

**LIVED NOTIONS OF CITIZENSHIP AND THE HUMAN RIGHT TO WATER
IN SITE C, KHAYELITSHA, CAPE TOWN, SOUTH AFRICA**

By

LYUDMILA ALEKSEEVA RODINA

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Abstract

South Africa has been undergoing significant changes over the past three decades with the dismantlement of the apartheid state, followed by a series of socio-political and economic changes. The structural transformation of the new democratic South Africa has been accompanied by many progressive developments for which the country has been widely praised - but also critiqued. Major elements of this transformation have been improving service delivery for formerly marginalized populations and redressing structural historical inequalities. The main goal of this work is to investigate how these changes affect on-the-ground realities in areas of Cape Town, South Africa, by focusing on the micro level, namely on communities and individuals in marginalized urban areas. This manuscript-based thesis is founded on Master's research conducted in 2012, with a follow up in 2013, in Site C, Khayelitsha, a partly informal township in Cape Town, South Africa. It investigates the conditions of water access in Site C, the different meanings people attach to water access as well as associated implications for experiences of the human right to water and citizenship more broadly. Chapter 2 analyzes the ways in which the post-apartheid state is encountered in Site C through access to services, and water in particular. It traces the significance of service delivery to previously marginalized populations, such as informal settlements and black townships, as foundational in defining the relationships these populations have with the post-apartheid state. This chapter concludes that these relationships vary significantly along the lines of formality, whereby the housing formalization process contributes to the marginalization of shack dwellers. Chapter 3 focuses more specifically on the human right to water, for which South Africa has been widely praised in both academic and policy realms. This chapter adopts a "lived notions of rights" conceptualization and draws attention to the material conditions as well as the emotive and discursive meanings of water access for residents of Site C. This thesis contributes to a more nuanced understanding of the everyday lived dimensions of relative marginalization, proceeding alongside the housing formalization process in Cape Town and South Africa as a whole.

Preface

This research received approval from the UBC Behavioural Research Ethics Board. The UBC BREB number of the approval certificate is H12-00389 *Water Governance in Cape Town, South Africa*.

Chapters 2 and 3 of this thesis are written as stand-alone manuscripts, to be submitted for publication at a later date. For the purposes of the thesis, I am the sole author of all chapters. My contribution to the research includes conceptualization, study design, design of interview and focus group scripts, data collection in Site C, Khayelitsha, Cape Town, analysis of the research data and writing. I received support from my supervisor, Dr. Leila Harris (The University of British Columbia), who provided funds for the fieldwork component of this research as well as feedback on all stages of the study. Dr. Jaqueline Goldin (The University of Western Cape, Cape Town, South Africa) provided feedback on the study instruments. Dr. Shaylih Muehlmann (The University of British Columbia) provided feedback on my thesis, including conceptualization and earlier drafts.

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List of Abbreviations

ANC African National Congress

CCT City of Cape Town

DWAF Department of Water Affairs and Forestry

HRW Human Right to Water

FBW Free Basic Water

RDP Reconstruction and Development Program

RSA Republic of South Africa

SSA Statistics South Africa

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Dedication

To my grandfather, Prof. Radko Radkov.

Introduction – Context and Research Outline

In 2006, South Africa's Housing Minister Lindiwe Sisulu announced that all shack settlements would be eradicated by 2010. While a laudable goal, it was unrealistic and unlikely to solve the pressing problems of urban-rural poverty and urban migration. The provision of housing to poor people in urban areas, while important, has not necessarily directly ameliorated people's living conditions beyond the basics of shelter. There is a fine line between 'upgrading' and the creation of new 'poverty enclaves' and their formalisation in the built environment [...]. Apartheid's historical legacies endure in the present. It is well known in policy circles and in South African society in general that there is a real danger that unless economic benefits accrue to poor people, educational outcomes are improved, welfare programmes sustained and opportunities (jobs among them) offered, interventions such as housing initiatives will be little more than aesthetic acts that cast responsibility for material and social maintenance and communal well-being back onto the 'poorest of the poor' whose individual, social and material resources have been eroded by long histories of dispossession, alienation and social aggravation. (Ross, 2009a, p. 305)

South Africa has been undergoing significant changes over the past three decades with the dismantlement of the apartheid state, followed by a series of socio-political and economic changes. The structural transformation of the new democratic South Africa has been accompanied by many progressive developments for which the country has been widely praised - but also critiqued. A major element of this transformation has been a focus on improving service delivery for formerly marginalized populations. Another crucial new aspect of this process has been the Constitution of the Republic of South Africa (hereafter RSA), which introduced considerable changes in attempt to redress the social inequalities created by the apartheid regime through a suite of universal socio-economic rights, including the rights to sufficient water and adequate housing.¹ These rights are meant to be the legal mechanisms that enable the poor to make the state accountable for the delivery of adequate services. But what do they look like in practice? How do they affect the on-the-ground realities of the daily lives of South Africa's poorest people? What meaning do they have for different groups, including marginalized populations?

From a legal perspective, these rights have been enacted in court with some success, albeit partial, as the courts in South Africa have not been fully successful in advancing pro-poor direct

¹ Bill of Rights of the Constitution of the Republic of South Africa [No. 108 of 1996], Section 26 (1) "Everyone has the right to have access to adequate housing"; Section 27(1)b) "Everyone has the right to have access to sufficient food and water" (Republic of South Africa, 1996).

access to litigation (Bond & Dugard, 2008; Dugard, 2013). One of these relatively successful examples is the *Mazibuko* case, in which residents of Phiri, Soweto, in Johannesburg, challenged the installation of pre-paid water meters² in their community as well as the amount of free basic water allocation (set at 25 litres per person per day) (Dugard, 2010a). More broadly, socio-economic rights activism in South Africa has generated significant advances towards a more progressive and justice-based realization of human and socio-economic rights, as evident in cases such as the Treatment Action Campaign (TAC)³ of 2003/2004 which pressured the government to provide antiretroviral treatment, furthering popular struggles for access to health care (also a right in the Constitution) (Thompson, 2007).

In sum, in South Africa the redistributive potential of the 1996 Constitution, the progressive articulation of human rights, and civil society mobilization around rights have demonstrated a significant democratization of the country since the end of apartheid. Namely, new spaces have been created for people to engage with the state in claiming their rights, either through the court system, through advocacy or through legal protest. The changes described above are happening on the societal, or on the macro scale. This thesis, however, will investigate how these changes affect on-the-ground realities in areas of Cape Town, South Africa, by focusing on the micro level, namely on communities and individuals. The aim of this approach is to better understand the implications of these structural transformations on the daily lives of members of impoverished communities, such as informal settlements and former black townships⁴ designated during apartheid for residential segregation of black Africans, including Xhosa, Zulu and others.

Informality

Squatter settlements are of crucial importance in understanding poverty and structural inequality in the post-apartheid city. Some estimates suggest that in South Africa, the number of people

² Pre-paid meters automatically disconnect once the Free Basic Water (see details regarding this policy on p. 4) allocation of 6000 litres per month has been used, unless additional credit is purchased. The installation of the meters began in 2001 and an official court case was initiated in 2006. In 2008 the court ruling was in favor of the applicants on all grounds, but was appealed in 2009, resulting in only partial victory for the Phiri residents. The outcome was twofold; the Court recognized that the installation of the pre-paid meters was unlawful and ordered the City of Johannesburg to increase the free basic water allocation to 50 liters per person per day (Dugard, 2013).

³ The largest South African AIDS activism campaign, TAC has been successful in using the court system to further struggles for access to health care (for details see Thompson, 2007)

⁴ In South Africa, the term “township” usually carries apartheid connotations and refers to impoverished urban areas that under apartheid were reserved for non-whites, such as black Africans, Coloreds (in South Africa this term refers to peoples of mixed race) and Indians.

living in informal settlements and backyard shacks has increased from 1.45 million in 1996 to 1.84 million in 1998 (growth rate of 26%) and more recently has been estimated at 2 million (Landman & Napier, 2010, p. 303). According to Census data from 2011, 13.6% of households in South Africa live in informal dwellings. In the Western Cape, where Cape Town is located, this number is as high as 18.2% of all households (SSA, 2012a). As some have pointed out, while often unwelcomed, illegal land occupation in fact plays an important role in shaping South Africa's cities (Huchzermeyer, 2006). Legal battles in South Africa have led to some acceptance that informal residents should be given rights to areas they occupy, for example through evictions protection legislation.⁵ However, subsequent development often overrides organic or informal processes, and perpetuates segregated urban planning. As these processes are ongoing, understanding urban inequality and poverty in South Africa begs serious consideration of informality and its multiple dimensions, including housing and citizenship rights, as well as the discourses around informality and their implications. In addition, to better understand how the democratization in South Africa is experienced on the ground, we need to really focus on informal and semi-formal spaces and the tensions that exist along formal and informal lines.

Informal settlements occupy contested spaces in cities - physically, legally and in public discourses (Hossain, 2011; Huchzermeyer, 2006). This term is often used to describe what some might call "shantytown landscapes" - spaces characterized by large percentages of self-built, substandard and often unsafe housing, poor infrastructure provision, high levels of crime, vice and endemic poverty (Davis, 2006).⁶ There are ambiguities around the terms "informality", "informal housing" and "informal settlements", as pointed out by Landman and Napier (2010) and others, that can be problematic as the use of these terms and associated discourses can have significant political implications. Informality often has broader connotations, including unregulated semi-legal economies (Maloney, 2004), illegal migrants, non-citizens and others. Informal housing often refers to shacks, irrespective of whether they are located in squatter settlements, backyards of formal houses, or in serviced sites (Landman & Napier, 2010). In addition, the discursive binary "formal-informal" is in fact ill-guided and does not accurately represent the reality on the ground. Also, it often implies that informal spaces and populations are physically and symbolically separated from the "formal" economy and the governance

⁵ For instance, the *Government of the Republic of South Africa v Grootboom* case established on grounds of the right to adequate housing that the government cannot evict informal residents unless it provides relief in the form of temporary shelter (Wilson & Dugard, 2011)

⁶ In South Africa such urban areas are usually referred to as townships, a term with significant apartheid connotations. This term is largely associated with apartheid struggle and oppression of non-whites.

systems, and are therefore practically excluded from full citizenship rights, even if guaranteed by law. Further, formalization processes in fact further reproduce this dichotomy. In practice, as we see in South Africa for instance, some “informal” shacks are located in serviced sites and are formally participating in housing upgrade projects. In terms of employment, many shack dwellers I spoke to during my interviews in fact pursue a mixture of formal and informal employment and often commute to more affluent neighbourhoods in the city to work as house-cleaners, baby-sitters, customer service agents in McDonalds, etc. In other words, in practice, shack settlements, and particularly in the case at hand, are hybrid spaces, in which “formal” and “informal”, regulated and unregulated processes take place.

In addition, the discourse around informality is often associated with a series of assumptions about the status of settlements deemed informal and associated development policies and government interventions. The term informality is often depoliticized in the sense that it renders “informal settlements” a technical problem, which requires solutions such as infrastructure building, residential and commercial zoning, and housing upgrade to meet urban building standards, among others. Similarly to arguments made by Bakker and Kooy (2010), this depoliticization of the development of informal settlements contributes to normalizing the process of exclusion of shack settlements – they remain excluded until “formally” integrated into urban planning. It is difficult to see this as something other than a technical problem – shack settlements still exist because the formalization process is potentially slower than it should be. In this process, the status of informal settlements in public discourse as subpar, marginalized and without full rights to political and socio-economic claims (despite constitutional guarantees of such rights) becomes normal.

Depoliticizing the discourse around the formalization process is particularly problematic in South Africa, where cities have been widely shaped by discriminatory and repressive apartheid planning and by market processes that exacerbate inequality in post-apartheid times (Beall, Crankshaw, & Parnell, 2002; Huchzermeyer, 2006; McDonald, 2007). During apartheid and in the first decade after the end of apartheid, South African cities experienced significant growth of shack settlements and illegal land occupants, mostly migrants from the former Bantustans⁷ in search of job opportunities in the urban centres. One form of growth of informal squatting was

⁷ Bantustans, also known as black homelands or black states, were territories set aside by RSA for the black population of South Africa during apartheid. They have often been described as impoverished, with high unemployment and inferior public services.

alongside formal black townships, and as a result black urban areas became patchworks of formal and informal housing, a pattern that persists today.⁸ Another form of growth of squatter settlements was through occupation of vacant land close to other formal residential areas (Ballard, 2004). South African cities have thus witnessed high rates of unplanned urban settlement, a lot of which was a result of the instruments (e.g., migration and residence laws) used by the apartheid government to prevent the influx of black workers into white-dominated urban areas (Davis, 2006). On multiple occasions, shack settlements have been forcefully removed, destroyed, and have often witnessed (and continue to witness) violent clashes with the authorities. In South Africa these areas are sites of violent history that played an important role in the dismantlement of the apartheid state through massive social mobilization against the oppressive regime. The term “informal”, however, as used across different contexts to designate illegal or unregulated urban development, tends to omit the historical and political significance of these areas in South Africa.

Lastly, dominant discourses around informality have implications for citizenship as they render informal residents non-citizens in practice, even if the progressive constitution of RSA recognizes universal socio-economic rights. Residents classified as informal are considered “lesser” citizens because they do not have land titles or property rights, they do not pay taxes, and are only eligible for basic services under the law in South Africa. Their claims are considered illegitimate until they are “formalized”. The formalization process *de facto* becomes the process that determines who becomes a citizen and who does not. Weary of the problematics around discourses of informality and formalization, I employ these terms at times in this thesis to draw attention to some of the implications of these discourses as they are lived by residents of semi-formalized townships. Within the context of this work, I focus particularly on Site C in Khayelitsha, Cape Town, where formalized government-subsidized housing⁹ and continuously growing “informal” or squatter settlements co-exist. Such areas, as will be discussed in this thesis, are often characterized by tensions between the formal and informal sites around issues of access to services and participation in local governance processes. These tensions are directly related to the formalization process, through which some residents

⁸ See Figure 1 for an aerial photo of Site C. Informal shacks tend to cluster along the periphery of the formalized part of the area, indicated by roads, or in between formalized areas if space permits.

⁹ In the context of Site C, these are former shacks that are now upgraded to houses on zoned plots with tenure rights, compliant with formal housing codes, usually part of municipal *in situ* upgrading programs. (Department of Human Settlements, Republic of South Africa, 2009).

become legitimate, with recognized rights to stay in Site C and make claims. This process, however, renders others residents illegitimate - non-citizens.

Democratic Transformation and the Free Basic Water

South Africa has received much attention in both academic and policy debates around two themes of interest for this research: the human right to water and service provision to previously marginalized populations, especially informal settlements. The new Constitution of South Africa guarantees second-generation socio-economic rights to formerly marginalized populations for the first time in the history of the country. The South African Bill of Rights is often cited as among the most progressive both in the region and in the world (Dugard, 2013). Among a number of political and socio-economic rights aiming to establish and guarantee equality, it grants all citizens the right to access sufficient food and water¹⁰ and the right to adequate housing¹¹ (Republic of South Africa, 1996). It must be noted, however, that the Constitution stipulates that the government has a responsibility to deliver socio-economic rights “within available resources” (McDonald & Pape, 2002b), a fact that has been criticized for failing to effectively benefit the poor as it has allowed for the adoption of cost-recovery measures and has contributed to justification for failure to provide sufficient services for the poor (ibid).

From 1996 onwards the government introduced a sweep of neoliberal reforms as part of the Growth, Employment and Redistribution (GEAR) strategy in almost all spheres of government, highlighting cost-recovery and efficiency as priorities on grounds of the poor state of municipal service provision, the need to extend water services to comply with constitutional and policy requirements, and partly to address the “culture of non-payment,” arguably rooted in the payment boycotts in the 1990s (McDonald & Pape, 2002b). Rapid expansion of infrastructure remained a primary objective with the delivery of water services advancing remarkably fast. By 1999, The Department of Water Affairs and Forestry (DWAF)¹² claimed to have reached two million new connections since 1994. However, as several commentators have argued, the cost-recovery measures undermined some of the gains of service delivery extensions by contributing to water cut-offs and disconnections in early 2000s as well as by posing affordability challenges for the poor (Bond & Dugard, 2008; 2010; Smith, 2006).

¹⁰ Section 27(1)b

¹¹ Section 26(1)

¹² In 2009 the Department of Water Affairs and Forestry was renamed to Department of Water Affairs. In this work, I refer to it as DWAF when discussing events prior to 2009 and DWA when referring to later events.

With rampant housing backlogs in 1994 that affected the re-development of informal settlements, this issue was another major priority for the new government. The National Housing Forum, established in 1992 to address the housing crisis in South Africa, reoriented their focus towards redressing spatial inequalities through urban integration and in 1994 the Office for Reconstruction and Development was established as the central driver of the urban reconstruction process (Pillay et al., 2006). With the majority of urban growth occurring in the periphery of cities (Pillay et al., 2006), the development and integration of these marginal areas became of high priority to many municipalities, especially Cape Town, one of the centres with highest rates of urban growth in the country (SSA, 2012a).

Cape Town is located in the Western Cape province, the second wealthiest in the South Africa (Parnell & Pieterse, 2010). As a result of the high land prices in the central parts of the city, government low-income housing programmes have been concentrating on low-cost and lower quality land on the urban periphery, where the majority of the urban poor are concentrated. Recent estimates claim that 25% of the population of Cape Town is living in irregular and inadequate accommodation (Parnell & Pieterse, 2010), including shacks and various temporary shelter structures. In the absence of affordable options, the impoverished populations of Cape Town resort to overcrowding in these peripheral areas, building shacks in backyards, or illegally occupying empty private land. It is these sites that are experiencing increasing growth of informal housing and where the quality of service delivery is the lowest (e.g., water leaks, inadequate sanitation services, etc.), due to a number of structural challenges, including ambiguities with land ownership, land use regulation, cost of infrastructure and administering payment for services, among other issues (ibid).

South Africa is often talked about within human right to water debates because of its constitutional right to water and policies designed for its progressive realization. One of these policies is the national Free Basic Water (FBW) policy, officially announced in February 2001, five years after the post-apartheid Constitution of RSA recognized a right to water, as a result of considerable social movement mobilization around the installation of pre-paid meters linked to the cholera outbreak of August 2000, one of the biggest in the history of South Africa (see discussion in Miroso & Harris, 2011). The FBW policy mandates municipalities¹³ to “provide 6000 litres of safe water per household (of eight) per month,” or 25 litres per person per day,

¹³ The implementation of the FBW varies slightly across municipalities, as the national government mandates municipalities to comply with this policy within their own resources.

within 200 meters from home (DWAF, 2007). This is consistent with the WHO/UNICEF Joint Monitoring Program standards for improved drinking water sources that include public taps/standpipes and piped water on premises (WHOUNICEF, 2008). The implementation of the FBW policy has not gone without challenges and failures. First, the allocated amount of free basic water is problematic because it does not match WHO standards for 50 litres of water required for basic needs (Howard & Bartram, 2003).¹⁴ Second, the 25 litres/person/day within the Free Basic Water policy does not include toilet flushing and is not linked to sanitation policies, which is particularly problematic in impoverished urban areas in South Africa where sanitation service provision lags behind delivery of potable water (DWAF, 2007). Third, the FBW has been criticized for being discriminatory against large households (Bond & Dugard, 2008). Being implemented within the cost-recovery scheme, a major problem of this policy has been the question of affordability, namely payment for the costs of service connections, payment for water above the free basic minimum allocation and disconnections for non-payment, which have been shown to pose significant burden on poor households (Bond & Dugard, 2008; Smith & Hanson, 2003).

In 2007 DWAF revised the Free Basic Water Implementation Strategy to include existing mechanisms for poverty alleviation, such as the Department of Provincial and Local Government's (DPLG) Indigent Policy Framework of 2005 (DWAF, 2007). The language of the new implementation strategy also acknowledges the lack of integration with sanitation policies and that the government has a commitment to increase the basic level from 25 to 50 litres/person/day. However, actions to address these shortfalls have not been clearly outlined. Further, the policies that implement the HRW are undergoing changes under pressures on municipalities from civil society and courts (e.g., *Mazibuko*, see above). Civil society and social mobilization in general around issues such as the installation of pre-paid meters and service disconnections have proliferated significantly since 1994 and have had success, albeit often incremental, in influencing policies (Bond & Dugard, 2008; Dugard, 2013). In other words, water delivery policies in post-apartheid South Africa are shaped under pressures from both government and demands made by society, claimed in multiple ways, as will be noted later in this thesis.

¹⁴ The WHO defines basic access as "average quantity unlikely to exceed 20/litres/per person/per day." Further, this amount poses high levels of health concern and is not sufficient for laundry and bathing (unless carried out at the source) (Howard & Bartram, 2003, p. 3)

Today, the Western Cape (WC), the province where Cape Town is located, is one of the provinces with highest rates of service coverage. For instance, 75% of the population of the province has access to piped water inside the dwelling, compared to the national rate of approximately 46% (SSA, 2012b). Cape Town in particular scores highly in provision of water services, with approximately 89% of the population of the City of Cape Town (CCT) with access to a flush toilet connected to sewerage in 2011 (including communal toilets), and approximately 96% with access to water either within the home or through backyard or communal taps within 200 meters of one's dwelling (as per FBW requirements), compared to the national estimates of 57% and 85% respectively (CCT, 2012a; SSA, 2012b).¹⁵ As such, coverage statistics in Cape Town demonstrate almost universal access to basic water, however, they tend to brush over the differentiated forms of access (in-house, back-yard, communal, proximity) within communities and how these dimensions actually impact people's water use. These numbers do not tell us whether or not people are getting sufficient water, whether service disconnections are occurring, and whether residents find services to be adequate for their needs and as well as for aspirations for wellbeing (Conradie, 2013). This work uses a focus on lived experiences with different forms of access to water services to help reveal some of these nuances.

