Inequality in Democratic South Africa

1.1 Introduction

This Chapter presents the unfolding socio-economic and political developments in South Africa almost three decades after the dawn of democracy in 1994. The Chapter looks at how poverty and inequality persisted in South Africa and how poverty, inequality and basic service delivery are linked to a surge in community protests on the backdrop of state capture, rapid urbanisation, and increased informality. The Chapter also explains how the political landscape dramatically shifted as the marginalised and the general populace in South Africa demanded accountability of the state and its institutions for a radical socio-economic transformation since state capture.

1.2 Poverty and inequality in South Africa: Democracy Tested

In 1994 South Africa transitioned into a democratic republic from a country divided on racial lines observed through spatial and socio-economic divide of its society. The democratic transition raised expectations of democratic institutions adopting inclusive policies that would alleviate poverty and inequality (Padayachee and Desai, 2013). However, poverty, inequality and unemployment remained the most socio-economic challenges in South Africa (Govender, 2016; Masipa, 2018). Income inequality has persisted since the advent of democracy due to high unemployment rate, officially at 27 percent nationally as well as the growing wage gap between skilled and unskilled labour (Mamokhere, 2019:2; Cooperative Governance and Traditional Affairs (CoGTA), 2016:23). High food prices force the poor into spending most of their income on food than investing on education or health. Ideally, the democratic transition of South Africa meant the re-distribution of political, social, and economic power through the institutions of constitutional democracy (von Holdt, 2013:590).

Transitioning to democracy saw a new middle and upper class of Black South Africans emerge (Seekings, 2014). Also, during the first decade of post-apartheid, South Africa experienced a steady national economic growth of 3.2 percent per annum and a GDP per capita growing by 1.6 percent between 1994 to 2009 (OECD,2010; World Bank, 2012 in Seeking, 2014:4). However, the democratic transition did not bear benefits for the majority of South Africans

who had been marginalised for decades during apartheid. Economic growth was not as inclusive as anticipated in terms of both class and income inequality, and income poverty remained persistently high into the millennia (Seeking, 2014; Mosoetsa and Francis, 2010 in Sulla and Zikhali, 2018). Govender (2016) views inequality as a function of access and human development outcomes, implying that access to opportunities fundamentally leads to upward mobility reflected through improved incomes, health, or life expectancy. However, human development outcomes are only realised over a period of time. The urban poor in South Africa struggle to sustain a decent living with dignity, let alone with having the capacity to improve their living conditions. The poor fall in the category of an unskilled workforce employable only in low-income jobs, if available in a country where “inequality is structurally embedded, spatially and economically” (Govender, 2016, p. 237).

Turok et al. (2017) argue that the various forms of inequality in South Africa are magnified in informal settlements where income inequality, defined by race, persists. Income inequality is linked to various forms of exclusion leading to limited access to opportunities in education and housing for the poor (Turok, et al., 2017; CoGTA, 2016). As a result of persistent inequalities, one in every five residents in South Africa lives in a shack, in densely populated urban settlements where large numbers of households have no access to services (CoGTA, 2016:22; Turok, 2015). The past two and half decades have seen a rise in unemployment, poverty and inequality and a hostile political landscape. Demands for a radical transformation characterise the political landscape as anger and discontent to the inequalities and poverty are expressed in community protests (Masipa, 2018). Failure by the state and its institutions have been the target of protests for failing to meet the urban poor’s rights to basic services.

1.3 Positionality, Research Rationale and Approach

I originally come from Zimbabwe, a neighbouring country to South Africa. The latter has become home to millions of Zimbabweans’ socio-economic and political escapees forced to move into neighbouring countries and overseas due to poor governance and political intolerance. South Africa became a country of interest for me as it was an escapee option for migrants. While observing this situation, my interest in South Africa’s socio-economic and political developments grew. I keenly followed the unrelenting protests for the improvement

of basic services. Moreover, learning about the depressive incidents of three children between the ages of 3-7 years, falling and drowning in pit-toilets in the Eastern Cape and Limpopo Province, and the subsequent protests in rural areas and cities regarding water and sanitation (The Citizen, 2018; Citi Newsroom, 2018), I became increasingly keen to understand basic service delivery in the South African context. The unending service delivery protests and the tragedies associated with technically unsuitable sanitation facilities in some rural schools in South Africa and my engagement in working with marginalised communities in mitigating vulnerabilities was the motivation behind undertaking this study. I was keen to find out more about basic service delivery in South Africa's City of Cape Town. Coupled with tragedies highlighted above, are my interests in human rights and institutional policy to improve people's wellbeing and its application in a development context. This study will provide insight into basic service delivery in urban settlements, spelling out the challenges associated with access to water and sanitation. Although the local government has the responsibility to provide water and sanitation services and increasing access for the marginalised, informal settlements' communities often resort to coping strategies that have direct public health implications on communities they reside in. A human rights framework is used to explore the role of local governments as primary duty-bearers responsible for ensuring basic services are delivered to people who need the services the most.

The topic presented here is also analysed in the context of Sustainable Development Goals (SDGs); SDG 6 with a focus on universal access to water and sanitation for all and SDG 11 which focuses on building inclusive communities and ensuring that informal settlements actively participate in decisions on developments that affect them. This research also analyses policy and development documents from national and local governments. This study relies on a qualitative methodology and uses a survey with informal urban settlers in Cape Town to understand their lived experiences of the delivery of basic services, specifically how they were accessing water and sanitation. Methodology is further explained in Chapter 4. Research aim and questions are set out in the next section as a starting point to exploring access to water and sanitation with the aim to explore whether the City of Cape Town meets the rights of urban settlers.

1.4 State Capture and Service Delivery Protests

South Africa's socio-economic development trajectory shifted at the dawn of independence in 1994 moving from a racially divided society to an inclusive socio-economic development course of its diverse population. South Africa's goal was to build a cohesive society through inclusive development, bridging decades of inequalities by creating economic development opportunities for the benefit of all. Bris (2014, p.2) states that OECD characterises a society to be cohesive if "[i]t works towards the well-being of all its members, fights exclusion and marginalisation and creates a sense of belonging, promotes trust and offers its members the opportunity of upward mobility." The newly formed democratic government of South Africa was people-centred and adopted an inclusive, pro-poor development approach that placed quality service delivery high on its agenda (Mpehle, 2012) to people who had lived in socio-economic deprivation far too long. However, midway at the turn of the millennia, the transformation of South Africa took an unexpected turn, a couple of years prior and the years after Jacob Zuma's ascendance to the presidency of South Africa from 2009 to March 2018 (Galvin and Roux, 2019).

Galvin and Roux (2019) contend South Africa's downturn was a result of state capture, which refers to "a situation where powerful individuals, institutions, companies or groups within or outside a country use corruption to shape a nation's policies, legal environment and economy to benefit their own private interests." (Transparency International Plain Language Guide 2009, in Martini 2014, p.2). Inevitably, the state's decision-making processes were systematically and politically manipulated in the interests of the former president Zuma and his associates. Shai (2017:6) reiterates that since Zuma was the president, head of state and government, there was excessive influence on his administration by the Gupta brothers symbolising what became popularly known as state capture. Desai and Vahed (2017) identify the Guptas as one of the richest families in South Africa who moved from India and settled in South Africa in 1993, prior to the 1994 elections that led to the country's independence. Desai and Vahed (2017) argue that President Zuma colluded with the rich and influential Guptas in appointing and removing directors of State-Owned Enterprises (SOEs) to secure state contracts.

The affiliation of the President and the Guptas led to hiring and firing of government ministers while economically exports were falling and commodity prices were tumbling (Martin and Solomon, 2017 in Desai and Vahed, 2017). State capture led the economy to shrink by 1.2 percent in the first quarter of 2016 (Martin and Solomon, 2017:21). Unemployment reached an eight-year high of 26.7 per cent, and business confidence plunged while public trust diminished (Hartley, 2016 in Martin and Solomon, 2017:21.). The share of households living in urban settlements rose from 58 to 72 per cent between 1996 to 2018 (Alence and Pitcher, 2019:12). Similarly, Ries (2020) and the Institute of Security Studies (ISS) (2021) claim that the state capture crippled the functions of government institutions, where looting of state funds and state-owned enterprises was endemic, fundamentally leading to poor governance by state institutions. Widespread corruptible practices were extensively evident in procurement, bidding, contracting, and the privatisation of key state enterprises (Ries, 2020:64).

The scale of corruption went unchecked and the drawback on basic service delivery was met with anger that brought political and social dissent. Corruption in the high office of the President filtered through state institutions from national to local governments with notable lack of accountability and transparency in providing basic services critically needed in impoverished urban communities (Mdlongwa, 2014; Mamokhere, 2019). The Office of the President defied presidential constitutional duties to provide executive leadership with dignity in the interest of national unity and exercising authority together with other members of the cabinet, through a process of consultation and engagement enshrined in the Constitution of South Africa (Republic of South Africa Constitution, 1996; University of Pennsylvania, 2021). South Africa's democracy was undermined and damaged from the highest office in the country. Many people who were still recovering from decades of deep inequalities were now facing prospects of a worsening economic situation. In Gavin and Roux's (2019) view, the state inadequately and inequitably delivered basic services as its priorities were focused on the interests of the elite.

Policy and institutional reforms necessary to improve governance were undermined by the collusion between powerful firms and state officials aligned to Zuma who collectively looted the state (Institute of Security Studies, 2020). State capture undermined the living conditions of the poor that had improved under the RDP through expanded access to electricity, water

and sanitation and the construction of 4.3 million low-cost housing that benefited 20 million people (Department of Human Settlement, 2016 in StatsSA, 2017:99). Corruptible practices resulted in state institutions under-resourced to provide basic services. The social and political dissent to the corrupt office of the president and local governments came through protests. Protests either took a political or service delivery dimension or a blended version of the two. Before independence in 1994, violent protests in South Africa were worldly understood to be politically motivated with the intent to dislodge the oppressive apartheid government (Law for All, 2021). However, service delivery protests gained momentum when Zuma took office and intensified to reach civil disorder (Alexander, 2010).

Many of the protests took place on the backdrop of state capture's corruptible practices, which were viewed as the cause of indignation by protesters. Alence and Pitcher (2019) assert that violent protests that took place countrywide were an expression of displeasure with the pace and quality of basic service delivery. On the other hand, Alexander (2010) contests that there were many more basic service delivery protests in President Zuma's administration compared to the last three years of his predecessor in 2006. Although not every protest can be directly linked to service delivery, protests were also associated with the high and persistent spatial inequalities in economic activities and high rate of unemployment. The World Bank (2018) argues that South Africa has a high concentration of low-income earners, and it struggles to generate sufficient jobs to curb rising unemployment thus exacerbating poverty and inequality. As economic growth failed to meet socio-economic needs of many people in South Africa, there has been a tendency to fall back into protests that mirror pre-independent South Africa where violent protests were associated with the demand for civil-rights and freedom from apartheid. Therefore, the high unemployment rate, high levels of poverty, lack of housing and health services as well as poor infrastructure put together, collectively ignited protests of dissatisfied communities that spontaneously started in different cities across the country (StatsSA, 2018 in Mamokhere, 2019).

1.5 Research Aim, Questions and Objectives

The overall aim is to explore how urban settlers in the City of Cape Town are working towards improving access to water and sanitation. This research has three questions and

objectives outlined below.

Research Question 1

How were rights to basic services addressed by national and local government policy?

Objectives

- 1.1 Identify basic service delivery policy provisions at national and local government levels
- 1.2 Explore how national and local government policy is responsive to basic service delivery needs of urban settlements
- 1.3 Review the role of rights in shaping national and local governments' water and sanitation policy

Research Question 2

What are the challenges the City of Cape Town council facing to meeting and upholding the rights to water and sanitation for urban settlers?

Objectives:

- 1.1 Identify barriers to rights to water and sanitation
- 1.2 Explore how the city council is working towards universal access to water in an attempt to meet SDG 6
- 1.3 Identify the City of Cape Town's urban practices in building inclusive communities to achieve SDG 11

Research Question 3

How are urban settlers and the City of Cape Town council working towards positive solutions to water and sanitation?

Objectives:

- 1.1 Identify limitations to accessing basic services by the urban poor.

1.2 Describe how settlers and the city council are working to improve delivery of water and sanitation services.

1.3 Review the extent urban settlers participate in decision making on delivery of water and sanitation services.

1.6 Outline of the Research Project

The research report will seek to answer the aim, questions and objectives set above. This first Chapter has introduced the rationale of this study and has provided an outline of the socio-economic context of South Africa by focusing on poverty and inequality. Poor governance and mismanagement of state resources and the failure by state institutions to provide essential basic services have been highlighted as part of the underlying challenges to basic service delivery. Chapter 2 will explore the relationship between urbanisation and economic growth, focusing on how cities are both economic hubs and havens of urban poverty linked to South Africa's urbanisation trends. Chapter 3 provides the conceptual framework of analysis used in this research, where water and sanitation are framed within human rights. This chapter also explains how the rights to water and sanitation as development issues are aligned with SDGs 6 and 11. Chapter 4, explains the qualitative methodology used, the ethics process and a self-reflection. Chapter 5 gives the results of the document analysis of national and local governments' policy. Chapter 6 shows results from the data analysis highlighting the challenges associated with delivery of basic services in informal settlements. Chapter 7 will discuss the findings of this research and provides a conclusion to the study

Chapter 2: Urbanisation in South Africa: - A Contextual Literature

Review

2.1 Introduction

The Chapter presents the study's literature review exploring urbanisation in South Africa from a global perspective to country level. This Chapter positions cities as both economic hubs and spaces that breed urban poverty in the absence of profound governance linking cities in South Africa to the global antecedent in developing countries. The Chapter draws on rapid urbanisation in South Africa and explains how this is linked with increased informality and urban poverty in contemporary South Africa. Informality and urban poverty are located in exclusionary urbanisation policies that marginalised sections of society in pre-independent South Africa. Subsequently, rapid urbanisation in contemporary South Africa and the proliferation of informality provides a context that is linked to the rise in demand for basic services in urban settlements.

2.2 Cities: Hubs of Economic Growth

Globally, cities have emerged as distinct hubs and centres of innovation, economic production, and trade where jobs are created (UN Habitat, 2016; McGranahan, 2016). According to Pricewaterhouse Coopers International Limited (2018:2), over 80 per cent of Gross Domestic Product (GDP) worldwide is generated in cities and metropolitan areas. Hence, cities and urban centres accelerate social and economic progress that promote livelihood opportunities and create social mobility prospects not common in rural areas (UNDP, 2016:2). It is in small and medium to large cities that fastest growth is noticeable, even though megacities remain urbanisation trendsetters because of their economic importance and influence (UN Habitat, 2016; European Strategy Policy Analysis System (ESPAS), 2021). Existing livelihood opportunities in cities are amplified as urbanisation unfolds creating wealth and innovation opening new markets for investors both domestic and foreign thus increasing cities' market transactions (Future Issue, 2009; McGranahan, 2016). More concentrated and larger

population groups' level of access to existing opportunities expand as opportunities multiply (Future Issue, 2009).

Socially, cities are endowed with multiple functions across all societies and thrive from diverse cultures where a mix of people of different backgrounds converge shaping people's lives into distinct cultures and communities of particular attitudes and aspirations (Kuddus et al., 2020; Bell and De-Shalit, 2011 in McGranahan, 2016). However, in the absence of proper governance structures, cities can turn into breeding grounds of poverty and civil strife. Poverty, inequality, vulnerability, and conflict are bound to emerge as the downside of economic growth of cities (McGranahan, 2016). Inequalities in cities' economic growth are often seen through limited access to essential basic services, education, and jobs, disproportionately affecting low to middle-income countries. Therefore, cities can also harbour spatial inequalities and urban poverty as the section below articulates.

2.3 Urban Poverty

Although cities carry progressive attributes, there are discrepancies that reflect on cities' narrative in promoting economic growth. Cities often face challenges in mitigating vulnerabilities that come with rapid urbanisation, particularly in developing countries. In the House of Commons International Development Committee's (HCIDC) (2009) view, it is extremely challenging for developing countries to make cities sustainable, improve resource use, reduce pollution, and address poverty. The development potential of cities in Global South remain at risk in the absence of robust planning and proactive responsive policies to address rapid urbanisation. The latter is a common antecedent in many developing nations. The world's population is projected to reach 8.5 billion by 2030, and almost 10 billion by 2050 (UN, 2019:1). About 68 per cent of the global population is projected to live in cities and towns by 2050 from 55 per cent in 2018, with Africa and Asia accounting for almost 90 per cent of the projected growth (Norwegian Institute of Public Health (NIPH) (2020:4).

Apart from being centres of economic growth, cities are also home to significant concentration of marginalisation and urban poverty. The World Bank estimates that by 2035 the world's extreme poor will largely be found in urban areas (UNDP, 2016: 4). As poverty shifts from rural areas to urban centres, geographically concentrated inequality gets amplified. Thus, social, and

political stability can be affected when economic security for urban dwellers is not addressed (Future Issues, 2009). Tamuka Moyo et al. (2021:1) estimate that worldwide, more than one billion people currently live in inhabitable informal settlements as many cities in developing countries battle informality. Urban settlers have limited access to jobs and infrastructure, and they are left to face with environmental degradation and extreme deprivation associated with deepening inequalities and urban poverty (Tamuka Moyo et al., 2021).

Much of the benefits of urbanisation are associated with developed economies in the Global North, where development has the infrastructure to occur on an inclusive and sustainable scale. Even though urban poverty can be relatively experienced in the Global North, extreme poverty characterises most parts of the Global South. The potential of cities to lift people out of poverty through economic growth diminishes when urban planning is not inclusive and fails to effectively address the impacts of urbanisation. The concentration of urban poverty is reflected in extensive informality (Turok et al., 2017). Hence, the rise of informal settlements defies the positioning of cities and towns as providers of affordable services in health care, better education and the supply of clean water and sanitation to urban dwellers in developing countries. Ravallion et al. (2007) in Khan et al. (2016:11) assert that a quarter of the urban population in developing countries face poverty.

