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Building Power, Demanding Justice: The Story of Budget Work in the Social Justice Coalition's Campaign for Decent Sanitation

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INTRODUCTION

The Social Justice Coalition (SJC) became my political home when the organization began in 2008, after which I soon became its Treasurer and later its Deputy General Secretary. For nearly a decade, I worked with a dynamic group of people committed to building a movement for social justice made up mainly of people living in informal settlements.

Three things lie at the heart of SJC as a movement: fighting spatial inequality, challenging state resource inequity, and building real power in poor and working-class areas. SJC does this by means of a variety of tactics: advocacy, litigation, negotiation, public protest, branch building, and education. The campaigns, however imperfectly, challenge powerful interests and take on what sometimes feel like intractable problems.

Over the years, we dealt with a broad scope of issues, from safety and security and race discrimination to the inequitable and inadequate provision of public services, the criminal justice system and policing, land justice, and economic inequality. But at the center of all of SJC's efforts is an understanding of the need to shift power relations through sustained organizing in and by poor and working-class communities.

This piece is not the full story of SJC or its campaigns, which I hope will be told in the future by a number of people and through a variety of lenses. Rather, this is an account and reflection on one part of the story – the use of budget work within a mass-based campaign for decent sanitation in informal settlements, how the campaign unfolded, and the lessons we learned.¹

This piece is also a story told from the inside. However, writing about one's own work presents a particular set of challenges. It can be difficult to see through the fog of detail and pressure of campaigns, to see beyond the backstory or every phrase chosen in a statement, and to avoid obsessing about what might have been said or done differently. Moreover, mass-based campaigns are always messy, and struggles over power are seldom linear. They are fought on unpredictable and constantly moving terrain. There are no simple ways to grapple with this complexity.

¹ This piece was written in collaboration with, and through the support of, the International Budget Partnership. I'd like to thank all those who took the time to read various drafts and who gave valuable feedback, in particular: Albert van Zyl, Brendan Halloran, and Jessica Taylor from the International Budget Partnership; Jared Rossouw from Ndifuna Ukwazi; and Axolile Notywala and Phumeza Mlungwana from the Social Justice Coalition. Cover photo credit: David Harrison.

I have tried to write an honest reflection, stitched together through various sources – memory, internal and public documents, letters, statements, articles, discussions, and interviews. I'm grateful to the people who read numerous drafts and gave me critical feedback.

This account is divided into three major parts: the political and organizational context of SJC, the story of the budget work from the end of 2014 until SJC launched related litigation in mid-2016, and four conclusions that helped me make sense of it all.

There were various factors that brought budget work into SJC. But that work evolved into something much bigger when the numbers revealed to us the scale of the injustice. Our efforts grew from a period of research and evolved into a central tactic in a sustained public campaign for decent sanitation in Cape Town's informal settlements. As a result, SJC came under significant attack, but the City Council also became a place of political contention as thousands of residents of informal settlements made submissions on a city budget for the first time in South Africa. The budget work drove a wedge into the political process through which the campaign could move. At times, we struggled to find the way through.

The campaign continues, and this piece ends where a new phase for SJC begins in early 2017. In the end I draw four conclusions that have helped me make sense of a complex story:

- First, the City of Cape Town ("the City") was driven by the imperatives of a political project that the campaign threatened.² That project was the building of political power across South Africa on the back of the various crises emerging within the ruling party. The dynamics of electoral politics was a major obstacle for the campaign, and understanding this offers some important lessons on leverage and power.
- Second, trying to win an argument is a losing strategy; evidence alone does not provide leverage for change. For budget work, this is a particularly important understanding. Evidence is often quite powerful; it is basic to deep organizing and building good strategy. But evidence is not the same as having power, and fighting over the "truth" with those in power is not a strategy to challenge that power.
- Third, organizing is messy and unpredictable, but identifying leverage is crucial. In some campaigns, the leverage needed to challenge power is clear from the outset. In others,

² Throughout, City and City of Cape Town, with "City" being capitalized, are used interchangeably to refer to the municipal government.

perhaps most, it can take long periods of sustained struggle. Either way, finding points of leverage is critical to the ultimate success of a campaign for change.

- Finally, the campaign forced the political agenda of poor and working-class people into spaces of power. At the heart of the campaign was placing the voices of informal settlement residents at the center of politics and, however imperfectly, reshaping that politics. To me, this is one of the most important lessons of the story.

THE SOCIAL JUSTICE COALITION AND ITS CAMPAIGNS

SJC'S FOUNDING

In May 2008 xenophobic violence swept across South Africa, leaving over 60 people dead and tens of thousands displaced.³ In Cape Town civil society led the disaster relief effort, mainly because politicking led to inaction on the part of government.⁴ The Treatment Action Campaign's offices in central Cape Town and Khayelitsha became disaster relief centers and distribution points.

As people rallied around this effort, a loose coalition concerned with the underlying issues of inequality and poverty began to take shape. In June 2008, SJC was launched primarily as a coalition against violence.⁵ SJC was initially a collection of volunteers from different parts of the city – activists, students, doctors, lawyers. Branches in Khayelitsha opened, and by the end of 2009 SJC's headquarters were located in Khayelitsha with a small number of staff members.

By early 2010, SJC had a core membership of informal settlement residents. Two primary campaign areas – sanitation and policing – emerged.

First, a campaign on sanitation began to take on issues of the built environment, spatial inequality, and basic services in the informal settlements. The budget work would come to be part of the sanitation campaign several years later.

Second, work started on the criminal justice system, especially in regard to following individual cases in the Khayelitsha courts. This effort eventually led to a campaign for and the establishment of the

³ "Toll from Xenophobic Attacks Rises," *Mail and Guardian*, 31 May 2008. Available at <http://mg.co.za/article/2008-05-31-toll-from-xenophobic-attacks-rises>.

⁴ For a full account, see: Nathan Geffen, "Shattered Myths: The Xenophobic Violence in South Africa" (TAC: 1 June 2008). Available at <http://www.tac.org.za/community/node/2350>.

⁵ "Public Launch of the Social Justice Coalition" (TAC: 20 June 2008). Available at <http://www.tac.org.za/community/node/2356>.

Khayelitsha Commission of Inquiry into Policing, a mechanism that set the foundation for long-term changes to policing in poor and working-class areas.⁶ Though this was one of the most important victories for SJC and its allies, the struggle continues. Nearly two years after the Commission concluded its proceedings, SJC and Equal Education began litigation against the Minister of Police on the highly inequitable and unjust allocation of police resources to poor, predominantly black communities.⁷

The political context of these two campaigns is important in understanding SJC and the story of the budget work. The sanitation work focuses on local government as basic services in informal settlements are a function of City administrations. The policing work primarily focuses on national government as policing in South Africa is a national function.

What this means is that our campaigns are located in the middle of two opposing party political forces: the African National Congress (ANC) is in power within national government in South Africa, while the Democratic Alliance (DA) is in power in the local government in Cape Town.

The DA came to power in Cape Town in 2006 and in the Western Cape Province in 2009. Since 2011 the DA has governed Cape Town with over 60 percent of the vote, while in the opposition in national government where the ANC has governed with a similarly large majority.