Service Delivery

Service delivery in South Africa has long been skewed along racial, gender and class lines. Historically, the apartheid regime in South Africa created spatial fragmentation in urban centres¹⁶, resulting in the segregation of the black African population in areas with poor access to services and facilities, high unemployment rates and high crime levels. The legacy of this fragmentation persists today, with territorial variation of service delivery, including the water sector (Smith & Hanson, 2003), and persistent socio-economic inequality (McDonald, 2008). During apartheid, black Africans in the former Bantustans were receiving heavily subsidized basic levels of services through the Black Local Authorities¹⁷ (BLAs) at arguably much lower quality (Earle, Goldin, & Kgomo, 2005). Typically, water was provided through communal standpipes and those houses that had in-house or in-yard connections paid a flat monthly rate for the service (Earle et al., 2005).

¹⁵ See Table 2.

¹⁶ For summary of critiques of the apartheid city see Pillay et al. (2006).

¹⁷ Black Local Authorities (BLAs) were established in 1982 as local government structures in Bantustans and black African urban residential areas. BLAs were elected by local residents and had relative autonomy vis-à-vis the South African white-dominated state. BLAs were responsible for their own budgets, raised by local rents and levies.

The apartheid government supported a “statist” model of service delivery, whereby the South African state was the primary provider and subsidiser of municipal services, typically charged at flat rates (Earle et al., 2005; McDonald & Pape, 2002a), including to BLAs in the form of infrastructure developments and public housing, particularly in the 1960s and 1970s (McDonald & Pape, 2002c). Subsidization rates in South Africa were significantly higher for white suburbs than for black townships and Bantustans in both relative and absolute terms and were in part driven by what McDonald calls “clientelist politics,” designed to gain political support in white suburbs and to maintain “puppet regimes” in the townships and Bantustans (McDonald & Pape, 2002a). Despite subsidization of services, tariffs were contentious particularly in the context of growing resistance to the apartheid regime in BLAs and townships. Payment boycotts gained traction as a civil disobedience strategy in the 1980 and 1990s as the apartheid regime was slowly losing its footing. The apartheid state continued to provide services to townships and Bantustans despite the boycotts in fear of full political fallout (McDonald & Pape, 2002a). This “statist model” of service delivery began to crumble in the 1970s and was completely dismantled in the 1990s as it became financially impossible to maintain (ibid). By the mid-90s, South African cities were suffering from poor services and housing backlogs, inequalities in municipal expenditure and high levels of fragmentation. As well, struggles mounted against local government structures, with increasing protests and clashes in townships, where unemployment and poverty were rampant (Pillay et al., 2006).

In 1994, when the first national democratic government was elected, an estimated 12 to 14 million people lacked access to formal water supply and 21 million out of 41 million of the total population at the time had no access to formal sanitation (Earle et al., 2005). A vast majority of those without access to formal water and sanitation services lived in the former Bantustan areas (Earle et al., 2005). The democratic mandate of the African National Congress (ANC), the liberation party that came to power with the first democratic elections in South Africa, was heavily founded on improving the quality of life of millions of black South Africans who had been historically marginalized under apartheid. One of the main goals of the new government was to redress the legacy of apartheid through equitable redistribution of public services (Pillay et al., 2006; Smith & Hanson, 2003). The notion of redistributive justice was the basis of the Reconstruction and Development Program (RDP), introduced by the ANC government in 1994, which promised universal delivery of social welfare. For instance, one crucial aspect of the ANC’s platform was the provision of 20 to 30 litres of clean, safe water per capita per day in the

short run, and 50 to 60 litres in the long run (Bond & Dugard, 2008). Influenced in part by significant social mobilization in the aftermath of the cholera outbreak of 2000/2001 (Miroso & Harris, 2011) and modelled after a pilot project in Durban that implemented free provision of 220 litres of water per shack per day in 1997 and 1998 (Bond & Dugard, 2008), the Free Basic Water policy was formalized in 2001 through DWAF's Free Basic Water Implementation Strategy, mandating municipalities to provide 6000 litres (6 kilolitres) of water per household per month for free.

As mentioned earlier, among the challenges met by the first post-apartheid democratic government were housing and service delivery backlogs, inequalities in municipal expenditure, urban fragmentation, high levels of unemployment, and social struggles against local government structures (Pillay et al., 2006; Thompson & Nleya, 2008). The post-apartheid housing and service delivery programmes included the provision of a free housing subsidy for households and the provision of serviced sites¹⁸ in townships, for which a portion of the housing subsidy was used (Pillay et al., 2006). The installation of services infrastructure was free, however, there was an expectation that the households would pay for the services consumed (ibid). With the massive payment boycotts that had started in the 1980s as a resistance strategy to the apartheid local government and high unemployment levels, payment for services proved an unsuccessful strategy for the municipalities.

Despite these challenges, many impoverished areas, particularly black townships and informal settlements, have seen significant extension of services since 1994. However, the quality and quantity of these services at times fall short of both popular expectations and the promises made by the ANC government. For example, the rollout of water services has been problematic in some municipalities, where under neoliberal reforms and adoption of cost-recovery strategies impoverished communities have experienced water disconnections due to inability to afford the cost of credit for pre-paid water meters (Bond & Dugard, 2008). Data on the extent of disconnections is contested (see discussion in Dugard, 2013), but many authors agree that its impact has been significant (Bond & Dugard, 2008; Dugard, 2010b; McDonald & Pape, 2002c). Sanitation services have been slow to materialize for many impoverished townships and informal settlements, and dissatisfaction is growing, as evidenced in the rise of sanitation protests occurring in Cape Town in 2013 (BBC, 2013).

¹⁸ Such sites are usually small plots of land, intended to be provided with a drinking water tap and a toilet.

Service delivery protests are in fact a growing phenomenon in South Africa. They are often associated with the protests against the apartheid state and the payment boycott of the 1980s. The current wave of protests, however, is believed to have started in 2004 and escalated in 2009, when some estimates claimed an average of 19.8 protests per month (Dugard, 2013). The Municipal IQ, a data and intelligence service that specializes in monitoring and assessment of the performance of South Africa municipalities, claimed that 2012 was a record year for protests, with the Western Cape being the country's hotspot (Yende, 2012). Protests are occurring mostly in impoverished urban townships and informal settlements, with actions often comprising of marches, gatherings, road-blockages, and sometimes attacks of public property (Dugard, 2013). Relative poverty (Alexander, 2010), and dissatisfaction with quality and quantity of services as well as with the performance of local government (Dugard, 2013; Thompson & Nleya, 2010a) are often cited as driving factors. The presence of protests is not only indicative of popular disillusionment with the progress of the government in areas such as service delivery. Protests indicate an emerging form of citizenship – a process in which the poor in South Africa are engaging with the state in participatory strategies of rights claiming (Mohanty et al., 2010; Thompson & Nleya, 2010b). As Thompson and colleagues have also suggested, even without engaging with the rights language *per se*, through service delivery protests the urban poor in South Africa are contesting the meaning and the realization of their rights to services such as water and housing.

By focusing on service delivery and water services in Site C, Khayelitsha, more specifically, this thesis looks at the individuals and the communities in semi-informal settlements and their strategies to manage and make sense of the complexity of the political dynamics in South Africa since 1994. In this work, I use the term semi-informal to refer to the co-presence of informal shacks¹⁹ and formal housing – RDP homes. This distinction is not always very clear²⁰ because in fact there are three main types of housing in Site C: informal shacks, built by residents without formal permission from the municipality (also illegal), either in backyards or on vacant lots in on the periphery of formalized areas,²¹ temporary shacks on plots designated to be eventually upgraded, and RDP homes.²² As this area is partially formalized, there is access to

¹⁹ Shacks are often made of loose materials, such as plastic, metal and cardboard. They are often not very secure and don't provide sufficient protection from bad weather, flooding, etc.

²⁰ Official statistics often use the term "informal" for any shack dwelling and occasionally distinguish between backyard shacks and informal settlements.

²¹ See Fig. 1 and Fig. 2

²² The national 2011 Census does not make an explicit distinction between temporary shacks on double occupancy plots (i.e. on a waiting list for an RDP home for instance) and shacks that are not on

services, such as water, electricity, refuse removal, roads and so on. They are different from informal settlements that emerge separately from urban neighbourhoods (e.g., on open land around airports or unoccupied land within the city, and so on) which often lack any services. As a result of the on-going housing formalization process of this area, there is a shift from communal or shared water and sanitation services to in-house, or private ones. With respect to payment for services, communal ones are currently not being charged for, whereas the private in-house water connections are expected to be metered and billed for at some point in the future.

Within this context, the questions that I was interested in are: How do these processes affect people's daily lives and physical access to basic services? How do residents of impoverished and underserved areas perceive the political changes of the country? How do these issues in turn affect sense of belonging and citizenship? To investigate not only the impacts of these dynamics on the impoverished men and women in South Africa, but also how they make sense of these realities, I looked at one community, Site C, located in Khayelitsha, a largely impoverished semi-informal township in Cape Town. The choice of location for this study was partly influenced by the availability of survey data, collected between December 2011 and January 2012²³, and partly based on the relative ease and safety of access. In particular, we were able to secure introductions to members of the community in Site C, making it a feasible site for the study detailed here.

designated land and not part of a housing upgrading project (and thus illegal), at least at the moment. The Census uses the term "informal dwelling" broadly as "[m]akeshift structure not approved by a local authority and not intended as a permanent dwelling. Typically built with found materials (corrugated iron, cardboard, plastic, etc.). Contrasted with formal dwelling and traditional dwelling" (SSA, 2012c, p. 56). Backyard shacks are sometimes shacks that were part of the double occupancy scheme but have not been upgraded or removed yet.

²³ This survey was conducted by a collaborative research team, including the EDGES research group at IRES and partners at the University of the Western Cape in Cape Town, South Africa, and the University of Ghana – Legon, Accra, Ghana.

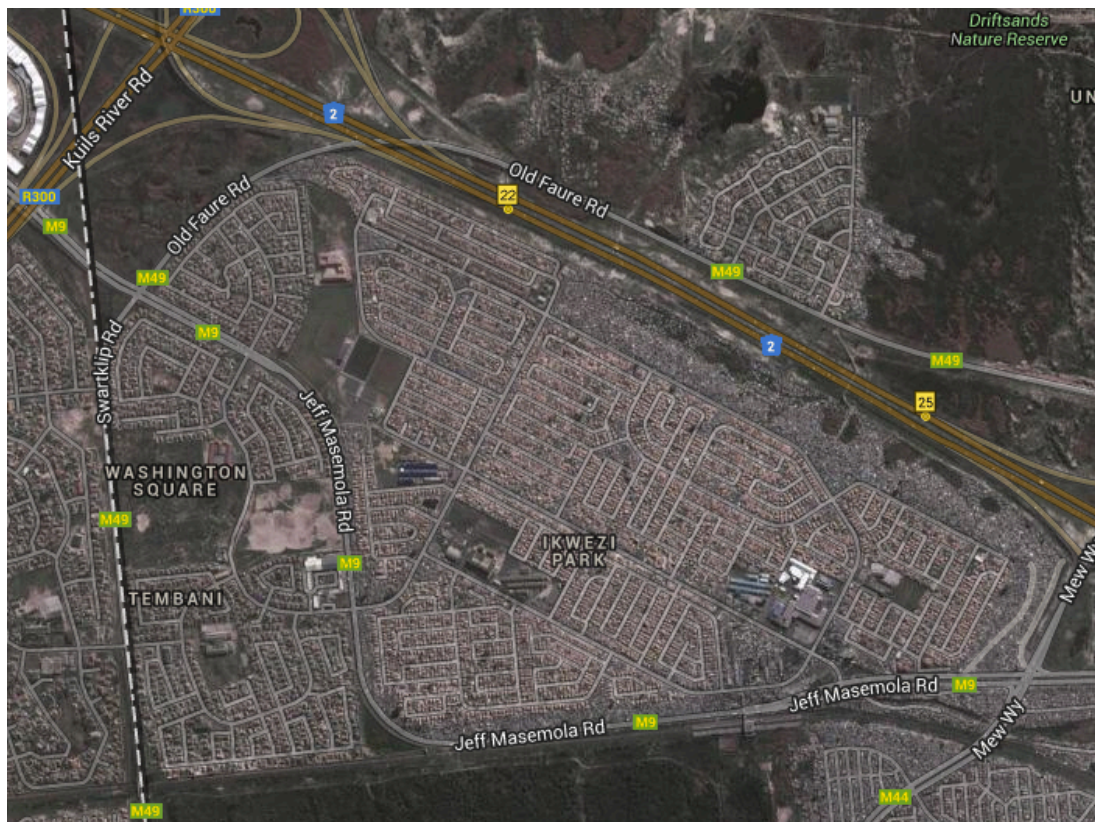


Figure 1 Aerial photo of Site C (here Ikwezi Park) (Source Google Maps)



Figure 2 Close up of patterns of formal and informal housing in Site C (Source Google Maps)

Khayelitsha

Khayelitsha today is incorporated into the City of Cape Town Metropolitan Area and has some of the highest concentrations of informal settlements in Cape Town.²⁴ The story of Khayelitsha is related to an area called Crossroads – a dormitory area for black African workers in Cape Town during apartheid. In 1976 with the help of external advocacy groups, Crossroads gained the status of emergency camp, attracting more and more Xhosa migrants from the neighbouring province, the Eastern Cape. In 1984 the National Party government decided that it could not control the booming population in Crossroads and decided to create another settlement area - Driftsands - which is now known as Khayelitsha, meaning “New Home” in Xhosa, the language of the predominant population of the area. As Conradie (forthcoming) argues, it was chosen because it was easy to contain and control, situated between the ocean to the south and the highway to the north, a Coloured township to the west and a military camp to the east. The

²⁴ See Appendix A for maps of Khayelitsha and Site C, and Appendix B for a general map of the informal settlements in Cape Town.

move to Khayelitsha was initially widely opposed by the populations living in Crossroads. Eventually the government intervened with more forceful measures to facilitate the relocation of households there. By 1988 there were about 45 000 households in Site C alone (Conradie, forthcoming).

The initial plan for Khayelitsha involved a main area for small brick houses and two 'site and service' double occupancy areas, comprised of small rectangular designated plots of land to be serviced by a tap and a toilet each, shared by the two households occupying the double occupancy site. One of these areas with double occupancy sites is Site C, where my fieldwork, conducted primarily in 2012 and with some follow up in 2013, took place. Newly relocated residents were placed first in tents, which they later replaced with metal shacks, built by the residents themselves (Conradie, forthcoming). Khayelitsha has grown significantly over the past two decades. The current population size is debatable with official statistics stating roughly 400 000, and researchers and NGOs citing numbers between 500,000 and 1,000,000 (Thompson & Nleya, 2008). For instance, the Khayelitsha Development Forum uses an estimate of 1.5 million (Conradie, forthcoming). Khayelitsha is located on sand dunes, exposed to high winds in the summer and rain and cold in the winter, when occasional floods occur. According to some estimates, roughly half of houses in Khayelitsha are formalized RDP homes, and the rest are shacks, made of corrugated iron, wood and plastic.

Some of these shacks - those registered as part of the 'site and service' double occupancy scheme - will be eventually upgraded to RDP homes. This happens through registration with the municipality, mediated by local governance units (Wards). Applicants with monthly income of less than 1,500 Rand qualify for a subsidized house without having to contribute financially whereas household with monthly incomes between 1,500 Rand and 3,000 Rand are expected to contribute 2,400 Rand (Lall et al., 2007). Applicants are then put on a waiting list. As housing supply backlogs continue to be a challenge for municipalities, many of the community members of Site C wait for up to 10 years and more to receive their houses, which often causes stress and frustration, particularly to newcomers who are likely to be put at the bottom of the list. In the site upgrading process, one of the two households is removed to a new area and one house is built on the site, replacing the shared tap with an inside private tap. This process can be problematic because it involves the relocation of one of the households to a new area, the selection of which is not always clear to the residents. Also, the status of the shacks that are not part of the double occupancy scheme is questionable.



Figure 3 RDP house next to an empty plot, part of the double occupancy scheme, and informal shacks in the background

In terms of access to services, Khayelitsha is arguably well serviced. Yet, as this thesis elaborates, the quality of these services varies. For example, there are many good paved roads, refuse removal tends to work relatively well, and electricity is available only through pre-paid credits, which makes it available only for some residents as unemployment levels are at 42.2% in Site C alone (CCT, 2013a; 2013b). As water supply for the City of Cape Town comes from a series of high elevation dams, pipe damage due to high pressure in low-lying townships (such as Khayelitsha) is not uncommon. In terms of water service coverage, the City of Cape Town has 96.6% of households with access to piped water within 200 meters from dwelling – the highest coverage in the country (SSA, 2012d). However, the number is smaller for access to sanitation: 88% “of households have access to a flush toilet connected to the public sewer system” (CCT, 2012a, p. 1). Relatively good access to water services is also confirmed by our own South Africa-Ghana survey of 2012 which shows that 96% of the residents of Khayelitsha and Phillipi, both semi-formal townships in Cape Town, have access to water through in-yard connections and municipal standpipes / communal taps (Harris et al., 2012). In addition, a vast

majority of these residents (83%) claim to access water easily as it is almost always available, and 93% agree that the water they get is of good quality (ibid).



Figure 4 Informal shack next to a communal water tap

Site C

Site C is among the poorest sites in Khayelitsha.²⁵ As mentioned above, Site C is currently going through a housing formalization process, whereby shacks located on double occupancy 'site and service' plots are gradually upgraded to brick houses (see above). As per the current administrative organization of CCT, the city is divided in 111 local administrative units - Wards - represented by a ward councillor, to oversee the service delivery in their respective areas. Of the 13 administrative wards in Khayelitsha, Site C encompasses two - Ward 018 and Ward 087 - with a population of roughly 22,000 and 30,000 respectively, or a total of approximately 52,000. In Ward 087 roughly 73% of households are living in informal dwellings (i.e., non-RDP homes). The number for Ward 018 is 48.6% of households in informal dwellings (CCT, 2013a;

²⁵ Refer to Appendix A for a map of the area.

2013b).²⁶ With 18.2% of households living in informal shacks, the province is among the top three provinces in South Africa with the highest rates of informal dwellers (SSA, 2012d).

Table 1 Percentage of households living in informal dwellings (including backyard shacks). Source RSA Census 2011)

	Formal dwelling	Informal dwelling (both backyard and in informal settlement)
South Africa	77.6	13.6
Western Cape	80.4	18.2
Cape Town	78.4	20.5
Site C (Wards 018 and 087, combined average)	37	60.7

In terms of payment for water services residents of Site C were being charged for water services provided by the communal taps in the 1990s, but high water bills, high unemployment rates and the unstable political climate resulted in massive opposition to payment for water. Currently nobody in Site C is expected to pay for water until all formal shacks are upgraded to houses (I learnt this from interviews with local residents and councillors). Most people, as my interviews showed, are unaware of the Free Basic Water allocation, and do not know exactly how much they will be paying for water in the future, when the municipality starts charging them. As I discuss further below, this means that access to water is a source of uncertainty and stress for some, even with the FBW policy, and even though at present residents in the area are not receiving any bills for services.

²⁶39.2% in Ward 018 and 67.9% in Ward 87. This number does not include informal shacks in backyards (CCT, 2013a; 2013b).



Figure 5 Communal taps and toilets in Site C

In terms of water service coverage, official census data from 2011 shows that in Ward 018 48.9% have access to piped water inside dwelling, 13.6% of households access water through backyard pipes, and 22% have access to piped water within 200 metres from dwelling (a total of 84.5% with access to piped water within 200 meters from home). The numbers for Ward 087 are 26.6% inside dwelling, 14.1% inside yard, and 40.9% using communal taps within 200 meters (81.6% with access to piped water within 200 metres from home) (CCT, 2013a; 2013b).

Table 2 Percentage of households with access to drinking water. Source RSA Census 2011

	Piped water inside dwelling	Piped water inside yard	Piped water from communal tap within 200 meters	Piped water from communal taps further than 200meters	No access to piped water
South Africa	46.3	27.1	11.7	6.2	8.8
Western Cape	75.1	13.3	8.3	2.4	0.9
Cape Town	75	12.3	9.3	2.7	0.7
Site C (Wards 018 and 087, combined average)	37.7	13.8	31.6	15.7	1.1



Figure 6 Communal water taps and toilets in Site C

Research Framework

Within the context of Site C, this thesis addresses some of the implications of the implementation of human right to water and the processes in place for broadening democratic

citizenship to include previously marginalized populations. In my work, I take a lived experiences approach²⁷ to understanding human rights and citizenship to investigate the on-the-ground experiential dimensions of rights and citizenship as they affect the daily lives of the urban poor. I will look more specifically at how structural transformation processes in South Africa affect the lives of individuals and communities in semi-formal urban spaces, their notions of wellbeing and how they negotiate their place in the community, in relation to the city and vis-à-vis the state. A focus on the micro scale, as will be demonstrated below, helps to reveal the tensions that emerge as people make sense of the dynamic structural processes that mark the democratization of South Africa. The daily experiences and the interactions of individuals show that these tensions affect people's understanding of and reactions to these processes. Lessons learnt make contributions to understanding how the democratic processes are unfolding in formerly marginalized sites whose reintegration into the development state is at the core of many of these transformations. This work contributes conceptually to an understanding of rights and citizenship through the notion of everyday lived experiences. In addition, this thesis illustrates that modes of access to water can have different meanings to different populations, linked to social, political and cultural processes that affect well-being and marginalization. I also argue that water access should be understood beyond simply looking at biophysical conditions of access to include more subjective experiences as they have important implications for human wellbeing.

Research Objectives

Focusing on residents of Site C, Khayelitsha, the objectives of this qualitative study are twofold:

- to investigate on-the-ground experiences with citizenship, focusing on state-society relations through the lens of service delivery, and
- to investigate on-the-ground experiences of this community with recent policies that promise to realize the Human Right to Water (HRW).

To better understand how the right to water is experienced I consider the perceptions, interpretations and engagement with this concept as well as with the mechanisms for its realization (e.g., Free Basic Water policy) and actual water access. This approach supports a growing acknowledgement of the need to understand how the poor claim rights (specifically the right to water) and demand accountability for the realization of these rights (Newell & Wheeler,

²⁷ Adopted from (Marshall & Rossman, 2011) and applied more specifically to experiences with accessing water, approaching/talking to plumbers/councilors/representatives of the water provision authorities/family/friends when dealing with water related issues.