While rapidly urbanising countries are struggling with exponential urban growth rates (HCIDC, 2009) there is lack of political will to address the consequences of informality, especially where the influx of people into urban areas is perceived as a problem rather than an opportunity. According to Turok et al., (2017), informality is symptomatic of hardships and exclusion, and the cause of increased marginalisation and insecurity of urban settlers. Ironically, many of the informal settlements are often not recognised as part of the city, but rather as a source of problems associated with violence, crime, and diseases. In DFID's (2001) view, informal settlers are marginalised and rarely receive civic amenities or legal protection. The DFID explains that,

“Urban poverty is invariably associated with overcrowding, insanitary living conditions within limited or no access to basic utilities or services such as water, sanitation, affordable transportation, healthcare, education, energy and law and order” (DFID,2001 p.17).

Despite their struggles, settlers embark on income generating initiatives fending for basic needs. More often they “choose not to abide by the official rules, legal procedures and by-laws because they are too complex, demanding, and unaffordable for their own, and are bottom-up solutions” (Turok, et al., 2017, p. 3). The barrier to life sustenance for urban settlers lies in national and local government policies that do not sustainably seek to address informality. Resource limitation is often the justification used for irresponsible urban policies in tackling informality. Similarly, indecisive national and local government policies are also not forthcoming on how to address informality, and this reflects on the lack of understanding on the causes of informality as the former hope the endemic will gradually dissipate (Turok et al., 2017:3).

2.4 Exclusionary Urbanisation in Pre-Contemporary South Africa

Kotze et al., (2014) claim that South Africa’s pre-independent urbanisation was distinctly different from other countries in Sub-Saharan Africa because SA’s urbanisation was driven by apartheid policies. Government policies categorised people racially, thus fostering urban exclusion and rural deprivation targeting South Africa’s Black population (Gelderblom, 2005, Muzondi, 2014, Turok and Borel-Saladin, 2014). Parnell and Mabin (1995 in Setwe, 2010, p.2) explained that “The division of races was used as a strategy for minimising urbanisation”. The divisive strategy was promoted through discriminatory migration and urbanisation accompanied with stringent movement of Black South Africans, limiting access to cities, and adopting separate development (Todes, et al., 2010; Baffi, Twok and Vacchini-Marcuzzo, 2018; Statistics South Africa, 2006). The Homeland or Bantustans Policy of the Land Act, as it was known, removed people from urban settlements into Homelands regardless of the increased workforce demand in the booming mining sector (Turok, 2012). Over 3 million people were compulsorily moved out of the cities by the state into Homelands between 1960 and 1982 and an additional 700,000 followed (Setwe, 2010:6).

Influx control measures were punitively applied through laws that prohibited people from moving into cities without what was considered as proper documentation. These restrictions curtailed household mobility, which worked against emerging industrialisation and the urbanisation of contemporary South Africa after 1994 (Clark and Worger, 2016:36; Setwe,

2010:6). The subsequent abolition of the Influx Control Act 68/1986 revoked the Native (Urban Areas) Act Of 1923, which had controlled the movement of Black South Africans between rural and urban areas for 50 years, was followed by a period of intensified urbanisation (Setwe,2010:8). Thus, the urbanisation of contemporary South Africa is synonymous to a surge in informality although the latter was not new to South Africa. Informality unfolded against the backdrop of pre-independent policies that created socio-economic inequalities through exclusive and controlled urbanisation leading to increased informal settlements and heightened urban poverty.

2.5 Urbanisation in Contemporary South Africa: Demographic Trends

In 2016 South Africa adopted a Five-Year Integrated Urban Development Framework (IUDF) in order to address the fundamental urbanisation challenges across all its cities. The IUDF is a government policy that guides the future growth and management of urban areas (Cooperative Governance and Traditional Affairs (CoGTA), 2016). By adopting a national IUDF, South Africa anticipates 71,3 per cent of its population to live in urban areas by 2030; rising to 80 per cent by 2050 (UN cited in CoGTA, 2016:4). Using data from Statistics South Africa and the World Bank, De Kock and Petersen (2016:2) observed that South Africa had an urbanised population rate of between 60 to 64 per cent. Over forty million out of the near 60 million population are under 40 years of age (de Kock and Petersen, 2016:2). From the current urbanisation rate, it is anticipated eight people in every ten will be living in urban areas by 2030. The population increase will add to the increasing challenges on South Africa economic growth, high unemployment, inequality, persistent urban poverty, and increased demand on basic infrastructure, including the threat to social stability (Arndt, Davies and Thurlow, 2018; Parliamentary Monitoring Group (PMG), 2020). Essentially, as South African cities grow, so does the population across its many urban spaces.

2.5.1 South Africa: Urbanisation and Informality

South Africa, like most developing countries is caught up in a global surge of informal settlements. Pinfold (2015) describes the growing informal settlements in South Africa as a 'phenomenon', and a consequence of contemporary rapid urbanisation emerging on the

backdrop of policies and legal frameworks of pre-independent South Africa. The establishment of informal settlements on the fringes of South Africa's cities are attributed to urban influx control measures and policies that promoted spatial exclusion (Pinfold, 2015; Turok, 2012). Exclusion is reflected in poor housing and basic services among urban settlers inevitably making informal settlements susceptible to multiple vulnerabilities that include poor access to basic infrastructure and services, hunger, flooding, landslides, and water pollution (Statistics sa 2010 in Turok, 2012; Turok 2012).

Growing informality features prominently in South Africa's cities and urban centres (Brown-Luthango et al., 2016) where housing and equal access to basic services remain critical across South Africa's urban spaces. According to the Socio-Economic Rights Institute of South Africa (SERI) (2018), informal settlements are characterised by profound inequalities in accessing basic services, for instance, electricity, water, and sanitation. Settlements often get in the way of formal development and get displaced through evictions, but they always re-emerge elsewhere (Huchzermeyer, Karam and Maina, 2020), as they remain part of the chronic socio-economic challenges of the 21st Century contemporary South Africa. Lack of access to basic services is often linked to non-inclusive central government policies to mitigate informality. Since 1994, South Africa adopted incremental approaches "to improving security of tenure, basic services, and socio-economic development in informal settlements" (Community Organisation Resources Centre (CORC) ,2018, p.26). However, many local governments across South Africa struggle with informality and the provision of basic services as discussed below.

2.5.2 Cape Town's Interventions Towards Water and Sanitation

Almost 13.5 per cent of over 4.23 million Capetonians live in informal settlements (Asivikelane, 2020:1). The CORC (2018) identifies two main categories of informality in South Africa, the informal settlements, and the informal dwellings, also known as backyard shacks, which are built behind houses on land with secure tenure while Cape Town identity with three categories. Cape Town has settlements earmarked for upgrading with secured funding under the national Upgrading of Informal Settlements Programme (UISP). In addition, the city has settlements identified for possible upgrading in future; subject to de-densification of the land they are located on. Then, there are settlements identified for relocation as their location is considered

hazardous to both lives and livelihoods of its residents (City of Cape Town, 2013). The categorisation somehow determines the level of urgency in basic service delivery interventions, efficiency, and effectiveness of the city council in providing services, although this is not guaranteed.

Cape Town's informal settlements do not have legal security of tenure of the land on which they are located, and residents live in dwellings that are deemed inconsistent with Cape Town's planning and building regulations (In The Press ,2020; CCT, 2013). Unsuitability of the land on which the settlements are established, coupled with dwellings that do not meet the minimum standards, and lack of security of tenure are among the many reasons to limited provision and access to basic services. The CCT (2013, p.5) notes that: "Some informal areas are built on dangerous sites such as unplanned landfill sites, wetlands or depressions which intensify the likelihood of disasters such as flooding", as the basis for not providing basic services. Informal settlements are also dependent on shared water and sanitation facilities referred to as 'communal'. The facilities are not adequately provided across the multiple settlements across the city to meet the needs of over 570 thousand Capetonians resident in the settlements (Asivikelane, 2020:1). The city faces challenges in providing basic services and meeting water and sanitation needs elaborated in the section below.

2.5.3 Challenges and Responses to Delivery of Water and Sanitation

According to the City of Cape Town (2013), informal settlements present multiple, and yet complex challenges in the city's attempt to address basic service needs for urban settlers. Kotze et al., (2014), CoGTA, (2016) and Marutlulle (2017) all point out apartheid policies for instigating spatial inequality as the underlying cause for challenges in service provision. Spatial inequalities are still embedded in the social fabric of South Africa. Backlogs in housing services inherited at independence in 1994 are perceived to have knock-on effects on subsequent and progressive efforts to provide services. CAPEARBUS (2021) argues that unprecedented migration over the past 20 years led to an increase in population in Cape Town and demand for services profoundly increased. Urban settlers are always on the receiving end of non-financial committal by the national and local governments to improve their living conditions as

the city council talks of persistent lack of financial resources to deliver. Governance challenges within the national and local governments during Zuma's presidential era and 'state capture' discussed in Chapter 1 demonstrated institutional challenges to improving the lives of the urban poor. The City of Cape Town (2013) argues that the organic form of the settlements, which were growing without plans or structure, made it increasingly difficult to provide municipal services in line with national guidelines and thus limiting services to the peripheries of the settlements.

Interventions to addressing informality in Cape Town were long inspired by a multitude of South Africa's adaptive national policies the City Council customized to meet local needs based on its own context. The national Reconstruction and Development Programme (RDP) adopted a Water Supply and Sanitation White Paper at the fall of apartheid in 1994 and an investment programme was launched (World Bank, 2015:13). A pro-poor Free Basic Water Policy was launched intended to provide all poor households with free supply of water of 25 litres or 6 kilo-litres per connection within 200 metres, and a safe sanitation facility on site (World Bank, 2015: 1; Muller, 2011). Free Basic Water Policy raised hopes of improved basic service delivery.

Upgrading the Informal Settlements Programme (UISP) was subsequently adopted under a National Housing policy with a phased approach. The UISP indirectly linked basic service delivery to upgrading settlements through a phased process to accelerate service delivery. Informal settlements had to be upgraded first to receive services. Upgrading carried the possibility of residents being relocated, which led to breaking up in social networks, and forcing settlers to abandon their sources of livelihoods and having to restart all over again. Despite a new upgrading policy in 2004, and its subsequent announcement in 2009, there were no financial commitments dedicated for this cause, and the programme did not take off well as it was not wholly and socially accepted (CORC, 2018). Currently services are unevenly distributed and there is inequity of basic service delivery across the informal settlements in Cape Town. Some settlements do not have enough toilets whilst others have virtually no access to sanitation facilities. The city council oversees keeping settlers' toilets hygienically clean, but the inconsistency in toilet cleaning is putting settlers at risk. The informal settlements of Emfuleni, Emalaheni and Madibeng, for example, have resorted to digging their own pit toilets raising concerns about their health and safety (Asivikelane, 2020). Uneven distribution and provision of services increase as more settlements emerge.

2.6 Chapter Conclusion

This Chapter highlighted urbanisation trends in South Africa and how pre-independent exclusionary urbanisation policies have limited urbanisation based on racial grounds, and how the impact of the same policies are being felt in urbanisation of South Africa today. The Chapter also shows that pre-independent exclusionary urbanisation policies were linked to spatial inequalities that persists in a democratic South Africa and is one of the underlying causes of exclusion in some of the urban spaces in South Africa today. What also stands out in this Chapter is the dual role of cities. On one hand cities expand because of their capacity to attract business and create jobs to drive economic growth, and on the other, they harbour urban poverty that manifest through informality in the absence of responsive policies that create an enabling environment for economic and social inclusion of the urban poor, if not proficiently and sustainably managed.

Chapter 3: Rights Based Approaches – A Framework for Basic Service Delivery

3.1 Introduction

This Chapter presents the conceptual framework of this study by firstly explaining the place of human rights in development based on the pronouncement of the Universal Declaration of Human Rights (UDHR) in 1948. In addition, the chapter outlines principles underpinning the UDHR (1948) and their implications in development focusing on the right to development. Lastly, the chapter describes the place of human rights in Rights-Based Approaches (RBAs) in development and demonstrates the role of rights in the context of water and sanitation. The realisation of rights and rights values in an urban development context linked to Sustainable Development Goals (SDGs) will also be explored with emphasis on SDGs 6 and 11.

3.2 Human Rights in Development

The UDHR (1948) and the enunciation of rights and freedoms, equality in dignity and the need to act in brotherhood, strengthens the idea of human rights as fundamental to all human beings (United Nations (UN), 2015; Uvin, 2010). Essentially,

“human rights are universal legal entitlements that represent the minimum standards essential for human dignity, often divided into the broad categories of Civil, Political, Economic, Social and Cultural rights” (Oxfam GB, 2014, p.1).

Economic, social, and cultural rights foster the freedoms and liberty people enjoy participating in the economic, social, and cultural spheres of life. Civil, and political rights on the other hand protect citizens from abuse from power by others, and to live in a non-repressive society without discrimination and freely participate in decision making (Ministry of Social Development, 2016:151).

South Africa as a developing country has constitutionally embraced rights by addressing the socio-economic divide of the past and the present. Poverty and spatial inequalities, elaborated in Chapter 1, limit people in accessing basic services that are essential to life sustenance.

Therefore, the deployment of a rights focused development with an emphasis on the right to and rights in development appealed to a population that had been divided on an untenable socio-political system that bred discrimination and social deprivation before independence in 1994. Integrating human rights in development was the ideal remedy to bridging persistent inequality, free people from repressive powers and discrimination to freely participate in all spheres of development. South Africa joined the international community of nations at independence, advocating principles of human rights in development under a pro-poor development framework demonstrating the practical application of human rights principles in development.

The UN General Assembly's adoption of the declaration on the right to development on 4 December 1986 (UNHROHC, 2016:1) reframed the development paradigm. The adoption affirmed the right to development by endorsing every human right and the fundamental principles articulated in the UN Charter and the UDHR – 1948 (Uvin, 2007; UNHROHC, 2016). Since the 1990s, RBAs made a commitment to protecting and promoting the rights of marginalised and vulnerable groups who were subjected to discrimination and social deprivations from states or internal economic entities that were likely to violate their rights (Chapman and Carbonetti, 2011). Human rights inspired a social dimension thinking in development by pursuing a poverty reduction agenda focusing on a people-centred development (Filmer-Wilson, 2005; Kindornay et al., 2012; Gauri and Gloppen, 2012). Apart from human rights' moral imperative to eliminate poverty, they are also behind a shift in political power to empowering a voiceless constituency of the urban poor on basic service delivery in South Africa, to claim for themselves (Gauri and Gloppen, 2012; IHRC, 2020; OHCHR, 2021). Filmer-Wilson (2005: 215) contends that prior to a human rights in development, development was characterised by deep global injustices and global poverty, which failed the poor and marginalised communities, hence the shift in development thinking to a more human-centred development undertaking (IHRC, 2020).

RBAs are variably applied in development contexts, hence the IHRC (2020:3) argues that RBAs are not a closed model that can be mechanically applied to any given situation but are built on human rights principles and values that have a political appeal in development (Kindornay et al., 2012; Elliot, 2014). RBAs appeal “to notions of ‘justice’, ‘empowerment’ and ‘equity’”

(Filmer-Wilson, 2005, p.213), and promote human rights compliant-development by protecting all human rights (UNOHROHC, 2016:10). RBAs uphold the dignity, value and worth of inherent in all human beings (SAHRC, 2014). Thus, all human beings are rights-holders as the right to development is both an individual and a collective right that views the human person as the central subject of development (UNOHROHC, 2016:). It is worth noting that, although human rights apply to everyone, the universality of human rights has always been a contested concept.

3.3 RBAs in Development Practice

Application of RBAs in development recognises people as key actors in their own development rather than as beneficiaries of services or commodities (UNFPA, 2014:1). RBAs value the participation of key actors in development both as a means and a goal of development through strategies that empower the marginalised drawing on practices that lead to the realisation of human rights as the ultimate goal of development. Harney (2013:1) argues that in practice, RBAs begin by asking, what rights are being neglected for those experiencing injustice. Answering this question leads to RBAs enabling its target group to stand for justice, equality, and dignity (UNFPA, 2014). The realisation of human rights to water and sanitation for instance, demands that states as primary duty-bearers view water and sanitation problems as human rights issues and regularly review their existing legislation, strategies, and policies to enhance universal access to adequate water and sanitation (SIWI, 2016; Bos et al., 2016, Water Aid, 2011). However, unless legislation is enacted, the realisation of human rights in development will remain unfulfilled. Filmer-Wilson (2005) states that using a human rights lens in analysing development problems to include water and sanitation enhances the understanding of how laws, institutions, social practices, and policies improve the provision of water and sanitation. Similarly, a human rights analysis helps in determining whether barriers to the realisation of rights deter the marginalised from accessing water and sanitation. In essence, the journey of claiming rights by the marginalised is the self-empowering trajectory of RBAs to advocacy which begins and ends with those who experience exclusion finding agency, dignity, and self-worth by understanding their human rights and claiming the right to enact and enjoy them (Harney, 2013:1). Importantly, human rights principles of empowerment, participation and

inclusion, equality and non-discrimination, and accountability form the basis of RBAs in development as outlined below.

3.4 Introducing Human Rights Principles

This section explores human rights principles and their values in development describing the relevance of (human rights) principles in upholding values of dignity, equality, and participation when providing water and sanitation.

