

"TA4"

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No. _____

In the matter between:

**THOZAMA ANGELA ADONISI
AND OTHERS**

First Applicant

and

**MINISTER FOR TRANSPORT AND PUBLIC WORKS:
WESTERN CAPE
AND OTHERS**

First Respondent

SUPPORTING AFFIDAVIT OF SHARONE DANIELS

I, the undersigned,

SHARONE DANIELS

do hereby make oath and say:

1. I am a 45 year old adult female, currently residing at 116 Coronation Road, Ocean View, Cape Town, in the employ of the South African Commercial Catering and Allied Workers Union ("SACCAWU").

A
RSC

2. The facts set out herein are within my personal knowledge, unless the context indicates otherwise, and are true and correct. Where I make legal submissions, I do so under the advice of the applicants' legal representatives.
3. I have read the draft of the Founding Affidavit in this application and confirm those aspects of the Founding Affidavit that pertain to me. I also ask the Above Honourable Court to grant the relief as set out in the Founding Affidavit of Ms Adonisi and in the Notice of Motion in this application.

PERSONAL BACKGROUND

4. I was born in Simon's Town in 1971 where I stayed with my family up until 1973 in the Waterfall Flats. In 1972 my family was forcibly removed under the Group Areas Act, 41 of 1950 when Simon's Town was declared a Whites only area.
5. I have three sisters. My father is deceased and is survived by my mother. As I grew up, my family had two responses to their forced removal from Simon's Town: my mother only ever referred to what a beautiful place and good community Simon's Town was. She never referred to the forced removals.
6. On the other hand, my Aunt Sheila Williams always referred to the pain, disruption and injustice caused by our forced removal from Simon's Town because the "Whites did not want us there". She explained what it meant to live close to work, transport, sports facilities and the beauty of the False Bay harbour. Remembering their lives before the Group Areas Act became a daily ritual that remains to this day.

7. I attended Marine Primary School in Ocean View and later completed grade 10 at Ocean View High School. In 1988, I became pregnant and I married in 1992.
8. Life in Ocean View is hard, as I explain below. Unemployment, gangsterism, drug abuse, and alcoholism are exacerbated by the absence of a strong local economy. This is unlike Simon's Town which had many businesses, recreational facilities, and people of all classes and races prior to our removal. Ocean View has no "view" or "ocean". In other words, Ocean View is socially, culturally and economically barren. The sense of community and culture that exists is built only on the will of strong people, mainly women, with little or no resources to keep their families together. Institutions of faith assist but are not sufficient.
9. I lived with my parents for many years and after my divorce I now live alone as a single mother with my three children. The St. Clare's Anglican Church is central to my life. As a leader in the Church, I have helped organise educational activities and workshops on issues such as domestic and other forms of gender-based violence, drug abuse, worker rights, HIV and TB.
10. Every day when I travel through Fish Hoek to get to Cape Town, where my work is situated, I am reminded of the spatial injustice of apartheid and the forced removals of my family from their home, our home in Simon's Town.
11. My employment at Pick 'n Pay in Sun Valley near Ocean View afforded me great insight into the South African economy. I came to understand how employers used a

casual labour force in the retail sector to make enormous profit. I gained this knowledge as a worker and in my position as a union leader in SACCAWU.

12. At the time I left Pick and Pay in August 2015, after about 25 years of working there, my salary was around R7600. One of the benefits of working in Sun Valley was the short commute of about fifteen minutes each way between home and work. The short commute time allowed me to fulfil my family, religious and union responsibilities.
13. I joined the Ocean View Civic Organization ("the Civic") in 2011/2012 and have consistently participated in the Civic's community meetings over the years.
14. We believe that there cannot be reconciliation without urban land and spatial justice. Restitution for individual claimants is overdue but the Western Cape Provincial Government, the City and the National Government have failed to take significant positive steps to promote equality through equitable access to urban space and housing in places such as Green Point, Sea Point, Cape Town CBD and the Waterfront.

THE CURRENT IMPACT OF SPATIAL VIOLENCE AND APARTHEID ON COMMUTING LOW INCOME WORKERS

15. People often argue that Cape Town represents a "tale of two Cities" segregated by race and class: Black poverty and White wealth. As a description, this is a half-truth. We have multiple-cities in Cape Town.