2006). As such, a linked goal of this study is to characterize qualitatively the human right to water (both as a concept and its policy manifestations) in terms of relevance in everyday lives, its relevance in negotiations of water issues, and in bringing awareness about rights and citizenship more broadly, including changing perceptions of the role of the state, or of citizens, in achieving these rights.

Methodology

This qualitative study is part of a larger multi-year collaborative research project, Comparative Water Governance in Africa Research Project (CWGAR), that investigates the effects of neoliberal policies and market instruments on water access and participation in water governance, with a particular focus on informal settlements and underserved areas in urban contexts. As part of the broader project, a comparative 499 household survey was conducted in Cape Town, South Africa, and Accra, Ghana (250 households in each site), in December 2011 and January 2012 (Harris et al., 2012). The survey results were used to identify major points of interest for a deeper qualitative investigation and also to provide context and background for the qualitative work that I conducted in Cape Town in the summer of 2012.

As the main focus of this qualitative research is to investigate and characterize the daily lived experiences with water services among residents of Site C, Khayelitsha, my sources of data include one-on-one, semi-structured²⁸ interviews with residents and community leaders, focus groups and personal observations. The individual interviews were helpful in capturing the nuances of individual experiences and in highlighting the differences and similarities. As I was interested in investigating some of the contradictions that came out of the interviews (i.e., diverging ideas around payment for water, conflicting notions of responsibilities for state and society, and so forth), I used a focus group format structured around these themes. Focus groups have been shown in some cases to be permissive environments that encourage participants to share perceptions and points of view without pressures to reach consensus (Krueger & Casey, 2000). They have also been shown to be a useful strategy to inhibit the authority of the researcher and allow the participants to feel more comfortable and possibly more assertive in expressing their views (Kamberelis & Dimitriadis, 2005). In the context of this research, the focus groups were conducted after the individual interviews were completed with the intention to “zoom in” on prominent themes that came up frequently during the interviews

²⁸ Generally organized around a set of predetermined open-ended questions, with other questions emerging from the dialogue, as per DiCicco-Bloom & Crabtree, 2006.

and as well as to tease out the tensions and contradictions around particular concerns (e.g., payment for water, the role of government as a service providers, etc.).

The research team, comprising of myself and 5 research assistants, interviewed 33 community residents, and conducted four focus groups with four participants in each.²⁹ Interview participants were selected using a random grid map³⁰, whereby the map of Site C was divided into segments by writing the numbers from 1 to 28 around the perimeter of the map and then connecting two numbers at a time, determined by a random number generator (this techniques is adopted from (Bernard, 2006, p. 160). I visited those segments that were accessible to me, accompanied by four community liaisons – youth members of the community, who helped recruit participants and translate from Xhosa to English when necessary. I navigated the community with five assistants because of the security concerns in the area, not uncommon for South Africa. In addition, again for security purposes, visits were scheduled only in the mornings during the working week (i.e., Monday through Friday, often avoiding Fridays).

These times were recommended by local partners, many of whom have considerable experience in research or development work in informal settlements in Cape Town. Admittedly, these factors have the potential to affect the sample, for instance, by excluding members of the community with jobs during regular work week hours and residents who commute to the city either for work or in search of income opportunities.³¹ My sampling strategy involved attempts to speak to both men and women, and to both shack dwellers and residents of RDP homes. My final sample of interview participants includes 16 women and 13 men. The gender split in the focus groups was equal – 8 women and 8 men in total. The majority of the participants in the interviews (33) and the focus groups (16) have been living in Site C since the 80s and 90s, with only 4 participants who came to Site C after 2000.

Two participants in each map segment were interviewed, one living in a formal house and one in an informal shack. Generally, the human right to water as a concept did not resonate with the

²⁹ In preparation of the Focus group script I relied on (Krueger & Casey, 2000)'s practical guide. I organized the focus groups (FGs) in the following way: I divided my FGs based on gender and type of housing in order to capture some of the diverse dynamics, especially between residents of formal houses and informal shacks. More specifically, FG 1 comprised of women living in formal houses, FG 2 of men living in formal houses, FG 3 of women living in shacks and FG 4 of males living in shacks.

³⁰ See Appendix C

³¹ The unemployment rate in Site C is estimated at 42.2% according to the most recent census (CCT, 2013a; 2013b).

majority of participants (this is also supported by the survey results) even though notions of human rights in general were brought up, usually in relation to the liberation movement and the struggle to end apartheid. The conversations with community members revolved around questions of access to water, quality of the water service, type of service, responsible use of water, amounts of water used and the role of government as a service provider. In this way, I organized the interviews around different aspects of the physical characteristics of water services (using taps, using water for household activities, etc.) to be able to elicit narratives of experiences with the services, often linking back these themes. These were the major themes explored in the focus groups. Focusing on the material aspects of services in my conversations with residents was a methodologically useful technique that allowed for rich narratives of daily experiences with water access.

In both the interviews and the focus groups I asked a series of questions about the quality of water, the occurrences of water cut-offs or technical failures/damage that prevented residents from accessing water, the types of activities for which water was used, and how and how much water was used for these activities. I took water services as a material expression of the right to water for Khayelitsha. At the beginning of each interview I asked a variety of broad probing questions to determine what aspects of the water services were important for the participants. Some of the most prominent ways in which residents described their daily experiences with water services involved descriptions of fetching water from communal taps, comparisons between using communal and private taps, how water is used responsibly, and payment for water services. In addition, I asked a series of questions regarding the role of local government in dealing with water issues, and participation in water governance more generally.

The interview guide and the focus group guide included mostly semi-structured and open-ended questions with the goal to capture narratives around prominent ideas. Narrative analysis has been used in research on everyday practices and lived effects of the state (Harris, 2009a; 2011). Narrative approaches allow researchers to explore meaning, context and variations in people's experiences (Ayuro & Swistun, 2009; Harris, 2009b; Marshall & Rossman, 2011). For the analysis of the data, I used NVivo to code thematically and map out the overlap of themes in narratives. For instance, I used matrix coding queries for the theme "responsible use of water" with a number of other recurrent themes to find out which codes had the most overlap – "payment for water" in this case.

Lastly, it is important to note my positionality as a white female researcher from a western/northern country, working in a mostly Xhosa community (see discussion of the some of the implications for these tensions in Alkon, 2011). Since I do not speak the local language, Xhosa, and not all of the interview participants were comfortable speaking in English, I had to rely on my assistants for translation. The language barrier was at times a challenge in conveying ideas clearly. As well, my position of privilege admittedly may have affected the dynamics of my conversations. For example, my role as a researcher from a Canadian institution was at times perceived by the participants as an indication that I was more educated and therefore more knowledgeable about water supply, which may have affected the responses of some community members who expressed feeling incompetent, particularly when I asked about the state of the water services and similar questions. In addition, again in my role as a researcher from a Western institution, I was sometimes perceived to be “powerful” in the sense that my research may bring immediate positive changes to the community. I made efforts to lay out clearly the limitations of my research, however, I may have set up high hopes for community members despite my efforts to be as honest as possible. More importantly, in light of the on-going service delivery protests and the police activity in the townships during my fieldwork, my positionality certainly impacted the willingness of residents to discuss aspects of the protests. It is not uncommon for researchers in Khayelitsha to notify the police when they enter the townships to ensure the safety of researchers and participants. Unfortunately, as a result residents can expect that researchers, especially white foreigners, are in contact with the police when in the field. This results in unwillingness to share information that may incriminate protest participants and organizers.

Thesis Outline

The remainder of the thesis is organized in the following way.

Chapter 2 draws on the growing scholarship on lived experiences of citizenship, and the varied and contested ways in which people experience citizenship in their daily lives. South Africa provides insightful examples of efforts to rebuild a previously highly segregated society towards a more just, equitable and progressive one, based on ideas of equality in citizenship rights. Almost two decades after the formation of the first democratic government, the meanings of democracy and citizenship in South Africa are still deeply contested as socio-economic inequalities persist despite numerous progressive reforms. This paper traces the significance of service delivery to previously marginalized populations, such as former black townships and

informal settlements, as foundational in defining the relationships of these populations with the new state. More importantly, these relationships are not uniform but vary among residents of formal and informal urban spaces. More specifically, this research suggests that residents of formalized areas, who have private in-house access to services, appear to experience the state as more responsive and accessible. They tend to valorize the role of the state as a service provider and appear to be more willing to engage in strategies of compliance with obligations that come with service delivery (e.g., payment for water, responsible consumption). On the other hand, shack dwellers seemingly experience the state as more passive and unresponsive as they do not see the fulfilment of its service delivery role. As such, their engagement is more in line with strategies of resistance, such as social protest, and other attempts to engage the state through making service delivery claims.

Chapter 3 will address human right to water debates with attention to lived notions of rights. This chapter draws on the idea that, in addition to the socio-political realities, the way people experience rights emerges from the material conditions through which these rights are realized as well as the emotive and discursive meanings they hold for people. The material dimension of the realization of the human right to water in the context of this study refers to the physical conditions of access to water through water services under the Free Basic Water policy in Cape Town, South Africa. Using qualitative data from interviews and focus groups conducted in Khayelitsha, Cape Town, this study investigates the experiences with material aspects of water services among residents of marginalized urban areas in the context of seemingly uniform and sufficient access to water. Conceptually, this piece argues that focus on experiences of materiality can enrich the notion of everyday lived experiences of rights by revealing levels of difference and relative marginalization, linked to discomfort (and at times disgust) when using communal taps, safety concerns and exclusion from private water access, perceived as more dignified and appropriate. A material lens also helps to better understand the implications of the Free Basic Water on water use and quality of life, and marginalization more generally. Specifically, processes of marginalization in this context are linked to differentiated experiences with water services, whereby shack dwellers are deprived of improved water services and instead access water from communal taps. Here, the use of communal taps and toilets, as directly linked to the housing formalisation process, seem to signal the failure of the state to deliver on promises for the improvement of quality of life and to acknowledge informal residents' claims for housing and better quality of services.

The conclusion summarizes the main points throughout chapters 2 and 3 and offers additional insights related to policy implications and future research.

Lived Citizenship - Water Services, Inclusion and Notions of the State in Site C, Khayelitsha, Cape Town.

Introduction

There was a protest today, a big one, on Modderdam Road. I heard about it as I was waiting for the bus at the Mowbray bus station, on my way to Site C. My bus was delayed and we (the passengers) were loaded on a new one. Due to road blockages, this bus was diverted through one of the townships, where we were stuck for about an hour. I had no idea which township we were in and was thinking to myself "If this gets worse I have no way to explain where I am on the phone." Eventually I made it to Site C though and the rest of the day went on smoothly. (Fieldnotes, Lucy Rodina, June 13, 2012, Cape Town)

Service delivery protests have developed some broad rules over the past three years, a formula to which the majority adhere. Regardless of how they start, they end in burnout. At some point, usually after three or so days, those who were manning the barricades, patrolling the streets and battling the police simply run out of steam. They never get what they want—because the houses or water infrastructure or other services they want could not be produced out of a hat, even with the best will in the world—and they rarely even get promised exactly what they want. They just stop. Protesters feel disrespected. The period just before the end also has a pattern. As the anger burns away, so do the numerous and sometimes conflicting demands. Protesters stop talking about tangible needs and instead start talking about disrespect. They talk about how those in authority never listen, about street power versus political power and about the inevitable victory of the masses with a just cause. The middle part—the bit when the teargas wafts and the rubber bullets zing—has some major variables. Sometimes there are petrol bombs or guns in the night, and sometimes not. The all-too-regular arson attacks can be aimed just at the houses of councilors and other local government workers, or include, perhaps saddest of all, libraries. Sometimes there are fast-moving, unpredictable marches and sometimes there is a more static confrontation with the police. Sometimes there is blood, but not always. (de Wet, 2012)

Okay, about these (RDP) houses... people protested about these houses. You can go all over, all over Cape Town, you will never find beautiful houses like the ones we have... because of the protests...you can go to Kuyasa and you will find people's houses with asbestos... with no ceilings, unlike the ones we have...no electricity... no geysers (water heaters)... because they were quiet (they didn't protest). And people here in Site C.. they fought for these houses, for instance what "bhuti" Vuvu said there, those people that are protesting recently, they are in these informal settlements where you will find forty people are using one tap there...forty people and ten for one toilet... (Focus group #2, male resident of Site C, late thirties, lives in RDP home)

South Africa has witnessed numerous socio-economic and political changes since the end of apartheid. Though at times still invoked in daily narratives, the apartheid era is arguably becoming a thing of the past, and several democratic elections have taken place, at least in

principle (Marais, 2011). The post-apartheid nation-building project was premised on the need to achieve equality not only in civic membership, but also in material well-being and opportunity. The coming to power of the liberation government, led by the African National Congress (ANC), in 1994 was founded on a promise for service delivery for formerly marginalized populations, better quality of life, including housing, and a new Constitution (ratified in 1996) with equal socio-economic rights for all South African citizens. The new Constitution is premised on redistribution and progressive articulation of human rights that promise to tackle the endemic structural inequalities in the country. The economy has recovered to a certain degree and improvements in service delivery are being made throughout – provision of water, electricity, refuse removal, access to schooling and healthcare have been expanding to include previously underserved areas, especially in urban centres (Marais, 2011; Thompson & Nleya, 2010a). However, the legacy of apartheid remains evident in many aspects of life, especially concerning the poor in urban and rural areas. While some segments of South African society have benefited from the country's economic growth, many commentators have highlighted that punishing costs have been imposed on the poor, with the introduction of cost recovery market-based principles in the post-apartheid policy reorientation of the country (Bond & Dugard, 2008; McDonald & Pape, 2002a). In urban areas, one of the most prominent legacies of apartheid has been the disparity in service delivery and infrastructure that remains differentiated along racial lines and along the boundaries between formal and informal spaces.

In 1994 when the ANC³² came to power, the government introduced redistribution and development approaches to service delivery for formerly marginalized populations. However, soon these efforts focused on neoliberal approaches centred on cost-recovery and demand management (McDonald & Pape, 2002b). This led to the roll out of pre-paid water meters, tariff structures that penalize consumption in excess of the free basic minimum³³ (Bond & Dugard, 2008) and, currently, the roll out of water demand management devices (Pereira, 2009) – all technocratic approaches with major implications for people's daily experiences as well as notions of well-being and belonging. Cape Town, relative to the rest of South Africa, has demonstrated major successes in extending services to the urban poor, evidenced in the official statistics, with 96.6% of the households in Cape Town having access to piped water within 200 meters from home (CCT, 2012b). However, as other commentators have also pointed out

³² The African National Congress (ANC) party that took over the leadership of the country as the Apartheid regime came to an end.

³³ Through the Free Basic Water policy, every person in South Africa is entitled to 25 liters of water per day free of charge.

(Dugard, 2013), the official picture does not capture the lived conditions of basic services, particularly in poor areas, such as service disconnections, unacceptable sanitation technologies, restrictions on water use through trickling devices or pre-paid meters, and others.

With a focus on water services in particular, this study investigates the role of service delivery in South Africa as the foundation of a political project, aiming to redress historical inequalities, and its implications for differentiated experiences of citizenship. With a focus on state-society relations, I use Corbridge et al.'s definition of citizenship as emerging from the interactions between governance from above and citizens' tactics from below (Corbridge et al., 2005). To understand the differentiated experiences of citizenship in impoverished urban sites in Cape Town, this chapter looks at service delivery as a medium that shapes encounters with the state. The qualitative evidence outlined below traces how the notions of and the encounters with the state change in the transitions from rural to urban contexts and from informal to formal spaces through the housing formalization process, in particular through the shift from communal to private water services. More specifically, this research suggests that residents of formalized areas, who have private in-house access to services, appear to experience the state as more responsive and accessible. They tend to valorize the role of the state as a service provider and appear to be more willing to engage in strategies of compliance with obligations that come with service delivery (e.g., payment for water, responsible consumption). On the other hand, shack dwellers seemingly experience the state as more passive and unresponsive as they do not see the fulfilment of its service delivery role. As such, their engagement is more in line with strategies of resistance, such as social protest, and other attempts to engage the state through making service delivery claims. Based on qualitative evidence from interviews and focus groups conducted in Site C, Khayelitsha, Cape Town, this research highlights two themes: the ways in which access to services shapes differentiated notions of and encounters with the state along the lines of informality, and secondly, the associated implications for experiences of citizenship. As such, the research contributes to work on state-society relations and everyday experiences of citizenship of marginalized urban populations in South Africa.

Approaches to Conceptualizing Citizenship

The concept of citizenship can be problematic in that it means different things to different people and in different contexts. In the academic and policy domains, citizenship is often understood as shared membership in a political community, in which citizens are political actors constituting political spaces (Stewart, 1995), a conceptualization that often presumes equality in recognition

and opportunity to participate in the political process.³⁴ Citizenship is also often taken to refer to the relationship between state and society, defined by norms, constitutions, laws, and policies that delineate rights and responsibilities (Staeheli et al., 2012). These theoretical notions of citizenship, however, have been widely challenged for not being representative of actual practices of citizenship and the multiple ways in which citizenship is experienced in different contexts (Kabeer, 2005; Parmar, 2008; Staeheli et al., 2012).

Many authors have proposed a more grounded understanding of citizenship as diverse, dynamic, context-specific, and fragmented, and have critically investigated larger social and political processes of exclusion and inclusion, embedded in particular configurations of state and society (Chatterjee, 2004; Gandy, 2008; Harris, 2009a; Mohanty, 2010; Roy, 2009a). Their work has contributed to an understanding of citizenship often through investigating the relation(s) between state and society. Instead of relying on more traditional formulations of citizenship as membership, implying *theoretical* inclusion and equal standing in society, this work looks at citizenship from the perspective of differentiated encounters with the state, for instance, through focus on impoverished urban populations, or marginalized ethno-linguistic minority populations (Corbridge et al., 2005; Harris, 2009b respectively). These relationships are not presumed or pre-existing, but rather they occur in particular spaces through interactions with different forms or representations of the state, including, for instance, specific interactions with state agents, forms of service delivery, taxation or other state practices (Buire, 2011; Corbridge et al., 2005; Desforges, et al., 2005).

In the recent decades a large body of work has sought to understand the state through everyday encounters and experiences (Clark, Reilly, & Wheeler, 2005; Conradie, forthcoming; Harris, 2009b; Kabeer, 2005; Pettit & Wheeler, 2005; Thompson, 2007; Wheeler, 2005). This scholarship recognizes that laws and norms are embedded in historical, political and context-specific processes that differ in time and place, and this contributes to different forms of citizenship. One such way to look at citizenship, for instance, is through the notion of the “ordinary” - practiced and experienced as people move through their daily lives and through different spaces (Staeheli et al., 2012) such as the home, community meetings, government offices, schools, etc. As Staeheli shows, everyday practices and experiences might even contradict legal and normative principles, which in theory rights are supposed to uphold. For example, in many cases formal legal rights for minorities are not actually realized due to

³⁴ See Marshall, 1992 for an overview of classical liberal notions of citizenship.

structural barriers or certain social and gender roles and are, therefore, disconnected from people's actual experiences (Parmar, 2008; Wheeler, 2005). Through the concept of ordinary or everyday citizenship, Staeheli speaks to the need to link experiences of individuals and communities with legal structures and normative values. This focus stems from the understanding that "laws and social norms are entwined with the routine practices and experiences of daily lives" (Gupta, Ahlers, & Ahmed, 2010; Mehta, 2006; Mollard & Berry, 2010; Staeheli et al., 2012; Wilson & Perret, 2010), which means that what we tend to perceive as an abstract and distant "legal" state is in fact notably present in people's daily lives, even if in different forms.

Notions of state are important in understanding how citizenship is experienced. This is particularly true in the case of South Africa, which is often characterized by high expectations from the post-apartheid state with respect to addressing social inequalities. Many authors agree that the state in South Africa remains at the core of expectations for social inclusion and wellbeing, especially among low-income residents (Benit-Gbaffou & Oldfield, 2011; Oldfield, 2002). These expectations are likely rooted in the promises for redistribution and development of the liberation party, the African National Congress (ANC), and the South African constitution of 1996, which brought a suite of progressive socio-economic rights, including the right to water and adequate housing (Dugard, 2013). Service delivery has been at the core of state transformation since the end of apartheid and is thus linked to expectations from the new state in addressing apartheid inequalities. This necessitates a closer look at how the state acts as a service provider, and, more importantly, how citizens relate to it. As this thesis argues, service delivery is a useful lens that helps shed light on state-society relations in two important ways: it investigates how service delivery shapes different experiences within the different urban spaces; and it draws attention to particular relationships between the state as a service provider, and citizens and service consumers. In addition, these relationships constitute a complex working of broader issues of rights and responsibilities, notions and visions of consumer/citizen rights and responsibilities, as well as roles and responsibilities of the 'state' — domains that have been shifting as of late in relation to neoliberalization processes (Leitner, Peck, & Sheppard, 2007).

Water infrastructures and water services more generally contribute in important ways to everyday lived experiences and notions of the role of the state. Conceptually, many scholars have argued that these infrastructures play a critical role in the configuration of urban spaces

and therefore in the experiences and claims of residents (Anand, 2011; Anand & Rademacher, 2011; Appadurai, 2002; Bakker, 2003; McFarlane, 2008a; 2008b). In the context of urban water supply in Mumbai, for instance, water pumps and their impact on water pressure are profoundly linked to capital and social relations. Nikhil Anand's use of "pressure" as an analytic helps to understand how "getting" water is not a neutral process, but rather one that is embedded in colonial and technocratic relations. However, different groups of residents use different mechanisms to claim their water pressure, thus shaping a complex socio-political landscape of differentiated experiences of citizenship (Anand, 2011). In sum, technologies that manage the water flows within cities not only shape urban spaces but also have an impact on state-society configurations and governance more broadly.

Others point out the significance of particular material spaces of the city, and especially as they pertain to the achievement of access to land (e.g. housing, public space, etc.) and other resources (Centner, 2011; Kooy & Bakker, 2008). Particularly in the Global South, much attention has been brought to the growth of informal spaces in the urban peripheries, such as squatter camps, where often infrastructures and access to services are inadequate or absent. In these spaces, though physically excluded from *formal* urban networks, residents engage in diverse forms of claiming urban space and resources (Appadurai, 2002; Bakker, 2003; Bawa, 2011; Bond & Dugard, 2010; see similar discussions in Holston, 2009; McFarlane, 2008b; Purcell, 2002; Roy, 2009b; Thorn & Oldfield, 2011).