3.4.1 Empowerment

A human rights development framework is people centred and seeks to give some autonomy and self-determination for the marginalised (Filmer-Wilson, 2005). The former, acknowledges that people' situation cannot change for the better without ownership of the development process (UNICEF Finland, 2015:9). Potentially, human rights raise awareness of people's rights and entitlements in poor communities so they can assertively and rightfully make claims and demand justice from the duty-bearers (States). As a result, the marginalised can break the power structures that limit their development potential through awareness of their legal entitlements. The marginalised are empowered and transitioned from being passive recipients of a development intervention to becoming active rights-holders driving the development process (Broberg and Sano, 2018). As the 2030 Agenda strives to leave "no one" behind, SDGs are built on the principle of inclusiveness which calls for equitable development that benefits everyone (UNOHROHC, 2016). Essentially, RBAs' conceptual framework, formalised by the UN in 2003 for the fulfilment of human rights, is inextricably linked to sustainable development goals in addressing injustices for the marginalised in development (Hayes, et al., 2019: 9). Active participation and inclusion are essentially important for the empowerment of the marginalised to eventuate.

3.4.2 Participation and Inclusion

The right to development places emphasis on development that is human centred, grounded in the participatory processes and discernment of human rights obligations (Filmer-Wilson, 2005). Participation and inclusion call for rights-holders to participate actively, meaningfully, and freely in decision-making in any development that directly affect them (UNSDG, 2003; SHRC, 2020). Inevitably, participation fosters a sense of belonging and increases prospects of greater sustainability by maximising ownership of the development process (Filmer-Wilson, 2005). UNICEF Finland (2015) and VEOHRC (2008) reiterate that in any development that is human rights driven, full participation involves both rights-holders and duty-bearers in determining the remedies or improvements of a development intervention by collectively working through the development phases and processes. South Africa's marginalised section of society find themselves side-lined in delivery of essential services with minimum participation in the development process. Thus, participation and inclusion work in the interest of the marginalised as RBAs help in identifying and removing barriers of inequality and discrimination by strengthening the engagement of recipients of a development enterprise (UNICEF Finland, 2015) as outlined below.

3.4.3 Equality and non-discrimination

The 2030 Agenda's commitment to leaving "no-one behind" is grounded in human rights principles, standards, and norms of non-discrimination among the many human rights principles (UNFPA, 2019:11). Sustainable development aims to secure freedom from fear and want for all without discrimination and thus puts equality at the centre of development (Plan International, 2016:3). Traditionally, marginalised groups were often systematically discriminated in every sphere of development, with their exclusion manifesting socially, economically, and politically therefore resulting in gross inequalities. South Africa as a developing country contends with increased informality spurred by rapid urbanisation discussed in Chapter 2. Often, the marginalised urban settlers are confined to informal settlements not recognised by both the national and local governments leading to exclusion in exercising their absolute rights to development and rights to water and sanitation. Urban

settlers are discriminated based on states' legal provisions that dismiss the legality of their settlements. South Africa's marginalised are often limited in securing an adequate standard of living on an equal basis with others to enjoy the fundamental freedoms in political, social, economic, and cultural spheres of life (WSSCC, 2018; UNICEF CEE/CIS, 2009). RBAs advocate for the elimination of prejudices and prioritising interventions that seek to accelerate access to water and sanitation for the urban poor (COHRE, 2008; SHRC, 2020).

3.4.4 Accountability

In RBAs, the principle of accountability reinforces the duty of care that duty-bearers have for rights-holders. Accountability forges a relationship of responsibility and answerability to rights claims by the marginalised. Victoria Equal Opportunity and Human Rights Commission (VEOHRC) (2008) argues that for all human rights there are corresponding duties, and results are achievable when accountabilities are clearly set. By creating a clear set of values and guidelines, duty-bearers can then be accountable (UNICEF Finland, 2015). States are the primary duty-bearers as well as the various State actors (United Nations, 2006; WaterAid, 2011; UNICEF Finland, 2015). The State and its entities have the responsibility to deliver rights at macro and micro levels for the realisation of human rights (Filmer-Wilson, 2005; WaterAid, 2011; UNICEF Finland, 2015).

By delivering rights, States have the obligation to respect, protect and fulfil human rights through State laws and policies, prevent violations of rights as well as take appropriate measures for the full realisation of all human rights (Filmer-Wilson, 2005). For the principle of accountability to be effective, the SHRC (2020) insists that monitoring of human rights standards as well as effective remedies for human rights breaches is mandatory for all States. Accountability stands as a key principle in RBAs as a framework for social justice and advocacy (UNICEF CEE/CIS, 2009). Basically, States comply with the legal norms and standards enshrined in human rights instruments and are answerable for the observance of human rights (UNICEF CEE/CIS 2009; WSSCC, 2018). When States fail to meet their responsibilities to deliver human rights, rights-holders have the right to contest the States' shortcomings through legal

processes. For rights to hold ground, they must be protected by both strong legislation and an independent judiciary system.

3.5 The Right to Water and Sanitation - A Global Concern

The significance of water as a source of life to all human beings cannot be overemphasised. Safe drinking water and sanitation are fundamental to the dignity, health, and sustenance of lives (UNOHCHR, 2010). Globally, an estimated 2.5 to 2.6 billion people lack improved sanitation facilities and between 768 to 884 million people have no access to improved drinking sources of water (UNICEF, 2014:1). SIDA (2018:1) contends that 2.1 billion people have no access to potable water at home, and 4.5 billion lack safely managed sanitation resulting in almost 1,000 children dying from water and sanitation related diseases every day globally. Given the antecedent on the global context above, RBAs serve as the basis to advance the rights of the marginalised and vulnerable groups in promoting access to water and sanitation. A human rights injunction for the inclusion of the marginalised in basic service provision is imperative particularly among informal settlements' dwellers who mostly occupy the margins of the urban settlements.

3.5.1 The Rights to Water and Sanitation in an Urban Context

Ensuring access to potable water and sanitation for all are fundamental human rights and a legal obligation (UN, 2019; End Water Poverty, 2020). The legal obligation rests with nation states, national and local governments and all other entities that have a duty of care for people's wellbeing as duty-bearers. Regardless, the urban poor are often deprived from enjoying the rights to water and sanitation, residing in settlements where delivery of water and sanitation are not prioritised regardless of the dire need for such services. In its key findings on water and sanitation delivery in South Africa the SAHRC (2014:14) noted that the delivery of water and sanitation is not rights-driven, and neither is it rights-informed, and principles of transparency and public participation are overlooked limiting urban settlers from accessing water and sanitation. Globally, sanitation targeting the marginalised shows insignificant

success due to insufficient participation and acceptance by communities (Morales, Harris, and Öberg, 2014).

In South Africa for instance, the delivery of water is often done with economic intentions as water is regarded as an economic good or a commodity by governments departments, since water is predominantly used for business purposes with payments far less per kilolitre compared to poor households (SAHRC, 2014:14). Providing water as economic good overlooks the duty of care in fulfilling the rights to water and sanitation for the poor. The economic perception of providing water is compounded by rapid urbanisation in developing countries where water and sanitation policies have not been duly responsive to increased urban populations. Local governments' resource mobilisation in South Africa has not matched with demand for water and sanitation. The SAHRC (2014) also points at poor and aging infrastructure, governance challenges, and lack of monitoring of the demand as limitations in the realisation of water and sanitation for all, particularly the urban poor.

3.5.2 SDG 6: Access to Water and Sanitation in an Urban Context

Rights to water and sanitation are built on The UN's 2030 Agenda SDG 6 to, "ensure availability and sustainable management of water and sanitation for all" (United Nations, 2019, p.12). SDG 6 targets 6.1 and 6.2 are dedicated to equitable access to water and sanitation services for all, prioritising the urban poor, the marginalised, and the hardest to reach (UNICEF, 2019: 14). Targets 6.1 and 6.2, are grounded in human rights principles of equality and non-discrimination with access to water and sanitation referenced in target 6.1: "By 2030, achieve universal and equitable access to safe and affordable drinking water for all" (UN, 2019, p.12). Target 6.2 seeks "to achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations" (UN,2019, p.12). Targets 6.1 and 6.2 stand as the underpinning deliverables to meeting SGD 6. Consequently, improving basic service delivery in South Africa's urban settlements has direct implications in reducing barriers to meeting the urban poor's rights to water and sanitation and move closer to achieving SDG 6. Most importantly, improving access to potable water and sanitation saves lives, reduces the prevalence of waterborne diseases,

and restore the dignity of the urban poor worldwide and in particular those in South Africa who have a long history of deprivation, exclusion, and marginalisation.

3.5.3 SDG 11: Inclusive Communities in Water and Sanitation in an Urban Context

South Africa had a socially and economically divided background before independence in 1994. Rapid urbanisation led to increased informality and urban poverty articulated in Chapter 2. Agenda 2030's SDG 11 to "Make cities and human settlements, inclusive, safe, resilient and sustainable" (Stats sa, 2019, p.184) sits well with South Africa's historical past and the current development trajectory. The goal is to bridge the inequalities and reduce material poverty by providing habitable housing, upgrading of informal settlements, and basic services for the socially deprived sections of society who live in informal settlements, sheltered in shacks. SDG Target 11.1 states that, "By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums" (Stats sa, 2019, p.184). Thus, SDG 11 aims to provide universal access to basic services and build inclusive, safe, resilient, and sustainable cities (UN, 2019). South Africa's IUDF acknowledges the value of building inclusive communities through empowerment and making communities actively contribute to the economic, social, cultural, and political development for their wellbeing. "Cities and towns that are stable, safe and tolerant, respect and embrace diversity, equality of opportunity and participation of all people including the disadvantaged and vulnerable groups" (CoGTA, 2016, p.10) progressively bestow and promote the right to development and hence the rights to water and sanitation. RBAs' human rights principles of equality and participation are reinforced in SA's IDUF's (CoGTA, 2016) inclusive socio-economic urban development plan; however, its enactment determines the intended outcomes. SDG 11 links with South Africa's development policy lever 7 that emphasises on the empowerment of communities into active participants in development (CoGTA, 2016:10). Achieving SDG 11 in South Africa rests with other variables that include resource mobilisation, capacity of national and local governments, governance as well as embracing the relationship of human rights and SDGs' in development.

3.6 Chapter Conclusion

What stands out in this chapter is the importance for nation states and state-actors to recognise the relevance of human rights and deliberately adopt a rights-based approach in development policies. Fundamentally, reviewing national legislation, laws, policies, and strategies is imperative in building a human rights-driven development. Recognising the relevance of human rights, human rights principles, values, and norms in development is fundamental to the realisation of rights to and in development when addressing basic service provision with a deliberate intent to meeting the rights of the marginalised urban poor. RBAs in development are founded on human rights that seek to improve the wellbeing of the poor and help in the restoration of hope and human dignity. Human rights and sustainable development goals are intimately driven by a common purpose to enhance the wellbeing of everyone paying particular attention on those who are not easy to reach, that is the marginalised in society.

Chapter 4: Methodological Design

4.1 Introduction

This Chapter will explain the methodology and methods deployed in my research which is concerned with implications to basic service delivery for urban settlers. This study has taken on two qualitative methods: a document analysis and a survey with urban settlers. The chapter will also provide my personal reflections about undertaking this study. It will explain the ethical considerations that guided the research process and then explain limitations, such as the unforeseen impediments related to the COVID-19 pandemic. My research has focused on the implications of national and local government policy on basic service delivery and its consequences on the urban poor. Policy implications are linked to themes and the discourse expressed in policies connected to rights to water and sanitation. Active participation of the marginalised in decisions to basic service delivery are key to urban development practices that help in making cities inclusive and liveable for all. Data from a Survey Questionnaire, and policy and development planning documents were analysed. Implications on basic service delivery were drawn from the analysis and these will be outlined and discussed in Chapter 5.

4.2 A Qualitative Methodology

This study used a qualitative approach. A qualitative methodology helps to uncover sentiments and values of the people involved (Onepoll, 2017) allowing respondents to disclose the reality of their lived experiences. Cobetta (2003), Marcon and Gopal (2005), and Kroeze (2012) in Rahman (2016:102) contend that reality is a social construct made by human beings, and it inevitably shifts and is understood subjectively. That said, a qualitative approach helps “understanding the meaning people have constructed, that is how people make sense of their world, and experiences they have in the world,” (Merriam, 2009, p.13 in Rahman, 2016).

Essentially, a qualitative approach allows collecting and understanding data within the context of and specific to participants (Young and Hren 2017). Naturally occurring data (in documents) is easily accessible and can be selected from existing materials for the purposes of a document analysis (Young and Hren, 2017). A qualitative approach also allows a researcher to identify

recurring themes within the materials selected for analysis and helps make sense of complex situations or social processes while learning from experiences narrated by participants (Mack, Woodsong, Guest, Macqueen and Namey, 2005; Young and Hren, 2017). Vaismoradi et al. (2016, p.101) emphasise that “a central issue in the analysis is that the research participants’ subjective meanings and social reality are appropriately conveyed in the research report” making themes the product of analysis while subthemes help to provide a pattern in participants’ account from a comprehensive view of the data (Vaismoradi et al.,2016). I have chosen a qualitative methodology, since this study is concerned with people’s lived socio-economic and political experiences with regards to delivery of water and sanitation. Water and sanitation are of regular concern to the people involved in this research. Therefore, people’s inherent views on service delivery and how policy and service delivery correlate are integral to this study.

4.3 Research Methods

Two qualitative methods were used in this study. A qualitative document analysis and a qualitative survey were employed in the collection and analysis of data. The qualitative survey was used with participants, while the analysis of documents, which used themes that are aligned to the study, was employed to gain insight into policy provisions on basic service delivery. A qualitative document analysis was utilised alongside the qualitative survey with participants to understand basic service delivery from both a recipient point of view and a policy perspective and the methods used are elaborated below.

4.3.1 Document Analysis

Bowen (2009:27) and The Institute of Development Studies United Kingdom (IDS) (2013:1) view a qualitative document analysis as a methodological approach used in analysing written or electronic documents by either reviewing or evaluating the documents. Thus, the data for analysis is then readily available. However, the analysis of documents goes beyond mere descriptions of events into investigating the motivation, content, and purpose of a document being analysed (Australian National University, 2009). Hence Krippendorff (2004, in Altheide et

al., 2008) contends that qualitative document analysis is a complete departure from a quantitative content analysis and gives more emphasis on thematic content in communication and discourse than mere frequencies and statistically inferred relationships.

Most of all, reviewing the national policy and development planning documents is essentially relevant to this study. Dalglish, Khalid and McMahon (2020) view document analysis as one of the most commonly used methods in policy research, providing critical insights into social issues and processes. For this reason, this study looked at policy on national and local government levels to gain insight into intervention mechanisms to water and sanitation in marginalised urban communities. Policy provides the injunction for governments (national or local) to respond to socio-economic and political needs of communities and societies by financing and resourcing the interventions. Therefore, particular attention was given to policy articulation and the interventions to providing basic services linked to what is obtaining in communities that urgently need basic services' delivery support.

Altheide (2008), Wach (2013), Warshaw and Apton (2018) in Jalam et al., (2020: 4) insist that a document analysis deals with the contextual interpretation and description of words and how they are reflected in practice. A thematic exploration was used for identifying and coding emerging themes and taking note of how the same themes kept recurring across the data in documents. As Fereday and Muir-Cochrane (2006) in Bowen (2009: 32) note, thematic analysis is a form of pattern that is recognised within the data, where emerging themes within the data become categories of analysis. A document analysis was not only intended to supplement data collected through my qualitative survey but was also used as a means of triangulation. Bowen (2009, p.28) argues that "a qualitative researcher is expected to draw from multiple sources of evidence to seek and establish convergence and corroboration of the data through the use of different data sources and methods".

Analysing policy and development planning documents was also intended to explore the extent of inclusion of the urban poor in policy articulation. The position and voice of the urban poor in policy articulation is key to building inclusive communities and making cities liveable. Hence, this document analysis looked at policy pronunciation not as simply an articulation of policy by technocrats, where interests and needs of the urban poor are considered secondary, but where their voices are practically heard. Emerging themes and questions for this document analysis are shaped by the rights-based framework as a tool of analysis. These are outlined in

Chapter 5 where research findings are elaborated on. The four documents selected for analysis were all inclined to the aim the research intended to answer. One is a national policy document and the other three are city council documents. All documents used are fully listed in Chapter 5.

The rationale for documents' inclusion in this research are; firstly, the National Sanitation Policy of 2016 is a key national policy document designed for the realisation of sanitation as a necessity for all people enshrined in the Constitution of the Republic of South Africa where the right to water and sanitation is implied (DWS, 2016:2). The National Sanitation Policy makes an undertaking that sanitation should be provided in informal settlements in consultation with, and the participation of communities ensuring universal access to basic sanitation is the Constitutional responsibility of both the national and local governments (DWS, 2016:6). Secondly, the City of Cape Town's Integrated Development Plan (IDP) provides a broader scope of the development planning on a vision "to deliver quality services to all residents," (City of Cape Town (CCT), 2017, p.4) in an uncorrupted well governed city (CCT,2017).

Water and sanitation are provided as part of basic service delivery in line with the national government policy, that is the National Sanitation Policy of 2016 and South Africa's Integrated Urban Development Plan of 2016. The third document used, is the Integrated Human Settlement Five-Year Strategic Development Plan July 2012-2017 which focuses on housing needs anchored on a vision that looks at opportunities, safety, responsibilities, and an inclusive city that is well-governed for the well-being of all Capetonians. Fourthly, the City of Cape Town's Water and Sanitation Department's Departmental Business Plan 2019/2020, is concerned with the deliverables of the city's Integrated Development Plan (IDP) in achieving the IDP's objectives in driving basic service delivery and poverty reduction. For purposes of triangulation of data on document analysis, the rationale for a qualitative survey in this study is recounted below.

