

11 April 2016

Press Statement: Reclaim the City takes Province to court to interdict the sale of Tafelberg

Today, Ndifuna Ukwazi Law Centre filed papers in the High Court on behalf Mrs Thozama Adonisi and other supporters of Reclaim the City, requesting an urgent hearing to interdict the Western Cape Provincial Government from selling the Tafelberg School site in Sea Point.

In early 2016 we learned that the Provincial Department of Transport and Public Works sold state owned land to the Phyllis Jowell Jewish Day School for R135 million - a decision we will argue is unreasonable.

As the sale is imminent, we are asking the Court to grant an interdict and review the decision on the following grounds:

- The Province knows that isiXhosa is one of the major languages in the Western Cape and yet only published the notice of disposal in English and Afrikaans in December when most people were away on holiday. This can only be seen as deliberately attempting to bypass the requirements to facilitate public participation amongst a black working class people who stand to lose the most from the stripping of public land.
- The Province did not follow the law on the disposal of public land, including the Government Immovable Asset Management Act. In order to sell the land it must be declared surplus and in order to do this it should not be needed for service delivery objectives. As far back as 2013, the Provincial Department of Human Settlements indicated that it wanted the land for social housing, and in fact objected to the disposal.

We will be arguing that the Province has failed to honour its obligations to use well-located public land for the development of affordable housing. This is unreasonable when you consider the constitutional obligation to enable citizens to access land on an equitable basis and to access adequate housing, which has to be interpreted within the social and historical context of land disposessions under apartheid. More specifically, the Province has not complied with its own policy obligations to acknowledge the social value of land and use its assets strategically for public housing and spatial justice objectives.

The Tafelberg School site occupies a whole city block. Experts have confirmed that the site is ideally suited for the development of affordable housing in the inner city. A feasibility study found that a social housing development of up to 341 units would be viable so the matter needs to be decided now before it is lost to future generations. It is a valuable, finite and irreplaceable resource. In fact, the Province initially supported this process.

If the interdict is granted by the High Court, the ensuing review would be the first time that the *de facto* policy of asset stripping of prime public land by the Provincial Government will be challenged in court to explicitly advance urban land justice in the City of Cape Town.

But this case is about more than the Tafelberg School site – ultimately it is about transparency in the disposal of prime public land. This is a far cry from the current situation where bids are opened and deliberated on behind closed doors, meaning public land is open to capture by private developers and elite interests.

Reclaim the City holds that using well-located public land for affordable housing is the most effective tool available to the state to reverse segregation and apartheid spatial planning. Unlike the Province, which seems wilfully unaware, we know that Cape Town is in the midst of full blown housing crisis. Too many cannot access well-located affordable housing. Too many suffer the injustice of unjust evictions and exclusion from the city. Too many make the long commute daily from informal settlements and townships where crime is rife and public services are poor. Too many have a different vision of a fairer and inclusive city where poor and working class people would be welcome back rather than forced out by the economic forces that are completing the apartheid project.

Reclaim the City is a campaign bringing together learners, students, workers, tenants and young professionals in Cape Town. We demand:

- Everyone in Cape Town has a right to a decent and dignified home that is close to good services and opportunities.
- Government must work together to end housing inequality, segregation and spatial injustice.
- Government must use its well-located public land to proactively develop mixed-income affordable housing.
- Government must protect the rights of tenants to live in the City who are being forced out by unreasonable rents and unlawful landlord behaviour.

The matter is provisionally set down for Thursday.

For comment:

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