Another aspect of the role of services infrastructures in experiences of citizenship is that within legal and policy discourses it is often asserted that the provision of services is the responsibility of governments towards their citizens, i.e. services in a way are a mediator of state-society relations. Service provision involves planning, building infrastructure, financing, establishment of certain relations with citizens who consume services, monitoring, billing, etc. In a way, services can be seen as what some have called "human technologies of rule" - a combination of practical knowledge, practices of calculation, vocabulary, and non-human devices, such as water meters and taps, through which the state "governs" (Corbridge et al., 2005). In addition, certain logics, values and expected behaviour are inscribed onto or attached to water and sanitation technologies.

For example, in South Africa the rollout of pre-paid technologies for water dispensation and the policies that support them³⁵ are associated with neoliberal practices, such as cost-recovery, that promote particular ideas around water use – namely conservation, responsibility and self-discipline (Loftus, 2006; Ruiters, 2005). The potential cutting off of water after a certain pre-determined amount of water serves to incentivize conservative use, especially among low-income populations for whom payment for water poses significant financial burdens (see Loftus, 2006; Ruiters, 2005; Schnitzler, 2008 for more detailed discussed on the significance of pre-paid meters in South Africa and logics and values that come with them). In other words, water technologies have the potential to “discipline” users to use water in certain ways (e.g., conserve). In addition, prepaid meters, unlike unmetered connections, allow for government control over lower income populations, or what Ruiters (2005) calls “controlled incorporation of the poor into the formal state service network.” In sum, such technologies signify a certain relationship with the government through access to water services and through payment for the service, a connection that is fundamentally different in the case of unmetered/free water services.

As illustrated above, water delivery technologies serve as a mechanism to “bring down” ideas and behaviours that the government expects from the recipients of services. The state is encountered as a provider through access to services and the responsibilities associated with that (payment, conservation, etc.). Further, citizens are not just passive recipients of services, but rather they are actively involved in diverse and often contested actions of compliance and resistance of the ways through which the state governs. As Roy (2009) demonstrated, citizens both resist and comply with what they perceive as rules and expectations imposed by the state. In South Africa, this is evident in the multiple ways in which marginalized citizens negotiate their expectations from the state as well the responsibilities expected from them, including litigation and social protest (Alexander, 2010; Dugard, 2013). An example of tactics of compliance is the normalization of the idea of payment for water services through valorization of the role of the government as a provider, a point that will be illustrated in the empirical discussion below. Technologies of rule, such as service delivery in this case, shape the encounters between citizens and the state, and the outcomes of these encounters are determined by how citizens see the state and their relationship with it (Corbridge et al., 2005, p. 50).

³⁵ This is a tactic that was forcefully implemented throughout the country as a measure to eradicate the “culture of non-payment” that arguably stemmed from the boycotts of the 1980s (Schnitzler, 2008).

In summary, service provision, especially in the context at hand, plays a significant role in defining state-society relations through the rollout of infrastructures and technologies that in turn become spaces in which state-society encounters take place. The state presents itself differently in different contexts (see also discussion in Harris, 2012) and therefore these state-society encounters must be understood as differentiated, and socially and spatially varied. This work also contributes to divergent notions and experiences of citizenship, which in this work is defined by the interaction of governance from above and citizens' tactics from below. To understand these divergent experiences of citizenship in impoverished urban sites in Cape Town, this chapter builds on the work mentioned above by looking at service delivery as a technology that shapes notions of and encounters with the state.

The qualitative evidence outlined below traces how notions of the state change in the transitions from rural to urban contexts and from informal to formal environments, and in particular through the shift from communal to private, or in-house, water services. More specifically, evidence presented here suggests that residents of formalized areas experience the state as more present and more accessible through the formalization of housing and service provision. They tend to valorize the role of the state as a service provider and appear to be more willing to engage in strategies of compliance with obligations that come with service delivery (e.g., payment for water, responsible consumption). On the other hand, shack dwellers seemingly experience the state as more passive and unresponsive as they do not see the fulfilment of its service delivery role. As such, their engagement is more in line with strategies of resistance, such as social protest, and other attempts to engage the state through making service delivery claims.

Worth noting is one limitation of the research related to the increased police presence and investigations in Khayelitsha and Site C due to on-going service delivery protests at the time of fieldwork. As noted in the methods section on page 22, it is possible that residents of Site C may have had suspicions about my connections with the police, which in turn may have affected the details they were willing to share with me related to the service delivery protests. I was therefore excluded from conversations about the encounters with the state in these protests, including government responses and police interventions, clashes, etc.

Notions of and Encounters with the State in Site C, Khayelitsha

The way residents of Site C talk about water services in their community invokes different, sometimes contradictory, notions of the state. Contrasted to experiences in the rural areas of the Eastern Cape where water is often accessed from streams or through boreholes, in the urban context of Site C the state is encountered as a service provider that is expected to manage limited water resources, to build infrastructure, to treat water and to deliver high quality water to people's home. The state is also seen as imposing certain regulations and restrictions on water use through payment for services. However, in addition to reasserting the responsibilities of the state as a service provider, many residents, particularly those who now live in formalized RDP housing, also assert their own responsibility to be conscious water users and normalize the idea of payment for services. These responsibilities, however, remain contested and contradictory. This is evident in the tensions around payment for water and uncertainties around the technicalities of water supply and provision, such as the ideas of water scarcity and limited infrastructure, the billing system and so forth. Lastly, as access to services is linked to the housing formalization process of Site C (e.g., the shift from communal to private or in-house forms of access), the notions of and encounters with the state as a service provider vary among shack dwellers and residents of formalized houses.

Narratives of contrasting experiences of water access rural and urban contexts

Narratives of water access among residents in Site C are rich with memories of spaces of the past - the rural areas of the Eastern Cape - and ways of accessing water directly "from nature." A vast majority of residents of Khayelitsha are migrants from the Eastern Cape, where access to piped water inside dwelling or yard is the lowest in the country – 49.4% compared to the national average of 73.4% (SSA, 2012a). As a result, a large proportion of residents of the Eastern Cape access water directly from rivers/streams and boreholes or harvest rainwater in water tanks. These forms of water access are associated with water as a natural resource or, at times, a gift from God. In other words, water is not owned by anyone and is accessible to anyone, directly from nature and for free.³⁶ In this imaginary of water access the state is absent. In this way, experiences and narratives of rural life (including those that many experienced before moving to Site C) provide an important point of contrast: urban imaginaries are linked with notions of water as state responsibility, as well as with the idea of payment for water (to

³⁶ Indeed, these sources of water may be of variable quality, or may even be unsafe for drinking water and other domestic uses, even if these concerns were not very prominent in narratives of water access in the Eastern Cape.

ensure that water is treated to safe drinking standards, etc.). Some of the differences and the tensions between rural and urban forms of water access are illustrated in the following two examples from an interview with a female shack dweller and from a focus group with four females, all of whom live in shacks in Site C at present.

Interviewer: And in your own opinion, should water be free?

Cynthia: [Xhosa] Water cannot be free in a city unlike in the Eastern Cape, because there we were getting water from the rivers. So it's impossible for water to be free (in the city).

Interviewer: Why is that, why do you have to pay in the cities?

Cynthia: [Xhosa] We have to pay because the water that is provided by the City is different with the one in the Eastern Cape... in the rural areas. Here in the city the water is treated and pumped. It is even different in taste with one in the rural areas so that is why we have to pay. (Interview #14, female, mid-fifties)³⁷

Interviewer: So about sharing? When you have an inside tap do you share with other people?

Sitela: [Xhosa] No, when you have a tap inside you have to rent that one, you don't have to share, unless she's going to pay [laughter].

Interviewer: Do people ask? Like, if somebody came in from the outside and asked you to use your inside tap for water, would you give them?

Sitela: [Xhosa] Yah yah, because we are used to sharing... if somebody wants to use your water and you know that he doesn't have or she doesn't have water, you let her! The honest truth [is that] at the end of the day they don't have to pay for the water [laughter].

Translator: She is saying that actually they were not supposed to pay for water, isn't it? I think are you asking a question? Or you are saying it, sisi (sister)?

Sitela: I'm saying, it's a natural gift to us so we [should not be expected] to pay for it. Yes, it's true, it is a natural gift! (Focus group #3, females living in shacks)

The narratives of water in rural areas highlight these ideas of water as natural, available directly and without cost (contradictions around payment for water will be discussed further below). In other words, there is no intervention of a service provider, and thus water is free of charge. These descriptions contrast with notions of urban water (and what one experiences in Site C), where water services are present, enmeshed with notions of services, dams, water purification, infrastructure, pipes, taps, and notions of state and municipal responsibility for safe water delivery. While water in rural areas is accessed directly from streams or with the help of relatively simple technologies such as rainwater tanks, water in the city is thought of as less directly accessible – instead, that water must be mediated through complex infrastructure and remote dams that are out of reach or outside of direct control from the water users. In these

³⁷ To protect the anonymity of the participants, nicknames are used throughout the thesis.

ways, the narratives of urban water in Site C highlight senses of state responsibility, payment, and also reliance on infrastructure, rather than a sense that one can access water on one's own. In addition, as illustrated in the following example, accessing water in the City becomes possible through the mediation of councillors – representatives of local Ward councils responsible for service delivery – who again are absent in rural areas. As such, governance, and in particular state agents, serve to mediate access to water in ways that are also meaningful.

Interviewer: So in your opinion, do you think water should be free?

Makhazi: Yes, water [should] be free Water is from God, moss (miss), it's not from the people. It's from God in the heavens. It [should] be free for us.

Interviewer: This is a very interesting question for me. Some people I talked to in the City think you should pay for water, that every person should pay for water, for the service.

[Pause]. I want to know what you think. [Pause]. Who does the water belong to?

Makhazi: Because it's urban area, where there are other services... there are councillors... things like that. But in Eastern Cape, in rural areas, there is nothing like that. You just fetch the water... the taps... they are far (not many taps, unlike in Site C)! But it's different now here in urban areas. They talk about the services. But in Eastern Cape you can buy a big tank and put the gutters around the roof and the water comes and then when you open the tank you drink the water, you cook and you even do your washing. Here there are services, you must pay water, pay everything. (Interview # 2, female in her mid-fifties, lives in RDP home)

What we see in this and similar narratives is that in the present, water in the city cannot be directly accessed; instead it needs to be delivered by the state through infrastructure. In addition, these services are mediated not only by technology, but also by a host of state agents, and the exchange is also monetized as payment for services becomes normalized, even if contested, as will be discussed below. From the contrast between rural and urban spaces we see ways that the state is invoked as the necessary supplier of resources in Site C. By contrast, in earlier times or in distant places of the Eastern Cape, one is more likely to access water directly. From these narratives that compare between the Eastern Cape and Cape Town, it becomes obvious that one way of the defining aspects of accessing water in Cape Town is the presence of the government/municipality as a provider of water through technologies (pipes, taps, dams), as a collector of payments, and as a regulator of water consumption. In other words, the state, which does not appear in the narratives of water access in the past, emerges as an important actor, a provider of water services, including water purification, building infrastructure and delivery to people's homes or communities. Here, we see ways that the state emerges, or becomes visible, in relation to access to basic service, in relation to certain spaces (urban, Site C), and in relation to certain times (contemporary rather than past life).

Another significant aspect of the differences between the past and present notions of water access is that they bring out contradictions around the notion of payment for water. On one hand, notions of payment become normalized with the acceptance of the necessity of the state to treat water and deliver to households through infrastructure and technologies. Yet, despite this normalization of payment, there are some tensions around the idea that water is natural and therefore it does not make sense to pay for it in principle, as we saw in the earlier examples. Interestingly, in some cases, when delving into this contradiction, the notion of water as natural appears to be negated altogether, as it is not in line with concerns for water quality. Water quality is rarely mentioned when describing accessing water in the past in rural areas of the Eastern Cape, however it is more frequently brought up in relation to urban contexts. For example,

Interviewer: My next question is ... should water be free and if so why? Or if not why not? Should water be free for everyone?

Xholani: [Xhosa] I don't think water should be free because if water would be free, saying that it's a natural gift from God, if we don't pay, where are they (the municipality) going to get the chemicals to treat the water? I'm not of the opinion that water should be free... it needs to be paid for...

Interpreter [translating and speaking to interviewer]: Yah, the idea of not paying for water, he is saying that people are having the psychology that water is from the almighty, the higher power. If people can treat water with such idea there will be a problem with the water quality. So he believes that ...if people do pay for water that means they (the municipality) can even afford to treat the water... so that water can be treated before it gets passed to them as a community... that's what he says (Focus group # 4, males living in shacks)

Notions of responsibility

In addition to the ideas around payment for services, the tensions between past and present imaginaries of water access are also evident in the contested notions of responsible use as needed/required to receive services. Responsible use of water is an important, albeit nuanced and complex theme that emerges frequently in the focus groups and interviews when water use is discussed. The narratives of responsibility for water are strongly linked to ideas of payment for water as an incentive and also as a mechanism to enforce conservation of water. In both the state discourse, and in some of the narratives from residents in Site C, the presence of water meters as devices “helps” conserve water by allowing users to control their consumption. On some occasions, water scarcity was also mentioned as a reason for taking responsibility to conserve water, because otherwise “the City (municipality) will run out of water”. Yet, payment for water appears to be a more important incentive to conserve, possibly because many

residents are concerned about being able to afford to pay for all of the water they use. In the following example the state is in fact invoked as also having a responsibility to educate people on how to conserve water – a theme that signifies a notion of the responsibilities of the state as a water service provider and also a normalization of the need to conserve water.

Interviewer: Does that mean that they use less (that their free basic water allocation)?

*Bigi: [English] I would say it depends to those individuals, you see, I can say it's a lot (the free basic water allocation). Then the other ones can say 'no it's too small' because we are fifteen members in this family... and we are using a lot. What I would like to say, even if it's a lot of a lesson, the City must take a **responsibility** (emphasis added by participant) in educating the people on how to use water, you see.*

Interviewer: Are they not doing it right now?

Bigi: Noo! They are doing nothing in terms of education, you see. They must teach us how to take full responsibility, because at the end of day we have to take full responsibility of the water. Because you can do nothing without water. Nothing! Even electricity and sanitation.. So it is the duty of the City or the government to educate people on how to use water, how to take a responsibility.

Interviewer: What does it mean to take a responsibility for using water?

Vuvu: Taking a responsibility means using water wisely, don't waste water, you see...stuff like that.

[...]

Bigi: You see, as they (the municipality) are doing right now. Because they are giving that 50 kilolitres, they are saying it's 50 kilolitres, then if you are wasting that 50 kilolitres it means you are not taking responsibility. But you have educate those people on how to use water then you must know after that water you take a full responsibility because you are wasting water now you see. (Focus groups #2, males living in RDP homes)

Payment for water is brought up very frequently in the context of a measure to make people more responsible for their water use. For example, one of the focus groups participants responded to the question "Do you think water should be free for everyone?" ³⁸ in the following way:

I feel like water mustn't be free. I know that people are suffering.. [but]... how can you be responsible for something that you do not pay money for? How you take care something that comes for free whenever you want it? [...] When you know that there is a little bit of money that you put on that thing, then you know that I must respect that thing because it's going to cost me at the end, you see... so I disagree when they are saying that water must be free. Yes! Even if it's less money taken out of their pocket.... even if it's 20 Rand on a monthly basis...you see... when something is taken out of their pocket., they will be responsible but when you say that people must be responsible but not paying, they will be careless. (Focus Group 2, males, living in RDP homes)

³⁸ As mention in the introduction, one of the objectives of this research is to understand what meaning HRW holds for residents of Site C. However, the concept did not resonate with most of the community members I spoke to. Instead, I asked this question and a few others related to payment for water, in attempts to get at different aspects of the HRW, as it was implemented in South Africa.

Payment was also often invoked as a reason to conserve water, pointing to affordability concerns. For example:

Interviewer: And why do you think one should save water? Why?

Bulelwa: Because it's important... and then, for example, the rates. This thing here in Site C, neh, there are water meters, neh. If you use more than 6000 litres you have to pay. So that is why... I say we don't have money to pay for this water, that's why we have to save it. (Interview #26, female, late thirties)

This notion comes from the anticipation of water bills, which are not administered in Site C at the moment, but the installation of water meters serves as a definite signal that soon everyone will have to start paying for their consumption. Looking more systemically through the diverse narratives, however, shows that the seeming acceptability of paying for water is much more problematic. Even though there seems to be a general agreement with payment in principle, the affordability of water remains a significant concern for many residents (this finding is also supported by survey data (Harris et al., 2012). As unemployment and poverty levels in Site C are quite high, as evidenced in both official statistics³⁹ and in the interview narratives, this anticipation is accompanied with a sense of worry and frustration with the idea that water will no longer be affordable.

Interviewer: So how do you feel about having to pay for water, does it worry you?

Volani: [Xhosa] I would not like to pay for water because I am not working.

Interviewer: Do you think it would be expensive, what do you think you will have to pay?

Volani: [Xhosa] I think water is very expensive, because I have been witnessing in one of the townships around, Kwezi, people who were not paying for water were losing their property. Some of the people have been losing their furniture and others have been losing their houses. Therefore water (must) be very expensive

Interviewer: So do you think what happened in Kwezi could also happen here as well?

Volani: [Xhosa] Yes it will happen, obviously it is going to happen.

Interviewer: What do you think will happen when they ask you to start to pay for water, when you start receiving letters for water bills?

Volani: [Xhosa] I will go to municipality and tell them that I am unemployed.

Interviewer: Would they give you water for free if you do that?

Volani: [Xhosa] No, they will not, because here is a good example in Kwezi, where they took people's houses... why would they do that to me?! (Interview #12, male, late fifties, lives in a RDP home)

An interesting underlying theme in the above-mentioned examples is a tension around the notion of responsibility. On one hand, many residents of Site C seem to be reasserting the role

³⁹ According to official statistics, the rate of unemployment in Site C is 42. 2% (CCT, 2013a; 2013b)

of the state as a service provider with certain obligations to citizens, such as good quality services, education on how to conserve, and to fix problems when they appear—all themes that come up repeatedly in interviews. But on the other hand, we also see that many residents assert their own responsibility for payment and conservation. This tension is interesting as it portrays notions of citizenship and state-society relations in particular, based on responsibilities and obligations, even if they remain contradictory and unclear.

The normalization of the responsibility to conserve water is at times also linked to notions of scarcity, although affordability concerns appear to be more important reasons to reduce one's water consumption, as mentioned above. The occurrence of this theme, however, is indicative that the discourses around water scarcity that are becoming very prevalent in water resource management in the Western Cape are not only limited to policy and decision-makings domains, but rather form part of residents' imaginaries around water in Cape Town. Indeed, it might be the case that water conservation campaigns (common in Cape Town) that emphasize limited water and scarcity are reiterated and mirrored back in citizen narratives. For instance, a fifty-year-old male mentioned in a focus group:

Interviewer: And why do we need to save water? Is it only because you have to pay for it or there are other reasons?

Manu: We are saving because we are constantly hearing that water is very scarce and the dams are drying out. So now we have to think of our future because if we don't save water, where are going to get it? (Focus group #4, male in his fifties, living in a shack)

In addition, water scarcity is sometimes linked to the occasional water cut-offs in the townships, implying that the government needs and indeed does impose restrictions on “irresponsible use” to conserve its water resources:

Interviewer: And why do we need to save water? Is it only because you have to pay for it or there are other reasons?

Nome: Because there is an advert saying that water in Cape Town is continuously depleting! Therefore we have to save it...

Sitela: The water is becoming scarce in Cape Town! Water does become scarce here... (for example) we went for two days without receiving any water. And we had to run all the way to A section by the tracks, there would be nothing at all [for] us but a few little drops dripping out of the tap... Than you have to take five buckets and you have to not waste that water cause we never know when the water is going to return.” (Focus groups #3, female in late thirties, living in a shack)

And also,

Interviewer: Is the water limited? Is this why you have to be conscious (of your water use)?

Vuvu: Yaaaaa... You see, the City of Cape Town is limiting the water. And I am sure the City got a reason why, you see. Because we know there are some droughts.. sometimes.. so that is why. But they are giving the people much water, they are subsidising much water. If I am not mistaken, they are giving twenty-five kiloliters per month... it's the free water... that's a lot of water... not litres but kiloliters... that is a lot of water. Then if you use much... I don't know if it's 25 or 50 kiloliters... then if you exceed those kilolitres, then you have to pay. Then the City (the municipality or the City of Cape Town) will stop (giving you water) and you have to pay. (Focus group #2, males, living in shacks)

In other occasions, scarcity and water cut-offs are linked directly to individual behaviour. For example:

Interviewer: How can a person save water? What can a person do in order to save water?

Kristina: [Xhosa] You shouldn't play with water. You shouldn't just open the tap and let them (the water) flow out mindlessly and should not just pass by a tap if the water is flowing. It's saving water if you don't do all of this.

Interviewer: And why is that? Why should people not waste water?

Kristina: [Xhosa] Uhm, water could be closed if it's seen (by the municipality) that people are misusing the water... or they will start charging for the water... and end up paying for water...

Interpreter: She is saying that if people leave a water tap open just like that, that means they will have to pay for water and then that means they will have a shortage of water.

They could run out of water. So they have to conserve water. (Interview #20, female, late thirties, shack dweller)

This woman is concerned that if she and her community are “misusing” water, the municipality might run into water scarcity and therefore the government will have to start charging for water, possibly as a punishing measure, in order to preserve its limited water resources. Worth noting in this examples is that responsibility for possible future water shortages is placed on the residents of Site C who are careless about water and “let the tap run.” Indeed, many residents I spoke to were very conscious about their water use and often mentioned the different strategies they use to conserve water. One such strategy is linked to behaviour:

Interviewer: Do you think you will use more water when you have your own (inside) tap?