4.3.2 Survey and Survey Design

Deakin University (2020) identifies three types of qualitative surveys all with varying limitations and advantages: the face-to-face survey, telephone survey, and the online survey. Unlike the quantitative survey which describes numerical distributions, the qualitative survey establishes

people's own experiences of realities (Jansen, 2010). Qualitative surveys elicit answers from participants by using open ended questions since they are not concerned about the numbers of people with the same characteristics but the diversity of responses than distribution (Jansen, 2010; Sutton, 2021). Qualitative surveys draw on people's social perceptions of the world, their narratives, experiences, or accounts in order to gain individual perspectives than numerical data (Jansen, 2010; Trott and Reeves, 2018; Surveyplanet,2019). Interestingly, qualitative surveys frequently have a quantitative component with a few questions to establish the demographics of a population being studied. Below is a synopsis of a qualitative survey design used with urban settlers as the basis for data triangulation.

4.3.3 Qualitative Survey Design

A Qualitative Survey, comprising thirty-five questions, was designed to gain information from a small number of urban informal settlers. The survey in this study comprised open-ended questions and a few closed-ended ones. Closed ended questions were intended to capture the demographic data and elicit information about the participants. Open-ended questions sought the participants' perceptions, views, beliefs, and values, as suggested by Trott and Reeves (2018), regarding basic service delivery. Questions were also worded in a way that participants were able to "express their judgement and values on certain criteria" (Denscombe, 2010 in Trott and Reeves, 2018, p. 168). During the survey, in depth-interviews were held one-on-one with participants. The survey helped in collecting and the analysis of mostly the qualitative than the quantitative data.

4.3.4 Face-to-face Survey with Participants

Urban settlers residing in informal settlements were interviewed by use of two research assistants (due to New Zealand's COVID 19 restrictions). I worked in close collaboration with the research assistants. Participants shared their own lived experiences on access to water and sanitation. The shared experiences reflected their own socially constructed realities. Gergen and Davis (1985), McNamee and Gergen (1992) in Galbin (2014:84) argue that realities are socially constructed and shaped by our interactions and one's own personal life experiences

are constituted through language and knowledge sustained by social processes. The shared life experiences provided an understanding of how urban settlers perceived and socially constructed their world. Meanwhile, Cornwall (2002:15) reminds us that at the dawn of the 21st Century, a new development thrust emerged placing the marginalised at the centre of development through active participation. Participation beyond consultation is inclusive of the poor who actively engage in participatory development processes. Engaging and listening to urban settlers' experiences was critical to this research as it aimed to provide accounts that offered an insight into the subjective lived experiences of individuals (Reeves, Albert and Kuper, 2008:631). The use of a rights-based approach framework allowed for some reflection on the power relationship between urban settlers in informal settlements and the city council as rights-holders and duty-bearers respectively, responsible for the provision of basic services to all Capetonians.

4.3.5 Survey Highlights

Two informal settlements' sites participated in the survey and data collection using pseudonyms, KOKO and KIJO. The pseudonyms were chosen by participants in discussion with the research assistants. Ten urban settlers were interviewed from the two informal settlements. Six participants, comprising three men and three women were from KIJO, while four participants of two women and two men were from KOKO informal settlement. All interviews took place at each of the participants' residence. Surveyors (recruitments elaborated below) enlisted the services of a male translator when they interviewed one female participant from KIJO. The participant could only speak in her own Xhosa language. Despite holding ten face-to-face surveys, accessing participants had its downturn as elaborated in the section that follow. A participants overview table and detailed information is provided in Chapter 6.

4.3.6 Participants Accessibility

I enlisted the support of my former student (also a teacher now) working as a teacher back then in the mid-1990s who lives in Cape Town. She helped in bringing on board the second

person, to assist with the planning to mobilise potential participants for data collection using a Qualitative Survey. The pair were familiar with the geographic location of the settlements sites and how to access these despite safety concerns apart from the COVID-19 pandemic risks. The assistants were able to connect with local gate keepers (Councilors) of two informal settlements' sites they identified, KIJO and KOKO. These councilors provided security support and allowed my assistants to meet potential participants while practicing safe measures to curb the transmission of COVID-19. They shared with potential participants the information sheet to help prepare would-be participants understand the purpose of this research. The two assistants helped provide answers to questions about who was undertaking the study and sharing how urban settlers could participate if they chose to. Those willing to participate were registered using pseudonyms to protect their identity and confidentiality. Time and dates were agreed with each of the participants, and an interview place identified. Participants then signed a Participants Consent Form (see appendices) to confirm their participation in the survey, thus reassuring the Surveyors on the next steps to take. Subsequently, based on the agreed schedule the survey was administered through one-on-one interviews. Getting feedback on each day's one-on-one interview outcomes, I started reconnecting with my biases and keeping them in check became necessary as explained below.

4.4 Self-reflection

During the course of this research, I was conscious of my viewpoints and bias based on my experience working with marginalised communities in the past and my current role in the social service sector. Most importantly, advocating for the marginalised stands out in my current role (which was briefly described in Chapter 1), and this required me to consistently reflect on any bias. Therefore, self-reflection was important to me when analysing policy provisions in policy and development planning documents. I continuously scrutinised and critically reflected on my standpoint on respondents' realities and my people-first oriented perspective. Moustakas (1994, p.88) cited in Alase (2017) states that hard as it may, we must "set aside our prejudgments, biases, and preconceived ideas about things" with the idea of telling the truth about 'lived experiences' stories of the participants (Alase, 2017). I worked with International Non-Governmental Organisations (NGOs) in a role that allowed me to be involved in designing

interventions to save lives of the most vulnerable in both slow and rapid onset emergence and development programmes in Southern Africa based in Zimbabwe (as part of the Emergency Response Team of a UK based International NGO). Being involved in mitigating vulnerabilities in humanitarian and development interventions, it made me look at water and sanitation for urban settlers as lifesaving interventions that needed prioritisation above the legitimacy of security of tenure. However, to undertake this research it had to go through an approval process in line with the University's ethical considerations and guidelines as the section below explains.

4.5 Ethics

This research was evaluated as low risk after going through Massey University ethics procedures. My supervisor and a staff member from the Development Studies Programme and I, discussed ethical considerations in the context of COVID-19, which continued restricting travelling across international borders for data collection during 2020. We realised that the main component of the research had to be done online. Based on the COVID-19 situation, considerations to engage one or two helpers with data collection, if it was possible to do so safely, was mooted. The discussion led me to consider using a small survey with urban settlers as an alternative to online interviews. Upholding the privacy and confidentiality of participants was also key to my approach. To ensure consistency and to work within ethical parameters, I discussed safety issues with my two research assistants, and intensively inducted and shared ethical considerations with them. I also asked them to sign a confidentiality agreement (see appendices) prior to administering the survey with urban settlers in Cape Town. Conducting the survey had its challenges, and for purposes of understanding the hindrances on undertaking the study, a recount of the limitations is captured below.

4.6 Limitations

I acknowledge the multiple limitations associated with the scope and depth of this study. Firstly, this study was compromised by the COVID-19 pandemic. Because of the border closures involved with this pandemic, I could not be directly involved in data collection. Coupled with this were the national COVID-19 lockdown in New Zealand designed to curb the spread of the

pandemic, which limited social interactions. The lockdown directly and indirectly impacted my personal wellbeing to fully focus on the research study. I was skeptical on whether the targeted study population in South Africa would participate in this study as the COVID-19 lockdown seemed to last forever and impacted on the timeframe this research had to be done. It was an emotionally distressing time for me, and I was concerned for those assisting in data collection too, as movement was risky. My distress does not forego how essentially noble the lockdown was in containing community transmission of the pandemic and keeping everyone safe. Secondly, lack of competence in the local Xhosa language of both Surveyors, meant a third party was engaged in the translation of the interview with a participant. Translation and communication often led to content of data being lost or misinterpreted. A multiplicity of policy and development planning documents at national and local government level presented a crisis of choice on the most ideal documents for analysis in this research. Despite these limitations, the survey was successfully completed with profound findings for the study and so was the document analysis.

4.7 Chapter Conclusion

This chapter explained how my research has drawn on the values and experiences of the urban poor by exploring how as collective individuals they make meaning of their world (Reeves, Albert and Kuper, 2008). It allowed participants to articulate their own experiences with the delivery of water and sanitation. In using a qualitative methodology, the research sought to understand the position of both the national and local governments in meeting essential basic services' needs of its citizens. The qualitative methodology also helped to locate the voice of the urban poor in an unequal power relationship between the state and the urban poor by using a rights-based framing.

Chapter 5: Document Analysis

5.1 Introduction

This Chapter looks at key policy and development documents with a focus on basic service delivery at national and local government level for the marginalised informal settlements. The Chapter provides a detailed document analysis of selected documents relevant to this study. The document analysis contextualises policy provisions and development initiatives at national and local government levels in their attempt to address basic service needs of the urban poor. Themes related to access to water and sanitation were used to compare how policy and development plans addressed rights to water and sanitation. Importantly, themes linked to rights to water and sanitation addressing the research aim were used in this analysis.

5.2 Description of Documents

Four documents were selected for analysis with focus on rights and access to water and sanitation. The documents are, the

- Department of Water and Sanitation (DWS) (2016). National Sanitation Policy (NSP) 2016. Department: Water and Sanitation, Republic of South Africa
- City of Cape Town (2017). Five Year Integrated Development Plan (IDP): July 2017-June 2022 Executive Summary. City of Cape Town
- Department of Water and Sanitation (DWS) (2020). Annexure E Water and Sanitation Department: Departmental Business Plan (DBP) 2019/2020. City of Cape Town and the
- City of Cape Town (2017). Integrated Human Settlements (IHS) Five Year Strategic Plan July 2012-June 2017: 2013/14 Review. City of Cape Town

Acronyms were used to refer to the selected documents in context of this analysis. The documents and acronyms used are presented in sequence of the list of documents above. The acronyms for the documents are, NSP, IDP, DBP and the IHS. Of the four, the NSP is a principal national policy document from which development plans, regulations, guidelines, and the management of water and sanitation are drawn, integrated, and implemented in local governments' delivery of basic services with consideration of local needs across the urban

spaces in South Africa. Apart from the NSP, the IDP, DBP and the IHS are all city council basic service delivery documents. The NSP provides a macro policy framework designed to address backlogs in access to water and sanitation for the people of South Africa through a holistic public intervention strategy (DWS, 2016:2). The NSP is informed by the Constitution of the Republic of South Africa in its mandate to guide the promotion and provision of effective and efficient sanitation services nationally. Ideally, cities and urban centres in South Africa, are guided by the NSP in shaping their localised basic service delivery frameworks. On one hand the NSP is more focused on the management and provision of water and sanitation nationally while the City of Cape Town's IDP is more concerned with localised basic service delivery under the city council's jurisdiction. The IDP taps on policy guidelines provided in the NSP for its delivery of water and sanitation. The IDP is a five-year mandatory strategic development framework and a requirement of the Municipal Systems Act, Act 2000 (CCT, 2017). The IDP is informed by the global, national and the city's local contexts in its design and is "the principle strategic planning instrument which guides and informs all planning, development and decisions in the municipality" (CCT, 2017, p.5), with an agenda to build cities that provide opportunities for economic growth, job creation and helping the neediest (CCT, 2017:2). The IDP is aligned to both the national and provincial integrated development strategies and is operationalised through the city council directorates, strategic policies, and departmental business plans (DWS, 2017:5). The IDP seeks to ensure quality basic services are provided to all Capetonians in a city that is robustly and transparently governed.

Cape Town's IDP service delivery framework is drawn from the NSP and the national Integrated Urban Development Framework (IUDF) in view of local needs. On the other hand, the Department of Water and Sanitation (DWS)'s DBP was one of the tools of implementation of the City of Cape Town's strategic plan in basic service delivery driven by the department's (DWS) mandate to provide water and sanitation services in both formal and informal settlements. The DWS operationalised the city's IDP in its role to providing basic services to all Capetonians. However, the DWS faced increased challenges and heightened demand due to backlogs and limited capitalisation of essential services since its inception in 2014. Even though there were on-going basic service delivery challenges for the city council, the 2019/2020 DWS's DBP shifted the city's basic service strategic focus to increasing availability of water and sanitation. There was renewed commitment to addressing the persistent challenges by

committing to improving access to safe water and sanitation that was sufficient and dependable with the intent to optimize the social and economic values in water and sanitation delivery (DWS's DBP,2019).

Like the IDP and DBP, the IHS adopted a five-year strategic plan committed to providing quality basic services built on the city's threefold vision and mission much like the NSP, IDP and the DBP. The strategic plan was built on a vision and mission to transforming the City of Cape Town into an opportunity city that was to create an enabling environment for both job creation and economic growth (IHS, 2017). Secondly, the IHS envisaged to see a city that delivered quality services to all Capetonians, and thirdly to ensure the city was a service to its citizens, be a well-governed and corrupt free administration (IHS, 2017) and not be part of state capture that led to corruption and lack of accountability of the public office characterised by gross mismanagement of state resources as discussed in Chapter 1. The mission and vision were literally shared across three of the city's basic service driven documents. Both the vision and mission called for robust planning and implementation strategies that pragmatically worked to see the mission through and the vision accomplished. The IHS, NSP, IDP and the DWS's DBP are thus analysed in the context of delivery of water and sanitation comparing and contrasting policy provisions and development initiatives in addressing needs of the urban poor communities.

5.2.1 Rights to Water and Sanitation

The NSP is a national policy document that highlights human rights and an understanding that water is life and sanitation is dignity (DWS, 2016:1). The NSP's assertion views water and sanitation as fundamental rights. Importantly, the NSP acknowledges that basic service delivery is not yet available to all people of South Africa despite the progress made since independence in 1994 in ensuring universal access to sanitation (DWS, 2019:2). The NSP is articulated in a human rights discourse with some level of advocacy for improved access to water and sanitation for all. The DWS's (2016, p.2) NSP argues that,

“sanitation is one of the basic necessities, which contributes to human dignity and quality of life and is an essential pre-requisite for success in the fight against poverty, hunger, child deaths, gender inequality and empowerment”.

When adequately provided, sanitation enhances the quality of people's lives, but when unmet, living conditions deteriorate putting people's health at risk. Thus, sanitation is fundamentally a right, a need, and not a privilege. Unlike the City of Cape Town's IDP (2017), the Department of Water and Sanitation's DBP (2020), and the City of Cape Town's IHS (2017), rights to water and sanitation are not explicitly articulated in the provision of basic services. The city's IPD (2017) speaks of the city council providing access to water and sanitation without acknowledging the former as fundamental rights enshrined in the Universal Declaration of Human Rights of 1948 and the Constitution of the Republic of South Africa (1996).

Similarly, the DWS's DBP (2019) focuses on providing access to water and sanitation equitably and efficiently to all citizens of Cape Town without enunciating rights as the reason and basis upon which improved and equitable access are promoted, nationally and internationally. Meanwhile, the City of Cape Town's IHS (2017) has a broad-based view on providing basic services and calls for basic services' provision subject to upgrading informal settlements. The absence of rights framing in the provision of water and sanitation in the three development documents make them view the provision of water and sanitation as a service rather than a right. However, the NSP is more inclined on human rights enshrined in the Constitution of the Republic of South Africa (RSA) (1996) compared to the three other documents. The Bill of Rights in the Constitution,

“provides the right of all people in South Africa to dignity and the right of access to an environment that is not harmful to their health or well-being and is sustainable and protected from pollution and degradation” (DWS, 2016, p. 2).

The right to sanitation is implied in the Bill of Rights. Rights accorded constitutionally are binding since the Constitution upholds equality and human dignity that is inherent in every person. The right to dignity should therefore be respected and protected (Constitution of the Republic of South Africa, 1996).

5.2.2 Accessibility and Availability

The NSP legitimately instigated the right to basic sanitation regulated by the White Paper on Water Supply and Sanitation (1994) through the Water Services Act (No. 108 of 1997) (DWS,

2016:2). The NSP's legitimate undertaking resulted in South Africa's local governments given constitutional responsibilities to provide sanitation services and promoting the right to basic sanitation by end-users (DWS, 2016). Nationally, the DWS carries a constitutional responsibility to oversee, macro-plan, monitor and regulate sanitation services (DWS, 2016), and part of this filters down to local governments.

When the NSP was legitimately operationalised, both the NSP and the CCT's IDP (2017) advocated for a distinct provision of sanitation services divided on grounds of one being a formal or informal settlement (DWS, 2016). Sanitation services were guaranteed for formal settlements while access by informal settlements was determined by further categorisation. Categorisation was based on whether informal settlements were recognised by the city council and fitting the city council criteria to receive services. Both the NSP and the IDP insisted on security of tenure as a criterion and the basis to accessing water and sanitation. This defied the NSP's policy position to provide free basic services to the urban poor who are referred to in the policy document as the 'indigent' households residing in informal settlements. The policy selectively implied limited access to those on settlements that did not meet the security of tenure criteria. As a result, some urban settlers have limited or no access to basic services and are technically excluded from accessing basic services based on lack of secure tenure.

Tenure security is often used as the technical justification that stands between service provision and the right to water and sanitation for the poor urban. According to the DWS (2016, p.12), the NSP insists that "it is difficult for the local government to provide basic services to these individuals (settlers) as secure land tenure is a defining requirement for provision of services in their jurisdiction". Secure tenure places the Water and Sanitation Authority and Local Governments in a dichotomy when they must address the urban poor's rights to water and sanitation. The former has to consider the legality around the nature of settlement before services are provided. Therefore, the city council through the City of Cape Town's IDP used the NSP's policy provision of secure tenure as a legitimate reason to withhold basic service delivery to poor urban settlements that fall outside the tenure security criteria.

