



RECLAIMING POWER: A CASE STUDY OF THE THEMBELIHLE CRISIS COMMITTEE

By: Thapelo Tselapedi and Jackie Dugard, Socio-Economic Rights Institute of South Africa (SERI)

In 1992, the apartheid government conducted a geo-technical study, which found that the Thembelihle informal settlement to the south-west of the City of Johannesburg was built on dolomitic rock. The study recommended that all residents be located to a nearby area. However, the community resisted relocation and rejected the recommendations of both the 1992 report (for not being participatory) and a 1998 study that largely confirmed the 1992 report. Ten years later, worn down by the years of resistance, many of the residents finally agreed to be relocated to nearby Vlakfontein and Lehae. Their place was taken by backyard dwellers from the surrounding townships who occupied the vacant land made available by the relocations.



PHOTO: CENTRE FOR APPLIED LEGAL STUDIES (CALS)

NOTWITHSTANDING THE capitulation of some residents, the Thembelihle story provides valuable insight into the dynamics of community struggles in post-apartheid South Africa. Led by the Thembelihle Crisis Committee (TCC), the struggle to compel the city to consult with the community over its development plans in the area, to re-consider the recommendations of multiple geo-technical reports to relocate the

community, and to conduct a full and comprehensive report of the area, offers an illuminating case of active citizenship in contemporary South Africa.

This paper highlights the strategies and tactics pursued by the TCC in its attempts to upgrade Thembelihle informal settlement and more generally uplift the community. It looks at the organisation's long-standing struggle for the in-situ upgrading of

The TCC has always viewed itself as playing a broad local development role, beyond the issues of relocation and electrification. Resistance to the relocation was always tied to attempts to get the city to electrify the settlement.

the settlement and the impact of informal and formal engagements with the city on Thembelihle's local development. It also examines some of the tensions and difficulties encountered by the TCC in representing the interests of the community. The paper thus sheds light on the realities and complexities of attempts by poor communities – particularly those living in informal settlements – to actively engage an increasingly remote and fractured state. To a large extent, the TCC experience exemplifies the growing disconnect between the country's constitutional demands and the dominant political culture.

AN OVERVIEW OF THEMBELIHLE INFORMAL SETTLEMENT

Located in the south of Johannesburg, in region G, ward 8, Thembelihle informal settlement is one of the City of Johannesburg's 22 protest hotspots.¹ The settlement, which was known in the 1980s as Esigangeni ("in the bush" in IsiZulu), is situated in Lenasia, a formerly Indian community. It was formed in the mid-1980s 'by (mainly Sotho-speaking) people working in a brick making company where SA Block is today' (Bovu interview 2012).² Although Thembelihle is located far from the economic opportunities of the City of Johannesburg, residents are able to leverage some of the economic benefits offered by the suburban area of Lenasia.

The settlement is 'partially regularised and serviced' (Wilson 2005) and is congested, with households said to number 7000 (Bayzer interview 2012)³ or 8000, according to Webber Wentzel, the law firm that has most often worked with Thembelihle residents (Hathorn 2007). As the land has not been proclaimed a settlement,

the city's electricity distributor, City Power, has not installed electricity in the area, and unlawful electricity connections abound (Ndarala interview 2012).⁴ Moreover, the settlement is located on dolomitic land, 'which is prone to ground movement and can form sinkholes'.⁵ Since 1992 the city has wanted to relocate Thembelihle's residents and, in 2002, declared the area unsuitable for human settlement. The issue of dolomite and the attempt to relocate the Thembelihle community form the backdrop to the formation of the TCC and its active engagement with the state.

THE FORMATION AND OBJECTIVES OF THE TCC

The TCC is a membership-based organisation that claims to represent the collective interests of Thembelihle residents. The leadership, comprising ten members, is elected by the residents of Thembelihle at annual general meetings. The organisation was formed in 2001, a year prior to the City of Johannesburg's formal decision to relocate all Thembelihle residents because the settlement was located on dolomitic rock. According to Siphwe Segodi, a leader in the TCC, the organisation leads 'the struggle in resisting the forced removal of the entire informal settlement'.⁶

The TCC has always viewed itself as playing a broad local development role, beyond the issues of relocation and electrification. Resistance to the relocation was always tied to attempts to get the city to electrify the settlement. Indeed, the TCC became aware of the dolomite issue and the plans to relocate residents through initial engagements with City Power over electrification of the settlement. In addition, the TCC mobilises for improved access to water and sanitation, and assists local children to access schools in Lenasia, which are considered better than those in Thembelihle. The perception among Thembelihle residents is that the largely Indian community in Lenasia tries to control access to Lenasia's schools and resists registering black

children (Dugard et al. 2006). The TCC also recently started a funeral scheme in response to the high number of deaths in the community but has not yet rolled out this scheme. Moreover, the TCC is concerned with the high level of crime in the area and, to this end, participates in the ward committee and the Community Policing Forum.