Cape Town and Western Cape politics has been distinctive within the national landscape. Soon after 2009, according to Cherrel Africa, “governance in the province became highly conflictual, and relations between the DA and the ANC in the Western Cape reached new levels of dysfunctional competitiveness.”⁸ Within Cape Town, the ANC’s electoral support primarily comes from Khayelitsha and the surrounding black African townships, and the DA does not in fact need these votes to stay in power.⁹

These dynamics would come to play an important role in the way that the City of Cape Town responded to SJC during the course of the sanitation campaign. The City came to treat SJC as partisan political opposition, notwithstanding the irony that our other main campaign on policing was directed at the

⁶ See: Richard Conyngham, “Safety Justice and Peoples Power: A Companion to the O’Regan-Pikoli Commission of Inquiry” (Ndifuna Ukwazi, March 2016), Available at http://nu.org.za/wp-content/uploads/2016/04/SafetyJustice_small.pdf. The full Commission record is available here: <http://www.khayelitshacommission.org.za/>.

⁷ Phumeza Mlungwana. “Why We Are Taking the Minister of Police to Court,” *Groundup*, 14 April 2016. Available at: <http://www.groundup.org.za/article/police-resources-allocation-apartheid-remnant/>. The full set of court papers can be found here: <http://www.sjc.org.za/resources>

⁸ Cherrel Africa, “Reproducing Toxic Election Campaigns: Negative Campaigning and Race-Based Politics in the Western Cape,” *Journal of African Elections*, (June 2015), p. 130.

⁹ Paul Berkowitz, “City of Cape Town Post-Elections Analysis,” Electoral Institute for Sustainable Democracy in Africa: South Africa Election Update 2016, 23 August 2016. Available at <https://www.eisa.org.za/eu/eu2016capetown.htm>

national government, which was the true political opposition for the DA. Meanwhile, many ANC members accused SJC of doing the bidding of the DA.

Today, SJC is a social movement made up of branches across Khayelitsha, Kraaifontein, Philippi, and Nyanga. SJC members join a local branch, and the elected branch leaders form an Executive Council – the highest decision-making body between the annual general meetings. A secretariat is elected every two years, which includes a full-time general secretary and deputy general secretary. During the period that this piece covers, those posts were held by Phumeza Mlungwana and me. The general secretary becomes the head of the organization, and the secretary’s office coordinates SJC’s work and staff, as well as overseeing movement building and political education.¹⁰ The campaigns on sanitation and policing led SJC to ultimately divide into two programs: Local Government and Safety and Justice.

NEED FOR THE SANITATION CAMPAIGN

In 2009 SJC members consistently raised sanitation as a primary issue affecting safety in informal settlements in Khayelitsha. Sanitation had rarely been treated as either a political or safety issue, but SJC members shared stories of being attacked while using a toilet, walking long distances at night, and using the bush. Children were dying of diarrhea and other related illnesses. Sewage flowed through homes. Toilets came to symbolize the greater indignity and loss of life resulting from spatial segregation, inequality, and lack of housing and basic infrastructure in parts of the city.

The 2011 census confirmed what SJC members already knew. In Cape Town as a whole, 48,000 households used bucket latrines, and 29,000 households did not have toilets. In Khayelitsha



Figure 1: A young boy sits on top of flushing toilets

one in four households did not have access to a flush toilet. Roughly 20 percent of households in Cape Town were informal, and this proportion has stayed constant since 2001.¹¹

These indignities are deeply embedded in the history of Khayelitsha and the persistent inequality of Cape Town. In 1983 the apartheid government announced the establishment of a new “high density township”

¹⁰ See SJC annual reports for 2015 and 2016. Available at <http://www.sjc.org.za/reports>

¹¹ State of South African Cities Report 2016, Johannesburg, SACN (2016), p. 320. Available at <http://www.socr.co.za/wp-content/uploads/2016/06/SoCR16-Main-Report-online.pdf>.

called Khayelitsha 30km from the city center. It was conceived through a process of extreme contention, violence, and repression; its history was inextricably linked to the apartheid imperatives of influx control and the rights of black African people to live in the city.¹² Each Khayelitsha plot would have a tin hut and a bucket toilet.

Khayelitsha today is home to roughly 450,000 people, and more than half of its households are informal.¹³ The median household income is roughly ZAR20,000 (approximately USD1,554) per annum, compared to ZAR200,000 (USD15,546) in central Cape Town.¹⁴ Khayelitsha is also one of the most dangerous areas in Cape Town and indeed in all of South Africa. Its police stations annually record some of the nation's highest numbers of violent crimes.

One of the key policy problems SJC faced in regard to improving sanitation was that the state treated informal settlements as what I call "permanently temporary." While national programs to upgrade informal settlements exist on paper, implementation of these has been for the most part nonexistent throughout South Africa.

In Cape Town, the de facto policy on informal settlements is essentially one of containment: using law enforcement and bureaucracy to police the growth of informal settlements.

Since 2007 the City has in fact built and institutionalized departments and processes – such as the anti-land invasion unit – which are used to police and contain informal settlement growth rather than to develop long-term plans for incorporating informal settlements into the city or for giving people a sense of security of tenure. The informal settlements are so heavily policed that the building or changing of a structure in an informal settlement is controlled through law enforcement. Even residents who wanted to build or upgrade their homes are prevented from doing so through an arbitrary and extra-legal permit system.¹⁵

¹² Josette Cole, "The Making and Re-Imagining of Khayelitsha: Report for the Commission of Inquiry into Allegations of Police Inefficiency in Khayelitsha and a Breakdown in Relations between the Community and the Police in Khayelitsha," (January 2013. Pg. 33). Available at <http://www.khayelitshacommission.org.za/images/witnesses/7a.%20J%20Cole%20Final%20Report%20Jan%202014.pdf>

¹³ Jeremy Seekings, "Economy, Society Municipal Services in Khayelitsha," Report for the Commission of Inquiry into Allegations of Police Inefficiency in Khayelitsha and a Breakdown in Relations between the Community and the Police in Khayelitsha (Center for Social Science Research, University of Cape Town, December 2013). Available at <http://www.khayelitshacommission.org.za/images/witnesses/13.%20Jeremy%20Seekings%20Dec%202013.pdf>

¹⁴ See "Wazi Map" for detailed and accessible census data across wards. Available at <https://wazimap.co.za/>

¹⁵ For a broader outline of the use of law enforcement in this way, see Dustin Kramer and Zenande Booï, "What Is a Home?" and "Keep off the Land," *People's Law Journal*, September 2014.

No long-term plans exist for state-led upgrading or land tenure at any scale, and residents are largely prevented from building anything themselves. The consequence is a development vacuum where homes are expected to stay in “temporary” form in perpetuity. Indeed, some two-thirds of informal settlements in Cape Town are between 15 and 20 years old, with roughly a quarter even older.¹⁶

Regarding sanitation, this neglect to plan for long-term improvements manifests in a particular way: temporary sanitation services, such as chemical toilets, are heavily prioritized over upgrading long-term infrastructure. Although we had some idea that this was happening in the early years, the budget work would play an important role in developing a systematic understanding of this central issue and how to approach it.