Meanwhile, the Department of Water and Sanitation's DBP (2019) made a commitment to improve access to water and sanitation in both formal and informal settlements. Improving access for the urban poor was also based on a free basic service for the indigent households enunciated in the NSP. Therefore, the DWS's DBP (2019) supported the NSP policy position on

free basic service to poor urban communities. Although the DWS's DBP (2019) intended to improve water availability, it took a business model when it came to providing access to sanitation services to formal settlements. Both the CCT's IDP (2017) and the DWS's DBP (2019) held the same view that excellence in basic services delivery was a business and economic undertaking and not a social cause when addressing water and sanitation for the marginalised urban settlers. Service delivery to informal settlements was therefore mainstreamed and provided on a needs-basis unlike in formal households, firms, and businesses where a business model of service provision was implemented. "Excellence (in service delivery) is important to attract and retain investors in order to build the economy" (CCT,2017, p.36), is a business-oriented perspective captured in the IDP.

5.2.3 Participation and Inclusion of the Urban Poor

Participation in development initiatives is both a fundamental human and legal right for South Africans and all Capetonians. The right to participate in development is enshrined in the Constitution of South Africa and the Municipal Systems Act Section 29 (1)(b)(i) and (ii) (2020). The NSP promotes and encourages stakeholder participation through collaboration and partnership in basic service delivery. However, the NSP's emphasis in participation is on strategic planning at institutional level than at end-user's level of water and sanitation. From the NSP's policy position, basic service end-user participation can be aligned to knowledge acquisition associated with hygiene promotion since end-user participation is largely through consultative engagements and training of communities in water, sanitation, and hygiene promotion. Likewise, the CCT's (2017) IHS's Five-Year Strategic Plan calls for increased collaborative planning with other stakeholders to mitigate growing urban poverty that manifest in informality. Similarly, the CCT's IDP (2017) embraces stakeholder inclusion and participation in basic service delivery promoted by the Municipal Systems Act.

While both the NSP and CCT's IPD (2017) embrace participation and inclusion, the execution of the Municipal Systems Act that legitimately promotes participation can either help citizens to participate in their own development fully and actively or for a few people who have influence and power to make decisions on behalf of everyone else. As a result, the marginalised and the voiceless are left behind in defiance of the contemporary call by Agenda 2030's

Sustainable Development Goals (SDGs) to leave no one behind. Essentially, the city council takes a collaborative approach in its planning, but the IDP does not explicitly show the involvement of informal settlements. Before crafting the IDP, the council consulted with residents on development issues affecting them, and in the process, slightly over 19,000 participated out of more than 4 million residents of Cape Town (CCT's IDP, 2017:22) which raises questions on the extent of participation and inclusion of the urban poor in decision making on basic service delivery.

Representation of the urban settlers and the level of consultation is obscure and much of the participation was technologically done online, seemingly privy to the poor urban settlers. Approach to participation takes a consultative form which limits the level of engagement of the urban poor. The IDP is also silent on whether the consultations deliberately targeted the marginalised urban settlers despite their level of social deprivation. While the DWS's (2016) NSP and the CCT's IDP (2017) focused on participation and inclusion in processes in basic service delivery, on the contrary, the DWS's DBP (2019) focused on economic inclusion with the intention to lift the urban poor out of poverty. The DWS's DBP (2019) focussed on Cape Town's Strategic Focus Area to transform the city into an Opportunity City by ensuring the city was economically inclusive through a skills investment programme that targeted semi-skilled workers only (DWS DBP, 2019). Although the intervention by the DWS's DBP (2019) focused on economic inclusion it took a targeted approach that excluded the marginalised in getting employed and improve their socio-economic status. However, the NSP anticipated that participation of communities and their leadership structures would ultimately lead to communities at different levels being able to take responsibility of their own sanitation services (DWS, 2016). The NSP also hoped that end-users would be in a position to look after their own water and sanitation infrastructure and facilities within the framework of free-basic sanitation provision (DWS, 2016). The former could eventuate if participation was not superficial but actively engaging.

Meanwhile, the city council acknowledges the challenges associated with increasing informality affirming that although the city provides services in informal settlements and backyard dwellings, "it is challenging to keep pace with service delivery demands" (CCT, 2017, p. 19). Inevitably, the challenges compromise the quality of services provided. The CCT (2017) claim to providing about 50 per cent of flush toilets in informal settlements across the city.

However, toilets' functionality and usability were a cause for concern as toilets were often not hygienically or structurally safe to use. Sanitation facilities were also not adequate for the urban poor to fully realise their rights to sanitation facilities hence the NSP's call to ensure universal access to sanitation in line with SDGs. A synopsis on SDGs on water and sanitation is given below.

5.2.4 Meeting the Sustainable Development Goals (SDGs)

The NSP was crafted in response to international calls for the improvement of sanitation services and the promotion of universal access to water and sanitation. The NSP established standards to reflect the legal content of human rights to sanitation (DWS, 2016) and to improve sanitation services. National standards were to ensure that basic sanitation facilities could be safely used as well as provide targets for the collective treatment and disposal of safe and re-use of sewage and faecal waste (DWS, 2016:3). South Africa pursued the achievement of SDGs focusing on sanitation ensuring services were sustainably provided. SDGs related to sanitation such as SDG 6, seeking to ensure availability and sustainable management of water and sanitation for all are supported, including achieving access to adequate and equitable sanitation. Achieving hygiene for all aligns with the SDGs' international commitment of leaving no one behind. Ending open defecation and prioritising the needs of women and girls and the most vulnerable are part of the SDGs' intent (DWS:2016).

While the DWS's (2016) NSP insists on meeting SDG targets 6.1 and 6.2 which focus on universal access to water and sanitation services, the CCT's (2017) IDP is keenly focused on building safe communities as the city prioritises the safety of all Capetonians from crime and public health concerns. Building safe communities aligns with the city's development planning that integrates SDG 11 and supports building inclusive communities to make Cape Town safer and more liveable, as was elaborated in Chapter 3. The City of Cape Town hoped that the 'whole society' approach (CCT, 2017) to mitigating crime and making the city safe is more sustainable than engaging stakeholders on an individual level let alone not take the initiative to reduce crime in the city.

5.3 Chapter Conclusion

This chapter has outlined South Africa's national sanitation policy and has described its provisions to promoting and improving access to water and sanitation for the urban poor living in informal settlements. The chapter reviewed the national sanitation policy provisions and its relationship with local governments' strategic development plans in promoting universal access to water and sanitation for the marginalised urban communities. Policy and development planning initiatives have been described as less participatory for sustainability of local development that benefit the urban poor, regardless of efforts to address SDGs associated with the universal access to water and sanitation. While there is significant progress made in providing water and sanitation nationally, South Africa's City of Cape Town face complex challenges in providing water and sanitation to all, particularly the urban poor.

Chapter 6: Research Findings and Results from the Survey

6.1 Introduction

A Qualitative Survey that was conducted in this study, comprised a series of tick-box questions and one-on-one interviews with urban settlers. Hence, this Chapter specifically focuses on the results of the survey and then present the key findings. The analysis is presented based on lived experiences and perceptions of urban settlers focusing on delivery of water and sanitation facilities. Participants' information and responses are also provided to add context to the analysis. Identified themes on rights and access to water and sanitation are used to analyse the survey. The Chapter also provides a description of themes that were extrapolated from the survey and used in the analysis. Details of the survey responses by participants on water and sanitation availability, accessibility, affordability, quality, and acceptability are provided and elaborated on in this chapter. A description on urban settlers' role in decision making on basic service delivery sums up participants' detailed survey responses.

6.2 Survey Participants' information

As mentioned in Chapter 4, two informal settlements sites were selected to participate in a survey exploring participants' views on rights and access to water and sanitation. Before conducting the survey, participants were informed that for purposes of this study pseudonyms were going to be used to protect their privacy and all settled to using KOKO and KIJO to refer to the two informal settlements involved in the survey. Two pseudonyms for the settlements were picked from the many discussions research assistants had with individual participants. The ten participants' demographic information was collected and tabulated in Table 6.1 which has some background information. Themes extrapolated from the survey are outlined below following an explanation on the details provided in Table 6.1.

Table 6. 1: Participants' information and Survey responses

Pseudonym Names	Settlement Name	Gender	Age	Length of Stay	Earn a Living	Interview Participants' Information					Water Required	Time Spent (Water)	Who Collects Water	Toilets Available	Time Spent (Toilets)
						Coding	HH Size	Water Source	Water Source	Water Source					
Zodwa	KOKO	Female	38 years	2 years	Hairdresser	A1	3	Communal Tap Own Tap	Communal Tap	40-80 litres	>20 min	Daughter	Communal Bucket	1-5 min	
Forgiveness	KOKO	Male	30 years	1 year	Petrol Attendant	A5	3	Communal Tap	Communal Tap	40 litres	1-5 min	Forgiveness	Communal	5-10 min	
Johanne	KOKO	Male	35 years	1 year	Farm Worker	A8	4	Communal Tap From work	Communal Tap	80 litres	20 min	Daughter	Flush	5-10 min	
Sarah	KOKO	Female	32 years	1 year 3mth	School Teacher	A9	1	Communal Tap	Communal Tap	40-60 litres	6-10 min	Sarah	Bush Bucket	5-10 min	
Sandi	KIJO	Female	28 years	6 months	On benefit SASSA	A2	9	Truck	Truck	20 litres	16-20 min	Sandi & brothers	Bucket Improvised	n/a	
Preety	KIJO	Female	35 years	2 years	House Wife	A3	3	Communal Tap Truck	Communal Tap	100 litres	1-5 min	Preety	Flush	1-5 min	
Skumbo	KIJO	Male	34 years	3 years	Labourer	A4	3	Communal Tap Truck	Communal Tap	40 litres	1-5 min	Skumbo	Bush	5-10 min	
Jojo	KIJO	Male	38 years	2 years	Taxi Driver	A6	1	Communal Tap Truck	Communal Tap	20 litres	16-20 min	Jojo	Bucket Work	1-5 min	
Thamsaga	KIJO	Male	46 years	1 year	Eskom Electrician	A7	4	Communal Tap	Communal Tap	60 litres	6-10 min	Wife	Flush	5-10 min	
Fiso	KIJO	Female	26 years	6 months	Unemployed	A10	2	Truck	Truck	60 litres	6-10 mins	Fiso	Bucket Flush	1-5 min	

Almost every participant's household in the KOKO and KIJO settlements relied on one household member to collect water for their households. Interestingly, households' composition and households' members' means of earning a living had a direct link on who collected water for the respective households. For instance, Participant A2 collected water the most for her household as her aging dad and brothers were away working or looking for work while she was home attending to her child and doing most of the household chores. Similarly, Participant A4 lived with his children and fetched water for the household since the children were not old enough to help. Participant A7 was an electrician, formally employed by South Africa's largest Power Company and his wife collected water for their household as he was away at work most of the time. Although the electrician's wife was not formally employed, her work was confined to household chores. Eight of the ten household participants had their water collected by women implying that fetching water was still a socially and culturally constructed gender norm considered as a task meant for women other than men in this community. Two participants' households had men collecting water and this is largely a result of the households' composition and circumstances. Participant A6 lived alone while Participant A4 lived with two children as highlighted above and therefore took the responsibility to fetch water for their households. Importantly, availability and accessibility of water and sanitation were key to enabling the urban poor realise their rights to water and sanitation.

6.3 Survey Extrapolated Themes of Analysis on Rights to Water and Sanitation

As explained in Chapter 3, the provision of basic services has a direct link to the realisation of human rights values in dignity, equality, fairness, and social justice for the urban poor, and thus reinforce the enjoyment of rights to water and sanitation. For purposes of this study, the term sanitation is mainly used to refer to toilet facilities used by urban settlers for defecation but is also implied when referring to public health, basic hygiene that includes personal hygiene, cleanliness and sewage disposal.

Themes associated with rights to water and sanitation were linked to participants' lived experiences and perceptions on water and sanitation availability and participants' ability to access both. Accessibility was linked to urban settlers' ability to physically reach and obtain

water from water collection points without physical constraints, or at financial costs that led to urban settlers to live in financial distress. Accessibility was also linked to whether toilet facilities were within reach physically and not compromising the physical security of the people, and how usable facilities were structurally and hygienically ensuring the safety of urban settlers. Acceptability of sanitation facilities meant that their quality was socially and culturally acceptable within norms and expectations of the urban settler communities. Similarly, water had to be of potable quality without risks of getting water borne diseases. Participation in decisions to do with water and sanitation was inclined to promoting inclusivity and enhance ownership by urban settler. All themes highlighted above were either clustered or jointly used in the analysis of the survey findings based on participants' responses as discussed in sections to follow.

6.3.1 Responses Regarding Water Availability, Accessibility and Affordability

Interview participants expressed increased limitations accessing water within the two informal settlements sites of KOKO and KIJO. Accessibility was impeded by lack of sources of water for urban settlers. Settlers relied on a single tap or transported supplies of water provided by the City Council's water trucks in both settlements. A single communal tap in each settlement site served multiple households whose members endured long waiting time for their turn to collect water. Water availability for the two settlements was extremely low, which directly limited accessibility by urban settler households. In both settlements, water taps were some distance away for people that walked ten to more than twenty minutes to collect water, and closer for those who walked at most five minutes. Figure 6.3 below shows the time taken by urban settlers to walk to communal taps or water trucks to collect water.

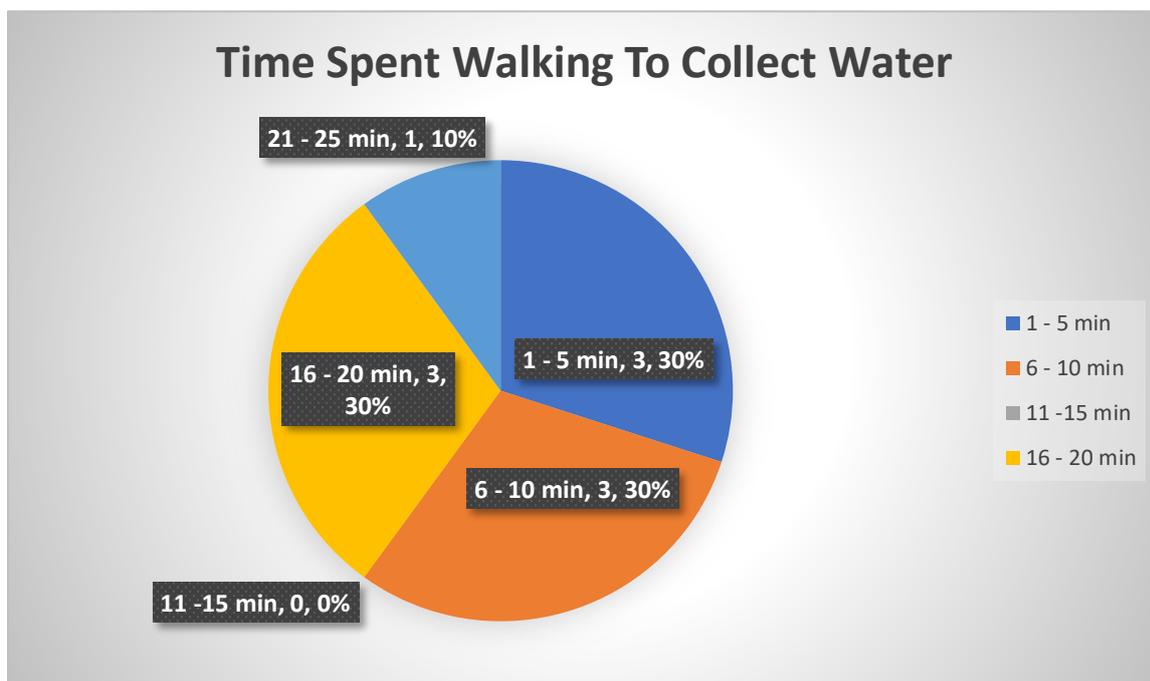


Figure 6.3: Time spent walking to collect water from communal taps or water trucks

Three out of ten households' participants walked 1-5 minutes to get to the nearest tap or water truck delivery points. Seven of the ten households' participants endured the long walk of 10 to more than 15 minutes to collect water which disadvantaged the ill, elderly and those living with physical disabilities. Four out of ten walked and endured the physical strain carrying water containers walking for 15 minutes and over. The strain in carrying water containers limited household members from getting enough quantities of water. Quantities of water collected were not only limited by the distances to water points but by the number of containers available to a household and the water supply due to inconsistencies in deliveries by the city council water trucks and the numbers of household members available to collect water. The frequently supplied water to both informal sites fell far short of the urban settlers' needs as demand was high. Those who missed out were left with no choice but to endure walking the long distances to collect water from taps or wait for the next delivery trucks, which took a day to deliver the water.

Although it was unusual for taps to run dry, there was increased strain on the use of communal taps when the need for water was high. Daily, there were long queues of people who waited at the taps to collect water. Peak periods were the early mornings as households replenished their water supplies readying for the day. Those who could not endure the early morning queues often left fetching water until late in the evening but risked being mugged at night. Some of the elderly people relied on small girls in the settlements to help fetch water for them. However, girls were at risk during evenings. The numbers of people who collected water from taps in the two informal settlements were significantly high. The only communal tap in KOKO settlement served over eighty people while thirty to forty people collected their water from the only tap in KIJO.



Figure 6. 4: A Communal tap in KOKO Informal Settlement **Source:** Junior Marwira (Research Surveyor)

A water truck conveniently served those who lived some distance away from the single communal taps (Figure 6.4 above). However, people who had to leave early for work missed out. Some households often relied on their neighbours' kindness to collect water on their behalf. However, availability and accessing water from the water truck was not guaranteed.