Notwithstanding these increasing roles and objectives over the years, at the core of the organisation's purpose has always been the city's plans to relocate the community. The section below examines the TCC's strategies and tactics to resist relocation, promote in-situ upgrading and more broadly achieve local development in Thembelihle.

EXAMINING THE TCC'S ACTIVE CITIZENSHIP

From the outset, the TCC leadership has actively worked to re-negotiate the city's decision in 2002 to relocate the entire settlement, using a mixture of formal and informal tactics. In terms of formal channels, the TCC held discussions with City Power for the electrification of Thembelihle. This issue became particularly pressing after a shack fire killed an entire family a few years after the TCC was formed.⁷ However, the TCC was not successful in its attempts, as City Power did not want to connect an informal settlement to the electricity grid. In response, some community members resorted to unlawful electrical connections. The engagement also had far-reaching consequences, opening the community's eyes to a range of other problems such as a lack of adequate basic sanitation, water and housing. At the same time, some residents volunteered to relocate, tired of the city's decade-long intransigence over proclamation and attracted by the lure of better services in the relocated settlements. Nevertheless the TCC remained determined to resist the relocations.

In June 2002, the TCC held a meeting with the municipality to discuss relocations and evictions

in Thembelihle. At this meeting, 'the municipality undertook not to send in the Red Ants to remove people from Thembelihle' (Wilson 2005). However, later that year, in a display of arrogance and aloofness, 'the City sent in the Red Ants to try and forcibly evict the entire community and the community fought back, successfully resisting their removal. After this, they were promised that thousands of houses would be built and that basic services would be delivered'.⁸ However, the apparent concession won by the community was short-lived. The following year, in 2003, the city 'brought an urgent application to evict the entire community of Thembelihle and relocate them to Vlaktefontein and Lehae' (CALS 2006). Then, after many months of not responding to enquiries, the city dropped the case, which can be viewed as a victory for the TCC (Wilson 2005). With the formal evictions route foreclosed, the only remaining option for the City was to try to convince the whole of Thembelihle to "voluntarily" relocate. But this proved difficult, as the community was resolutely against the relocations.

In the meantime, the TCC continued to address basic issues of access to schooling. Between 2004 and 2006, the TCC worked with the Centre for Applied Legal Studies (CALS) to help learners to gain entrance to some of the Lenasia schools, which Thembelihle residents considered better than many of the other schools in the area. Allegations of racism were levelled against the schools' administration.⁹ For the TCC, while the political settlement of 1994 had ended, it seemed that racial manifestations persisted.

The TCC also recently started a funeral scheme in response to the high number of deaths in the community but has not yet rolled out this scheme. Moreover, the TCC is concerned with the high level of crime in the area and, to this end, participates in the ward committee and the Community Policing Forum.

During this period, other developments occurred. In 2005, in a surprise about-turn, the municipality had finally undertaken (allegedly on the sole basis of the 1992 and 1998 geotechnical reports) to investigate the feasibility of in-situ upgrading, although official pronouncements still were that the entire Thembelihle community will relocate to houses in Lehae.¹⁰ The city was clearly caught between the policy implications of the 1998 report recommendations to upgrade where feasible, which is in line with Chapter 13 of the National Housing Code, and the political imperative to adequately house people. Part of this logjam was because the 1992 report was not complete and the TCC wanted another, comprehensive report. The city tasked the TCC to pay for the costs of another study. The TCC rightly questioned the mandate of the city in shifting the costs to the community, wondering who the city is serving if poor communities are expected to pay for costs related to their development. The organisation has been seeking ways to get the City to pay for the costs. Clearly unresolved underlying systemic features would need to be confronted head on and would require a different level of organisation and mobilisation.