THE DEVELOPMENT OF THE SANITATION CAMPAIGN

The campaign begins. When the SJC first started campaigning publicly on sanitation in 2010, it faced significant resistance from the City under then-Mayor Dan Plato.¹⁷ Through public advocacy, the campaign started to build support for improving sanitation into an important issue in the political landscape of Cape Town, and in the public mind, sanitation became directly linked to safety and dignity.¹⁸

By the end of that year, it also emerged as a point of contention between the ANC and the DA. The media called it the “toilet wars,” and in many ways the issue defined the local government elections of 2011.¹⁹

The election of Patricia de Lille as mayor of Cape Town in 2011, however, brought a more open attitude from the City toward the SJC campaign. By 2012 SJC had successfully campaigned for a city-wide janitorial service, which for the first time saw the state take responsibility for the maintenance of communal flush toilets in informal settlements. Things soured later that year, however, when de Lille’s bureaucracy did not fulfill her commitments to produce a janitorial plan to ensure that the service would run properly.

The political landscape shifts. Three things happened in 2013 that set the stage for the political dynamics during the budget work. First, a new Mayoral Committee Member for Utility Services, Ernest

¹⁶ Dustin Kramer, “City Chooses Not to Invest in Informal Settlements”. *Daily Maverick* (28 May 2015). Available at <http://www.dailymaverick.co.za/opinionista/2015-05-28-city-chooses-not-to-invest-in-informal-settlements/>

¹⁷ “SJC Responds to City’s Condemnation of ‘Toilet Queue,’” 23 March 2010. Available at <http://www.sjc.org.za/sjc-responds-to-citys-condemnation-of-toilet-queue>.

¹⁸ See, for example, Anso Thom, “Deathly Effects of No Toilets,” *Cape Times*. 9 June 2010. Available at <https://www.health-e.org.za/2010/06/09/deathly-effects-of-no-toilets/>

¹⁹ Steven Robins, “Slow Activism in Fast Times: Reflections on the Politics of Media Spectacles after Apartheid,” *Journal of Southern African Studies*, 6 March 2014, pp. 91-110.

Sonnenberg, was appointed at the beginning of 2013. The Mayoral Committee is appointed by the mayor and serves as a local cabinet. Sonnenberg took a far more hostile stance toward SJC than did his predecessor. With Mayor de Lille, he soon began a pattern of outright denialism and antagonism regarding sanitation.²⁰

Second, through an early partnership with the International Budget Partnership (IBP), SJC began to use social auditing, the first of which was conducted on outsourced chemical toilets in April 2013. The findings were damning, and City officials had no prior experience of a social audit public hearing – a process where the social audit evidence is publicly delivered and government officials are given an opportunity to respond and explain. The process led to a marked increase in defensiveness and antagonism on the part of the City.

Third, in mid-2013, a series of toilet-related protests began, led mainly by former ANC ward councilors who had been involved in the “toilet wars” two years prior. These events became known as the “poo protests,” as they involved throwing feces from portable flush toilets onto Cape Town’s highways, at the Western Cape legislature, and in other public places including the airport.²¹ This group eventually formed an organization called Ses’khona People’s Rights movement.

The reason this marked an important turning point goes back to the issue of the electoral politics of Cape Town and South Africa. The politics of movements such as Ses’khona, being openly aligned with the ANC, immediately heightened the paranoia among City officials regarding advocacy from Khayelitsha and other black African townships.

The City increasingly viewed SJC through this lens of opposition politics where resistance was framed in relation to the struggles between the ANC and the DA. Given that SJC was perhaps the only nonpartisan movement offering resistance on this and similar issues, it bore the brunt of the City’s oppositional stance.

Tensions become hostility. By 2014, tensions between SJC and the City had heightened. SJC embarked on a campaign of civil disobedience in response to the mayor’s increasing denialism and

²⁰ See Dustin Kramer, “On Denialism: The Journey of Patricia de Lille,” *Groundup*. 26 May 2016. Available at <http://www.groundup.org.za/article/denialism-journey-patricia-de-lille/>

²¹ A portable flush toilet, also known as a “porta-pottie,” is a temporary sanitation device with a toilet seat on top and a container underneath into which the waste goes. It closely resembles the bucket system of sanitation and waste disposal.

intransigence, and a number of SJC members and supporters were arrested after chaining themselves to the railings outside the mayor's office.²²

In response, the mayor met with SJC and proposed a summit to produce the janitorial plan that had been promised over a year prior. The summit did take place in February 2014, but it ended up self-destructing as city officials continued to exhibit the kind of extreme antagonism that would characterize their subsequent relationship with SJC.

The main objective of the summit was to produce the janitorial plan, and it was part of the agenda previously agreed to in mediated discussions between the SJC and the City. However, Ernest Sonnenberg, the Mayco member, derailed the summit by inexplicably refusing to go ahead with the process of producing the janitorial plan. The summit ended in a heated disagreement. Sonnenberg proposed an ill-defined task team to take forward the outcomes of the summit, but he still refused to develop the plan.

SJC condemned Sonnenberg's actions but publicly explained that we would still support the City in developing the janitorial plan if called upon to do so. From then on, the City repeatedly accused SJC of "walking away" from the engagement.²³ Having spent countless hours in meetings with Sonnenberg in preparing for the summit, we found his actions and subsequent accusations both infuriating and disappointing.

Before the end of 2014, Mayor de Lille started openly accusing SJC of being part of an ANC political conspiracy against her.²⁴ Sonnenberg released statement after statement attacking the campaign.²⁵ Bureaucrats likewise stopped engaging with SJC. A directive in this regard had seemingly evolved within the City.²⁶ It was against this backdrop of antagonism that the work on the budget began to form.

²² This led to a separate case through which the SJC is challenging the constitutionality of the Gatherings Act, the law which governs protest in South Africa. See SJC, "SJC 21 Granted Leave to Appeal against Conviction," 10 July 2015. Available at <http://www.sjc.org.za/sjc-21-granted-leave-to-appeal-against-conviction>.

²³ Axolile Notywala and Dustin Kramer, "Social Justice Coalition to Sonnenberg: City Must Engage Constructively on Sanitation," *Daily Maverick*, 2 October 2014. Available at http://www.dailymaverick.co.za/article/2014-10-02-social-justice-coalition-to-sonnenberg-city-must-engage-constructively-on-sanitation/#.V_v_pqNh1E4

²⁴ Patricia de Lille, "City Responds to Inaccurate and Misleading HRC Report," City of Cape Town press statement, 17 July 2014. Available at <https://www.capetown.gov.za/en/MediaReleases/Pages/CityrespondstoinaccuratemisleadingHRCreport.aspx>.

²⁵ See Ernest Sonnenberg, "Social Audit: The 7 Simple Questions the SJC Must Answer," *Politicsweb*, 1 October 2014. Available at <http://www.politicsweb.co.za/opinion/social-audit-the-7-simple-questions-the-sjc-must-a>

²⁶ Jessica Taylor, interview by author, 30 August 2016.

THE STORY OF THE BUDGET WORK

Move to budget work. Two issues led to the SJC's initial interest in the City's budget. First, we wanted to know how much money was actually being spent on sanitation in informal settlements and to understand claims made by the state about that spending.²⁷ Those in power consistently made unsubstantiated claims on the budget. For example, the claim was put forward that two-thirds of the City's budget was spent in poor areas. In early 2014, I publicly asked then-Mayoral Chief of Staff Paul Boughey for the proof behind their budget claims and engaged in some debate around the need for the City to substantiate those claims. His response was that I had made "ill-informed and inaccurate statements related to City spending" and had cast "misguided aspersions against the City."²⁸

Second, we wanted more information on the city's prioritization of temporary services in lieu of long-term planning. The consistent pressure of the sanitation campaign had made it into a political issue, and that did result in a steady increase in access to sanitation for different kinds in informal settlements. By accessing related tender documents for the social audit work, however, we gained some knowledge of the City's spending on outsourced sanitation services. We began to see that considerable amounts of money was being expended on temporary services. Yet we did not see a clear way to build further advocacy on this issue, and we lacked broader evidence.