Reaching the water trucks late increased the chances of missing out since the quantity delivered was not sufficient to cater for the high demand. The water often ran out fast before people lining up had a chance to get their share. The water provided to both settlements in its limited quantity was free to all residents. Although water was provided on a free basic need basis, the water was not delivered at people's convenience and needs but at a time convenient for the local authority. People often speculated on when next the water trucks would arrive as there was no definitive time set for water deliveries. Urban settlers often waited for water truck deliveries far too long.

Accessing water in the needed quantities by urban settlers without any limitations at no financial cost was critical to urban settlers' realisation of the rights to water and sanitation. Although water was offered as a free basic need for the marginalised urban poor, there were risks associated with its quality and the intermittent supplies that compromised its continuous supply for drinking and other domestic purposes. In participants' view, deliveries by the water truck needed to increase to more than once a day. If this was not possible, urban settlers asked for more communal taps to improve water availability and increase access. Others suggested that boreholes be drilled to improve water availability within their locality and reduce the physical strain and time spent walking to collect water. For some, having a tap in each household was the most ideal thing. Solutions suggested by participants to improve water availability and accessibility did not technically fall within the City Council's policy provisions which required security of tenure for the settlements to receive improved basic services.

6.3.2 Responses Regarding Water Quality, Quantity and Acceptability

Urban settlers raised concerns with the quality of water collected from both the communal taps and water trucks. The level of acceptability of the water was shown through urban settlers' pattern in drinking water sourced from both communal taps and water trucks. Although the water drawn from delivery trucks looked clean, the cleanliness diminished as it was drawn down filling household containers at delivery points. Interview participants confessed the water was smelly and rusty. After taking the water home, settlers found that rust settled on the base of the household containers making the water unconsumable. Similarly, tap water was found to be smelly because of the possibility of contamination from burst sewage pipes

lined close to water taps. For example, Participant A1 said, “Tap water is unbelievably bad. It is not smelling good,” referring to the quality of water. Figure 6.5 below shows the sewage water from burst pipes that was supposedly thought to contaminate communal tap water.

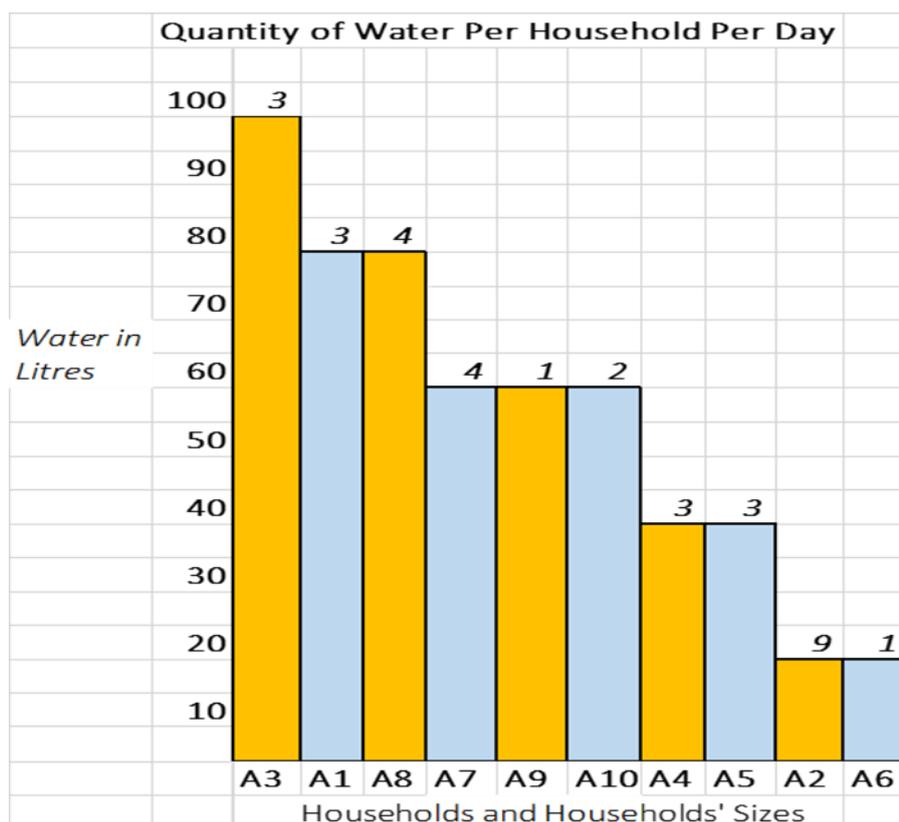


Figure 6.5: Sewage Water Streaming Down the Street, A Source of Water Contamination
Source: Junior Marwira (Research Surveyor)

The sewage water presented a public health concern and a hazard to children who often played in the pools of the sewage water. Urban settlers complained children were getting itchy and scratching their bodies to what appeared like scabies. Poor water quality compromised the wellbeing of urban settlers, and this was particularly concerning as they had no choice nor alternative sources of water. One household member, Participant A3 explained that in their home, she started purchasing purified water for drinking and cooking and used the water from the communal tap for bathing and washing to reduce the risks of diseases associated with consuming unclean water. Similarly, Participant A8 brought safe clean water for drinking and cooking from the farm where she worked. Household A2 had the biggest household size of nine members but they only collected 20 litres of water because the household had a single 20 litre container. It did not necessarily follow that the more people in a household the more water the household would collect as was the case with the household with nine members.

Table 6.3 shows urban settler households, their sizes, and the quantities of water each household collected from communal taps and the water delivery trucks.

Table 6.3: Household codes and households' sizes, and quantity of water collected at household level (the numbers above columns indicate household sizes).



One water-truck supplying water a day was deemed adversely inadequate by interview participants, and only convenient to those who had members in their households available to collect the water. The water truck arrived at a time when most people were away at work and urban settlers wished delivery water trucks could come more often with supplies. Participant A8 emphasised that, “The water truck should come more often, like in the morning and evening to accommodate those who work from morning as they will only have access to drinking water from the truck.”

Most households received amounts of water below the internationally recommended standards of 50-100 litres of water per person per day (UNICEF and WHO, 2019:9). When

measuring with nationally and internationally recommended minimum standards of 20-25 litres, 6 of 10 households' participants who took part in the survey received less than 20 litres of water per person per day. Similarly, when measured on South Africa's Free Basic Water Policy introduced to provide poor households with a free basic supply of 25 litres of water per person per day (World Bank, 2015), 8 of the ten households represented in the survey did not receive enough water per person per day, thus raising health concerns because it was insufficient to meet basic hygiene and consumption requirements (UNICEF and WHO, 2019:9). Most urban settler households had access to limited amounts of water for domestic needs and consumption purposes illustrated in Figure 6.6 below.

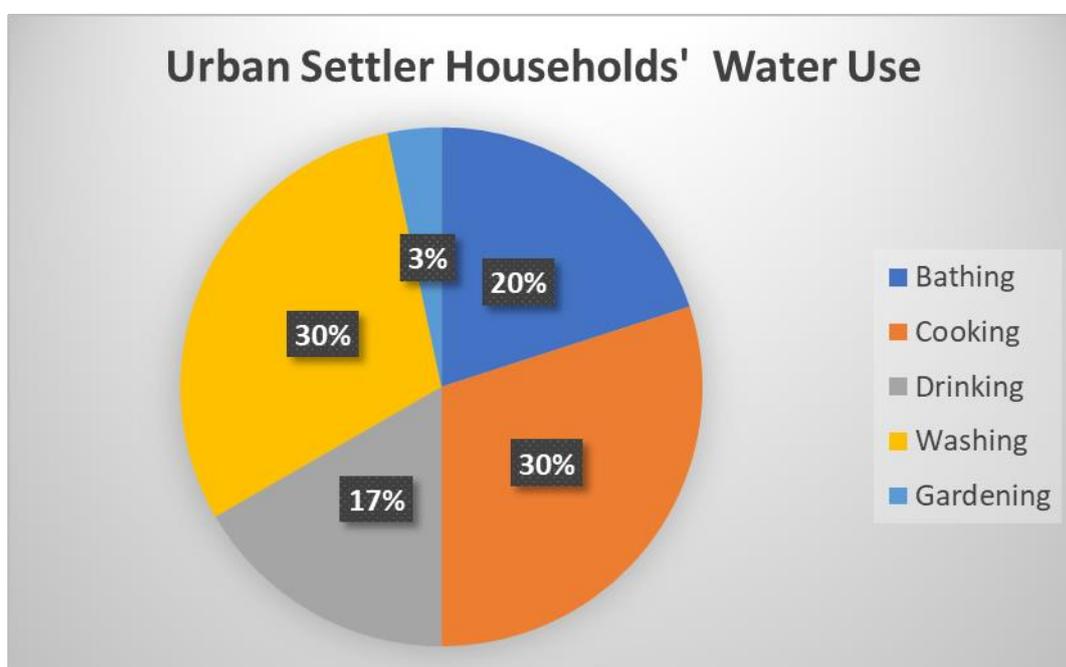


Figure 6.6: Urban Settler Households' Water Use

Most urban settler households used water collected from communal taps and water trucks for cooking, washing, or bathing. However, some participants mentioned washing to refer to cleaning of clothes and having a bath. Only 1.7 out of 10 participating households in the survey used water collected from communal taps and water trucks for drinking. Fears of getting unwell due to the poor quality of water forced urban settlers to minimise using the water drawn from communal taps and delivery water trucks for drinking. Some urban settlers ended up buying potable water or collecting water from other sources outside the urban settlers'

locality to avoid contaminated water from communal taps. The few urban settler households' participants that used water from communal taps and delivery water trucks for drinking had no alternative sources of potable water but to use what was available to them. One participant used the water for gardening. This person lived within a minute's walk to the communal tap. The household's proximity to the tap was a great motivation to start gardening to sustain themselves from the gardening produce.

The WHO (2017) views the continuous presence of safe and clean water not only as ideal for consumption purposes but for other sanitation needs, such as good public health and good sewage disposal, personal hygiene, or personal cleanliness. Thus, the realisation of sanitation needs is linked to the availability of sanitation facilities such as toilets and the ability to afford and access the facilities. The interviews also provided a reflection on delivery of sanitation facilities in Cape Town's informal settlements. There were persistent challenges with delivery of water on one hand as there were confronting sanitation challenges on the other.

6.3.3 Responses Regarding Sanitation Facilities' Availability, Accessibility and Affordability

The two settlement sites of KOKO and KIJO did not have toilet facilities adequate to serve the needs of their communities. Interview participants confirmed the presence of flush communal toilets, two in KOKO and one in KIJO informal settlement. The three toilets were inaccessible as they became unhygienic with some intolerable foul smell. The second one, in KOKO, became extremely unhygienic and dysfunctional due to the high caseload of users. The toilet was located too far away from participants' households. Some interview participants talked of too few toilets even though they were not aware of how many toilets were available, while others confirmed a single toilet in each of the two settlements. Settler household members used buckets as toilets, particularly at night while some used buckets whether it was day or nighttime. At night, settlers used buckets as they could not risk using the communal toilets let alone go to the bush when risks were high. Using the bush for defecating presented physical security concerns, which threatened the safety of urban settlers. Informal settlements are prone to increased crime and those who used the bush put their lives in danger. Interview participants reported of confirmed incidents of people being attacked, abused or murdered

while using the bush. Concerns about risks in using the bush were echoed by Participant A7 who said,

“People are at risk using the bush as a toilet. There are more cases of rape of women and girls, and people often get bitten by snakes during the night”

During daytime, some household members resorted to using the bush to relieve themselves despite risking attacks or muggings from thugs. Daytime gave them assurance of noticing any danger to escape before it pounced on them. The elderly and the physically challenged were more inclined to using buckets always. Open defecation was quite common in the settlements studied, and occurred anywhere, including the undesignated streets, making the surroundings unclean and creating a public health concern. Individuals who managed to take responsibility for cleaning the toilets, kept the toilets locked, thus making them inaccessible to many who were perceived to making them unhygienic. As a result of lack of access to toilets, other households ended up improvising. For example, Participant A2 confirmed her household produced an improvised toilet. Her father dug a deep hole in their backyard and placed a toilet seat over it, and that is what the father and some members of the household of nine were using as a toilet. Participant A2 reported that the improvised toilet produced an overpowering foul smell that filled the house that attracted disease carrying s houseflies.

Overall, there was a general appreciation by most participants that toilets needed to be taken care of by cleaning and keeping them in a state of usability. There were profound concerns of toilets becoming breeding places of diseases if not taken care of and kept in unhealthy state. Participants A3, A4, A5, A6, A8 and A9 concurred toilets needed to be kept in hygienic conditions to make them usable and stop them from harbouring diseases. As a result of lack of sanitation facilities, urban settlers did not have a particular form of sanitation facility they used. They used unusual places relieving themselves due to unavailability of toilets and limited access to the few available. Table 6.4 shows the type of place used for defecating, and the number of households that used a particular type of place to relieve themselves and the time participants' households took to get to the toilets or places used as toilets.

Table 6. 4 : Households Toilet Types and Time Spent to Reach Toilets

Type of place used for defecating	Number of Households	Range of Time Taken (to visit the toilets)	Number of Households
Bush	2	1 - 5 min	5
Buckets	5	6 - 10 min	5
Backyard	1	11-15 min	0
Communal Toilet	5	16 -20 min	0

Urban settlers spread their use of toilet ‘places’ from communal toilets, the bush, backyards, and the bucket due to lack of standard sanitation facilities. Settlers used one form of toilet over another for safety reasons, particularly when they used the bucket toilets at night. Half (5) of the participants walked more than 5 minutes to reach the toilets. The bucket was commonly used at night while the bush was a common place for defecating during the day as safety concerns and risks were perceived to be minimal than at night. One participant confirmed using other people’s backyard to defecate or just throw bags of their excreta on other people’s backyards. The desperate lack of toilets and the absence of proper sanitation and hygiene education left urban settlers to live with the frustration to selfishly do what was convenient to their own circumstances, for example defecating on backyards of other households. Participant A6 who was always at work during the day often found excreta at the back of his dwellings when he returned from work. Lack of toilets was a key highlight to urban settlers’ sanitation needs. Participant 8 said, “There are a lot of challenges, especially on toilets. There is only one toilet, and it is always locked and that will force people to go to the bush, and people are being attacked there by thugs.” Inevitably, unavailability of toilets meant limited or no access to sanitation facilities which increased urban settlers’ vulnerability in risks associated with using unconventional toilets like the bush. Participant A10 added, saying “Toilets are always locked and that forces people to use buckets or do their business at the back of others’ houses”. The different places used as toilets by settlers carried varied public health risks from physical accessibility threats to contending with living in unhygienic conditions. There were concerns raised by participants regarding the quality of sanitation facilities and how acceptable they were to the urban settler communities.

6.3.4 Responses Regarding Quality and Acceptability of Sanitation Facilities

KOKO and KIJO settlements were provided with flush toilets. The toilets provided were the most ideal and socially accepted in both settlements. However, the toilets were structurally unsuitable as they were built from materials that were intolerant to the local weather conditions. Toilets were also overused as the ratio of people using one toilet in each settlement was quite high. Overuse led to toilets getting run down fast and their state deteriorated with lack of proper upkeep. The toilet in KOKO served more than eighty people, as participant A3 stated, while the one in KIJO served thirty to forty people, rendering the toilets inaccessible and unusable as no or minimum care was given to keep them hygienically safe. Figure 6.7 below shows the state of a communal toilet used by urban settlers but with lack of care, accessibility of the toilet for many urban settlers was not possible.



Figure 6.7 Communal Toilet from the outside and inside. **Source:** Junior Marwira (Research Surveyor)

The unhygienic toilet (as shown in Figure 6.7) was hardly taken care of. The condition of the toilet deteriorated overtime and it became inaccessible despite being close to where some of

the urban settlers lived. Most participants concurred the services they were receiving were far from being adequate, efficient, or of a reasonable standard and satisfactory in sanitation facilities available. In spite of the unsatisfactory services, participants acknowledged that they had a role to play in keeping the sanitation facilities hygienically safe for everyone. However, only one participant objected to the idea placing the responsibility of keeping the toilets clean in the hands of the council since there was a provision for cleaning services created under the city's Water and Sanitation Department's Departmental Business Plan 2019/2020 (2019). Hence Participant A1 insisted that, "The City Council cleaners should come often to clean the toilets."

Apart from having the toilets kept hygienically clean and safe, participants agreed there was a need to have more toilets provided to the community to improve their sanitation and wellbeing which is compromised by using the bush, buckets, or open spaces within the settlements. The fact that the only toilets available were kept locked and dirty in an unusable state added to urban settlers' frustration to availability challenges, lack of access and the general conditions and quality of sanitation facilities.

6.3.5 Participation in Decision Making on Delivery of Water and Sanitation

Active participation of marginalised communities in decision making is a fundamental part of all development processes. Participants in this study stated that there were no robust structures or institutions within the communities to create platforms of engagement. Also, there was a low-level drive among settlers to self-mobilise their communities and to lobby the City of Cape Town for improved basic service delivery in their settlements. Participants also shared that meetings to address water and sanitation concerns were occasionally held in both settlements, and these had been held over time without yielding tangible changes to their water and sanitation circumstances. Participants A1 and A7 both from KOKO settlement said their rights were not seriously considered by the City of Cape Town as they were considered illegally settled and were therefore never listened to whenever needs were being voiced. Receiving no response from the city council diminished voices of the urban settlers on issues that concerned their well-being. While Participant A2 had taken part in the occasional meetings, she was concerned the leadership had not seriously taken people's concerns of

increased needs to water and sanitation. The fundamental rights to water and sanitation for urban settlers were disregarded by those who were meant to be custodians of those rights, the city council.