By 2006, the TCC had shifted gear and became part of founding Operation Khanyisa Movement (OKM), to contest the local government elections that year.¹¹ OKM is a socialist organisation that contests local government elections in parts of Johannesburg including Thembelihle and Soweto. The TCC's decision to become involved in formal politics, through its affiliation to OKM – considered by the leadership to be a new tactical frontier for the struggle – was taken in order to get

closer to the levers of power and decision-makers within the city and to better understand the city's processes and systems, particularly its plans for relocation and/or upgrading of Thembelihle. The TCC's leader, Bhayi Miya, stood as the OKM ward 8 candidate but was unsuccessful, losing to Dan Bovu of the African National Congress (ANC). However, defeat in the arena of formal politics did not deter the TCC's broader campaign, which had in any event never relied on one tactic.

Resorting to more informal tactics, in 'July 2007, the community held a mass meeting which demanded a report about the provision of housing and electricity in the area'. With no response from the city, the community resolved to march peacefully to the local municipal offices. When the City Manager failed to meet with the marchers, they decided to 'stage a blockade so that the Mayor of Johannesburg would come to address their grievances in light of the council's lack of accountability to the community'. The demonstration continued into early hours of the morning, until 'the crowd dispersed under heavy fire from the police'.¹² The TCC was not going to bow down to the city's pressure to relocate Thembelihle residents, and in 2008 much of the same mass action continued. The TCC marched alongside other community-based organisations under the banner of the Anti-Privatisation Forum (APF) demanding a moratorium to all evictions.¹³ Although this demand did not succeed, the TCC had consolidated its leadership and established lasting networks with like-minded organisations.

In 2009, with the emergence of xenophobic attacks across the country, the TCC responded quickly. 'After a local trader was attacked and robbed and rumours circulated of an impending attack on immigrants, the TCC leadership swung into action using its organisational machinery, its authority and experience and provided leadership' (Ngwane and Vilakazi 2011). The organisation held a community meeting at which it was agreed that no such attacks would be tolerated in

When the City Manager failed to meet with the marchers, they decided to 'stage a blockade so that the Mayor of Johannesburg would come to address their grievances in light of the council's lack of accountability to the community'.

Thembelihle. To instil goodwill in the community, the TCC organised a soccer game between immigrants and locals in a gesture of solidarity (Ngwane and Vilakazi 2011). The TCC also undertook street patrols to protect immigrants. The TCC's anti-xenophobia campaign continued throughout the 2010 FIFA World Cup, amid on-going fears of more flare-ups of violence against foreigners.

During 2011, in what became a year of protests and negotiations with the city, the OKM fielded Miya as its preferred candidate in the local government elections. Miya again lost, coming in third with 450 votes¹⁴ while Janice Ndarala won 3 657 out of a registered total 6 968 votes, or 52% of the electorate (IEC 2011).¹⁵

In June 2011, accompanied by 50 protesters, the TCC held a meeting with the city's water utility (Johannesburg Water), Councillor Janice Ndarala, a contractor from Limpopo Province and the police to discuss the installation of toilets, which did not materialise (Ranchod 2011). Dissatisfied with delays in installing toilets, in August residents marched to the municipal offices 'to hand over a memorandum to the local Councillor' (Naick 2011). According to Miya, the aim of the march was to present the councillor with a list of issues from the community of Thembelihle. The TCC saw the memorandum as establishing a mandate for the councillor's tenure.¹⁶ It is unclear how the councillor viewed this "mandate" and in particular the extent to which it clashed with the mandate of her party, the ANC. The march was jointly led by OKM's Simphiwe Zwane, who was and is a proportional representation councillor in the Johannesburg city council. The TCC's memorandum gave the councillor a few days to respond to the issues.

When councillor Ndarala allegedly did not respond to memorandum, a backlash followed, as the TCC returned to street politics. In a violent and protracted demonstration, residents blockaded 'the K43 and surrounding roads with boulders and burning

During 2011, in what became a year of protests and negotiations with the city, the OKM fielded Miya as its preferred candidate in the local government elections. Miya again lost, coming in third with 450 votes while Janice Ndarala won 3 657 out of a registered total 6 968 votes, or 52% of the electorate (IEC 2011)

tyres [...] stones and rocks rained down on the K43 road as residents from the informal settlement' protested. The police presence failed to 'curb the waves of stone throwing attacks by residents as the running battles continued throughout the morning'¹⁷, while the presence of the Public Order Policing (POP) unit exacerbated the already tense situation, according to one participant.¹⁸ Lieutenant Colonel Levy Mere, the Operational Commander of the POP unit in Johannesburg, reported that he had seen 1 500 protestors taking part.¹⁹ Violence also appears to have been used to mobilise protestors, with many witnesses stating that people were heckled outside their homes to join the protest. In one statement, a witness talks of protestors moving through Section F of Thembelihle, mobilising people in the early hours of the morning of 5 September. She says that when the protestors passed her house singing, they threw stones on her roof presumably because the day before, at a meeting of OKM, her name was listed as part of a group of mpimpis (sellouts) who regularly give information to Councillor Ndarala.²⁰ The protests resulted in arrests of community members. However, although the police brought a case against the protest leaders, the leadership of Thembelihle, through the litigation efforts of the Socio-Economic Rights Institute of South Africa (SERI), were able to get the case struck off the roll.²¹