16. The Apartheid government inflicted spatial violence on people through various legislative means, systematically depriving them from accessing urban land or decent homes in White areas. I want to illustrate this through the ongoing impact of this inequality on low-income workers in Sea Point, Green Point, the Waterfront and the Cape Town CBD.
17. Since 2013, I have worked in Salt River and now in the CBD. Now, I wake up at 05:00 each working day to reach work by 08:30 in order to earn R6 500.00 per month. The journey from my home in Ocean View starts with a walk, an overcrowded taxi ride and then an unreliable train commute from Fish Hoek to the CBD. At times, I return home by 19:00, mostly later, and, on some occasions as late as 21:00. The journey is a dangerous one, especially for women.
18. The most significant impact of the journey is not its economic cost, but its impact on individual and family life. I know this having been fortunate enough to spend most of my working-life near home, and now being compelled to travel over a long distance to the City CBD. My rest, family life, enjoyment of my son's final year in school, social, religious and civic activities have all been curtailed by the long journey to work as a result of apartheid and contemporary spatial violence and injustice.
19. These long, dangerous and arduous journeys are the fate of the tens of thousands of people with whom I share this daily commute to work to and from the City and its townships. I am advised to draw the Above Honourable Court's attention to the *Metrorail* case which started in this Division and concluded in the Constitutional Court

in 2004. Juan van Minnen, a final year engineering student, was stabbed to death while travelling home from Cape Town to Fish Hoek. Justice Catherine O'Regan stated that his death and train violence "[need] to be understood within the historical context" of rail commuter services. The unanimous Constitutional Court judgment continues:

"Apartheid spatial planning ensured that the townships in which black people were required to live were established far from the urban centres where most jobs are found. ... As a result of this racist town planning, the journeys undertaken by black working-class South Africans are often extremely long. The demographic pattern of commuter rail use in South Africa reflects this apartheid history."

20. The majority of workers, who travel long distances are employed in the retail, trade, and services sectors, and include domestic workers, gardeners, security guards, semi-formal traders, restaurant kitchen staff and waiters, all of whom are low-paid. I am most familiar with workers in the retail sector. Currently, the legal minimum entry level retail worker earns between R2600.00-R3 500.00 per month. After almost 25 years in the service of the same employer, Pick 'n Pay, I earned R7600.00 per month.

21. In the CBD, Green Point, Sea Point and the Waterfront, the majority of workers in the retail trade sector are not unionised, vulnerable and many do not receive the legal minimum wage. Most of their employers own smaller chains or single stores and

trade in semi-formal markets such as St. George's Mall, Green Market Square, the Station Deck market or along the main roads and transport hubs.

22. Low-paid and casual employment is also gender biased with the majority of workers in retail stores being women. Recently, I have also observed the trend of younger people replacing older workers because of the greater literacy and numeracy skills required with computerisation. Although unemployment is high among young people, this adds a new dimension of job insecurity for older women who head households.
23. The CBD, Green Point, Sea Point, Camps Bay, Vredehoek and Oranjezicht households also employ a very significant number of domestic workers and gardeners. To my knowledge, the highest monthly minimum wage for domestic workers is R2230.70 and very few workers earn this amount. Apart from a minority of domestic workers, building cleaners and gardeners who live in storage spaces, on the roofs of apartment buildings or in their basements, thousands travel into the CBD and the surrounding areas from Manenberg, Gugulethu, Delft, Khayelitsha, Philippi and even Atlantis.
24. Residents like myself in Ocean View, with its high levels of unemployment, have no option but to commute the long distances to these areas in search of job opportunities or to work. The need for mixed-income housing in mixed-use neighbourhoods such as Sea Point, Green Point and Cape Town CBD is best illustrated by comparing household demographics.

