

From: Paul Hoffman [mailto:phoffman@law.co.za] **Sent:** 10 March 2016 10:57 PM **To:** Felicity Purchase (FelicityAnne.Purchase@capetown.gov.za) **Cc:** mayor@capetown.gov.za; Helen Zille (maree@iafrica.com) **Subject:** The Greater Masiphumelele Development Plan

Dear Alderman Purchase,

Please provide us with a copy of the Greater Masiphumelele Development Plan.

We are concerned that a low intensity, but nevertheless dire, humanitarian disaster is playing out in the informal parts of the settlement at Masiphumelele known as sections A to E as well as the TRA area to the west of the formal Masiphumelele township which has been there since the fire of 2006, which belies its "temporary" status.

Quite apart from the repeated occurrence of floods and devastating fires (of which there have been two major conflagrations this summer that have destroyed the homes of thousands), it appears that numerous constitutionally guaranteed human rights of the inhabitants of the informal areas are being threatened or infringed by the overcrowding and lack of amenities in the area. The canals that divide the sections of the informal settlement are in effect open sewers which pose multiple health risks, especially to children and older people. There is a great shortage of water and sanitation facilities in the area. Such toilets as there are seem to be kept locked in order to reserve them for favoured residents and to deprive the rest of access to sanitation. Some toilets are not serviced or maintained due to their inaccessibility to municipal cleaning staff and have become unusable. This situation is a cause of the atrocious state of the canals into which night soil is dumped for want of anywhere else to put it. Living in the resultant stench and in constant fear of home annihilating fires is taking its toll on the psychological well-being of residents and their children. The use of the wetland as an open informal toilet does nothing to improve the situation.

Crime is rampant in Masiphumelele, fuelled by drug related violence. The provision of a tiny mobile police station (actually just a vehicle the size of a large taxi) without a telephone or computer is a risible response to the residents appeals for protection against criminals. The mobile police station is not even equipped to register complaints let alone prevent and combat crime. It is used as an administrative outpost of the Ocean View Police Station. We appreciate that policing is a national competence but we have never observed a metro police official in Masiphumelele.

Cape Town is, according to our Mayor, a caring and compassionate city. It takes its duty to respect, protect, promote and fulfil human rights guaranteed to all in the Constitution seriously. In Masiphumelele the right to human dignity and even the most basic right to life are threatened or infringed daily. Freedom from violence and the right to bodily and psychological integrity are honoured in the breach. The environment in the informal settlement is positively harmful to the health and well-being of the inhabitants due to the failure, inter alia, to afford them access to adequate housing, including sanitation, for years on end. Children have an unqualified right to shelter; yet the children of Masiphumelele remain informally housed between fires in a manner that is not compliant with the Bill of Rights and certainly not in their best interests, which are paramount.

Town planning measures in Masiphumelele that are lawful, reasonable and procedurally fair are conspicuous by their absence. Plentiful undeveloped municipally owned land in the area both at Soleli and on the City's Erf 5131 cries out for development to alleviate the crisis in Masiphumelele. This land remains idle with Erf 5131, over 5 ha in extent and adjacent to the sportsfields of Masiphumelele, is shamefully infested with mature Port Jackson willows, an invasive alien species.

Although everyone has the constitutionally guaranteed right to access to information from the state, the members of the public of Masiphumelele and the deep south generally have not been afforded access to the Greater Masiphumelele Development Plan so vital to their future. Although the said plan is discussed

within city structures, it is apparently being kept secret so that it is, in effect, not open to public scrutiny. In our participative democratic order based on openness, accountability and responsiveness this is not acceptable at all.

May we ask you to please read and carefully consider sections 1, 2, 7(2), 9, 10, 11, 12, 24, 26, 27, 28, 32 and 33 of the Constitution in the context of the humanitarian crisis at Masiphumelele?

We look forward to receipt of the Greater Masiphumelele Development Plan and your response to the overcrowding, degradation and human rights infringements of which we complain above.

As we regard this matter as one of some moment, we are copying this email to the Mayor and the Premier. You may consider passing it to Adv Vusi Pikoli, the Police Ombudsman of the Province, as well so that he can apply his mind to the inadequacy of policing of which we complain.

Kind regards,

Paul Hoffman SC
Director
Institute for Accountability in Southern Africa
Campaigning as Accountability Now
paulhoffman@webafrica.org.za
www.accountabilitynow.org.za
+27 (0)82 888 0821
Twitter: paulhoffmansc