Security of tenure and the legitimacy of people living in undesignated places eroded and weakened their determination to voice their water and sanitation concerns with the City Council. Participant A4 from KIJO settlement reiterated that they had 'no say' because they lived in areas they were not allowed to by the government. Resultantly this deterred him and others from taking part in any of the meetings to do with basic service delivery although he thought meetings of this nature remained critical to addressing water and sanitation concerns in his community. Lack of concrete outcomes on decisions made at community meetings was also a deterrent factor from regular participation in meetings, and some urban settlers labelled these official consultancy meetings as 'talk shows.' Regardless, Participant A4 urged urban settlers to speak in 'one voice' despite the lack of delivery by the city council over a longtime since water and sanitation concerns were logged. Lack of response and failure by the city council to repeated calls to address water and sanitation needs led to feelings of exclusion and were likely to instigate and fuel protests for improved basic services by urban settlers. Basic service protests became popular with urban settlers since the state capture epoch in South Africa as discussed in Chapter 1.

Although decisions at community meetings seemed credible, the delivery of services lie with the city council. Decisions on water and sanitation at community meetings were made without the council represented. The council had the mandate to either deliver or not, based on an operational policy framework in the City of Cape Town's Integrated Development Plan, operationalised through the Department of Water and Sanitation's Departmental Business Plan (2017). Thus, settlers saw a disconnection between the city council and the community. Participants expressed feelings of exclusion in decision making on water and sanitation concerns. For example, Participant A7 from KOKO settlement urged the government of South Africa to also consider them as citizens of the Republic of South Africa who have rights to proper water and sanitation facilities just like anyone else in the country. Others, like Participant A7 from KIJO settlement, felt solutions to the problem of water and sanitation facilities needed to come from the community and encouraged that, people work together to generate own solutions to problems of water and sanitation. Alternatively, urban settlers were

to resort to coping strategies that would include building sanitation facilities that were not in line with national standards resulting in worsening public health concerns. Overall, exclusion also meant increased vulnerabilities of communities that had long been marginalised.

The sentiments expressed by Participant A7 were for the rights of urban settlers to be upheld calling for the restoration of civil rights and urging the City of Cape Town to honour human rights on the basis that urban settlers were equal citizens. The breach of urban settlers' rights to basic services, reflected on the disconnection of the City Council from the realities of urban settlers' urgent need for water and sanitation services and that of the delivery policy and implementation. Urban settlers have a lived experience of social deprivation. Irrespective of the dire need for improved water and sanitation, the city had not delivered to expectations of the urban settlers and fell far short of the internationally and nationally recommended water and sanitation provisions discussed in Chapter 7. Failure to address urban settlers' water and sanitation concerns gave Participant 7 the conviction that solutions to their problems of water and sanitation rights came from within the urban settlers themselves than from the City Council despite the council having the authority to provide the services.

6.4 Chapter Conclusion

In this Chapter, urban settlers' feelings on basic service delivery by the City of Cape Town were captured and analysed. Data analysis has shown the struggles of urban settlers in accessing water and sanitation. Water and sanitation services are not provided with urgency, efficiently and effectively despite the acute needs in urban settlements. In participants' view, there was extreme lack of access to water and sanitation; hence there was an urgency for improved and increased basic service delivery in water and sanitation. Urban settlers were also concerned about water accessibility and its compromised quality insisting the water was not clean for consumption and supplies barely adequate to meet their domestic needs. Similarly, there were concerns about shortage of sanitation facilities leaving urban settlers at risk of a public health scare and physical safety accessing both water and sanitation facilities particularly the physically handicapped and the elderly.

Chapter 7 Discussion and Conclusion

7.1 Introduction

This research report noted that Cape Town is a rapidly urbanising city facing growing inequality and increasing urban poverty. The urban poor live on the margins of society and find themselves excluded from development and public service provision. As highlighted earlier in this research report access to water is a right and not a privilege and neither is access to sanitation. Rights to water and sanitation confer a duty of care on nation-states and all-state-actors as duty-bearers with responsibilities in upholding fundamental human rights (End Water Poverty, 2020:5; UN Economic Commission for Europe, 2019:11). “Under human rights law, governments are the prime duty-bearers for the realisation of human rights” (Filmer-Wilson, 2005, p. 218). Rights and access to water and sanitation in Cape Town were explored in this research and how the delivery of basic services affected urban settlers. This study was framed within a rights-oriented development approach and there were two methods applied. To begin with, I reviewed the National Sanitation Policy and Cape Town’s development initiative documents. In addition, I conducted a survey with the aid of surveyors. The underlying challenges facing urban settlers’ rights and access to water and sanitation were identified in a survey which showed the efforts urban settlers were making in addressing their urgent need for water and sanitation.

Since the mid-2000s, South Africa experienced increased basic service delivery protests. Although some of the protests had a political twist, they provided a starting point for this research. Alexander et al. (2018), attest to heightened frequency of intensely violent community protests to state failure in service delivery. In Asivikalene’s (2020) view, inefficiency and ineffectiveness to service delivery reflected poor governance of the state and its entities with effects on the wellbeing of the urban poor linked to state capture (see Chapter 1) as the underlying cause of protests.

In this Chapter, my research findings will be discussed in light of the literature. Therefore, the chapter is designed to respond to the three research questions highlighted in Chapter 1, by firstly, focusing on the place of rights in policy on basic service delivery. Secondly, this chapter

will highlight challenges duty-bearers face in upholding rights to basic service delivery and the effects on the urban poor. This will be followed by a section on how both the city council and the urban poor are working on addressing water and sanitation challenges. Finally, the chapter ends with concluding remarks drawn from lived experiences of settlers on water and sanitation provision from a human-rights framing.

7.2 South Africa: Policy Position on Basic Service Delivery

The national and local government policy position on basic service delivery has been the focus of this study. In this section, I will discuss the place and role of rights in shaping national and local government policy on basic service delivery. This focus is in response to research question one: *How were rights to basic services addressed by national and local government policy?* National and local government policies guided the delivery and provision of basic services described below.

7.2.1 National and Local Government Policy: Rights to Water and Sanitation in Urban Settlements

The Constitution of the Republic of South Africa (1996)'s Bill of Rights underscores the significance of human rights by upholding the fundamental rights to water and sanitation. "The rights of access to basic sanitation" was legitimised through the Water Services Act (108 of 1997) (DWS, 2016, p.2). Thus, the Constitution of the Republic of South Africa and the National Sanitation Policy set the tone and the basis for local governments' water and sanitation policy to embrace and articulate rights in their local policy on delivery of water and sanitation from a rights perspective.

Although the National Sanitation Policy (NSP) (DWS, 2016) speaks of rights, it takes the middle of the road balanced approach in addressing delivery and provision of basic services as a right. The NSP is not an outrightly and explicitly rights-driven national policy but sits between 'rights' to basic service provision and a service-driven 'economic' focused policy. By highlighting "the rights to access to basic sanitation" (DWS, 2016, p. 6), the NSP reinforces the policy principle on ensuring universal access to basic sanitation but places the responsibility on actual delivery

of rights to water and sanitation in the hands of local governments as the constitution dictates. The national government is seemingly out of the picture here, absent and exonerated from its duty-bearer responsibilities to upholding rights to water and sanitation of the citizens of South Africa. In NSP's view, "Sanitation has an economic value" (DWS, 2016, p.6) hence the NSP takes basic service delivery profoundly as a utility with an economic value. As a result, "prioritising basic sanitation services to vulnerable people and unserved households" (DWS, 2016, p.6) is perceived as a service, a gift giving rather than a right. The research study findings re-confirm findings by the SAHRC (2014) in its observation that many of the government departments and the private sector in South Africa view water as an economic good used for business purposes than a commodity to be freely given to poor households who cannot afford to pay for it.

The NSP and the local governments' basic service policies in South Africa are also bound by the 'secure tenure' clause (DWS, 2016) as the policy stipulates that services cannot be provided in the absence of secure tenure discussed in Chapter 5. The clause contradicts the role of local government as the duty-bearer responsible for upholding fundamental human rights to water and sanitation for the urban poor. The secure tenure clause limits and disempowers the city council from its duty-bearer responsibilities regardless of the NSP acknowledging that populations in informal settlements have no access or limited access to water and sanitation (DWS, 2016:12). Urban settlements receive inconsistent services provided on an interim basis. The city council insists on providing comprehensive services guided by norms and standards within the security of tenure clause thus validating the city's irregular services to settlers. Based on the former, the United Nations (2014) argues that from a Human Rights Law, lack of security tenure cannot be used as justification for withholding delivery of water and sanitation in urban settlements. Recognition of fundamental human rights to water and sanitation in South Africa is subjective to the secure tenure clause although the country's constitution holds human rights as integral to its foundation for an inclusive democratic state. South Africa as a member of the United Nations subscribes to the values enshrined in the UDHR 1948.

Upgrading informal settlements is another policy justification linked to secure tenure (City of Cape Town, 2013) highlighted in Chapter 5. The categorisation of informal settlements' into A, B and C discussed in Chapter 2 and 5 fundamentally led to some of the settlements being upgraded or partially upgraded and some having settlers evicted as they technically did not meet the criteria for an upgrade. The promise of upgrading kept settlers in anticipation of

improved living conditions and yet the interventions took longer and prolonged the suffering of settlers from inadequate water and sanitation service delivery. Upgrading was also used as a conditionality for access to basic services thus requiring the settlements to be upgraded first prior to service provision

Meanwhile, Cape Town's Integrated Development Plan (IDP) (2017), a key policy document did not place rights at the centre of its broad-based development policy in basic service delivery although unwarily implied. The IDP (2017) fundamentally negated the underpinning human rights as the supremely defining cause for upholding human values enunciated in the UDHR (1948) and articulated in the Constitution of the Republic of South Africa, and partially referenced in the NSP (DWS, 2016). Chapter 3 highlighted the roles of states in fulfilling the rights to water and sanitation in human rights principles and governments standing as duty-bearers responsible for upholding human rights through institutional state laws, strategies, policies, practices and oversee the realisation of human rights through institutional monitoring (Filmer-Wilson, 2005:218; UN,2006:3). A country's constitution stands as the supreme body of fundamental principles and practices, that a state upholds for the well-being of its citizens, which the local government would naturally take on board in shaping policy on basic service delivery. Although the country's constitution is distinct on rights in public services, rights were not explicitly evident, and neither were they enforceable or expectedly embraced and used as the underpinning approaches in the delivery of essential services in water and sanitation. Hence, Khalid (2013, p.4), in Chapter 3, argued that people's human rights are the benchmark and a priority in making decisions on the type of services and provisions that duty-bearers make available to rights-holders for their own use.

7.2.2 Access to Water and Sanitation for the Urban Poor

The World Bank (2016) and Tamuka Moyo et al., (2021) in Chapter 2 identified cities as breeding grounds of urban poverty and the proliferation of informal settlements instigated by rapid urbanisation. Rapid urbanisation in developing countries often results in increased demand for water and sanitation, which is rarely provided in informal settlements where there is high concentration of urban poverty with an acute and urgent need. The urban poor do not have 'official' access to water and sanitation, and many are struggling for justice protesting for

water and sanitation (Oranje et al, 2020:2; Barnes 2018:542). As findings of this study confirmed the urban poor in Cape Town had unequal and poor access to water and sanitation as availability was very minimal when using the national and international measuring criteria in Table 7.1 A. The criteria from table 7.1 A to 7.1 E are adopted from OHCHR (2014) in End Water Poverty (2020), UNICEF and WHO (2019) and the World Bank (2015). The criteria is used as the standard measure for assessing the delivery of water and sanitation in urban settlements in Cape Town.

Table 7.1 A – Water and Sanitation Availability Criteria

Theme	National and International Measuring Criteria	Policy Delivery Performance
Availability	<ul style="list-style-type: none"> • The human right to water entitles everyone to sufficient and continuous water for personal and domestic uses. Likewise, enough sanitation facilities (e.g toilets) must be available (OHCHR, 2014 in End Water Poverty, 2020 : 8) • The human right to water entitles everyone to adequate water that is available and accessible to everyone for personal and domestic uses as it is essential in sustaining life (UNICEF and WHO, 2019 : 3) 	<ul style="list-style-type: none"> • > 3 toilets in two settlements with a ration of 60 per toilet on average • Delivery policy challenges (a governance issue) • Enjoyment of life with dignity eroded due to limited access to water and sanitation • Non monitoring mechanisms to determine settler water and sanitation needs

The Free Basic Sanitation (FBSan) policy made it mandatory for local governments to provide basic sanitation in urban settlements (Muanda, 2020; World Bank; 2015). Although urban settlers were not obliged to financially pay, access to water and sanitation came at a cost to urban settlers in this study. Urban settlers endured walking long distances, which caused physical strain when sourcing and carrying water containers, thus affecting settlers' physical wellbeing. Risks of physical attacks using bushes for toileting was a costly experience from muggings and attacks highlighted in Chapter 6. There were increased risks of public health disease outbreaks as failure in policy delivery performance could result in consequences

illustrated in Table 7.1 B. The quality of life settlers currently experience is highly compromised by limited access to water and hygienic sanitation.

Table 7.1 B: Water and Sanitation Affordability Criteria

Theme	National and International Measuring Criteria	Policy Delivery Performance
Affordability	<ul style="list-style-type: none"> • The price of sanitation and water services must be affordable for all without compromising the ability to pay for other essential necessities guaranteed by human rights such as food, housing, and health care (OHCHR,2014 in End Water Poverty, 2020:8) • Water and sanitation should be affordable, and costs should not lead to people not able to enjoy other rights, like the right to good health and education (OHCHR,2014 in End Water Poverty, 2020:8) 	<ul style="list-style-type: none"> • Both water and sanitation are offered on a Free Basic Water and Sanitation Policy • City's inability to meet basic water and sanitation for urban settlers increases risks of public health disease outbreaks with severe consequences • Upholding rights to water and sanitation for urban settlers is an institutional challenge • There are human costs endured in distances walked, time spent to water points, toilets, and consumption of poor water quality, muggings, and loss of lives

The current water quality is different from what is proposed by the international institutions (see Table 7.1 C below) and fails to meet the minimum standards for drinking and personal domestic use. From the participants' experiences, the water is unpalatable, and of poor water quality confirmed by UNICEF's and WHO's (2019:7) assertion (see Table 7.1 C) that taste, odour, and water appearance are part of the quality aspects consumers consider. Based on criteria in Table 7.1 C, water and sanitation fall below the standard measures for people to live a healthy and socially acceptable standard of life. The standards include the minimum requirement for water and sanitation captured in the criteria in Table 7.1C vis à vis what participant households in this study received from the city council.

Table 7.1 C: Water and Sanitation Quality Criteria

Theme	National and International Measuring Criteria	Policy Delivery Performance
Quality	<ul style="list-style-type: none"> • Water must be for consumption and other personal uses, so that it presents no threat to human health. Sanitation facilities must be hygienically and technically safe to use. To ensure hygiene, access to water for cleansing and hand washing at critical times is essential (OHCHR,2014 IN End Water Poverty, 2020 :8) • Safe drinking water is a requirement for all domestic purposes including drinking, food preparation and personal hygiene (UNICEF and WHO, 2019 :3) • According to UNICEF and WHO (2019:7), taste, odour and water appearance are some of the acceptability aspects of water that consumers always use in assessing its quality • In SA, basic sanitation meant, “appropriate health and hygiene education, plus toilet, which is safe, reliable, environmentally sound, easy to clean, provides privacy and protection against the weather, well ventilated, keeps the smell to the minimum” (SAHRC, 2018, p.4; DWA, 2011, p.4) 	<ul style="list-style-type: none"> • Water quality diminished with odour, unpalatable taste, and smell • Toilets’ quality not meeting criteria, facilities structurally unsafe and hygienically inaccessible harbouring pungent smells and diseases • Multipurpose use of water limited, compromised, and diminishing quality of life risking waterborne diseases; a threat to the enjoyment of other rights e.g., the right to good health • Policy and service delivery not human rights driven

Water sources were not within the vicinity and proximity for easy access of seven out of the ten households’ participants in this study. Proximity of water sources and sanitation facilities did not meet the national standard guidelines of 200 metres from every household in settlements studied (See table 7.1 D). Regardless of setting a homegrown (South African) basic service delivery criteria, 7 of the 10 settler households’ participants were not able to access water and sanitation based on the same criteria within South Africa’s Free Basic Sanitation (FBSan) policy framework illustrated in table 7.1 D below.

Table 7.1 D: Water and Sanitation Accessibility Criteria

Theme	National and International Measuring Criteria	Policy Delivery Performance
Accessibility	<ul style="list-style-type: none"> • Water and sanitation services must be accessible to everyone within, or in the immediate vicinity of households. Physical security must not be threatened when accessing facilities be, they water or sanitation facilities (OHCHR, 2014 in End Water Poverty, 2020 :8) • Between 50 and 100 litres of water per person per day are needed to ensure that most basic needs are met, and few health concerns arise. Access to 20-25 litres per person per day represents a minimum but the amount raises health concerns because it is insufficient to meet basic hygiene and consumptions requirements (amounts may vary with contexts) (UNICEF and WHO, 2019 :3) • SA's Free Basic Sanitation was to provide water and sanitation for all poor households with a free basic supply of water (25 litres / person / day or 6 kilolitres per connection per month) within 200m of household (World Bank, 2015: 13; Department of Water Affairs, 2011:4) 	<ul style="list-style-type: none"> • Increased public risks from alternative sanitation practices e.g., using the bush, bucket toilets and open defecation • Privacy and dignity eroded using unconventional sanitation practices • Increased risks to human lives due to physical threats accessing facilities • Water received below basic minimum standards of 20-25 litres of water / person / day • 6 of the 10 households participants' received 20 litres of water /day on average and 8 of the 10 households participants' did not receive enough water / person /day based on a minimum criteria of 20-25 litres of water /person / day • Distances to sanitation facilities and water points exceed 200m

As explained in Chapter 3, the FBSan's intention was to provide a limited amount of free basic water supply to all poor households per month (World Bank, 2015:13). Although water was offered on a free basic need policy for urban poor households, the city council's inefficiency demonstrated ineptitude commitment to providing water as a social good than as an economic good (SAHRC, 2014:14). My study findings also re-confirm SAHRC's (2018:4) observation of the absence of a human rights driven basic service delivery, which is evident in the policy's shortcoming to deliver its own set standards. The shortcoming was also reflected in the city council's technical justification in not establishing water supply facilities within a 200m distance

(Table 7.1 D) of households on the grounds that some settlements were located on private property based on the secure tenure policy provision or provide alternative services.