In late 2014, SJC, Ndifuna Ukwazi (NU), and IBP, which had already been working together for several years, entered into a more formal partnership to do joint work on the budget. Primarily, this joint effort was supposed to consist of research, along with ongoing efforts in such areas as social audits and advocacy on sanitation. In the following year, however, public campaigning around the budget, which had not been part of the initial plans, expanded organically as the budget injustices became clearer.

THE 2015 BUDGET: EARLY STRATEGY AND TACTICS

Research and evidence. Just before the janitorial services summit in January 2014, Councillor Sonnenberg approached me with a paper stack 20 centimeters high. With much excitement, he shook my hand, gave it to me, and announced, "Now you can't say you don't have a copy of the City's budget!" Looking down at this colossal document – it required two hands just to hold – I thought, yes Ernest, but

²⁷ Axolile Notywala, interview by author, 25 August 2016.

²⁸ See debate between me and Paul Boughey, Dustin Kramer, "City's Claim to Have a Pro-Poor Budget Fails Transparency Test," *Cape Times*, 7 April 2014; and Paul Boughey, "Poor Criticism," *Cape Times*, 9 April 2014.

what am I supposed to do with it? In reality, there wasn't much we could do with it until we discovered a way into it a year later.

Toward the end of 2014, we started to put together a core team with a small number of staff members from SJC, NU, and IBP. This was so that we could do a deep analysis of the budget documents with a specific focus on sanitation so we could make a submission during the 2015 budget cycle.

The capital budget soon became our focus area, in particular the capital allocations on sanitation in informal settlements. The operating budget did not specify allocations to informal settlements, and we began to understand that the capital budget was essentially a proxy for long-term priorities, since capital spending is used to build infrastructure, in this case flush toilets.

There wasn't a particular day or meeting when it happened, but there were several moments where the sheer scale of injustice within the City's budget began to hit us. We found that capital spending on sanitation in informal settlements was extremely low – less than 2 percent of the water and sanitation capital spending.

Seeing the actual numbers made the magnitude of the injustice real and led us to view the budget process as a political opening for the campaign. Here were facts that supported our argument on the way government was treating informal settlements as temporary, and the truth was even worse than we thought.



Figure 2: A chalkboard detailing the timeline of SJC's sanitation campaign

Educating, organizing, and building a public

campaign. The strategy emerging on our part was twofold: first, help SJC members and others to understand the budget and make submissions during the budget cycle; second, build a more public campaign around the budget injustice before the budget process reached the City Council.

The City has a department called the Participation Unit, which was set up ostensibly to manage public participation in government processes, including the budget. Through meetings with the unit we discovered that it had less than six employees, was clearly understaffed, and effectively lacked power within the bureaucracy. Their work appeared to be limited to giving a few PowerPoint presentations around the city and placing adverts in newspapers. With no sense of irony, one official remarked to us

that, "yes, a few people fall through the cracks." Afterwards, we wondered whether perhaps she meant a few million!

The South African budget process is outlined in the Municipal Systems Act (MSA) and the Municipal Finance Management Act (MFMA). The MSA states that municipalities must "encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in . . . the preparation of the budget."²⁹ And according to the MFMA, "after considering all budget submissions, the council must give the mayor an opportunity – (a) to respond to the submissions; and (b) if necessary, to revise the budget and table amendments for consideration."³⁰

There is little case law on the budget in South Africa. One judgment explains that, in regard to participation in the budget process, the existing legislation "does not establish a closed list of mechanisms. The obligation is an open-ended one."³¹ There is a tension here however. The vagueness of the processes in law means that in practice it can be extremely formalistic, without much in it to hold local governments accountable.

As of 2015, there had never been mass submissions made on a municipal budget in South Africa, let alone from residents of informal settlements. After two months of workshops and a budget camp, where 60 SJC members spent three days studying the budget, over 500 informal settlement residents from Khayelitsha wrote individual submissions, and SJC and NU published a joint organizational submission.

Some 150 people brought the submissions to the City on 22 April. The group was met with confusion and hostility by City officials. Wilfred Solomons-Johannes, a representative from the mayor's office, argued with us and refused to accept the submissions, instead insisting that we give him our "memorandum." He kept trying to go through the motions of handling a typical protest: come down from his office, sign the memorandum, and then get on with his day. The delivery of submissions by a group of people from Khayelitsha was simply not legible to him; it was outside of the formulaic interaction he was used to. After a tense standoff, he accepted each submission with a begrudging smile.³²

²⁹ Municipal Systems Act, 2000, Section 16 (1)(iv).

³⁰ Municipal Finance Management Act, 2003, Section 21.

³¹ In 2011 a group of South African companies won a High Court case against the Nelson Mandela Bay municipality where they had argued that the process it followed in adopting the municipal budget was flawed: *Borbert SA Pty Ltd & others v. Nelson Mandela Bay Municipality*, 3751/2011.

³² See the SJC film, "Kak Struggle," which shows the dispute with Solomons-Johannes. Available at <https://www.youtube.com/watch?v=it-fpB8uKFU>.

As Axolile Notywala, then head of SJC's Local Government Program, explained in detail, there was a pattern of bureaucratic and law enforcement suppression on the part of the City bureaucracy when SJC members tried to participate in formal processes. The mundane matter of attending a budget speech at a council meeting, for example, was almost always contested. Law enforcement officials would subject everyone to prolonged questioning about their attendance or initiate arbitrary entry procedures that were seemingly directed primarily at people from Khayelitsha.³³

The deadline for submissions started the clock on the period during which they were to be considered prior to the adoption of the final budget a month later. Although there had already been some public debate between SJC and the City on the budget, this period saw the second part of our strategy – the public campaign – really come to the fore. Our organizational submission argued that the City was spending a disproportionately small share of the water and sanitation capital budget on informal settlements, while prioritizing temporary services.^{34,35} Our aim became to publicly campaign for the City to change the budget accordingly and also to consider the 500 submissions properly.

The tactics included such mass action as protest marches, as well as publishing the evidence included in our organizational submission through a variety of media and infographics. We used political theatre and subverted City attacks by taking ownership of the issues and making fun of those attacks.

Sonnenberg claimed that we had an obsession with budgets – as if that was a bad thing – so we unveiled a banner with the line “SJC is obsessed with budgets – Councillor Sonnenberg.” We brought that banner to every protest. After he said that we didn't understand the budget, we held “budget class” in the city center, where SJC members played out a classroom scene to learn about the budget and teach the public.