Mzu: I think it depends how you use your water, as I said, the people need to know more about the water because if you don't know how to use it lot of houses still misuse the water. You will see that the water runs almost the whole day just because she is rinsing the clothes from washing and just opens (the tap) and leaves it like that... So that is not good... (Interview #10, male, late forties, living in s shack)

Another strategy is in fact the type of tap. Generally, some participants were in agreement that having an in-house private tap helps conserve water. One woman in her late twenties whose dwelling had been upgraded to an RDP house says:

Interviewer: [...] Right now that you live inside the house, do you think you use more water than you used before (when you lived in a shack)? Is it the same, or less?

Vuvelwa: I think it's less now because I'm not fetching (from) outside. Let's say I want to drink water, I just take a cup and drink, sometimes (when using outside taps) if you want to drink, you say 'okay let me take the bucket' and also bring more (water), you see, if anything we save a little bit... (Interview # 22, female in late twenties, living in RDP house)

Having an inside tap and a water meter helps residents become more responsible water users by allowing them to monitor/control their water consumption. The two examples below show a tendency to normalize and accept private water access and metered water service as a requirement for being responsible:

Interviewer: So is there anything that you like or.. ok, is there anything good about using communal taps?

Babalwa: No. There is nothing alright about it... If we can have our own taps in our own yard or maybe our own houses, it would be better. We can even save water if it were... you know... it's your own water. It's your meter. You are going to pay for them at the end of the day. So it is your responsibility to save it and use less water. Like now (when using communal taps), you don't care even if you left that tap open. You don't care because we are not even going to pay for that (communal tap). (Focus group #3, females living in shacks)

And also:

Interviewer: What else is better about having an inside tap? Do you use more water or maybe, less water?

Lilo: [Xhosa] Having an inside tap doesn't matter what time you get home... Even you come back home, first of all you are safe... firstly because it's in your own yard. And secondly, you can also monitor how much water you are using, you see... That's when it's inside the yard. Unlike when it's outside and you make estimations. Inside you will know because you have a water meter, and it will tell you how much water you have used a day. But now you don't know because we are using the community tap. (Focus group # 4, male living in a shack)

Unlike in-house or in-yard taps, using communal taps is often considered wasteful and irresponsible and therefore conflicts with the idea of responsible water use. Here again, an underlying theme is the notion of responsibility on the part of citizens to conserve water, to use it wisely, and to pay for services – but also on part of the state, which is understood as having

responsibility to manage limited water resources, to deliver services, particularly private in-house connections that allow citizens to become responsible water consumers, and to impose measures to enforce responsible use through metering and payment.

Role of government as a service provider

The discussion above shows some aspects of invoking the state through notions of service delivery in the urban context and associated responsibilities and obligations on both state and citizens. These notions are also contested and at times contradictory which contributes to an ambiguous portrait of the state. For example, as mentioned above, the ideas around payment for water are nuanced and conflicting. Many residents seem to be in agreement that payment is acceptable because the government needs to collect fees for the service because of the efforts that go into provision (e.g., infrastructure, treatment, etc.) and because of a perceived obligation to manage limited water resources. However, despite general acceptance of ideas around state responsibility for service provision and of compliance through responsible water use, these notions remain contested. First, there is a level of distrust of government and the technocratic aspects of service provision. For example:

Interviewer: Do you think the water is scarce? Do you believe that the water is scarce?

Anele: Mmmm...not really, sisi (sister). I would say like that ...when I was born... and growing up... it was raining and it's still raining! God still gives us that rain, same rain, neh? You understand, my point? What I think [is that] the government is using a lot of money on that thing for water.

Interviewer: On what thing?

Anele: Maybe the thing when they dig the ground... when they look for water they use a lot of money. Maybe... I am not sure about that. That is why they talking about the scarcity of water, you understand? They say a lot more money (is going to be used) on water than on people, you understand, but the rain is still raining as when I was born! So I don't really believe on that, you understand!... Ya! I think water should be free, because I see no reason to pay the water. Sometimes it's raining, there is too much water all over, but why must we pay the water? I am asking myself: why must we pay for the water? Where does water come from? Alright... I can see they are cleaning the water, they make the water right (safe)... But I don't feel that we should pay water. (Interview #7, male, mid-forties, lives in a shack, owner of a small furniture shop located in a different shack)

This example illustrates a sense of doubt about the scarcity of water in the City because water in the Western Cape province is in fact visible and seemingly abundant as a natural resource – it rains a lot, especially in winter. In addition, there seems to be doubt about where the infrastructure expenditure is going. Even though there is an agreement that the municipality is spending on water quality - “I can see they are cleaning the water” - it still does not entirely

make sense, considering the availability of natural water (e.g., rain). In a way, we see tensions between the technocratic discourses of municipal water supply and notions of water as natural and available.

This tension comes across also in the contradictions around the need to pay for water, especially since affordability concerns mount. For example, women in one of the focus groups, in a discussion about the affordability of water services, suggested that there is a need to implement water tariffs that are proportionate to income to alleviate the burden on those without formal employment, and the elderly.

I was thinking... as I see... if there can be a door to door campaign to looking at each and every house because... there are people that are not working, some of the people are pensioners and some of them are depending on governmental grants. Those ones who are working should and those who are having permanent jobs should be the ones that must pay for water. For example the disabled, old age and unemployed people should not pay for. (Focus group 1, females living in RDP homes)

There was a strong and shared agreement that only those who can afford to pay for water should do so. In other words, even if there is an acceptance of payment for services in principle, it should be implemented in a socially just way as to not burden the most impoverished households.

Discussion

The notions of the role of the state in South Africa are to a large degree influenced by ever changing state-society dynamics. The post-apartheid state as a political project was largely centred on the promise of universal and adequate service delivery – a theme that is very prominent in narratives of state transformation (Nleya, 2011; for a discussion on the links between service delivery and protest in South Africa see Thompson, 2011). More importantly, however, for many of the residents of Site C access to services signifies an encounter between the state as a service provider and residents as recipients of a service. This encounter is also bound with certain expectations and responsibilities on both sides – the state is seen as responsible to treat water, manage scarce resources, put in place infrastructure and also, as invoked at times, to educate people on how to use water conservatively. Citizens, on the other hand, are expected to comply with payment for services and water conservation. The notion of the state as a service provider is not only embedded in the post-apartheid political environment (expectations from and promises by the ANC government to improve the quality of life of the

impoverished populations of South Africa), but also in the shifting imaginaries of the transition from rural to urban environments. As we saw in some of the narratives above, many of the residents of Site C who have migrated from rural areas in the Eastern Cape to Cape Town, highlight the necessity of the state to provide water through technology and infrastructure, as water would not be readily accessible otherwise. In contrast, narratives of access to water in the past in fact are lacking the state, as water is accessed directly from the environment.

In the urban context of Site C, at present access to water services takes places in two main forms – through formalized metered in-house private connections, and through unmetered communal taps, used by the informal residents (see Chapter 3 of this thesis for a more detailed discussion). These two different kinds of access are associated with certain expectations of the quality of services delivered that have implications for how residents perceive their relationship with the state. On one hand, residents of RDP homes who receive private, and what is often considered as improved water services, experience the state as a service provider with whom they have a more direct connection, evident in the presence of the meter, receiving letters from the utility, having a direct phone number to call when there are issues with the water service, but also through the notion that the state has ultimate control over their services (e.g., disconnections, billing). Informal residents, on the other hand, instead more often experience the state as passive, or failing to fulfil its promise for service delivery, including water, sanitation and housing.

In some senses, the recipients of formalized services seem to be “compliant” with the expectations and obligations, required by state, such as responsible consumption and payment for water. The notion of responsible water consumption is present both in narratives and in practice, whereby recipients of private in-house water services discipline themselves and their family members to conserve water. Even as many residents worry about being able to afford to pay for water, payment for services is often normalized. As such, my analysis from Site C provides some evidence that contrasts with wide spread commentaries about the culture of non-payment in South Africa (for a discussion on non-payment see McDonald & Pape, 2002a). My research also suggests that through compliance and through registration with the water utilities upon installation of water meters, consumers of services also become responsible ‘citizens’ who receive what is considered improved services and who are allowed to make legitimate claims about the qualities of the service received, but who also have responsibility for the resource, and to minimize waste, and so forth. In this way, formalization of housing and service provision

can also be understood in part as formalization of citizenship in terms of entering an implied contract with the state, defined by rights and responsibilities from both the state and citizens.

The experiences of informal residents, however, are quite different. Valorizations of the role of the state and normalization of obligations to the state as a service provider do not come across as strongly in narratives from those residents. Instead, many shack dwellers express discontent with having to wait for many years to receive “proper” houses and services. Absent are also strategies of compliance, instead resistance and social protest appear to be some of the more possible ways of engaging the state—particularly to claim better services. Resistance is evident in some of narratives discussed above (contesting payment for water, lack of trust of government) as well as through the high number of service delivery protests in South Africa (Alexander, 2010; Dugard, 2009; Thompson & Nleya, 2010a). Together these signify disengagement with more formalized processes of claiming service delivery, such as participation in local governance, or efforts to contact authorities directly to report a problem.

In addition, informal (or shack) dwellers are at times represented in narratives as irresponsible water users who are using communal taps in ways that are described as wasteful and uncontrollable (“you can not control how much you are using”). They still receive water services free of charge, as the state is still bound by constitution and policy to provide basic services for all. However, in these narratives informal shack dwellers are rendered “lesser” citizens, as they are not included in formalized technologies of control of water consumption. A sense of exclusion is further evident in the disillusionment with the quality of the services among residents of informal settlements. The hopes of many for housing and private services have not been met, which enhances a notion that the government is not living up to its promise. A male shack dweller I spoke to summarized in great detail the expectations that are attached to the formalization process, the tensions it causes and the sense of being “left out” as a shack dweller:

Interviewer: In these community meetings, do you remember discussing water problems?

*Stambo: One of [these] days, our municipality come to us and said ‘Now we are going to... we want money for the water, everybody who has been spending water must pay now because everybody is developed (formalized). So we need money because everybody is staying in a good conditions (in proper houses) so we need payments now.’ So we go with the other comrades and respond to the municipality members that ‘No, we are not going..to allow the municipality to just do that way to our people because here we are **not the same (emphasis added by author)**, we are not tasting (having) the*

same rights, because other people are staying in good houses... and in beautiful houses which have been built with good conditions! (But) other people are still staying in the shacks! How can we (shack dwellers) pay for water?! [...] Mr. Nelson Mandela elder said to us ..he wanted to see a better life for all. Before we do anything, we want to see everybody staying in a better life and staying in the same way and staying in equal rights as Madiba (Nelson Mandela) promised us! So now we go and crush that kind of information (payment)... we said 'We are not going to pay water (because) we are still staying in shacks! Those who have been qualified to pay water are those people who have (already received) built houses by the government!' [...] The government have a right or have an access to go to them (formalized residents) and say to them they must pay water... just because the government have done everything for them but... what about us?! (Interview #24, male shack dweller in his late thirties)

Exclusion of informal shack dwellers also occurs in the formal governance spaces or called “invited” spaces (Thompson, 2007). Some of narratives of exclusion highlight that the concerns of formalized dwellers are systematically prioritized in formal governance processes – a tendency that serves to limit the possibilities for citizenship claims for informal residents. For instance, in a focus group discussion about engaging in council community meetings, one of the participants mentioned the following:

Yes, it is like that they (RDP residents) are given more way than us people who are living in the shacks, because the councillor is within them, the ones who live in the RDP houses. We don't have a councillor at our shacks! That's why their grievances are solved much more quickly. For instances the other guys don't have electricity as yet but they (the councillors/the municipality) are busy building brick houses and they said they are not going to put in that electricity. (Focus group #4, males living in shacks)

In sum, citizenship, in the sense of state-society relations, is experienced differently by informal dwellers and by formalized residents. There differentiated experiences of citizenship are characterized by different notions of the role of state as a service provider, and as a consequence of relating to the state in different ways. Formalized residents, on the one hand, experience the state as a provider of improved services, and are more likely to be compliant with the obligations that are imposed on them as service consumers. Informal residents, on the other hand, often talk about the state as passive, unresponsive or as failing to live up to its promises for universal service delivery. Protest and resistance to the installation of meters for instance tend to be seen as a more acceptable practice of making claims. This is particularly important in light of a growing wave of protests since 2004. These protests are largely organized by grassroots groups in townships and informal settlements and their grievances tend to be complex, involving claims for better and more affordable services (including housing, water

supply, sanitation and electricity), and linked issues of governance and public management (Thompson & Nleya, 2010a).

Conclusion

In South Africa state-society relations have undergone major transformation since the end of apartheid. During the apartheid regime, the state was often experienced as oppressive and closed off to many non-white residents of the country. With the first general elections of 1994, the newly formed ANC government built its political platform on the promises of universal citizenship rights and universal provision of services as fundamental steps towards redressing the structural inequalities created by the apartheid regime. South Africa has been praised both for its progressive Constitution and policies, and for relative successes in extending access to basic services for formerly marginalized populations. However, at the same time, since 2004 South Africa has witnessed a large spike in protests against the quality of service delivery but also against the performance of local government. A focus on the on-the-ground realities helps to better understand how these transformations affect residents in marginalized communities. It reveals complex and contested notions of the state and responsibilities of citizenship that are influenced in part by the way the housing formalization process has been unfolding. Through the formalization process and the delivery of in-house services, many residents of marginalized communities, such as former black townships and informal areas, in fact come into direct contact with the state and fashion particular forms of 'citizenship' through compliance with the logic of service consumption that is delivered to them through private, metered, in-house services. This compliance is expressed in normalization of the idea of payment for services despite affordability concerns. It is also evident in adopting notions of responsible water consumption (i.e., conservation). On the other hand, residents of informal shack areas, residing in close proximity with RDP home-owners, do not see the promises of the new governments coming to fruition. For them the state remains passive, unapproachable and unresponsive. They are not seen by the state because they are not registered with housing programs or with the water utility and they do not experience the state as an active service provider. They may also be on a long waiting list to access a formal house, and as such, the emphasis in their narratives is often on being left out, or left behind, and outside the purview of state responsibility. These shack dwellers clearly experience the state differently. Nonetheless, informal shack dwellers also engage the state, whether through protests or through other forms of resistance to pre-paid meters and sanitation technologies.

Lived Notions of the Human Right to Water - the Case of Site C, Khayelitsha

Introduction

It's around 11am on July 17, 2012, a rather cold winter day in Cape Town, South Africa. Together with my research assistants and four middle-aged Xhosa women, I am sitting in a circle on wooden benches in a spacious shack that serves as a church for Site C, a semi-informal area in the township of Khayelitsha. As we are doing some basic introductions before we commence our focus group, two of the assistants bring coffee and a portable kerosene heater to make us more comfortable. We begin with a very general conversation about the water services in Site C and about using water from communal and in-house taps. Having a tap inside the house is advantageous, one of the women says, as it is easier to keep clean and monitor water use. By contrast, using communal taps is like being in the rural areas, where people still practice subsistence farming and have cattle. She speaks Xhosa while one of my interpreters patiently translates her story. The cattle drink water from the communal taps, creating a mess, she says. Similarly, the communal taps here in Site C, used by many informal residents, are dirty, filthy and unhygienic. I am told that private taps, to the contrary, promote hygiene and responsible use of water.⁴⁰ (Fieldnotes, Lucy Rodina, July 17, 2012, Cape Town)

The City of Cape Town has been relatively successful in extending basic access to improved sources of water⁴¹ to the many impoverished areas of Cape Town, including informal and semi-informal black and coloured townships, thus complying with the Free Basic Water (FBW) policy and the constitutional guarantee of access to sufficient water. The FBW policy mechanism was implemented in 2001 to ensure that the constitutional right to water is realized for everyone in South Africa, regardless of ability to pay. At present, this policy mandates municipalities to provide 25 litres per person per day of free water for basic needs within 200 metres from home. In compliance with this policy, in 2011, an estimated 96.6% of households in Cape Town had access to piped water within 200 meters from home while 87% of households had access to piped water inside their dwelling or yard (CCT, 2012c). Relatively good access to water services is also confirmed by our own South Africa-Ghana survey of 2012, which shows that 96% of the residents of Khayelitsha and Phillipi, both semi-formal townships in Cape Town, have access to water through in-yard connections and municipal standpipes/communal taps (Harris et al., 2012)

⁴⁰ This narrative is adapted from a longer conversation for flow and for the purposes of introducing the chapter.

⁴¹ As per the WHO/UNICEF Joint Monitoring Program on progress on water and sanitation, improved drinking water sources include public taps or standpipes, tube wells or boreholes, protected dug wells, protected springs and rainwater collection in addition to piped water on premises (dwelling, plot or yard) (WHO/UNICEF, 2008, p. 22)

In addition, a vast majority of these residents (83%) claim to access water easily as it is almost always available and 93% agree that the water they get is of good quality (ibid).

Khayelitsha is one of many townships in Cape Town, which have seen a considerable increase in the supply of communal taps since the late 1990s in compliance with these policies. In addition, as part of efforts to supply housing and eradicate slums (Huchzermeyer, 2004), Khayelitsha is undergoing a formalization process whereby shacks are gradually being replaced with government-subsidised homes.⁴² In addition to built homes, the process of formalization also involves provision of private in-house taps as well as in-house sanitation facilities. Currently, roughly half of Khayelitsha is formalized, whereas the rest of the residents of the township - including those registered through the housing program waiting for formal housing as well as the increasing number of new unregistered informal dwellers - live in shacks. Those in shacks generally use communal taps usually located on the sides of streets, and communal toilets.⁴³ In sum, residents of Khayelitsha are currently accessing water through two kinds of piped water and sanitation services – communal and private (or in-house). This divide aligns with a formal-informal divide (those who have qualified and received housing) and those who do not qualify or have not yet received housing.

In many respects, Cape Town's extension of water services has been seen as a successful example of implementing the HRW, having achieved almost universal access to improved water sources - in this case piped water either on premises or through communal taps, complying with the South African Free Basic Water policy, the constitutional guarantee of the right to water and WHO/UNICEF's Joint Monitoring Program's international drinking water standards. Yet, even though the human right to water as a discourse has been much debated within the policy and academic domains, much less attention has been paid to its actual meaning in people's daily lives. The notion of lived experiences of rights has been brought forward as part of intellectual attempts to conceptualize human rights from the perspective of marginalized and vulnerable populations who are most often involved in struggles for recognition and improvements of quality of life. This approach helps to reveal socio-political processes of marginalization and to shed light on the actual struggles involved in claiming rights—even when the actual language of 'rights' may not be paramount in these struggles. Drawing on recent debates related to notions of the material in resource governance (Bakker & Bridge, 2006), in this chapter I argue that a

⁴² For a description of this process see pp.14-16.

⁴³ See Fig. 4 and Fig. 5

focus on materiality can contribute to a more grounded and context-specific understanding of how people experience the right to water by elucidating levels of difference and relative marginalization shaped by the experiences with material conditions of access and uses of water. This sense of relative marginalization is linked to discomfort (and at times disgust) when using communal taps, safety concerns and exclusion from private water access, perceived as safer and more appropriate. It is also manifested in changing notions of sharing of water, whereby RDP home-owners appear increasingly reluctant to share water with informal residents, particularly considering anticipation of payment for water services. As will be discussed below, dominant discourses around the HRW and many critiques of these discourses often do not directly engage with the material conditions of water access. In the context of this study a material lens helps to better understand the implications of the Free Basic Water on water use and quality of life, and marginalization more generally. Specifically, processes of marginalization in this context are linked to differentiated experiences with water services, whereby informal shack dwellers are seemingly deprived of improved water services and instead access water from communal taps. Here, the use of communal taps and toilets, as directly linked to the housing formalisation process, seem to signal the failure of the state to deliver on promises for improvement of quality of life and to acknowledge informal residents' claims for housing and better quality of services.

The Human Right to Water within the Human Rights Framework

The Human Right to Water was officially recognized by the United Nations General Assembly in July 2010. This event served as a symbolic acknowledgement of this right, although it has been widely debated and indeed incorporated into the language of national and international policy documents for decades.⁴⁴ However, the inclusion of a language of recognition does not guarantee its implementation and many debates have emerged around the successes and

⁴⁴ The first UN Water Conference in 1977 stated "all peoples...have the right to have access to drinking water in quantities and of quality equal to their basic needs". The Agenda 21 that sprung out of the Rio Declaration of 1992 stated that all people have the right to have access to water. The recognition of this right was also mentioned in 1994 Cairo Population Conference, 1996 Habitat Agenda and Abudja Declaration, the 2007 Asia Pacific Water Summit and the 3rd South Asian Conference on Sanitation in 2008 (Gupta et al., 2010; Mehta, 2006). In November 2002, the Committee on Economic, Social and Cultural Rights adopted General Comment No. 15 on the right to water, stating that "[t]he human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights." The Comment further defined the right to water as "the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses." In addition, a number of countries have adopted an explicit recognition of the universal right to water in national laws: the Democratic Republic of Congo, Ethiopia, Gambia, Kenya, South Africa, Uganda, Zambia, Ecuador, Uruguay, Egypt and the USA (Bakker, 2010; Gupta et al., 2010; Mehta, 2004; Mehta & Napier-Moore, 2010).

failures of the realization of right to water. The ways this right is negotiated, experienced and struggled for in different contexts still remain key challenges (Miroso & Harris, 2011; Parmar, 2008; Sultana & Loftus, 2012).

Even though it was not officially acknowledged as a right until 2010, it had previously been argued that the right to water and sanitation is embedded in other elements of the human rights framework. For example, it is considered indispensable for leading a life in human dignity and essential to the realization of other human rights (UN-HABITAT/WHO, 2010), particularly because water is essential for life. Rights-based approaches have been applied extensively to development agendas since the late 90s and the experiences with these approaches in different contexts provide many lessons that call for more careful conceptualization of human rights. Rights approaches have been critiqued for being vessels for continuing northern/western hegemonies (Douzinas, 2007). More specifically, human rights are often seen as western-centric in that they draw on ideas of neutrality, universality and individuality (Bakker, 2012a; Miroso & Harris, 2011; Parmar, 2008; Sultana & Loftus, 2012). Douzinas further argues that historically and discursively, human rights have become the *lingua franca* of the neo-liberal state, propagated by nation-states, non-profits, multi-national corporations and development agencies (Douzinas, 2007). In addition, human rights have been used to justify “military humanitarianism” - military interventions whose aim is to impose the morality of human rights onto other societies and contexts that are said to be lacking basic protections of the freedom of citizens (ibid). As such, a major theme in this critique is that on-going hegemonic neo-colonial institutions determine the human rights of the weak – or the victims of human rights abuses as defined by western human rights frameworks - against domination and oppression (see Chapter 3 in Douzinas, 2007), which raises important questions about the power relations embedded in the human rights framework and their implications for social justice.