THE PERPETUATION AND ENTRENCHMENT OF APARTHEID-ERA SPATIAL PLANNING – OCEAN VIEW AND SEA POINT

25. I want to compare Ocean View and Sea Point households. Ocean View is built on the slope of a mountain. As apartheid townships go, it is better off than many. According to the 2011 Census, Ocean View had a population of 13 569 people (predominantly coloured people) and 3084 households with an average household size of 4.4 people. 25% of those aged 20 years and older have completed Grade 12 or higher and almost 50% of households have a monthly income of R3200 or less. Ocean View also has an official unemployment rate of about 21%.
26. The conclusion to draw here is that this old apartheid township has large households with poorer educational outcomes and low-incomes that are also burdened with a high unemployment rate. Given the fact that the vast majority of Ocean View workers commute, a significant amount of their low-incomes is spent on transport costs.
27. Both Ocean View and Sea Point are built on mountain slopes, but that is where the similarities end. Sea Point which has a population of 16164 and 8424 households and is predominantly White (70%). About 84% of people aged 20 years and older have completed grade 12 or higher. Similarly, its unemployment rate stood at about 5% and more than 50% of households have an income of R12 800.00 per month or higher. 21% of households have a monthly income of R3200.00 per month or less. Sea Point households are also much smaller than those in Ocean View, with about 2

people per household. This area is in close proximity to the CBD, is well maintained, has access to effective visible policing and is in itself a commercial hub where many of its low paid workers live.

28. Areas such as Manenberg where many of the CBD and surrounds workers come from have nearly five people per household, an official unemployment rate of 36%, and a much higher burden of low-income households, with 61% of households earning less than R3200.00 per month. 38% of Manenberg households survive on less than R1600.00 per month.
29. The possibility of using state land for mixed-income and/or social housing that is closely situated to central economic areas and the prospect of increased job opportunities, such as Tafelberg and Wynyard Mansions, for historically disadvantaged people who are most in need is an ideal opportunity which must be seized by all levels of government.

STATE LAND, HOUSING AND SPACE FOR POOR PEOPLE IN CAPE TOWN CBD, SEA POINT AND GREEN POINT

30. On 13 February 2016, I attended the founding meeting of Reclaim the City where I heard that the state aimed to dispose of four sites that could be used for mixed-income housing in the mixed-use neighbourhoods of Cape Town CBD, Green Point and Sea Point as well as other similarly situated land elsewhere.

31. In the first instance, I wanted to join a court case to stop the transfer of the Tafelberg Remedial School and Wynyard Mansion site to ensure that the Western Cape Provincial Government and other spheres of government comply with their constitutional and legal duties.
32. In this context, I understand the Constitutional obligations to include promoting justice, equality and freedom within Cape Town, one of the most segregated cities in the country, by ending spatial apartheid. Selling the Tafelberg Remedial School and Wynyard Mansions (from which poor people were evicted) to wealthy private investors deepens historical wounds, further entrenches the crime of apartheid and causes unnecessary divisions.

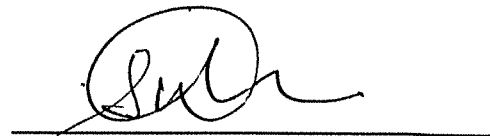
CONCLUSION

33. Reversing the apparently unlawful sale of Tafelberg Remedial School and Wynyard Mansions to ensure that the site is used for the development of social housing/affordable housing will help reclaim Cape Town from a colonial and apartheid legacy. It will advance the following:

33.1. Black African, Coloured and Indian historically marginalised citizens gaining access to urban land, space and housing in a healthy, sustainable environment on an equitable basis in Sea Point;

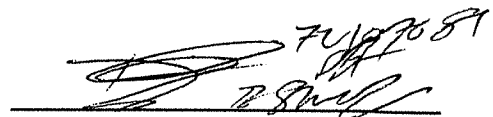
33.2. The needs of vulnerable people, particularly low-paid African and Coloured women, the elderly, people with disabilities and children being prioritised in allocating state land for development in Sea Point; and

33.3. A reasonable housing and spatial justice programme being implemented in line with the various Spatial Development Frameworks and laws requiring the development of cities that reverse apartheid planning, densification and use of state resources economically and efficiently for the benefit of many generations to come.



SHARONE DANIELS

The Deponent has acknowledged to me that she knows and understands the contents of this affidavit, which affidavit was signed and sworn to or before me at Ocean View on this 10th day of April 2016 the regulations contained in Government Notice No. R1258 of 21 July 1972, having been complied with.



COMMISSIONER OF OATHS