Through these actions, the public campaign gained traction, and debates on the City's spending took place across the media.³⁶ Sonnenberg and other City officials, however, built a counter-narrative to

³³ Axolile Notywala, “‘What is Your Business in Council?’ – My Experience Trying to Participate in the City of Cape Town's Budget,” *Groundup*, 14 May 2015. Available at http://www.groundup.org.za/article/what-your-business-council-my-experience-trying-participate-city-cape-towns-budget_2939/; and Axolile Notywala, “Whose voices really matter in the City of Cape Town's budget?” *Groundup*, 15 April 2016. Available at <http://www.groundup.org.za/article/whose-voices-really-matter-city-cape-towns-budget/>

³⁴ Axolile Notywala, “Mayor de Lille, Here's Your Evidence. It's Time for Action,” *Groundup*, 31 March 2015; and Ernest Sonnenberg, “The SJC Only Prove Their Ignorance” City of Cape Town Press Statement, 31 March 2015. Available at <https://www.capetown.gov.za/en/MediaReleases/Pages/SJConlyprovetheirignorance.aspx>; and Ian Neilson, “SJC's Analysis Faulty,” *Groundup*, 8 April 2015. Available at http://www.groundup.org.za/article/sanitation-sjcs-analysis-faulty_2817/.

³⁵ “An Unfair Budget: Dignity, Equality, and the Right to Sanitation,” Joint submission by SJC and NU on the 2015/2016 draft budget, 30 April 2015. Available at <http://nu.org.za/wp-content/uploads/2015/05/Budget-Submission-final-web.pdf>.

³⁶ Judith February, “Raising a Stink about Sanitation Budgets,” *EWN*, 20 May 2015. Available at http://ewn.co.za/2015/05/20/OPINION-Judith-February-Raising-a-stink-about-sanitation-budgets?Mobile_Override=true;

dispute our claims. They said that, even if they wanted to, the City could not spend more on sanitation infrastructure due to the geographical and engineering constraints of informal settlements. This idea first appeared in an August 2013 statement by Mayor de Lille. She said then that, due to certain "local conditions," flush toilets could not be installed everywhere and that "82% of informal settlements are either fully or partially affected by one or more of the above-mentioned constraints."³⁷

This would become the primary defense for why the City was not spending more on sanitation infrastructure in informal settlements and a key point of contention all the way to the point where SJC launched litigation.³⁸ For SJC, the constraints argument was deeply problematic. To begin with, neither Mayor de Lille nor Councillor Sonnenberg ever provided any evidence to support the claim. More important, however, it was illogical to say that one constraint in an area, no matter how much it actually affected an area, meant that no infrastructure could be installed anywhere in the area.

For example, if 10 percent of an area is affected by a constraint, then 90 percent of the area is not affected. But the City was including the whole area in its list of informal settlements that have "one or more constraints," even if 90 percent of the area was in fact unconstrained. We weren't saying that there was no such thing as a constraint. Instead, we argued that the general idea of "constraints" was being used as a way to justify not installing any infrastructure anywhere.

Everything came to a head on 29 May 2015 when the mayor would table the final budget.

THE MAYOR ATTACKS, THE CITY OBSTRUCTS

When Mayor de Lille tabled the final budget, she spent about 15 minutes of her speech attacking SJC. She painted us as an organization driven by nefarious political agendas and self-enrichment.

Ernest Sonnenberg, "Flushing Out Cape Town's Budget Realities," *EWN*, http://ewn.co.za/2015/05/22/OPINION-Ernest-Sonnenberg-Flushing-Out-CTs-budget-realities?Mobile_Override=true; and Rebecca Davis, "Cape Town vs. Civil Society: How Much Is Enough Spending on Water and Toilets?" *Daily Maverick*, 20 May 2015. Available at <https://www.dailymaverick.co.za/article/2015-05-20-cape-town-vs-civil-society-how-much-is-enough-spending-on-water-and-toilets/>

³⁷ Patricia de Lille. "City Invests in Improving the Lives of Residents in Informal Settlements," City of Cape Town Press Statement, 7 August 2013. Available at <https://www.capetown.gov.za/en/MediaReleases/Pages/Cityimprovinglivesofresidentsinformalsettlements.aspx>.

³⁸ Ian Neilson, "SJC's Analysis Faulty," *Groundup*, 8 April 2015. Available at http://www.groundup.org.za/article/sanitation-sjcs-analysis-faulty_2817/

In one of the most shameful displays I've seen, she mocked SJC members, who were in fact sitting at the council meeting, about how they couldn't read a budget. To laughter and applause from elected City Councillors, she joked that they needed calculators. She went on:

*"We also received numerous memorandums from a local interest group called the Social Justice Coalition (SJC). . . . Every day seems to bring a new SJC stunt to impress their international donors with false information. . . . I will have to ask the puppet masters of the SJC to step back from their MacBooks for a second and answer a few questions themselves. . . . All I can say is that the poor of this city are lucky that this government cares about their lives and their health and that their fate is not in the hands of a reckless bunch of media addicts."*³⁹

Was she really taking a page from that clichéd authoritarian playbook? International donors and puppet masters? Notwithstanding that this was in her printed speech, I thought that perhaps the implicit insult that SJC members could not think for themselves was the result of her reacting in the heat of the moment. Yet when a *Weekend Argus* editorial questioned why de Lille responded "with petulance rather than maturity," finding "it necessary to deride . . . engaged, civic-minded citizens," she wrote a defiant response in the paper: "I stand by every word I said in the council chamber"⁴⁰



Figure 3: SJC and partner Ndifuna Ukwazi march to the Cape Town Mayor's office to deliver their budget submissions. Credit: Social Justice Coalition

After the budget speech, we saw that in the final budget documents the 502 submissions from Khayelitsha were not included in the section with individual submissions, but rather were grouped together in a separate category and labeled a "focus group." The one line describing the alleged focus group in Khayelitsha was: "Want own flushing toilet and taps not to share with others."⁴¹

But no focus group had taken place, and all the submissions were individually made. We don't know why the city obstructed the submissions, especially

³⁹Patricia de Lille, "Budget Speech by the City's Executive Mayor, Patricia de Lille," 29 May 2015. Available at http://resource.capetown.gov.za/documentcenter/Documents/Speeches%20and%20statements/Budget_speech_Council_meeting.pdf.

⁴⁰ Editorial, "Let's Discuss Not Deride," *Weekend Argus*, 30 May 2015; Jared Rossouw, "Mayor Has Ignored Informal Settlement Residents," *Weekend Argus*, 6 June 2015; and Patricia de Lille, "SJC Out for Itself, Not Poor," *Weekend Argus*, 6 June 2015.

⁴¹ "Public Comments on the City's Draft Budget 2015-2016," SPC29/05/15, 29 May 2015. Available at <http://www.capetown.gov.za/councilonline/layouts/OpenDocument/OpenDocument.aspx?DocLocation=http://cityapps.capetown.gov.za/sites/CouncillorsOnline/MeetingDetails/SPC/Reports/43/SPC05290515%20-%20PUBLIC%20COMMENTS%20ON%20THE%20CITY%27S%20DRAFT%20BUDGET%202015-2016.pdf>.

given that a procedural irregularity of this kind would certainly be a tactical mistake, but the silencing of the submissions in this way was disturbing. We'll probably never know what was behind it, and we can only assume it was a bureaucratic error.⁴² The City had never had to deal with over 500 budget submissions before.

THE 2016 BUDGET: SETBACKS AND PROGRESS

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

We decided that our next step would have to be litigation against the City on the matter of sanitation. We accepted that it was likely that only a court order would break the logjam and that the political process was not going to get us much further.

However, the campaign soon got stuck in limbo, torn between a strategy of public advocacy on the one hand and legal advocacy on the other. The bite we needed was a combination of both. Although we knew that litigation was the next logical step, we still could not find the right way to present our case for court action. Through countless meetings and discussions, we tried to find a way to frame the case that could succeed.