Later in September 2011, concerned by a spate of sustained protests over two weeks in August and September that involved a range of community groupings, Member of the Executive Council Humphrey

Mmemezi met with the TCC leadership over the issues raised in the memorandum. The ‘uprising to demand electricity and housing focused country-wide attention on the Thembelihle community even more than it did in February 2011 when a similar protest produced no response from the government’.²² The protests caught the attention of Gauteng ANC politicians and forced the city to respond favourably to the community’s demands.

Continuing to mobilise across its networks and affiliate organisations, in September 2012 the TTC and the Informal Settlement Network (ISN) organised a protest to deliver a memorandum to Nomvula Paula Mokonyane, Premier of Gauteng Province. This clearly shows that the TCC is successfully collaborating with other community-based organisations and social movements. As a result of these protests, in

By the end of 2012, the TCC has become adept at operating in both formal and informal political arenas in order to push its demands and objectives. Electoral and street politics will be needed for the TCC to ensure the city constitutes the task team and commissions another study. The TCC’s longstanding struggle for in-situ informal settlement upgrading in Thembelihle can also be seen as a struggle to be considered as equal citizens who are consulted about development in their area.

CONCLUSION

Formed in 2001 when the city announced its plans to relocate the Thembelihle community, the TCC initially focused on having electricity installed in the settlement. The knowledge gained in subsequent engagements with the city and its various agencies empowered the movement to take up more and more local development issues on behalf of Thembelihle residents. From attempts to electrify Thembelihle, fight evictions, assist local learners to access schools in Lenasia and contest local government elections, to grappling with the burning issue of dolomite and relocation, the TCC has constantly shifted and mixed tactics and strategies according to perceived political realities. While the combination and relentlessness of the various actions may be seen as responsible for any gains made by the organisation, informal protests or “politics of the street” appear, at least for the moment, to be the most effective strategy in the context of enduring unresponsiveness by the state. Certainly, the city’s latest promise to renegotiate any further relocation came out of the sustained protests at the end of 2012.

Although the TCC did not achieve electoral victory in the 2011 local government elections, the organisation enjoys popular support, as shown by the city’s recent concession to pay for a comprehensive geo-technical study and the results of the 2012 ward committee elections. It has consolidated networks

The TCC’s longstanding struggle for in-situ informal settlement upgrading in Thembelihle can also be seen as a struggle to be considered as equal citizens who are consulted about development in their area.

October 2012 the city agreed to conduct a new and comprehensive geo-technical study and to establish a multi-party technical team of geologists and lawyers to monitor the study. It also finally agreed to pay the costs of a more comprehensive geo-technical study of Thembelihle. However, despite a promising start, like previously, the city appears to be dragging its feet over the implementation of this process.

In the meantime, continuing its formal engagement, the TCC participated in the November 2012 ward committee elections and won most seats. This success was a clear sign of the exposure received by the organisation during the protests earlier in the year. It also demonstrated the ward’s growing confidence in the organisation, signalling that reputations and credentials are won on the ground and with people.

with other communities and their organisations. In this way, by bridging the divide between the City's aloofness and grassroots needs, the TCC assists in reconnecting the dominant political culture with the country's constitutional demands.

This paper has demonstrated that even when citizens are able to organise themselves, achieving their stated objectives at once is not always possible. Active citizenship, such as constituted by the TCC, occurs in a dynamic, flux environment where the struggle

to upgrade and improve informal settlements is longstanding and complex, involving multiple strategies and tactics. Navigating this terrain and representing the interests of the community is difficult and requires extraordinary energy, resilience and courage in the face of considerable intransigence and opposition from the state. However, cases such as Thembelihle offer the hope that with sustained active citizenship, the state can be made to respond to collective demands, and democracy can be consolidated.