Critiques of the dominant discourses on the HRW have identified a number of issues, including the dissonances between this right “on paper” and actual realities on the ground. As such, calls have been made to focus on actual practices of struggles or negotiations around water access as well as the socio-political processes in which they are embedded. In the context of the human right to water, many authors have brought attention to questions of justice and equity beyond mere access to water, including participation in water governance. These arguments are premised on the idea that participation is critical in that it opens up spaces to co-shape how the human right to water is realized, namely what policies, institutions and technologies are

involved in providing universal access to adequate and sufficient water (Brooks, 2007; Clark, 2012; Linton, 2012).

Linton (2012), for example, approaching water from a relational perspective, argues for more inclusive participatory water governance by bringing attention to the relationship between humans and water that is formed through the right to water. He argues that proclaiming a specific human right to water ties individuals to a pre-defined quantity of water necessary for personal and domestic needs (Birkenholtz, 2009; Linton, 2012) - an articulation that tends to ignore the social nature of humans and the processual nature of water (p. 48). There is an interesting parallel with the context of the poor in South Africa, for most of whom the constitutional right to water is practically realized through the Free Basic Water allowance of 25 litres per person per day. In other words, the realization of the HRW through the FBW policy entitles citizens to 25 l/p/d, a free minimum amount of water for basic needs, which, as has been pointed out, is *de facto* maximum affordable amount of water for the urban poor (Ruiters, 2005).

However, participation is not likely to fully solve this challenge, as it has proven problematic in many contexts. Debates around the challenges of community participation have raised crucial questions regarding the possibility for marginalized populations to directly engage in governance (Cindy Clark et al., 2005; Mehta, 2006; Mollard & Berry, 2010; Parmar, 2008; Wilson & Perret, 2010). In addition to unequal access to resources, some countries have an uneven distribution of political entitlements among citizens, which may affect the exercise of citizenship rights of marginalized populations, such as slum dwellers, women, and the urban poor (Bakker, 2010; Cindy Clark et al., 2005; McEwan, 2003; Mehta, 2004; Mehta & Napier-Moore, 2010; Newell & Wheeler, 2006). For instance, informal settlements are often in an exceptionally vulnerable position because of inequalities in water supply and sanitation. Also, even though citizenship rights may be recognized in law, they are often not realized in practice as lack of secure tenure rights, lower education, and social status may inhibit possibilities to engage in formal governance processes to claim rights.

Rights to Resources

One interesting aspect of the human right to water is that it is the only fundamental explicit human right to a *resource* recognized in the United Nations Universal Declaration on Human Rights. To understand how it is realized and how claims to this right are made, we need to

consider the rights frameworks in place as well as the politics and struggles around access to resources – even if not always explicitly linked to human rights discourses. In fact, struggles to access key resources occur even when there are no legal rights frameworks in place that provide entitlements to these resources. Recent scholarship on rights to resources points out that the “nature of a resource, and who has access to it, defines possibilities for justice, redistribution and change” (Newell & Wheeler, 2006). As the authors in *Rights, Resources and the Politics of Accountability* (2006) investigate, resources are not politically neutral entities, but rather their distribution and governance are embedded in broader socio-political dynamics. Questions of access, management and distribution of resources will also vary when we consider different kinds of resources, e.g., oil or water. “Each implies a different infrastructure, brings different actors into conflict, implies different sensitivities and is symbolically and culturally understood in a distinct way” (Newell & Wheeler, 2006, p. 5). With respect to water, the way HRW is realized in fact depends on the way water is accessed, distributed and governed. Recent scholarship on the materiality of resources (see below) highlights that material conditions of access and use of resources contribute to processes of exclusion and also shape resistance and social struggle. Understandings of the lived experiences with the human right to water, therefore, should also be attentive to the material conditions of water access and water use, especially for marginalized men and women. Focusing on elements of everyday experiences with water access is thus useful in that it sheds light on the on-the-ground realization of this right, especially in contexts where the language of the human right to water does not resonate with people, such as the case study discussed in this thesis.

Lived Notions of Rights

The way people experience rights emerges from the material and socio-political realities they live in. As a result, human rights mean different things to different people (Parmar, 2008) and in different contexts (SLSA Team, 2003). As argued elsewhere, the consequences of this plurality, the meanings, the norms, the language and practice of human rights are deeply contested. Rights are not simply handed down, but they are a product of struggles that constantly challenge and redefine the meaning and practice of human rights (Clark et al., 2005; Parmar, 2008). There is, however a tendency to view human rights as set in stone, or handed down from the top, through international law or domestic policies. This view has been criticized for providing little room for bringing new voices into the rights discourse and negates the fact that rights are often the product of centuries of struggle to actualize specific human needs and

aspirations (Clark et al., 2005). Bond and Dugard offer a more progressive articulation of human rights in general, and the human right to water more specifically. They provide a justice-based rights rhetoric that addresses human rights in the context of conflict with economic, social and political concentrations of power (Bond & Dugard, 2008). The authors argue that this approach, especially if applied to social struggles, can be very beneficial in that it demands local accountability and responsiveness to community needs.

Building on bottom-up approaches to human rights, Newell and Wheeler (2006) argue that a focus on how the poor claim their rights and demand accountability becomes crucial for a deeper understanding of how rights are realized as the perspective of marginalized groups alters how formal rights are given meaning (Pettit & Wheeler, 2005). Nyamu-Musembi (2002) argues that considering the perspective of those claiming rights helps “transform defined normative parameters of human rights debates, questions established conceptual categories and expands the range of claims that are validated as rights” (p. 1). For example, speaking directly to critiques of the HRW as western-centric and individualizing, HRW has been evoked to advance the struggles of marginalized groups to pursue their traditional livelihoods (Morinville & Rodina, 2013). This highlights the growing awareness among critical human rights scholarship that considering human rights only from a legal/institutional perspective does little to enable an understanding of the way they actually work on the ground.

Also building on bottom-up approaches, some scholars have employed an actor-oriented perspective to conceptualize human rights. This approach advances the concept of situated citizenship and implies that an understanding of human rights should be informed by the concrete experiences of the particular actors involved in the struggles to gain them (Nyamu-Musembi, 2002). This work calls for the incorporation of pluralistic approaches to citizenship and rights, “which capture the every-day experiences of citizenship as mediated by factors such as gender, ethnicity, caste and kinship structure” (p. 18). It also advances the idea that everyday experiences are bounded within particular social, cultural and historic contexts, and therefore more attention needs to be paid to the politics of everyday life.

In line with these insights, the past several decades have also witnessed growing interest in the everyday experiences of rights by feminist scholars. There are many different kinds of formal rights today – political, civil, economic – actively promoted by the World Bank and international development agencies (e.g., the World Bank) as essential for good governance. However,

formal rights may be meaningless if they do little to transform people's daily experiences or conditions for living. Clark, Reilly & Wheeler (2005) give an example whereby promoting voting is important for the realization of democracy and inclusive governance. Yet, if women and men face domestic violence in their homes, their personal experiences may prevent them from enjoying their formal rights. Clark, Reilly & Wheeler (2005) argue that a gendered analysis of rights brings an understanding that rights do not simply apply to a "neutral" individual, "but the application and enjoyment of rights differ according to a person's power and position in society and the roles that are attributed to him or her." In these ways we see that a notion of rights detached from lived realities is able to tell us very little about the meaning and substance of rights. By contrast, a focus on everyday lived experiences of rights allows us to attend to the effects of uneven implementation and realization of rights. In addition, feminist thinkers have expanded the notion of rights as operating at different levels, including economic, social, political as well as personal. The last refers to the idea that rights are experienced in every aspect of daily lives: homes, school, work space, street, market, and so forth (Clark et al., 2005).

The contributions of gender in the understanding of rights helps to bring out the role of power relations in daily interactions, shaped not only by differences in gender roles, but also by differences assigned on the basis of race, class, ethnicity, etc. Power and how it is distributed structurally and experienced individually in daily lives is an essential focus in understanding lived experiences with rights. One possible aspect of these experiences with respect to empowerment is a sense of dignity. This has been pointed out in recent research on gender and citizenship in Brazil that highlights the differences in the ways rights are experienced in daily life by men and women in the Rio de Janeiro's *favelas* (squatter settlements). This research suggests that dignity (and lack thereof among residents of *favelas*) is one of the key aspects of citizenship as it affects experiences of inclusion (Wheeler, 2005). This work further argues that without dignity the formal rights, enshrined in the progressive constitution of Brazil, are essentially meaningless to marginalized men and women.

In sum, the concept of lived notions of rights has been brought forward because it allows us to focus on the experiences of struggle and oppression of those who claim rights (Clark et al., 2005). For instance, this approach might suggest that the mainstream discourse on the right to water is narrow and inadequate, because it does not represent the lived experiences of people who are involved in struggles over access to water - whether that be issues of participation in

water governance, differentiated access to water, or experiences of dignity that similarly may relate to modes of water access and use. For instance, in line with critiques of human rights frameworks as embedded in particular colonial and western discourses, the language of human rights law is sometimes unrelated to everyday experiences in non-western contexts and does not resonate with many people involved in struggles to access resources. At a more conceptual level, drawing on these ideas, some have argued that by failing to directly interrogate the limitations of the dominant discourse, the human right to water risks reproducing “problematic assumptions and collective histories of exclusion” (Parmar, 2008). In addition, lived experiences help reveal particular struggles to access resources even when the language of human rights is not directly invoked by marginalized people involved in these struggles. This is particularly useful considering that human rights, as embedded in colonial and western notions, are often foreign or unfamiliar to those involved in social struggle and claim-making. Parmar further argues that we need a reconceptualization of human rights that recognizes human suffering and takes into account social resistance. Such an approach would consider the voices of struggle and resistance that are so often silenced in the language of human rights law.

Materiality and Lived Notions of the Right to Water

A number of scholars within the field of political ecology have put forward broader calls for the consideration of materiality (in the sense of the bio-physical characteristics) of water in conceptualizing the relationship between humans and natural resources (Anand, 2011; Bakker & Bridge, 2006; Barnes, 2012; Birkenholtz, 2009; Braun, 2008; Bridge & Smith, 2003; Carroll, 2012; Carse, 2012; Castree, 2003a; de Laet & Mol, 2000).⁴⁵ The concept of materiality, albeit complex and not uniformly conceptualized, encompasses the varied biophysical characteristics of a resource and the ways in which it is accessed (i.e., water pipes or pumps that enable access to water) not necessarily in and of themselves, but rather in relation to broader socio-political processes that govern access to resources. For instance, the materiality of water access is often investigated by looking at how technologies of water access are embedded in socio-political processes of urban planning that often reproduce and create new social

⁴⁵ These new invocations of the non-human (resources in particular) are complex and have made intellectual contributions in several directions, including questions of the commodification of resources; work on the social significance of material objects; socio-natural and socio-technical hybridity, and so forth (Bakker & Bridge, 2006; Castree, 2003b; McFarlane, 2011; Swyngedouw, 2006). Particularly with respect to water, recently attention has been brought to the materiality of this resource in terms of the linkages between the biophysical and cultural characteristics of water (see Special Issue of Social Studies, (Barnes & Alatout, 2012; Loftus, 2009)

inequalities between spaces of the city, some with better access than others (Anand, 2011; Bakker, 2003; Birkenholtz, 2009). Materiality is therefore a nuanced concept that goes beyond the mere logistics or convenience of water access. Instead, it refers to the socio-physical conditions out of which water is accessed, as well as the biophysical properties of the water itself (in terms of its characteristics, binding properties, and so forth). For example, attention has been brought to the fluid, or continuously circulating, nature of water which contributes to it being “uncooperative” and therefore posing significant challenges to its commodification (Bakker, 2005).

Significant theoretical contributions have been made not only in re-conceptualizing the biophysicality of water, but also the technologies involved in accessing, managing and distributing water (Anand, 2011; Bakker, 2012b; Barnes, 2012; Birkenholtz, 2009; Carroll, 2012; Carse, 2012; de Laet & Mol, 2000). Some of the important themes, identified within the above-mentioned intellectual contributions, include the importance of considerations of materiality in revealing processes of inclusion and exclusion in people’s daily lives. Resources and technologies that make them available are embedded in and in turn influence existing socio-political dynamics, institutions and governance. In other words, the material objects in people’s lives, from assembled homes in slums (Bakker, 2003; McFarlane, 2008a; 2011) to water meters (Loftus, 2009; Ruiters, 2005), play an important role in how marginalization is experienced.

For example, new water pumping technologies may aggravate existing inequalities by concentrating power in existing elite structures and transforming existing irrigation practices to the disadvantage of marginalized farmers (Birkenholtz, 2009; Pillay et al., 2006). Attention to water pressure - conceptualized as both the physical and social relations that enable access to water - in the slums in Mumbai, as another example, helps to uncover how water claims are made (Anand, 2011; Pillay et al., 2006). The technological and social strategies used to create “pressure” in order to access water elucidate the ways in which some groups are excluded from the ability to access sufficient water. As water supply and sanitation infrastructures have historically patterned urban experiences (Bakker, 2003; Bond & Dugard, 2008; McFarlane, 2008a), better understanding of the materiality of these experiences sheds light onto broader questions of urban governmentality (Bond & Dugard, 2008; Ruiters, 2005), including what urban citizenship actually means for people and how it is experienced differently by different urban groups.

The notion of lived experiences of human rights has been largely focused on processes of socio-political exclusion of marginalized populations, however the material dimensions of this exclusion have not received much attention, although they have been recognized as important constituents of exclusionary processes. In this sense, materiality unquestionably plays an important role in people's daily lives, but also in people's struggles for better living conditions. A better understanding of the conditions and modes of access to essential resources like water also helps reveal socially constructed processes of exclusion, that may not be as readily noticeable. The lens of materiality, and particularly the experiences with materiality, can lend deeper insights in understanding how human rights are experienced in daily lives. I argue that a focus on materiality within the scholarship on lived notions of rights can not only add more nuance and better understanding of the grounded experiences with the right to water, but it can also reveal levels of difference and experiences of relative marginalization produced by the material conditions of water access.

Experiences with Water Services Elicited through Narratives

A key finding of the qualitative work carried over the period of 10 weeks in 2012 is that there are different social and cultural associations with different forms of water access. The relative experiences with forms of access accentuate sense of marginalization along the lines of housing, social status and gender. Major themes throughout the narratives of experiencing water access are a sense of relative deprivation, safety concerns (both related to crime and health risks) and differentiated ideas around water sharing and conservation, linked to the shift from communal to private (or in-house) taps, associated with the formalization process.⁴⁶ Even though access to sufficient water was very rarely brought up explicitly as a challenge (as supported by the statistical data mentioned above, where most residents suggest they have sufficient and relatively easy access to good quality water), the different experiences with communal and private water services nonetheless reveal a degree of relative marginalization of shack dwellers vis-à-vis RDP home owners. This sense of relative marginalization is linked to discomfort (and at times disgust) when using communal taps, safety concerns and exclusion from private water access, perceived as more hygienic and appropriate. More specifically, communal taps are perceived as "dirtier," posing health risks, especially for children, and exposing residents to risks of crime. To the contrary, private taps are perceived as safer and more appropriate in the sense improvement of living conditions that many shack dwellers have

⁴⁶ For a discussion on the housing formalization process see pp. 14-16.

been expecting for a long time. Private taps are also considered to stimulate responsible and conservative use of water and therefore superior forms of water service, while communal taps are seen as wasteful. Lastly, ideas around sharing and conservation of water change with the shift from communal taps to private taps – a change in attitudes that is linked to payment of water and notions of responsible water use. I detail and unpack all of these themes in the discussion below, providing quotes and examples whenever possible.

Table 3 Summary of experiences with water services related to the material conditions of water access (communal vs private) as distilled from research data

	Hygiene	Personal Safety	Water use: Sharing	Water use: Conservation
Private (in-house) tap	Clean and hygienic, easy to keep clean	Safe, can be used at any time of day and night	Implies ownership, not shared with community members because it costs money	Allows for water conservation as it is easy to control water use and restricts use to only one person/household
Communal tap	Filthy, dirty, wet; people do “nasty things” around them; posing health risks for children; similar to village taps for cattle	Unsafe at night due to crime, unsafe for children due to risk of being hit by a car	Shared by community members; socializing around the tap-laundry and dish-washing often done at the tap; occasional conflict at the tap	Wasteful, used irresponsibly by community members; children play with water and waste it

Hygiene

In both the individual interviews and the focus groups, communal taps were often described as dirty, filthy and messy. Here is an example from our fourth focus group, where we invited four males (late forties and early fifties) from Site C who live in shacks. A big part of the conversation took place in Xhosa. With the help of an interpreter, after the introductions I began with a broad question, inviting the participants to describe what it was like to use a communal tap, and what

kinds of things they liked or did not like about it. Many participants described the dirty conditions of the taps in similar ways:

It's full of plastics and papers, or sometimes there's a lot of grass and the place is always filled with water. And some people... what they do is that they go and do their washing, [and] sometimes wash their dishes and leave the place filthy. (Focus group # 4, male, lives in shack)

Similarly, a female in her mid-thirties in a focus groups with females living in shacks brought up the issue of cleanliness during a group discussion with the other women, describing the different aspects of accessing water from communal water sources.

Nome: Yhor! It's not easy! It's not good. It's bad that you have a tap in your yard... for us it's not even a tap that we are using. It's a pipe. It used to be a tap but now there is no that thing...

Translator: Top.

Nome: That thing, yeah, yeah. So we are fetching water from that pipe, so children come and play there, and other people come do their laundries there, others come do their dishes there... so it's filthy, it's not clean, not hygienic, you know, so it's bad... (Focus Group #3, female, late thirties, lives in shack)

One of the main implications of the dirty conditions of the taps is the uncertainty around the possibility of contracting disease. For instance, note this abstract from a conversation in the focus group with men living in shacks. We were discussing and brainstorming as a group about the different aspects of using communal taps. The first point that was brought up was the taps were dirty:

Interviewer: Ok, I will continue. What about the rest of you, what's it like to use a communal tap?

Lilo : [Xhosa] No we don't like it because sometimes there is no water, and when the water comes back it comes back dirty. The place where the tap is situated is dirty as well...

Interpreter: [Xhosa] How is it dirty? What do you mean when you say it is dirty?

Lilo: [Xhosa] It's full of plastics and papers, or sometimes there's a lot of grass and the place is always filled with water. And some people what they do is that they go and do their washing the sometimes wash their dishes and leave the place filthy.

Interpreter: [Xhosa] What else did you mention again?

Lilo: [Xhosa] There is dirty water there and the children also play there, and that could make them susceptible to diseases.

Interpreter: He is also adding on that uuhhhh... some in most cases children go there to play and they get infected by viruses ending up having diseases he was pointing around so I'm not sure he was trying to say. [Xhosa] What kinds of diseases are those?

Manu: [Xhosa] it's pimples

Interpreter: [Xhosa] What kind of disease is it my brother? Is it like Chicken pox? Or is it just normal pimples?

Manu: [Xhosa] No I don't know, if it's chicken pox or not. (Focus Group #4, male, living in shack)

The ways in which the communal taps are described sometimes reveal feelings of embarrassment. Even though it was not usually expressed explicitly in narratives, embarrassment was at times evident in facial expressions, tone of voice, silences, awkward laughter and body language. In the focus group with women living in shacks, Nome, one of the four women participants, laughed awkwardly as she was describing the dilapidated conditions of the source where she accessed water, possibly in attempt to make light of a rather irritating situation.

Interviewer: What about hygiene? You were just saying that it would be more hygienic to have it (the tap) inside.

Nome: Yes, more hygienic.

Interviewer: Why is that?

Nome: Uuhhmm [pause]. I'll talk about the one that I'm using... it's not a tap...(long pause)

Interviewer: You said it was a pipe? (a little confused)

Nome: Yah, we are using a pipe... After you are finish fetching water, you have to put down that pipe (the hose) into the sand... so that the water does not leak....

Interviewer: Is it a hose that is attached to the pipe?

Nome: You can [laughter]... it's funny, serious. You can just put it in the sand, no matter where you like, just put it there so that it cannot leak. So when you come again to fetch water you have to pick it up... then it's dirty, it's dirty.. the place is full of mud... it's always wet... yah... (Focus Group #3, female, late thirties, lives in a shack)

In my conversations with community members I was often left with the impression that the state of the communal services (drinking water taps and toilets) sometimes caused frustration because they are considered inappropriate for the amount of time that informal residents have been waiting for RDP homes and private in-house service connection. In one of my interviews I spoke to Stambo, a passionate 45 year-old single man, living in a rather spacious but very dilapidated shack just outside the outer road that marks the end of Site C.

Interviewer: So is everybody going to get a tap inside? Is everyone in Site C going to get a tap inside the house at some point?

Stambo: No, it's not everyone...

Interviewer: Not everyone?

Stambo: It's not everyone...even me.. I'm still waiting. There are many people still waiting just like me (referring to shack dwellers)... so we are still waiting for our call because government said "no" to people a lot. So they must wait this long...

[...]

Interviewer: What will happen when they (the municipality) give everyone a meter box (water meters)? Will people have to pay for it or not?

Stambo: No, they just give them free, because of the way we stay... government ... no it's been a long time these people (shack dwellers) are used to stay in a bad conditions...(raises his voice) in a bad conditions, where people are not qualified to stay in that type of living! (Interview #24, male, 45 years old, lives in informal shack)

In the following abstract, even though referring to sanitation more specifically, another community member expressed his frustration in a loud and agitated voice:

Interviewer: So my next questions are about Khayelitsha generally. What do you think, in your own opinion, are big problems here, in Site C, with water?