As we continued the long and frustrating work of preparing court papers, we tried to resolve the question of the 502 submissions that had been silenced. For several months the Speaker of the Council simply ignored all our correspondence.⁴³

We agreed that legal action on the misrepresentation of the submissions specifically was possible, given that we had such powerful evidence of non-compliance on the City's part. At this point, presenting this specific example of discrimination looked like the best leverage we had.

⁴² Jared Rossouw, interview by author, 23 August 2016.

⁴³ Letters were sent to the speaker on 12 June, 29 June, 7 July, and 20 July, 2015.

We decided that we'd launch the cases in succession – first the sanitation case, then the participation one. As 2015 went on, the sanitation case went nowhere, but not for lack of trying. With the limited legal capacity available to us we kept on pushing, believing the launch to be imminent.

Given the speaker's refusal to respond to us, we requested a meeting with Deputy Mayor Ian Neilson, which happened in December. He finally admitted that the 502 submissions had in fact been misrepresented, and by early 2016 we got some remedial action on them in the form of written responses to those that had made submissions.

The next meeting with Neilson had mixed results. He opened the meeting with an attempt to take us through a PowerPoint presentation he'd prepared on the City's budget — a presentation that, he seemed surprised to learn, I already had. When we got to the relevant part of the discussion, he declined our offer of assisting with practical proposals for improving the participation process, instead choosing to defend the City's current process.

Though we thought these meetings had promise – Neilson had previously seemed willing to engage in somewhat more constructive ways than either Sonnenberg or the mayor – the only positive commitment from him was that submissions in 2016 would not be misrepresented again in the final budget.

Thousands of submissions made. By 2016, SJC staff and members had a much deeper understanding of how to engage the budget and facilitate submissions. Through a process of education and organizing similar to that in 2015, 3,000 residents of Khayelitsha and Gugulethu wrote submissions.

The day of actually making the submissions also played out similarly. Wilfred Solomons-Johannes once again fought over the nature of the submissions. Eventually, Solomons-Johannes provided one letter acknowledging that the submissions had been received “from the SJC.” Given the misrepresentation of the previous year and the fact that they were individual submissions, we needed to ensure that they were accepted as such. But Solomons-Johannes refused and walked away.

A group of frustrated police officers effectively became the mediators and repeatedly asked City officials to just provide a letter acknowledging that the submissions were made by individuals. After several hours, the police warned us of imminent arrests. In a last ditch attempt to convince us to leave, one of the officers took me aside and said, “You guys have had a very successful day. Even I support you! But really it's time to go home. You can come back with a new strategy next time.” I wondered whether he was right.

After trying to phone Neilson, later that night we sent a letter threatening legal action with regard to the acceptance of the submissions, knowing that he probably understood the implications given what had happened the previous year.⁴⁴ The City acknowledged in writing that the submissions would be treated individually.

The 2016 budget speech. The mayor once again spent considerable time in her final budget speech to the council addressing the issues raised by the submissions. Once again, she attacked SJC, though in slightly more subdued terms than the year before.

Sitting in council that day, however, I saw that there was a lot more going on. To begin with, the 3,000 submissions became part of the formal budget debate. They were raised by councilors on different sides, discussed, and fought over. Opposition councillors staged a walk-out before the final budget vote, stating that the process was flawed given the inadequate way in which the submissions were considered.

From 23 public submissions in 2014, the number of submissions in 2016 had risen to over 4,000. There were, of course, the 3,000 from Khayelitsha and Gugulethu, assisted by SJC. But over 1,000 people from elsewhere in the city, including other poor and working-class areas, made submissions.⁴⁵ Seemingly, between 2015 and 2016, the broader public began to see the budget debates as an opportunity to make their voices heard on the matters that affect their daily lives.

The mass submissions also pushed the City to reconsider the mechanism through which it accepted submissions. It created a budget submission form during the participation process in 2016, and that seemed to play a role in increasing the number of submissions. All of the submissions in 2016 were then acknowledged and included in the official report with the individual submissions. Even if the responses were inadequate, this time, the submissions were not misrepresented or hidden.



Figure 3: Members of SJC and residents of Khayelitsha hand deliver their budget submissions. Credit: David Harrison

Finally, there was an interesting trend in regard to the budget numbers. In the final adjustment budget of 2015/16, the capital allocation for sanitation for the informal settlements had increased twice from the amount that was in the original budget. In 2016, this went down again and in the 2016/17 adjustment

⁴⁴ Letter to Ian Neilson from SJC, 29 April 2016.

⁴⁵ "Public Comments on the City's Draft Budget 2016/17," Special Council Agenda, 25 May 2016, ITEM SPC 06/05/16, p. 7.

budget it went up again.⁴⁶ There was in fact some change in the numbers in the budget, though this was done during the adjustments made after the main budget process. It's difficult to identify exactly why this was, but it may have been that the adjustment budget can more easily be changed outside of the very public process through which the main budget was adopted.

Budget evidence helps us get to court. After the budget speech, we knew we still needed to litigate the main issue of sanitation infrastructure. Through the campaign in 2016, two important pieces of evidence enabled us to actually make that happen. First, NU made several formal requests for information relating to the City's defense of its spending priorities. One of these was for the list of actual constraints in each informal settlement that supposedly prevented constructing sanitation infrastructure. When we finally received this information, it showed the actual percentage of every constraint in every informal settlement. Such data undermined the City's constraints argument, showing that in many areas the majority of the land was not constrained at all.⁴⁷ It allowed us to identify specific areas on which to base the litigation, where we could show that it was practical to install sanitation infrastructure in a planned way.

Second, IBP contracted Cornerstone Economic Research to build a model to estimate the cost and benefit of long-term sanitation infrastructure in informal settlements in Cape Town. This model showed that temporary services were not only inferior, but far more expensive than long-term infrastructure.⁴⁸

We went to court to argue that the City's practice of prioritizing temporary services was discriminatory and a violation of the rights of informal settlement residents, given that it is largely black African residents who were forced to use temporary toilets. We sought an order to compel the City to provide an adequate budget and plan for the provision of long-term sanitation infrastructure in Cape Town's informal settlements and to eradicate temporary sanitation services where practicable.⁴⁹ It may sound relatively straightforward now, but the layer upon layer of evidence and argument developed primarily out of the

⁴⁶ 2015/2016 - 2017/2018 Capital Adjustments Budget - January 2016, Annexure 2.2. <http://resource.capetown.gov.za/documentcenter/Documents/Financial%20documents/Ann%20202.2%20Details%20of%202015-2016%20increases-decreases%20with%20motivations.pdf>; 2016/2017 Capital Adjustments Budget - August 2016, Annexure 2.2; and

http://resource.capetown.gov.za/documentcenter/Documents/Financial%20documents/1617%20Adj%20Budget%2c%20Aug%202016%20Annexure%202.2_201617%20Capital%20Adj%20Budget_Aug_Details.pdf

⁴⁷ See SJC, "We Demand a Fair, Equal, and Just Budget: Submission on the Cape Town Draft Budget 2016-2017," 29 April 2016. Available at https://d3n8a8pro7vnm.cloudfront.net/socialjusticecoalition/pages/225/attachments/original/1499175994/SJC_budget_submission_2016_web_version.pdf?1499175994

⁴⁸ Cornerstone Economic Research, "Estimating the Cost of Sanitation Infrastructure for Selected Sites in Khayelitsha in City of Cape Town," April 2016. Available at http://www.cornerstonesa.net/reports/2016_Khayelitsha_Sanitation_Costing_Report.pdf

⁴⁹ *SJC and others vs. City of Cape Town*, (2016). The full set of court papers are available at <http://www.sjc.org.za/resources>.

two years of working with budgetary evidence and ongoing advocacy. The court case was filed at the Western Cape High Court in mid-2016.