REFERENCES

- CALS (2006) *Access to Education for Learners in Thembelihle. Research Report*, May 2006. http://www.ewisa.co.za/ewisawaterworks/misc/MunicipalDocuments/NCDisPixley_Ka_Seme/LMThembelihle/02775_thembelihle_02.pdf.
- Dugard J, Ngwenya M, Savage K and Albertyn C (2006) *Access to Education for Learners in Thembelihle*. Centre for Applied Legal Studies. Research Report, May 2006. http://www.ewisa.co.za/ewisawaterworks/misc/MunicipalDocuments/NCDisPixley_Ka_Seme/LMThembelihle/02775_thembelihle_02.pdf.
- Hathorn M (2007) *Webber Wentzel Bowens, Public Interest and Gender Law Department and Corporate Social Responsibility Annual Report*. http://www.webberwentzel.com/wwb/action/media/downloadFile?media_fileid=1251
- Huchzermeyer M (2006) The struggle for in situ upgrading of informal settlements: case studies from Gauteng. Paper presented at the Southern African Housing Foundation Conference and Exhibition, Cape Sun, October 2006. <http://www.bing.com/search?q=TCC+takes+the+City+to+court+for+in+situ+upgrading&src=IE-SearchBox&FORM=IE8SRC>
- IEC South Africa (2011) Municipal elections, Results map. <http://maps.elections.org.za/lgeresults/>
- Naick K (2011) Protests cause havoc. *LookLocal: My Community, My Choice*. <http://www.looklocal.co.za/looklocal/content/en/lenasia/lenasia-announcements-general?oid=4678007&sn=detail&pid=1171269&Protests-cause-havoc->
- Ngwane T and Vilakazi N (2011) *Social Movement Responses to Xenophobia: A case study of the Soweto Electricity Crisis Committee, the Anti-Privatization Forum and the Coalition against Xenophobia*. Centre for Sociological Research, University of Johannesburg. http://www.atlanticphilanthropies.org/sites/all/modules/filemanager/files/7_Soweto_c.pdf.
- Ranchod P (2011) Service delivery protests in Thembelihle. *LookLocal: My community. My choice*. <http://www.looklocal.co.za/look-local/content/en/lenasia/lenasia-news-municipal?oid=4474501&sn=Detail&pid=1171275&Service-delivery-protests-in-Thembelihle->
- Wilson S (2005) *Johannesburg's Informal Settlement Plan: The view from Mandelaville and Thembelihle*. Centre for Applied Legal Studies, University of the Witwatersrand. http://www.ewisa.co.za/ewisawaterworks/misc/MunicipalDocuments/NCDisPixley_Ka_Seme/LMThembelihle/StuartWilson.pdf

NOTES

- ¹ In a meeting of the Gauteng Land and Housing Social Network in Johannesburg, Mike Makwela, Programme coordinator at Planact, spoke about how in a conversation with a Johannesburg City official he was informed that the City had identified 22 protest hotspots in its jurisdiction.
- ² Interview with Daniel Bovu, the first ward 8 councillor after the historic 1994 elections and currently Mayoral Municipal Committee (MMC) member for housing, 18 October 2012.
- ³ Telephonic interview with Miya Bhayzer, 23 August 2012.
- ⁴ Interview with Janice Ndarala, ward councillor for ward 8 which includes Thembelihle, 15 August 2012.
- ⁵ SABC (2011) Thembelihle informal settlement in danger of sink holes. <http://www.sabc.co.za/news/a/e69921804857529581ad-8b0e3505e7d1/Thembelihle-informal-settlement-in-danger-of-sinkholes-20110915>.
- ⁶ Segodi S (2011) Thembelihle Crisis Committee contesting elections through Khanyisa Movement. http://www.socialistsouthafrica.co.za/index.php?option=com_content&view=article&id=48:thembelihle-crisis-committee-contesting-elections-through-operation-khanyisa-movement&catid=1:latest-news. Segodi is a member of the TCC leadership and also works for the Freedom of Expression Institute (FXI) as a field worker
- ⁷ Interview with Janice Ndarala, ward councillor for ward 8, 15 August 2012.
- ⁸ APF (2007) Charges against Boiketlong and Thembelihle activists dropped. Accessed 12 September 2012: <http://apf.org.za/spip.php?article209>
- ⁹ TCC focus group interview. 21 July 2012.
- ¹⁰ Huchzermeyer, M. (2006) The struggle for in situ upgrading of informal settlements: Case Studies from Gauteng. Paper presented at the Southern African Housing Foundation Conference and Exhibition, Cape Sun, October 2006. <http://www.bing.com/search?q=TCC+takes+the+City+to+court+for+in+situ+upgrading&src=IE-SearchBox&FORM=IE8SRC>