Mzuleka: There is a lot, sisi (sister), lot of people here don't have even a sewerage! You can go to your neighbor and ask for water, sewerage... Sewerage! This is the worst thing... you can get most of people still live in temporal shacks... some people do not have access here to water.... You need to go the those people's houses (RDP houses) and ask for water... (Interview #7, male, mid-forties, lives in RDP home).

The frustration of this resident reveals the inappropriateness of having to ask RDP homeowners for water and also the inconvenience of having to ask to use a neighbour's toilet. What is particularly interesting here is that the situation is aggravated by a comparison with RDP homeowners. This sense relative deprivation likely contributes to a notion that communal and shared water and sanitation services (what is available to shack dwellers and those not yet in formalized housing) are inappropriate and even unfair.

Lastly, as noted in the introduction of this chapter, some community members drew linkages between communal taps and drinking basins for cattle in rural areas, signalling the tension between notions of modernity/urban life in the city in the present and living in rural areas in the past. For example, in my first focus group, where we invited four women living in RDP homes, after the introductions I asked, "What is different about having an inside tap as opposed to using a communal tap?" and gave the women a couple of minutes to think about their responses, then went around the room to hear every woman's opinion. The first comment was about waiting in line at the tap ("you have to stand in a long queue"), followed by mention of the messiness ("others even wash their teeth at the tap and make a mess"). Then one of the women said:

Using communal taps is like being in the rural areas. In the rural areas people are practicing subsistence farming, they have cattle. Now, some of these cattle go and drink in dams [puddles] that are near by the tap so the cattle creates a mess. (Focus Group #1, female, living in an RDP home)

Linkages with rural areas were invoked in many of my conversations, and even though at the time of fieldwork I did not focus more specifically on these narratives, their frequent occurrence in relation to past practices back in the Eastern Cape province signalled a tension between notions of urban and rural lives. Ideas about what is considered appropriate in urban contexts is likely derived from notions of modernity that are further instilled through the formalization process in areas like Site C.

Safety

Safety was another prominent concern related to the use of communal taps, both in term of personal safety from crime and in terms of health risks. As gang violence is persistently one of the bigger concerns in the area (Goldin, 2013; Thompson & Matheza, 2005; Thompson, Nleya, & Africa, 2011), fetching water at night or in areas with higher concentration of crime becomes very problematic, especially for women. Crime is part of daily life in Site C and many residents feel fairly helpless in addressing it, as evident in the narrative of this woman, Makhazi, in her mid-fifties, who has been residing in Site C since 1996:

Interviewer: What kinds of things you do not like about this area?

Makhazi: This place is [unclear word], (meaning) too much crime. (speaking quietly, with many pauses)

Interviewer: Do you worry about the crime here?

Makhazi: No... I don't worry... it's a long time staying like that... (It has been like this for a long time)

Interviewer: You are used to it?

Makhazi: (silence) I am used to it.

[...]

Interviewer: Do you have a problem to go outside at night to get the water?

Makhazi: Ya, there was a problem to go at night, even to go to the toilet, you can't. I'm scared of petty crimes. (Interview #2, female, living in an RDP home)

When I asked the male participants in the focus groups about how safe the communal taps were, they talked about the risks of getting involved with gang members.

Interviewer: What about safety? Let's say fetching water at night?

Sipho: [Xhosa] No, it's not safe to fetch water late. You must at least go and fetch water around past 7, around 8 or 9 (pm). We are facing a problem.. these boys just grab us... And when you get to the tap you find you not the only one and you have to queue and.. time is not standing still.. It's moving. So it's not (safe) at all. People get hurt in that whole business.

Interpreter: So sometimes he'll find out that he has to stay in a queue and that queue takes time, you know... So he saying that when they are coming back from that tap,

sometimes they get caught by these boys... when he was referencing by these boys. They call them... he means these boys who are robbing them around.

Interviewer: Are they gangs or what?

Interpreter: Yah, gangs. So also he was saying that people are getting injured in that tap so that's why it's not good for him. Yah. (Focus Group #4, male, late forties, lives in a shack)

In addition, perceived risks of contracting disease or illness at the tap were brought by both male and female participants. For instance, when we were discussing as a group the different aspects of using communal taps, two of the women were telling us:

Because our houses are very close to the road, so when a child wants to go and fetch water, the cars want to knock him/her over and that is not right at all. I wish we could have our own taps in our own yards. (Focus Group #3, female, late thirties, lives in a shack)

And,

Sometimes I'm not at home and my kids are alone, and they have to go by themselves to go and fetch the water by the tap. They are going to pass through the road with a bucket on top of their heads so that is very risky. (Focus Group #3, female, late thirties, lives in a shack)

Changing ideas around water sharing

The notion of sharing of water came up surprisingly often in discussions of using private taps. More specifically, one recurrent theme is the unwillingness to share water from a private tap with others (as seen in the example above). This idea was most often related to notions of payment for services and responsible water use. In response to the question "Would you share water from your tap?" residents with private, in-house connections would often respond:

No, I wouldn't allow that, I would point them to their tap. (Interview #21, resident of an RDP home in his mid-sixties)

or

No, I wouldn't because they have their own water at home, and this is my water. (Interview #19, male RDP residents, also in his mid-sixties)

In other instances, in response to the same question “Would you share water from your tap?” community members would admit that they would only share with friends, relatives or someone who is in dire need. For example:

I just help them [people living in shacks] from time to time, like when the water stops then some will come and ask me if they can get some water and I give them some water. That's what I mean when I say I will help my neighbour. (Interview #25, female resident of RDP home in her mid-forties)

As some participants noted, the notion of a private tap seems a bit at odds with past habits and experiences with water sharing. As one participant stated:

We are used to sharing, you know, we are used to sharing... if somebody want to use your water, and you know that he doesn't have or she doesn't have water, you let her! (Focus Group #3, female, late thirties, lives in shacks)

When I asked residents of shacks about how easy it was to go and ask for water when there was a problem with the communal tap (e.g., damaged tap or water cut-off), many shared that they felt uncomfortable about asking. A few women shared with me that they've had conflicts in the past when they had to access water from someone else's back yard. Most commonly, shack dwellers would prefer to approach their relatives for water when possible to avoid having to knock on the door of someone they didn't know. This is an excerpt from the conversation in the focus group with women living in shacks:

Interviewer: What is it like to use a communal tap? So... for example what you mentioned earlier.. that you have to wait and that you sharing your water.

Sitela: [Xhosa] It's not nice using a communal tap, my child, firstly that tap is in someone else's yard. So it becomes difficult at night to go and fetch water, at night because that yard is locked, so it would better if we had our own taps...

[...]

Interviewer: So tell me is there anything that you don't like about using the communal taps?

Nome: [Xhosa] I don't like it at all my, child, yhorrr!... I don't like it at all! I wish I could have my own in my own yard... it's irritating! [everyone laughs]

Translator: [Xhosa] What's wrong, mama, what don't you like? What's the problem?

Nome: It causes a lot of arguments, and when I want to open the gate (of the shack in whose backyard she fetches water) to go (to) that tap, the other lady (the owner) refuses. She doesn't want anyone to dismantle her yard...(Focus Group #3, female, late thirties, lives in a shack)

In addition to the sense of entering into someone's private property to ask for water, one female participant told me that now she can only ask for very small amounts of water, because there is general sense in the community that payment for water will commence in the near future.

Interviewer: Okay, is it easy when you.... Is it easy when you ask someone to use their water from inside the house?

Kristina: [Xhosa] It is not easy, but we still ask because we need them (the water).

Maybe we go ask them with a bucket, but you can't ask for a lot or more than a bucket.

Interpreter: She is saying that it is not easy but hence they do not have a choice so they do go and ask for water. And when they ask for water they are forced to not ask for too much of water. They have to use maybe a 5 litre...

Interviewer: 5 litres?

Interpreter: Ya

Interviewer: Ok. What does she mean it is not easy? Does it make her feel uncomfortable or they don't give her water? Why does she say it is not easy to ask?

Kristina: [Xhosa] It is them. They say they pay for them [water]. They rent this water so you must come with a small bucket to pour water in for you.... (Interview #20, female, late thirties, lives in a shack)

In this example, using payment for water as an excuse, RDP home-owners are reluctant to provide water and are only willing to spare very small amounts. This can potentially exacerbate the relative deprivation of shack dwellers as it is limiting their alternatives to access water. This can further affect sense of wellbeing, which becomes even more problematic when compared to those of RDP home-owners. Sharing is sometimes invoked when describing experiences in the past, in the rural areas of the Eastern Cape. It is talked about as the traditional ways of doing things. However, notions of water use in the city seem to contradict the idea of sharing. In the city you are responsible for your in-house water tap, you need to pay for it, it is no longer communal.

Changing ideas around water conservation

The process of upgrading the shacks to houses with private water and sanitation services also involves the installation of water meters to measure each household's individual consumption. At this point in Site C the meters are not in fact being read and households are not yet billed for the water use. However, the residents of Site C are anticipating payment of services and already have begun adjusting water consumption accordingly. This theme – payment for water – appeared consistently throughout the interviews and focus groups with respect to sharing of water and amount of water used. As discussed in the preceding section, residents of RDP houses with private connections expressed strong unwillingness to share their water when they start paying for it. As well, the uncertainty about when the municipality will start charging them

already affects current water use and consumption. Most residents are not aware of the free basic water allocation and assume that they will be paying for all the water that they use. “Wasting water means wasting money” is a common theme. The water meter gives you the ability “monitor how much water you are using.”

Interviewer: If you are paying for water, would you use water any differently?

Xholani: We would use it [water] in a different way ... because no one would come and use my water as they please from my meter box, you would have to use it in a way I approve of. Because I'm the only one paying for this water. That would be a difference in water use (Focus Group #4, male, lives in shack)

Interviewer: But when you are having a tap inside your home, are they are going to install a meter box in your house?

Mzu: Yes and that is a different story now because you can understand and control... how you use your water (Interview #10, male resident of a shack in his mid-forties)

In discussions about what controlling water use entails, many participants listed a number of strategies to reduce their consumption as much as possible by washing with half a tub, waiting for big laundry cycles to use water, making sure children don't play with water, etc. Using water beyond basic needs (washing a car for example) is widely considered among the participants to be wasteful. For example:

Interviewer: So when you are doing your laundry, do you use more water?

Mzu: Yes I use more but I can't estimate how many litters

Interviewer: No... it's fine... I just wanted to know on average how much water you think you use.

Mzu: What I can say is that I think people need to learn more about how to use water...

Interviewer: What do you mean?

Mzu: I can see some of the people when they are doing washing they use a lot of water unnecessarily and you will find water all over the place. (Interview #10, male resident of a shack in his mid-forties)

Discussion

Relative marginalization of shack dwellers vis-à-vis RDP homeowners

Despite the relatively high number of households in Cape Town with access to water within 200 meters from home (96.6%), and thus complying with the Free Basic Water policy and WHO/UNESCO Joint Monitoring program's guidelines for drinking water access, a closer look at the actual material conditions through which water is accessed reveals degrees of difference in how water services are experienced. More importantly, it reveals processes of relative

deprivation of shack dwellers linked to safety concerns when using communal taps and exclusion from private water access, perceived as more hygienic and appropriate. This contributes to relative marginalization of shack dwellers who admit to waiting many years to receive houses and improved services. They tend to perceive communal taps and toilets as unacceptable forms of water access in the context of their community, exacerbating tensions between formalized and informal residents around water services.

From a cultural and historical perspective, parallels can be found in Ballard's (2004) work on the ways in which squatters are represented by white urban dwellers in post-apartheid South Africa, which discusses in great detail the feelings and sensibilities attached to using communal taps. Ballard's work unpacks narratives around public and private spaces and ideas around the appropriateness of activities, such as washing and bathing in public spaces (Ballard, 2004). Informal dwellers are often pathologized as backward, undignified and unhygienic, described as using communal taps to bathe and thus baring their bodies to passersby - an image that is problematic because it conflicts with more "modern" and "progressive" understanding of public and private spaces (ibid). Interestingly, similar sensibilities around the use of communal taps were apparent in my interviews as well, further highlighting the prevalence of negative perceptions around communal water use in the urban context.

Even though dignity was not found to be a strong theme in the empirical evidence, it is possible that the negative perceptions and notions of modernity attached to communal taps can contribute to a diminished sense of dignity. It should be noted that notions of dignity are certainly not universal as they are socially and culturally constructed. Nonetheless, as dignity has been recognized in scholarship on human rights as an important aspect of a person's wellbeing and sense of empowerment, there may be some important connections between notions of rights, modernity and dignity that could be important in everyday experiences with water access. In the language of the Universal Declaration on Human Rights of 1948, for example, rights are derived from the inherent dignity of humans. The concept of a right to water in particular is derived from a first generation right to a life with dignity (Anand, 2007). Others have argued that the universal recognition of the dignity of every person thus holds the potential for emancipation and equality (Parmar, 2008). Recognition of dignity, however, is meaningless if it is not connected to people's experiences in daily lives. Similar arguments have been made in research on daily experiences with rights in the favelas of Rio de Janeiro, suggesting that lack of dignity can affect sense of inclusion and therefore can have a significant impact on citizenship

(Wheeler, 2005). In addition, as it has been suggested elsewhere, the deprivation of intangible goods such as dignity, aspirations, understanding and empowerment undermines multiple aspects of well-being (Goldin, 2013; Nleya & Thompson, 2009; Thompson & Nleya, 2008) and thus inhibits a full enjoyment of life, as well as the realization of aspirations for development and capabilities as part of the human experience.

In terms of HRW, many have agreed that meaningful realization of the right to water requires inclusion and participation in how it is articulated and implemented (Clark, 2012; Dugard, 2013; Linton, 2012; Nleya, 2011; Sultana & Loftus, 2012). Others have argued that that meaningful participation in water management is influenced by personal sense of self-worth and aspiration (Goldin, 2013), both of which can also be linked to dignity. Dignity, therefore, is important not only for the full enjoyment of life but is also critical in empowering people to participate in truly inclusive water governance processes.

Safety is another important factor that affects the enjoyment of life and senses of empowerment. Parallels can be found in work on informal settlements (favelas) in Brazil that demonstrates that high levels of violence in poor neighbourhoods can dramatically order the daily lives of residents of those communities (Wheeler, 2005). With respect to Site C, using communal taps carries risk of harassment and assault, which is especially problematic in Khayelitsha as a whole, as crime levels, including rape, are considerably high (Nleya & Thompson, 2009; Thompson & Nleya, 2008). Therefore, shack dwellers, and especially women, who need to plan their visits to the communal taps during the day to avoid the evening hours where the risk of crime is higher, are disproportionately exposed to risk. In addition, uncertainties around the health risks associated with seemingly dirty communal taps can also contribute to increased stress and emotional discomfort about using them. Residents of formalized RDP homes in Site C, however, are not exposed to the same level of risk when accessing water from their own taps, which further exacerbates the relative marginalization of shack dwellers. Even so, arguably formal RDP home dwellers face other stresses, such as uncertainty about future payments and metering.

Lastly, the housing formalization process and the related shift from communal to private taps further affect the relative marginalization of shack dwellers vis-à-vis homeowners. As demonstrated in the results section above, homeowners are increasingly unwilling to share water with shack dwellers, often due to notions of payment for water and responsible water use. Similar observations have been made by Tapela (2012), who documents the disparities in water

services in Site C and also the reluctance of homeowners to share water with shack dwellers. According to this, there is a rift between RDP home owners and neighbourhood informal dwellers whereby the former are no longer willing to tolerate shared informal access or illegal connections to infrastructure on their property (Tapela, 2012).

Prior to the formalization of property rights, residents of informal areas such as Site C shared informal access to water, sanitation and electricity services, for which they mostly did not pay. With the selective (and ongoing) formalization process, however, residents who became property owners and received subsidies for formal houses with private services raised their expectations of further improvements of quality of life and access to services. According to the report, homeowners assume that these improvements will depend on their continued compliance with government rules, such as avoidance of illegal connections and payment for services” (Tapela, 2012). As a consequence, one adaptive strategy of the new homeowners is to exclude shack dwellers from illegally connecting to and using services on their properties. This work concludes that shack dwellers “are aggrieved by perceptions of relative deprivation and marginalization.” The perception of relative deprivation is high in areas like Site C, where shack dwellers live in close proximity with RDP homeowners, as the process of formalization, albeit slower than the influx of informal residents, is ongoing and everyday more households gain access to private in-house services. Lastly, work on service delivery and protests (see more in Chapter 2) in Khayelitsha also suggests that there is a strong relationship between type of housing and service delivery perceptions as well as perception of conditions of life (Nleya, 2011; Williams, 2003). In other words, using private services in formalized housing is seemingly associated with more positive perceptions of living conditions.

FBW: Water conservation a burden on the poor

As others have argued, the way water services are realized for the poor and marginalized communities in Cape Town, and South Africa in general, effectively limits their water consumption to the free basic allocation (Bond & Dugard, 2008; Ruiters, 2005). For instance, in a thoughtful critique of service delivery in South Africa, Ruiters and Bond (2005) argue that the logic of the Free Basic Water policy that provides the first 6 kilolitres of water for free and then implements a steep tariff structure de facto penalizes consumption of water beyond the free limit – a situation that is exceptionally critical for the urban poor. Others have criticized the governability logic of the FBW and its coercive measures (high taxation beyond the basic amount, disconnections, etc.) as actively lowered living standards and consumption levels in

black townships (Ruiters, 2005). As this study further demonstrates, currently in Site C the water meters, even if not currently in use, are already conditioning residents to start reducing their water consumptions and restrict sharing water with other users.

The formulation of the right to water as an “entitlement to fulfilment of a basic need” has also been criticized for limiting the potential of the right in other significant ways (Parmar, 2008). The right to water, when implemented through policies such as the Free Basic Water, applies to quantities of water ranging from 20 to 50 litres per person per day, depending on the needs and the context. Implemented in such a way, Parmar argues, the right to water reflects “yet again a marginalization of lived experiences” (p. 87). This marginalization becomes evident when we focus on the material expressions of the daily experiences of water services of the urban poor, who are forced to regulate their water consumption by adopting tough conservation efforts, by reprimanding children and community members for being wasteful, and by choosing to not share water with shack dwellers. This unwillingness to share water also possibly reflects a shift away from customary communal uses of water towards more individualized and private ways of using water – a shift that has been signalled in prominent critiques of the HRW (see Bakker, 2012a).

Within Site C, where formalization happens relatively slow and the influx of informal residents outpaces the rate of formalization, a focus on the material aspects of water access reveals significant disparities between shack dwellers and homeowners in terms of experiences with water services. As residents of townships like Khayelitsha are effectively penalized for water consumption above the free basic amount, the relative marginalization of shack dwellers vis-à-vis home owners is further exacerbated as their access to water is limited to what is perceived as unsafe and unacceptable forms of access.

Implications of Considering Materiality in Lived Notions of Rights

As the discussion above shows, the lived experiences of residents of Site C with water services are entangled with the housing formalization process and with changing notions of water use, shaped by shifts from informal to formal services and transitions from rural to urban environments. Considerations for the material aspects of accessing water services help highlight linkages between water services and the housing formalization process in Site C and the way these linkages enhance the relative marginalization of shack dwellers. A focus on

materiality helps bring out degrees of difference and relative deprivation by illuminating the intangible effects that material conditions have on well-being (relative deprivation, safety concerns, exposure to risk of crime, and so on). Narratives around access and use of private and communal water taps help elicit the social values and logics attached to different forms of water services. Communal taps, for instance, are at times perceived as filthy, unsafe, and unacceptable, whereas private taps are often equated with formalized private access to water and sanitation. They are also perceived as more legitimate as they signify government recognition of their right to live in this community. Logics of water use also change with the shift from communal to private taps. Due to notions of payment for services above the basic minimum, private taps are associated with conservative water use and unwillingness to share water – a tendency that signals a shift away from customary communal uses of water and also has the potential to exacerbate the relative deprivation of shack dwellers.

Conclusions

In terms of water access in a strict sense, residents of Site C are mostly able to access basic amounts of water (a minimum of 25 litres per person per day within 200m from home) under the Free Basic Water policy. However, as the evidence discussed in this chapter suggests, the material conditions of water access and the social and cultural associations they carry can accentuate a sense of relative marginalization along lines of type of housing, social status and gender. In the case of Site C, using communal or private taps matters in many ways that go beyond access to basic quantities of water. Private in-house taps are associated with higher status, as it is usually residents who have lived longer in the community that are able to receive RDP homes and claim tenure rights. Further, they are associated with ideas of modernity and appropriate or acceptable standard of living in the city, in line with certain expectations for quality of services discussed in Chapter 2, that are very different from what is considered to be appropriate for rural areas only.

In-house services are also associated with ideas of hygiene and cleanliness; they tend to be seen as more convenient and significantly safer, both in terms of perceived health risks but also safer from crime. In addition, the different forms of water access are also associated with different ideas around water use. For instance, many residents of RDP homes are much less likely to share their water with shack dwellers. Using in-house services also seems to come with a sense of ownership, which we don't see among users of communal taps. It is therefore

meaningful to understand the range of associations that people attach to different forms of water access to better assess the impact of service delivery for wellbeing and marginalization. A focus on the experiences of the material conditions of access to water can shed light on the values and logics attached to different forms of water access. This in turn can help to envision a more just materialization or reconfiguration of the right to water by revealing degrees of difference and relative marginalization as well as the values and logics attached to different forms of water access.