MAKING SENSE OF THE STORY: FOUR CONCLUSIONS

The campaign unfolded through the complex maze of organizing and traversed the unpredictable and messy terrain of politics. Along the way, there were gains and setbacks, as well as tradeoffs. In an effort to make sense of what is often a complex story, and I offer four conclusions, which I unpack below.

1. ***The City was driven by a political project that the campaign threatened.*** What politics drove the City? This question is not academic. It is in fact central to understanding why interrogating issues of leverage and power within a campaign is so important.

For a long time “folly” seemed to me the best way to describe the City’s relationship to SJC and the informal settlements. Barbara Tuchman has argued that “addiction to the counter-productive” and the “refusal to draw conclusions from the evidence” are the most basic symptoms of political folly. Once a bad trajectory is adopted, government officials will “continue down the wrong road as if in thrall to some Merlin with magic power to direct their steps ... [P]olicy founded upon error multiplies, never retreats.”⁵⁰ The City seemed to have adopted a particular trajectory that it simply could not alter.

But looking at the campaign as a whole today, there was in fact a particular logic to the City’s stance, and it had a major impact on the trajectory of the work. The City’s war of attrition against SJC on the budget may have been illogical as reasoning, but it was rational as politics.

Over the past decade, the DA has developed a compelling narrative aimed at building political power across South Africa on the backs of the various crises plaguing the ANC. These crises have included the ANC’s attempted capture of state institutions, widespread corruption, and the persistence of massive unemployment and racial inequality.⁵¹

⁵⁰ Barbara Tuchman, *The March of Folly: From Troy to Vietnam* (New York: Random House, 1984), p. 383.

⁵¹ See SJC “If We Allow State Capture, the Fight Against Inequality Will Be Lost,” memorandum from the Social Justice Coalition and Ndifuna Ukwazi to the National Prosecuting Authority, Public Protector, and South African Revenue Service, delivered at a march in Cape Town, 1 November 2016. Available at http://www.sjc.org.za/if_we_allow_state_capture_the_fight_against_inequality_will_be_lost.

The narrative's centerpiece is what the DA calls the "Cape Town story" – the story of Cape Town as the "best run" city in South Africa, the "modern" city in an otherwise backward, corrupt country.⁵² That story is underpinned by a set of ideas concerning efficiency. Clean audits, anti-corruption, and efficient government are presented as the *primary* means of fighting poverty and inequality.

In the 2014 national election, "Much of the DA's strategy was focused on refuting the ANC's 'good story' message while simultaneously highlighting the party's achievements in the Western Cape."⁵³ By the 2016 local government elections, the narrative had matured significantly:

*"[W]here the DA governs there are more jobs for more people, there is lower unemployment, there are better services. And more importantly, we have stopped corruption. We don't waste your money and steal it. We spend it on delivering more and better services. . . . Since 2006, we have run a clean administration that ensures every rand and cent of the city's R40 billion budget designated to better the lives of residents, especially the poor, is used exactly for that."*⁵⁴

The narrative is constructed in various ways, but in particular by elevating single examples of "successes," no matter how big or small, through such mechanisms as statements, infographics, and billboards.

In one of its most bizarre yet telling manifestations, the city and provincial governments erected billboards towering directly over informal settlements bragging about water and sanitation delivery to the people living below. The governments apparently believed that the billboards were going to somehow convince the residents that their daily lives were a fiction.

The billboards are perhaps the best representation of the overall approach. They serve as a smokescreen behind which lies the City's policy of containment, whereby law enforcement is used to police informality, and bureaucracy is used to maintain it in temporary form forever. The informal settlement will get a billboard about decent water and sanitation, but not decent water and sanitation itself.

⁵² See Richard Poplak, "DA Launches a Manifesto That Promises to Turn the Country into Cape Town" *Daily Maverick*, 25 April 2016. <http://www.dailymaverick.co.za/article/2016-04-25-trainspotter-da-launches-a-manifesto-that-promises-to-turn-the-country-into-cape-town/>.

⁵³ Cherrel Africa, "Reproducing Toxic Election Campaigns," p. 136; see also Democratic Alliance, "Election Campaign 2014: The Western Cape Story," 8 March 2014. <https://www.da.org.za/campaign/election-campaign-2014/western-cape-story/>.

⁵⁴ Patricia de Lille, "Let's Make the Cape Town Story South Africa's Story on 3 August," 27 July 2016. <https://www.da.org.za/2016/07/lets-make-cape-town-story-south-africas-story-3-august/>

SJC has been the primary nonpartisan mass movement, which has consistently disrupted and challenged the City's narrative, making informality and injustice visible in systematic and vocal ways. The budget work went to the heart of injustice and inequality. An unjust budget that is implemented efficiently is still unjust. Perhaps in even deeper ways.

This is what was at stake in the grinding war of attrition waged by the City against SJC. Given its de facto policy of containment of informal settlements, the City's broader political projects were far too powerful to allow it to capitulate unless sufficient pressure could be brought to bear. This is why it is crucial to interrogate power and determine what actions to challenge it will be effective in any given context.

2. ***Trying to win an argument is a losing strategy; evidence alone does not provide leverage.***

Evidence, facts, and data can be seductive. But as our story shows, acquiring evidence can become the campaign itself, and winning the argument can seem like the goal. This is an especially important issue for budget work, which is by nature quite technical and generates so much by way of facts and data.

Throughout much of the first year of the budget work in 2015, the campaign became very focused on exposing the "truth" of the budget. We wanted to build more and more evidence to challenge the City's arguments publicly, to win the argument, as though doing so would achieve the goals of the campaign. We became embroiled in a lengthy war of attrition over the "truth" and this became its own problem.

One reason this happened was that it was the first time that the facts of the budget were coming out in public. It made sense to us that the City would be pushed to change course when faced with such compelling facts of injustice. We still believed that a combination of evidence and mass action would provide sufficient pressure to shift the City's behavior.

However, the pushback from the City was relentless. Within the heat of the campaign, we felt we had to fight back and make sure we could counter each new response. But the City, like other parts of the state, had the resources to fight an extended war of attrition over the "facts" and was fully prepared to do so. Trying to win an argument, without finding the leverage to actually challenge power, could never be a winning strategy.

That said, it is important to explain how evidence was still in fact important within the campaign. First, the evidence provided the knowledge we needed for deep budget literacy education in our branches and in the budget camps. This allowed for SJC members to organize in real and substantive ways on the budget, based on firsthand knowledge and understanding. That they then helped to facilitate the

collection of 3,000 submissions in 2016 and joined hundreds of others in public actions is an example of how this knowledge played out in practice. Knowledge allows movements to organize and contest ideas, to challenge particular truths, or to create new ways of understanding society.

Second, evidence is a crucial part of building and using political strategy. The state often holds a combination of power, resources, and information. Evidence allows for targeted strategies to challenge power. When the budget work started, we did not fully understand the policy decisions that needed to be challenged or how we should do so. We didn't know then how little money was being spent on sanitation infrastructure, how expensive temporary services were, or how constraints affected the installation of sanitation infrastructure in informal settlements. Piecing together all of this evidence helped us to better understand the target and was a building block in the strategy to go after it.