The city council's commitment in exploring alternatives to providing water services to informal settlements or seek to amend the water and sanitation policy provisions and regulations to enable council to effectively provide services was not proactively demonstrated. Policy on basic service provision remained static and not dynamic to the changes and demands that came with rapid urbanisation discussed in Chapter 2 where Turok et al. (2017) argue that national and local governments were not always forthcoming to the realities of informality as policy interventions tended to be reactive to address the emerging informality. While council justified the challenges in service provision to limited resources, Arndt et al. (2018) insists that unless there is assured investments to support basic service provision and urban infrastructure, urbanisation can lead to increased urban poverty particularly in fast urbanising cities. Thus, Cape Town has fallen behind in effectively responding to the urgent and acute water and sanitation needs that came with the rise of informal settlements. Lack of adequate housing, and poor living conditions mean that informal settlements residents are extremely vulnerable (Asivikelane, 2020).

South Africa's basic sanitation guidelines demonstrated the country's commitment to addressing SDG 6 on clean water and sanitation. By 2030, South Africa like all other countries subscribing to the UN Agenda 2030, would have achieved access to adequate and equitable sanitation and hygiene for all and end open defecation. The country would also be paying particular attention to the needs of women and girls and those in vulnerable situations (UN, 2021) as explained in Chapter 2. However, the government's commitment was not practically demonstrated in meeting the rights of its citizens as urban planning and socio-economic policies did not seem harmonised to address increasing informality driven by rapid urbanisation. The NSP's claim that meeting sanitation needs is addressing dignity (DWS, 2016) does not hold true of the water and sanitation challenges where lack of access in informal settlements had consequences that compelled settlers to open defecation, and use flying toilets or plastic bags and buckets (Winter et al, 2018 and Taing, 2015 in Muanda et al, 2020).

Although the city council claimed to have consistently exceeded national standards in service delivery to informal settlements providing close to 50 per cent of flush toilets (City of Cape Town, 2017), qualitatively and quantitatively the situation in informal settlements suggested

the opposite. In reality the functionality and usability of the toilets raised health and safety concerns. The few toilets in urban settlements were often not hygienically or structurally safe, and neither were they adequate to meet needs of urban settlers. In table 7.1 C the OHCHR (2014) in *End Water Poverty* (2020:8)'s criteria on quality of sanitation facilities, emphasise on technically and hygienically safe facilities. Results presented from my study are similar to the 2019 joint enumeration survey of households by South African Alliance Shack Dwellers and the City of Cape Town in Burundi's informal settlement that shows 73 of the 118 toilets were not in working order on a ratio of 1:22 households to a toilet, while the ratio for water was 1 tap per 42 households (Asivikelane, 2020:2).

7.3 Community Engagement in Basic Service Delivery Decision Making

Local governments in South Africa have an obligation to ensure communities participate in development initiatives that directly affect them. Participation is a legal commitment that local governments across South Africa have to address through the Municipal Systems Act Section 29 (1)(b)(i) and (ii) (CCT, 2017:22). The Act is appealingly inclusive but does not seem to draw the essence of participation from a human rights perspective in practice. While the Municipal Systems Act's inclusive call is noble, its interpretation and execution could either help rights-claims of the urban poor to be heard and take part in the formulation and implementation of development affecting them or simply allow a few people to make decisions on behalf of everyone else (IHRC, 2020:3). The council's approach to participation was tokenistic, undertaken in a consultative form. While the IDP's engagement was at a policy level, household participants' in this study were constricted in voicing their water and sanitation rights as the city council representatives did not show up in any meetings convened by settler communities, neither was the council responsive to the multiple calls for an improved basic service delivery for the urban poor. Lack of community participation in water and sanitation was also acknowledged at a policy level with the Department of Water and Sanitation's (2016, p.38) NSP admitting that, "community participation in sanitation services sector has been weak. The approach has been top-down in the sanitation sector, with little focus on bottom-up approaches" illustrated in table 7.1 E. Active participation of communities to strategise on basic

service delivery is one possibility for rights to water and sanitation for the urban poor to be realised.

Table 7.1 E: Participation in decisions on Water and Sanitation

Theme	National and International Measuring Criteria	Policy Delivery Performance
Participation	<ul style="list-style-type: none"> Active involvement of urban settlers in decision-making on the delivery of water and sanitation is critical to their well-being. How are decisions to do with basic service delivery made? 	<ul style="list-style-type: none"> Decisions on service delivery are centralised and privy to city council Tokenism participation Top-down economic service delivery model

The struggles of household participants' in this study are confirmed by the national sanitation policy on their desire to engage the leadership and get answers to their sanitation and water woos hindered by the bottom-up approach. Similarly, Turok et al. (2017:3) point out (see Chapter 2) that as a result of poverty, urban settlers engage in income generating initiatives without adhering to council by-laws as they are complex and making life really difficult for urban settlers who view by-laws as bottom-up control measures that do not work for them to sustain a living. The unresolved water and sanitation provision created lack of trust of the city council by urban settlers as an institution, therefore seeding frustration and resentment within the urban communities waiting for an opportune moment to explode into protests.

7.4 Challenges and Solutions to Water and Sanitation Delivery

The SAHRC (2018:4) identify the absence of human rights in local and government development policies as the main challenge in upholding rights to water and sanitation. The national and local government policies in this study are not explicitly grounded and driven by human rights. Thus, articulation and implementation of policies take a business or service

model in basic service delivery. The secure tenure policy provision relegates informal settlements into a non-service deserving category, while the city council fail to fully embrace a rights-based framing in its development initiatives. South Africa made a constitutional provision for inclusivity to allow citizens to participate in the social, economic, political, and cultural development through the Municipal Systems Act Section 29(1) (b)(i) and (ii), (2020), discussed in Chapter 5, for the promotion of stakeholder participation in development.

My study re-confirms Islanda Institute's (2013) argument that despite the ambitions articulated in legislation and policy, the system of public participation proved significantly ineffective thus keeping the local government disconnected from the peoples' aspirations. Steps taken by council to address water and sanitation have not been socially accepted. The disconnection led to theft of infrastructure, vandalism and intimidation of council employees as well as illegal power and water connections in retaliation to council insisting on compliance with by-laws. By-laws are often felt as punitive by deprived communities, than getting the same communities to actively participate (Islanda, 2013; Overy, 2013). However, as noted in the earlier section, the DWS 's (2016) national sanitation policy points to the lack of participation as a drawback to the realisation of rights to water and sanitation for the urban poor.

7.5 Conclusion

Urban settlements in the City of Cape Town are complex and present multiple challenges for the city particularly the delivery of water and sanitation in meeting rights of the urban poor. For the city to sustainably address urban settlements' water and sanitation concerns, a broader understanding of urban poverty in its multidimensional form in the context of rapid urbanisation, rising informality, and the city's urban practices is fundamentally important. A broader and yet comprehensive policy on basic service delivery to include the provision of housing and the upgrading of current informal settlements is critical to the realisation of human rights to water and sanitation. The realisation of rights, and access to water and sanitation requires harmonisation of policies and the creation of synergies in operationalisation of policies. This requires all stakeholders to work more collaboratively with one underpinning purpose to saving lives (as water is life) and the restoration of the dignity of the marginalised by promoting and increasing access to sanitation that is structurally and

hygienically clean with a collective understanding that safe drinking water and sanitation are fundamental human rights (End Water Poverty, 2020).

Therefore, human rights need to form the basis of any policy intervention in development and in particular, basic service delivery. Rights-driven policies put human rights first. Prioritising human rights informs the purpose of providing water and sanitation and the value of active participation of the marginalised in development. The absence of rights and limited access to safe drinking water and sanitation can lead to damaging consequences on the wellbeing of individuals, families, and communities (End Water Poverty, 2020:5). From a RBAs standpoint, empowerment of the marginalised takes precedence to authentically give a voice to the urban poor to assertively claim their rights to water and sanitation through legal means than violent protests. Protests are a means to raising awareness of the profound water and sanitation concerns but are not the end to the realisation of rights for the urban poor. Often than not, protests are detrimental to good intentions as they can be hijacked and misdirected, turn violent and destructive. Thus, any development policy that is not human-rights driven erodes the value and dignity inherent in those it seeks to serve. Policy is an enabler of people's wellbeing and should thus be designed to protect and respect their dignity.

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Appendix 1



Towards Inclusive Communities: *The right to water and sanitation for urban settlers in Cape Town, South Africa*

Participant Information Sheet

Hi, my name is Laxwell Zitye, and I am a student with Massey University in New Zealand undertaking a research project in fulfillment of a Master in International Development Studies.

The focus of my study is on basic service delivery of water and sanitation in informal settlements in the City of Cape Town. I am particularly interested in the provision of basic services by the local authority. The aim specifically is to look at the availability and access to water and sanitation by informal settlements, and how informal settlements are organised in holding local authorities accountable for the provision of basic service needs. I am also interested in the role of informal community leaders and Community Based Organisations in advancing and upholding informal settlements' rights to water and sanitation and ensuring the needs of informal settlements in water and sanitation are met.

If you choose to participate in this project, I would like to invite you to meet at a time that is most convenient to you for an online interview which will take approximately one hour or slightly more than an hour. During this interview you have the right to ask any questions, or not answer questions being asked. You are also free to interrupt the interview or withdraw from the interview at any time. I would appreciate it if you would agree to the interview being recorded, and if so, you can ask for the recording to stop at any time. I will email you a summarised transcript of the interview and once you have received this, you will have two weeks to respond and make changes to the transcript.

To protect your identity and the information you provide during the interview, I will ask you to choose a pseudonym for the report compilation. The information you provide during the interview will be used for purposes of completing my Master's project, for conference

presentations, and possibly a published working paper. All your details will be kept confidential. Should you be interested in the project findings, a summary can be emailed to you.

Many thanks for your participation! If you have any question, please contact me, or my supervisor (see details on page 2).

Project Contacts

The research project is undertaken by **Laxwell Zitye**, conducted under the supervision of **Dr Maria Borovnik**, through the auspices of Massey University. If there are any questions or concerns about this project, do not hesitate to contact me or **Dr Maria Borovnik** using the details below.

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This project has been evaluated by peer review and judged to be low risk. Consequently, it has not been reviewed by one of the University's Human Ethics Committees. The researcher(s) named in this document are responsible for the ethical conduct of this research. If you have any concerns about the conduct of this research that you want to raise with someone other than the researcher(s), please contact Professor Craig Johnson, Director (Research Ethics), email humanethics@massey.ac.nz.

Appendix 2



Research Title: - Towards Inclusive Communities: *The right to water and sanitation for urban settlers in Cape Town, South Africa*

Participant Consent Form -Individual

I have read the information sheet, discussed the research project with the researcher assistants on behalf of *LAXWELL ZITYE* who is undertaking this research with *MASSEY UNIVERSITY* as part of a *Master in International Studies* under the supervision of *DR MARIA BOROVIK*.

I understand that participating in this survey / interview is voluntary and I agree / disagree to be part of this research study.

Participating in this research guarantees protection of all information I provide (in this survey / interview) under my name.

I understand that all information collected from my participation will be used for purposes of this research, conferences, presentations and working papers or further studies only and not shared outside its scope.

I agree / disagree to participate in this survey / interview, and for purposes of this research I prefer to be known as

Signed..... Date..... Full Name (PRINT).....

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Appendix 3



Towards inclusive communities: *The right to water and sanitation for urban settlers in Cape Town, South Africa*

CONFIDENTIALITY AGREEMENT

I..... (full name – printed) agree to keep confidential all information concerning the project; **Towards inclusive communities:** *The right to water and sanitation for urban settlers in Cape Town, South Africa.*

I will not retain, disclose or copy any information involving the interviews I am translating.

Signed.....

Date.....

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Appendix 4



Survey Questionnaire

Project Title: - Towards Inclusive Communities: *The right to water and sanitation for urban settlers in Cape Town, South Africa*

Responses to the questionnaire are recorded by the survey assistant. This includes any audio recordings of the interview where participants consent.

Area / Community:..... Participant Code / Pseudonym:

Location of Interview: (e.g., at participants' house; in the street; etc.):

1. *Introductory chat (**Note to surveyor:** Please tick one answer for questions where tick boxes are provided and take a few notes where the participant provides more details).*
2. ***Note to surveyor:** Please write a couple of notes after the interview (e.g., On anything that happened during the interview that might also influence the interview outcome or interview responses e.g., rain, interference etc.)*

How long have you been living in (**Note to surveyor:** name of settlement)

Are you living here with your family? (If not, where are they?) (If yes, tell me a little more about them).

How big is your household? Number of persons living in household: (**Surveyor, please tick one**)

1-2 3-4 5-6 7-8 9-10 over 10

1. *I would like to chat with you a little bit about how you and your household use water.*

a) Where do you get your drinking water from?

Open tap at home Communal tap Other.....

NOTES:

b) What else do you use your water for; and where do you take this water from?
(please list) water uses.....

Open tap at home Communal tap Other.....

c) How much water do you and your household use (approximately)?
 Litre bottles..... Buckets (check size) Other.....

NOTES:

d) If you are using water from outside your home, how long does it take you to get
 to the *taps to collect water*

1-5 mins 6-10 mins 11-15 mins 16-20 mins over 20 mins

n/a (using water directly from my home)

NOTES:

e) Could you to tell me a little about who is responsible for collecting water in your
 household?

f) Are you happy with the water quality available to your household?

Yes No Not sure

Explain a little more if you like.....

g) Could you tell me a little more specifically about drinking water in your
 neighborhood?

h) Do you think that the water supplied in this settlement is enough (e.g., are there plenty of public taps available)?

Yes, I am happy with the supply No Not sure

NOTES:

i) (If not happy) What makes you and your family unhappy with the way water is provided?

j) What would you like to see done to improve your (household's; neighbourhood's) access to drinking water?

2. *Thanks for talking to me about your experience with water access and quality. Now, I would like to chat with you about your toilets and waste disposal practices*

a) Do you have access to a flush toilet? Yes/No (**Note to surveyor:** circle participant response)

b) What type of toilet do you use? (If no) where do you go when you need to use a toilet (**Note to surveyor:** ask specifics)

Bucket at home Toilet across the courtyard Communal toilet....

Other.....

c) How long does it take you to get to a toilet:

1-5 mins 5-10 mins 10-15 mins 15-20 mins

over 20 mins

d) Do you think there are enough toilets for everyone who lives in this settlement?

Yes

No

Not sure

e) And if no above, can you tell me how the lack of toilets is affecting you and others?

f) In your view, do you think toilets are easily accessible to you and others in your neighbourhood? Yes/No (**Note to Surveyor**: circle participant response)

g) (If not above) Would you like to share what you think needs to be done to make the toilets within reach (accessible) for everyone in the neighbourhood?

h) Are you happy with the toilets available to you in this neighbourhood? And would you like to talk a little bit more about their upkeep (**ask specifics**)

i) Can you share what you and your household do not find pleasing about the toilets in your neighbourhood?

j) What do you think can be done to make toilets better?

3. Thank you very much for sharing your views about your water supply and toilet availability. Now, I would like to ask a few more questions about the way this community is involved in decision making around toilets:

a) What do you think is needed in this neighbourhood to improve access to water and toilets?

b) Do people in this community have a say in the supply of water (*taps*) and sanitation (*toilets*) the city council provides?

Yes No Not sure

NOTES:

b) If so, have you been to any of decision-making meetings about water and toilets yourself or do you know who would go to these?

c) What is your impression on how decisions are being made in this neighbourhood about water and sanitation (toilets)?

d) Would you like to share more of your views on how people could get involved in decisions on the supply of water and toilets in this community?

3. *Again, thanks very much for all your input. Now I'm wondering whether we could talk about some of the challenges you are experiencing.*

a) From your experience what are the main challenges people face to get water and sanitation services made available to them in this community?

b) In your view do you think there are safety concerns in collecting water and visiting the toilets? Yes/No (**Note to Surveyor:** Circle participant response)

c) If yes above, can you share some of the risks / dangers experienced by people in this neighbourhood when collecting water or visiting the toilets? (**Note to Surveyor: ask specifics** e.g., people most at risk, women, girls, boys, elderly etc.)

d) From your experience what do you think needs to be done or has been done to ensure the risks or dangers with distance to water taps, and toilets are reduced or eliminated?

- e) Are you aware of any community based organisations that work with the people here overcome water and sanitation challenges and voice their (water and sanitation) needs with the council?

Yes No Not sure

- f) If yes, what are they? And what have they done to help ensure the community gets water supplied and toilets made available to them?

List names of CBOs:

4. *Is there anything else that I have not asked yet that you feel needs to be said with regards to water and toilets in your community?*

5. *And finally, there are a few things I need to know from you*

How old are you? (or approximately) *Participant Age:*

What Gender do you identify with?

Male Female Other.....

How do you make a living?

How many people do you live with? (Household size): *(Please tick one)*

1-2 3-4 5-6 7-8 9-10 over 10

Te Kunenga

ki Pūrehuroa

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