Thesis Conclusions

The municipality, our municipality gives us water for free up until they finish (the formalization process at) this location, because government promises... we don't want empty promises! ANC, which is the ruling party of this country, said to the people 'We gonna improve people with better water, build houses, better houses, roads and everything... is going to become new.' So now we are still waiting! So we don't want to keep on struggling always, keep on complaining to the (municipal) offices! (Interview #24, male, late thirties, lives in an informal shack)

As the limits of South Africa's transformative project are continuously being debated in the literature (Dugard, 2013; Marais, 2011; McDonald, 2008), this thesis focuses on the everyday lived dimensions of these issues from the perspective of one semi-informal community in Cape Town in the Western Cape, one of the wealthiest provinces in South Africa. With respect to improvements of the living conditions of marginalized populations and to water access in particular, this work recognizes that other provinces in South Africa are indeed witnessing bigger challenges in addressing these issues (e.g., the Eastern Cape with the lowest percentage of households with access to piped water on premises in the country; many rural areas, such as Limpopo, are far more impoverished than the Western Cape; remote rural communities where water and sanitation challenges may be more pronounced; and so forth). In this context, this work looks at a relatively successful case of extension of physical access to services, such as water, to marginalized populations to investigate the everyday lived dimensions of service delivery including the meanings that these differential modes of access carry for residents. The high incidence of service delivery protests and many research efforts (Nleya, 2011; Thompson & Nleya, 2010a; Williams, 2003) as well the insights from this study point out that under seemingly positive statistics of service coverage, tensions and relative deprivation continue to shape experiences of marginalization, especially for informal/shack dwellers. This thesis further highlights that simply building infrastructure may not be sufficient to advance the dual goals of service delivery and addressing inequality, both of which have been propagated as foundational of the new South African state.

In addition, this thesis contributes to a more nuanced understanding of the everyday lived dimensions of relative marginalization, proceeding alongside the housing formalization process in Cape Town and South Africa as a whole. This process is embedded in national and municipal programs for service delivery, poverty alleviation and slum upgrading, many of which are carried out within neoliberal agendas that include cost-recovery and other market based principles that others have argued are likely to impose disproportionate economic burden on the urban poor

(Bond & Dugard, 2008; McDonald & Pape, 2002a; Smith & Hanson, 2003). The focus of this study on everyday lived experiences is certainly not unique, as many others have done in-depth ethnographic and qualitative work in informal settlements in South Africa (Ross, 2009b), including Khayelitsha (Conradie, 2013). However, within the context of this study, the lived experiences approach also highlights linkages between multiple aspects of daily lives that have an impact on the sense of wellbeing, including experiences of informality, the formalization processes, expectations from government, post-apartheid political imaginaries, past histories, and aspirations.

One unexpected insight from this work is a prevalence of negative perceptions around communal water use in the urban context, in ways that differ from what certain commentators might ascribe to traditional notions of communal water use and sharing—including those areas that focus on the significance of socialization around the shared water sources. As the main focus of this thesis is water access, the work here contributes to revealing its linkages to multiple dimensions of the housing formalization process. In addition, it also demonstrates that townships and informal settlements in Cape Town are not homogenous spaces. Instead, processes of housing formalization and the politics of participation in local government in fact contribute to divergence between formalized residents living in RDP homes and shack dwellers. Shack dwellers experience relative deprivation and a sense of marginalization as they are “left out” of the formalization process, which includes housing upgrades and access to in-house water and sanitation services. They are also “left out” of the formal governance process, as their grievances remain unheard. While I did not detail these aspects of participatory governance fully, this was also a theme that came out of interviews—many shack dwellers felt their concerns were not always taken seriously, and that they had little space to convey their concerns. Insights from this work also call attention to the broader discourses of informality in South Africa. The term “informal” is highly problematic as it conceals the fact that the status of these marginalized areas is deeply political and in reality, the way the formalization process is executed contributes to a “planned” exclusion of these areas. In other words, discourses around formalization and informality further perpetuate marginality and processes of exclusion that were initiated during apartheid. These terms beg serious reconsideration and possibly their abandonment altogether.

This thesis makes a number of contributions to broader human right to water (HRW) debates. From a policy/institutional perspective, the implementation of HRW is usually assessed through

the actual extension of water services (and water access points), improvements in water quality and the litigation mechanisms in place. However, less attention is paid to how the realization of HRW affects people's lives, especially the lives of the poor who are usually targeted by HRW implementation efforts, and to the meanings that are associated with water access. In opposition to top-down approaches to conceptualizing rights, the notion of lived experiences of rights provides a way to investigate the on-the-ground realities of the realization of this right – including attention to the perspectives and realities of the urban poor. Focus on the material conditions of access to water services demonstrates the ways in which daily experiences with water services affect experiences of relative deprivation, marginalization and political belonging. It shows that experiences of water access are shaped by social and cultural associations with different types of taps and modes of access, by historical and cultural linkages to past experiences in rural areas, as well as by environmental citizenship ideas, such as those conveyed through water conversation campaigns.

This thesis provides evidence for the need to think about access not only in a strict material sense (e.g., amount of water necessary for drinking, cooking and washing) but also to invest in understanding the meanings associated with different forms of access, often associated with social, cultural, political dimensions of human experience (identity, inequality, etc.). Further, the relative experience of this access matters for understanding marginality and inequality. Relative deprivation, for example, accentuates a sense of marginalization among certain community members. Relative deprivation in this context is not only experienced through differentiated access to services but also through the power relations that form along formal and informal lines, as evidenced in a sense of disempowerment of shack dwellers against RDP residents in local government meetings.

This thesis also speaks to debates around water services in South Africa and related policy implications. Within the South African water policy domain the notion of “culture of non-payment” among townships residents and particularly in informal settlements is still quite prevalent. One of the negative implications of maintaining this notion is that government responses to the failure to collect revenue for services tend to involve technocratic approaches such as forceful installation of water demand management devices. However, as this research shows, and also confirmed by the research efforts of one of our community partners, the Environmental Monitoring Group EMG (personal communication), many townships residents, especially RDP home owners, in fact tend to normalize the idea of payment for water. Instead of

purely resisting compliance with obligations as service consumers, residents of Site C want to be able to engage in conversation with the state directly and have a say in deciding how service delivery is to be realized. This point was strongly reaffirmed during the community debrief in 2013. During this event, after a presentation of the main conclusions of the research, community members were invited to discuss in groups their reactions to it as well as their own ideas on how some of the water access issues can be addressed. Some of the main themes brought up during the discussion included the need to have the municipality more involved with the community in teaching residents not only how to use water but also to provide clarity regarding problems with the water services and the uncertainties around payment, water scarcity and others. In addition, as service delivery is so highly politicized in South Africa, it requires not only technocratic solutions, but also political ones that draw on recent lessons with struggles around water meters, disconnections, and so forth.

This work also unpacks the linkages between the realization of the HWR and notions of and encounters with the state that shape experiences of citizenship, particularly through the formalization process. It highlights the tensions between on-going social struggle through protests by shack dwellers and a normalization of the role of the state as a service provider among formalized residents. These tensions signify further marginalization of the shack dwellers and the role of service delivery in formalizing citizenship for formerly disadvantaged populations.

In sum, this thesis considers multiple dimensions of everyday lived experiences with water access, including the formalization process in informal settlements and citizenship concerns more broadly. While it focuses only on some aspects of these experiences, many others beg more in-depth inquiry. As one example, the thesis identifies tensions around communal understanding and habits of water use and notions of modernity and development in the urban context—a theme worthy of further exploration. In the context of this thesis, changing cultural meanings of the individual household, the community and sharing of resources are also associated with the logic of formalization. Possible future inquiry could investigate the cultural and social processes that contribute to a shift from communal to private notions of water use, including ways these ideas become entrenched, or perhaps resisted. In addition, the notion of responsible citizens and the post-apartheid political imaginaries could be further unpacked and contribute to a deeper understanding of how citizenship is experienced and renegotiated at the complex political and economic interstices of the present moment, including party negotiations in South Africa, ongoing neoliberalization processes, or liberal notions and debates around

rights and access to services. Lastly, from a historical perspective, as I have hinted at with the analysis, the histories of migration and how they speak to citizenship, sense of belonging and notions of the state can provide richer contextual understanding of citizenship in South Africa today.

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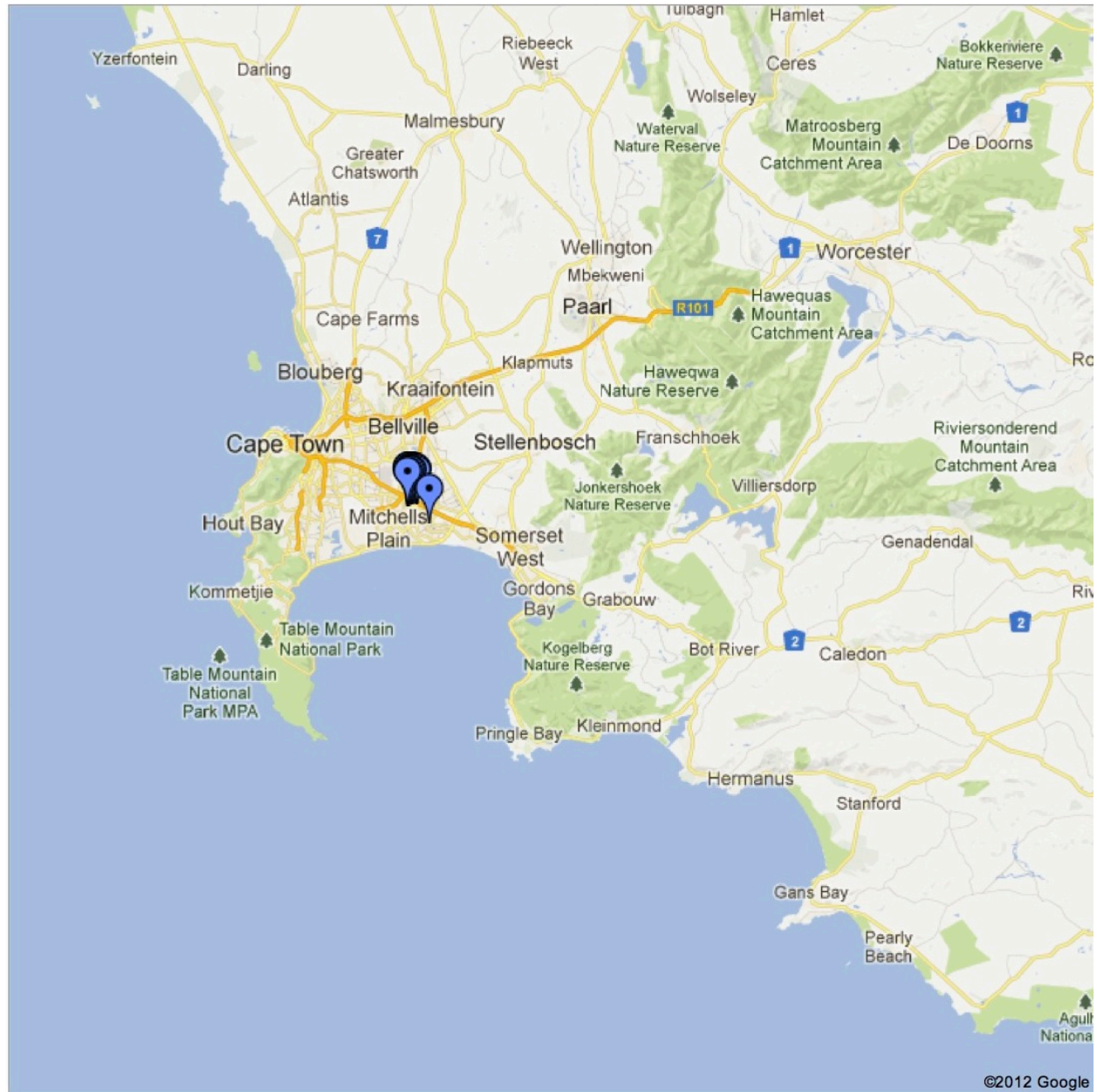
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Appendices

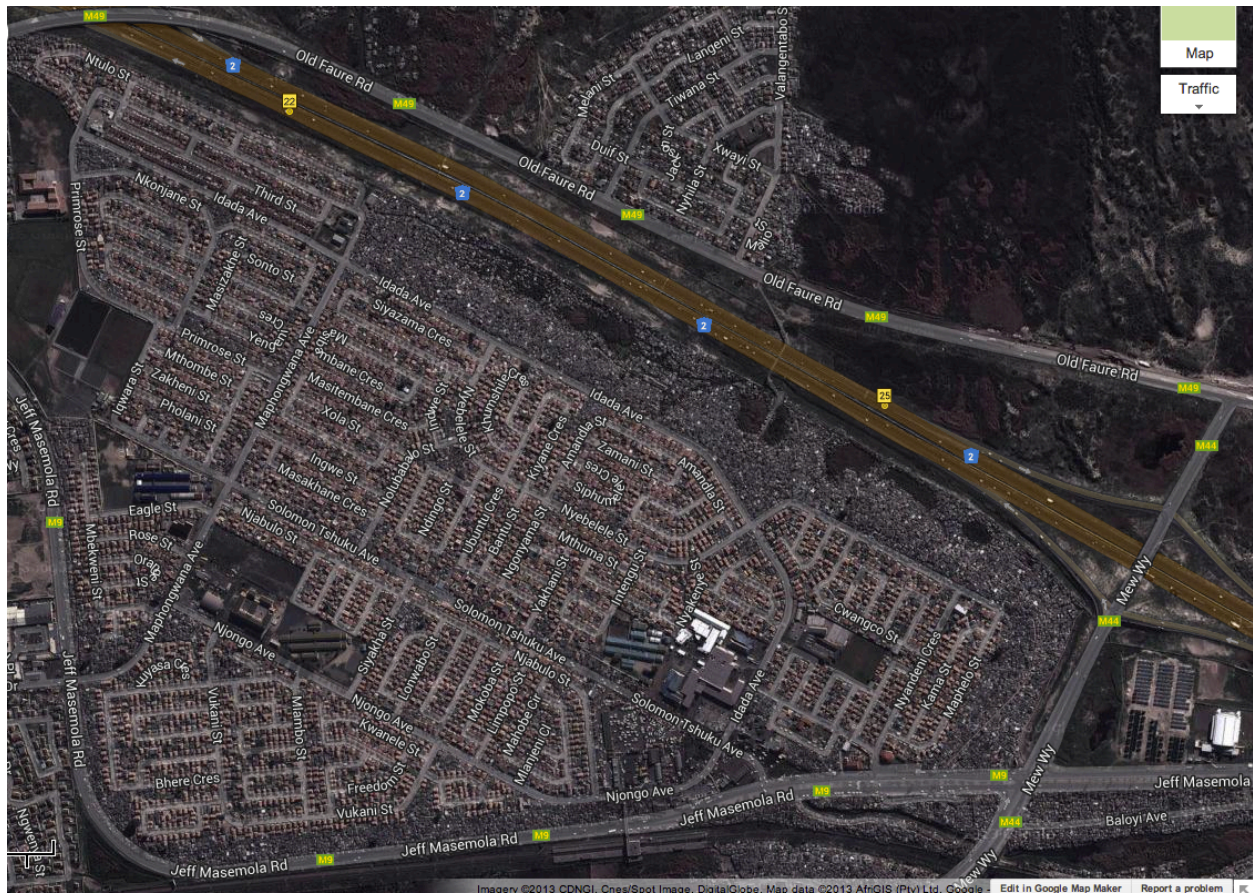
Appendix A: Maps of Khayelitsha and Site C



Source: Google Maps



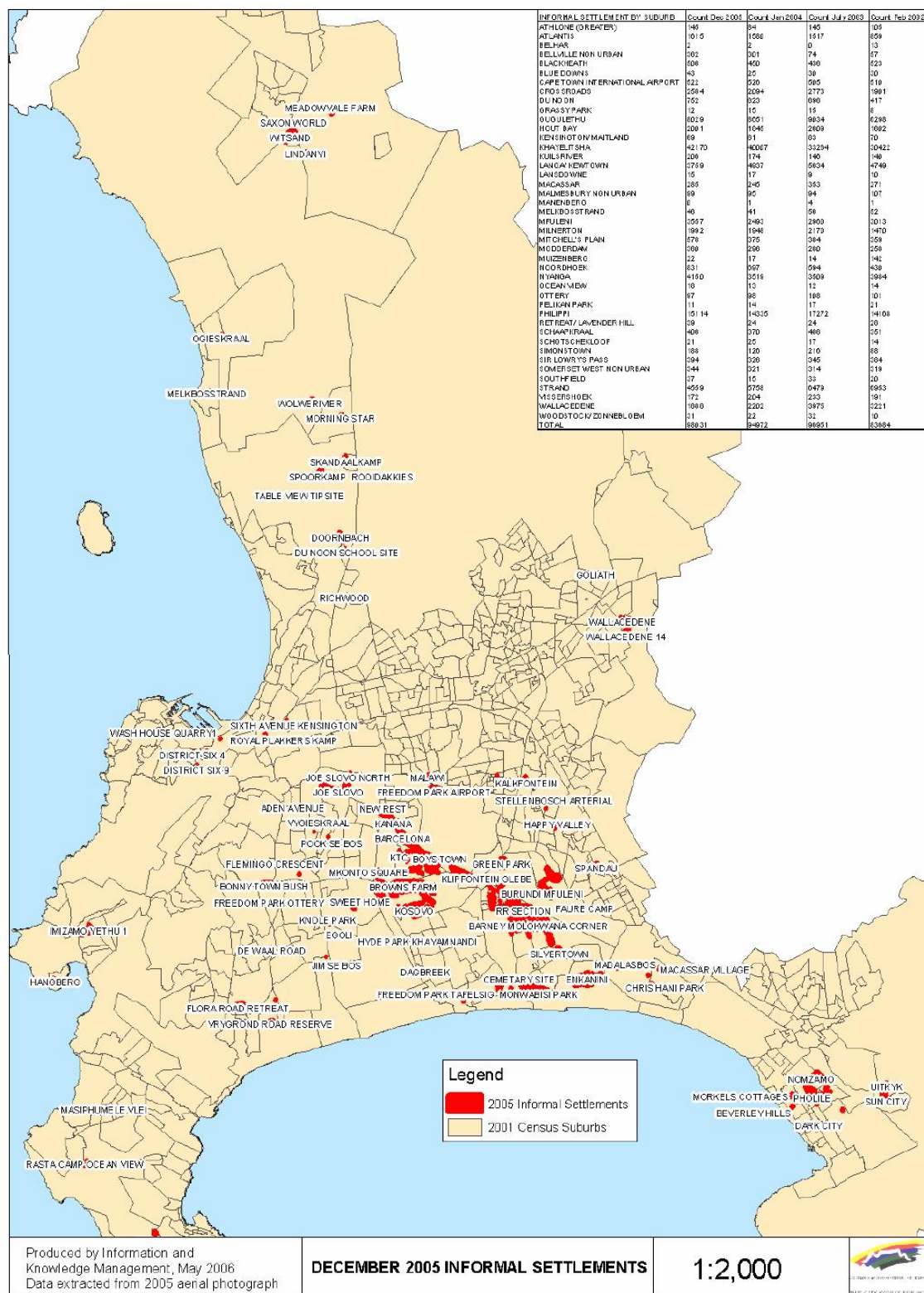
Khayelitsha. Source Google Maps



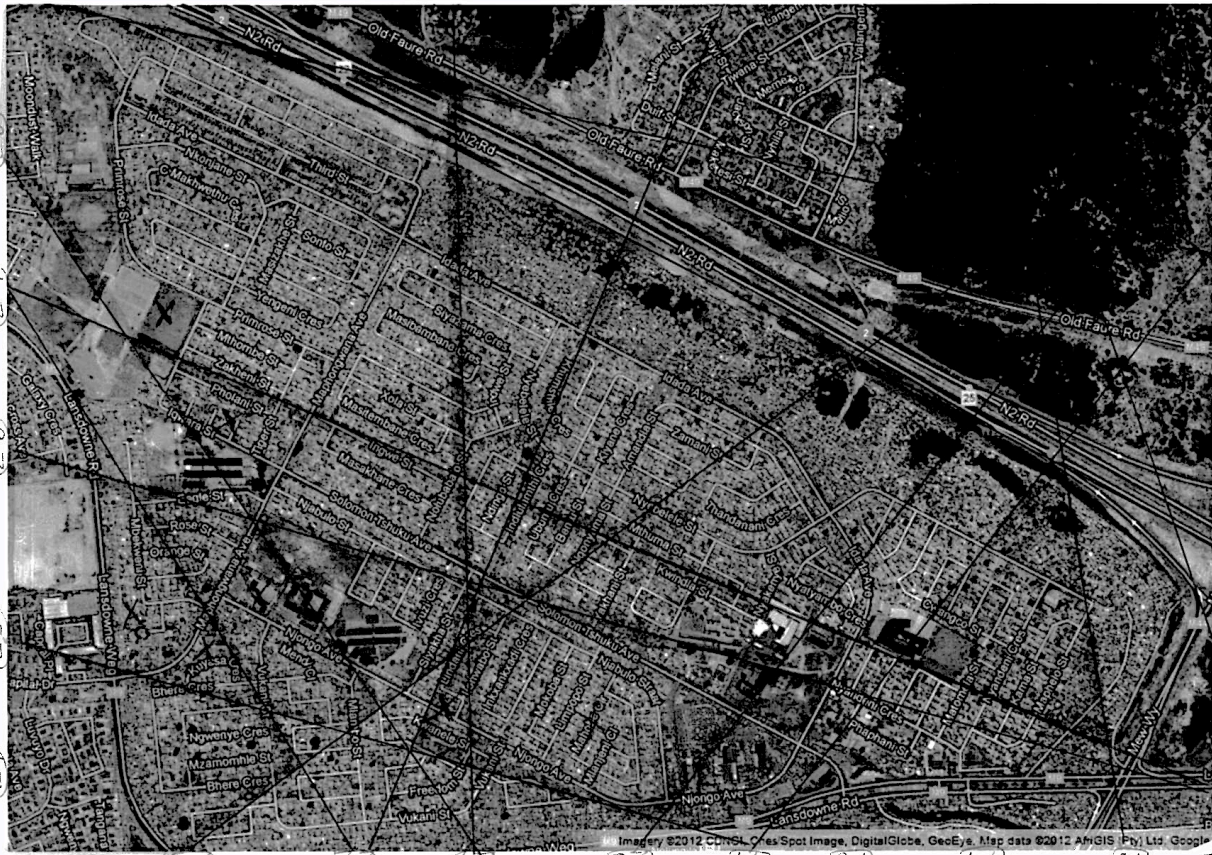
Site C. Source Google Maps.

Appendix B: Map of the Informal Settlements in Cape Town

Informal Dwelling Count for Cape Town (1993 - 2005)



Appendix C: Random grid map



Scan of random grid map used for sampling.