3. ***Organizing is messy and unpredictable; identifying leverage points is crucial.*** Political organizing does not happen in a vacuum. From the outside, it's easy to think that there are simple inputs of strategies and outputs of outcomes. This is not the case in struggles for power, especially in contexts of deep inequality, spatial segregation, and historical injustice. It's important to understand that organizing in these circumstances usually takes place under a multiplicity of difficult conditions, and decisions are not made under perfect conditions.

Nevertheless, this doesn't mean that chaos, messiness, and the absences of strategy are the only options. On the contrary, it means that strategy needs to be constantly examined and adjusted, and we always have to find the best way to exert leverage on those in power.

Indeed, many people — not least City officials — would probably be surprised to know that a large part of the advocacy leading up to the budget speech in 2015 was done with no office at all and that most of our staff members were scattered across several allied organizations or in their homes. This was because the SJC offices had more than once been burgled, ransacked, and vandalized to the point of being uninhabitable. Though difficult to prove, these invasions appeared to many of us as targeted actions by the state security apparatus that were aimed at our work on policing. Around that time, large numbers of armed police officers would also show up at private SJC meetings with “Nyalas” (armored police tanks), seemingly as an intimidation tactic.

While writing this piece, a question kept coming back to me: Did we set ourselves up for failure? The reason for asking this is that in Cape Town the budget process itself is so formulaic that it is essentially set up to be rubber stamped. In fact Deputy Mayor Neilson stated presciently in an interview that “very

often the numbers in the budget are there simply to implement decisions that have already been taken.”⁵⁵ We were using the budget process to try to change a policy, rather than the other way around. Put simply, making many submissions alone would not have changed the budget, and in many ways it couldn't have. The budget process was a formalized process – even an annual event – that offered the promise of leverage, but was not necessarily going to be effective.

Of course, one rarely starts a campaign with a full understanding of every piece of the puzzle. Indeed, the budget process in Cape Town had never been the scene of political struggle, and submissions by poor and working-class residents had never even been made. However, building an understanding of the spending priorities and engaging in direct advocacy helped SJC to systematically push open a political and institutional door and created space into which the campaign could move. In this sense, using budget work within a mass-based campaign was a tactic, not an end in itself.

Rawn James, Jr. explains how laying the foundation for success in the famous case of *Brown v. Board of Education* in the United States Supreme Court was the outcome of over 20 years of litigation, political campaigns, and the creation of a generation of African American civil rights lawyers.⁵⁶ That case was a major legal victory for desegregation of public schools in the United States. But it was in fact a culmination of a decades-long political and legal campaign, not the beginning of one, as it is often viewed.

In the heat of the campaign, there were moments when we had leverage, but didn't use it. For example, in mid-2015, we chose to continue focusing on the sanitation court case rather than to immediately take the City to court over the 502 submissions. The latter presented a cleaner path to a symbolic victory because we had the City's noncompliance during the budget process as leverage. But under the competing interests of the campaign, where resources are extremely scarce and pressure is high, a decision was made to focus on the sanitation case first. Thus the moment for the launching the participation court case was lost.

By the end of 2015, we came to understand that we did not have the leverage we needed and that a fight over the “truth” was not going to take us any further. The advocacy during the first year, however, was a wedge that pushed open the process for the campaign to go forward in the following year and to build the leverage we needed. Sometimes finding the right leverage can be a quick process or even just pure luck.

⁵⁵ Deputy Mayor Ian Neilson, video interview by Shaun Swingler, 18 May 2015.

⁵⁶ Rawn James, Jr., *Root and Branch: Charles Hamilton Houston, Thurgood Marshall, and the Struggle to End Segregation* (New York: Bloomsbury Press, 2010).

At other times, it can take months or even years to build and comes through sustained struggle and is created layer by layer. However it unfolds, finding effective leverage is crucial.

4. ***The campaign forced the political agenda of poor and working-class people into spaces of power.*** Mass-based campaigns can set a political agenda and disrupt institutions. Using budget work as part of the campaign forced its agenda into spaces of power. This is a final, but critical dimension of understanding the role of the budget work within the sanitation campaign. In a context of extreme inequality, as in South Africa, it is one of the most important.

First, the budget in Cape Town — a document that describes the most basic priorities and resource allocation decisions of the state — was largely uncontested prior to 2015. Whereas previously the mayor could table the budget without too much hassle, the campaign forced her into a position where she had to actively defend the decisions of her administration in direct relation to the issues affecting poor and working-class people: inequality, injustice, segregation, and discrimination. This resulted in serious political contention — both inside and outside of formal political processes and institutions — that did not exist before and was driven by people who were ordinarily kept invisible or silent. Consequently, a public debate played out over an extended period. The mayor and those within her administration were, however imperfectly, held accountable as elected officials.

Second, the political agenda of the residents of informal settlements penetrated formal spaces of power. For the first time, thousands of submissions were made by informal settlement residents, and those submissions became the subject of heated political debate within the city council. When the voices of informal settlement residents have been so marginalized and their access to spaces of power so long denied, the importance of this development cannot be overstated.

Third, the budget itself came to be seen as a space for people to have a say over the decisions affecting their lives, and institutional shifts allowed for this to happen more easily than before. Compared to 23 public submissions in 2014, thousands of people made submissions on the budget in 2016. What's more, many were from areas not facilitated by SJC organizing. The City itself made institutional changes to allow for that participation to happen, including developing budget submission forms and dealing with submissions individually rather than misrepresenting them. While each submission may not have had a specific outcome, the overall pressure brought on public officials by this level of participation was crucial.

WHAT HAPPENS NEXT?

Over several years and under all the pressures of political organizing, a variety of committed people built SJC into a movement of informal settlement residents. During this time, the movement saw important gains as well as suffered frustrations and pain.

Councillor Ernest Sonnenberg resigned at the end of 2016, and the City's bureaucracy has been significantly restructured. A new directorate for informal settlement services was established. While the City appears to be planning a direct focus on informal settlements, it remains concerning that informal settlements are still being treated as separate from the broader urban planning and housing priorities of the City, the latter of which are located in their own directorates. Will the City continue to treat informal settlements that have existed for decades as “permanently temporary” and maintain this version of spatial apartheid in Cape Town?

The sanitation litigation will work its way through the courts. The litigation against the Minister of Police seeking equitable distribution of police resources will do the same. South African courts have seen important cases on socioeconomic rights, including the *Grootboom* case on emergency housing and the *Treatment Action Campaign* on health. The SJC case on sanitation will be one of the first to explicitly take on the issue of the obligations of the state to informal settlements. As Constitutional Court Judge Edwin Cameron points out, litigation of this kind requires “government to show that its chosen policy is reasonable.”⁵⁷ Whichever way the case goes, the outcome will be important for what comes next.

Sanitation made tangible the many issues surrounding informal settlements: the policing of informality, tenure security, land injustice, racial inequality, and the severe barriers people face when trying to take part in the most basic decisions affecting their lives. These problems can seem so big and intractable. But for an organization like SJC, they are deeply urgent.

⁵⁷ Edwin Cameron, *Justice: A Personal Account*. Cape Town: Tafelberg, 2014, p. 270.