

"TAG"

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

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**SUPPORTING AFFIDAVIT OF RECLAIM THE CITY**

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I, the undersigned,

**YAMEEN MOTALA**

do hereby make oath and say:

1. I am a 20 year old adult male, residing at 90 Melbourne Road, Walmer Estate, Cape Town. I am currently studying towards the degree of Bachelor of Social

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Science at the University of Cape Town ("UCT") where I am in my second year of study.

2. The facts set out herein are within my personal knowledge, unless, the context indicates otherwise, and are true and correct. Where I refer to information conveyed to me by others, I believe it to be true and correct. All legal submissions are made with the advice of our legal representatives in this application.
3. I am deposing to this affidavit on behalf of the social movement Reclaim the City. My authority in this regard appears from resolutions taken at Reclaim the City's general meeting on 12 March 2016. ("YM1").
4. I have read the draft of the Founding Affidavit in this application and confirm those aspects of the Founding Affidavit that pertain to Reclaim the City. Reclaim the City also asks 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.

## INTRODUCTION

5. Reclaim the City is a movement of Cape Town residents including: working-class people, in particular, Black African and Coloured workers and residents in the Cape Town Central Business District ("the Cape Town CBD") and its environs including Sea Point and Green Point; students and young professionals; and, learners who travel to schools in the Central Business Districts ("CBDs") and

suburbs from Cape Town's townships. Each of these groups decide on education, work and action in separate weekly meetings and convene jointly on a bi-weekly/monthly basis at general meetings called "the Saturday Forums".

6. Reclaim the City was founded in response to the continued entrenchment of Cape Town as an unequal, fragmented and unsustainable City. Apartheid forced African, Coloured and Indian people into ghettos preserving the best land and property for White people. Today, as property prices rise, working-class and middle-class people face rapidly increasing rents in the CBDs and suburbs throughout Cape Town. Unaffordable rents are forcing these residents further away from work and services. In turn, people who earn low wages and average salaries cannot afford to move into the City's CBDs and suburbs.
7. Our Government has a historic, moral and legal obligation to ensure that African and Coloured working-class people live in CBDs and suburbs from which they were removed, and from which they continue to be excluded. Despite these obligations, the Western Cape Provincial Government is disposing of prime, well-located public land in Sea Point, Green Point, and in Cape Town CBD to private investors. We believe that this public land is suitable for furthering the government's social-economic objectives, including increasing access to affordable mixed-income housing for all people, regardless of income.
8. To that end, Reclaim the City's immediate demands are as follows:

"1. Our CBDs and suburbs must be desegregated – access to well located, affordable mixed-income housing

- 1.1 *Everyone in Cape Town, and across our country, has a right to a decent and dignified home that is accessible to employment opportunities, schools, health and public services, sport, cultural and recreational spaces.*
- 1.2 *The state and the private sector must end historic housing inequality and spatial injustice by proactively creating affordable and sustainable opportunities for well-located public housing developments.*
- 1.3 *We demand mixed-income housing for all Capetonians where working and middle class people of all races can live together.*
- 1.4 *National, Provincial and Local government must adhere to their legal obligations to put the housing needs of people before profits and stop selling well-located public land suitable for mixed-income and mixed-use housing to private investors.*
- 1.5 *We demand that the City and Province implement existing laws to acquire and expropriate land that is suitable for the creation of mixed-income and mixed-use housing for African and Coloured working-class people near the CBDs and suburbs. In this context, the City of Cape Town must develop a plan and access resources for such housing in Cape Town's CBDs and suburbs.*
- 1.6 *Mixed-income housing must include mixed-use zoning allowing people to be close to shops, offices, work, schools, and other facilities. The City of Cape Town must require all*

*new private developments in the CBDs and suburbs to include mixed-income housing.*

2. *Tenants Protection – Everyone has a right to fair rents, fair rental increases and fair rental practices*

2.1 *Tenants must be protected from unaffordable rents and deposits and unfair rental increases. We demand that the state must take measures towards implementing fair rent controls in both public and private rental housing.*

2.2 *Everyone has the right to security of tenure. All leases must guarantee tenants the right to occupation and landlords must comply with laws prohibiting unfair rental practices and illegal evictions."*

9. Reclaim the City functions with a co-operative leadership structure and all major decisions are taken by consensus or majority member vote at Saturday Forums.

10. This application involves a dispute between the applicants and certain of the respondents regarding the use of well-located publicly-owned land for mixed-income housing and mixed-use development.

## **PERSONAL BACKGROUND**

11. I was born and raised in Walmer Estate in Cape Town to my mother Nasley Abrahams, who was also born and raised in Walmer Estate, and my father Hassim Motala. My father was born and raised in Greyville, Durban but was later

forcefully removed, under the Group Areas Act, 41 of 1950 ("Group Areas Act"), to an environmentally hazardous area, Merebank, 15 kilometres situated beside an oil refinery on the outskirts of Central Durban.

12. My maternal grandfather, Dr Abduragiem Abrahams, was born and raised in William Street, District Six, in our "original" or ancestral family home. I support this application because my family's history bears testament to the benefits of living close to the City. I believe that my families' proximity to basic services and infrastructure in the inner City had a direct impact in fostering conditions for my family's social mobility.
13. My grandfather attended well known District Six schools, these being the Rahmaniyeh Primary School and Trafalgar High School. Their locations in District Six meant that he was able to easily access job opportunities and public services
14. Born in the late colonial period, my grandfather, Dr Abrahams (as he is remembered throughout our community), also lived through the oppressive apartheid period. He obtained a medical degree from the University of Edinburgh after being prohibited, as a coloured student, to continued his studies at UCT. He established his medical practice on the corner of Hanover Street and Cannon Street in District Six in the 1940s to serve mainly poor and working-class people until 1972 when he was forcefully removed from the area. Today, the place where

his practice once stood is a tarred piece of land used as a parking lot for the Cape Peninsula University of Technology near Keizergracht Street.

15. District Six was declared a White-minority space under the Group Areas Act. The effect of this law meant that the vast majority of residents, including my family, did not qualify to reside in the area any longer as they were not classified as White. My family was amongst the very first to be forcefully removed out of the area in 1972.
  
16. Our forced removal and the eradication of our history from District Six was a process which led to the separation, destruction, and displacement of thousands of Coloured, African and Indian families, particularly working-class people from the heart of central Cape Town to the barren Cape Flats on the outskirts of the City. When I say "our forced removal", I do not mean that I suffered this inhumane and degrading event personally or directly. My grandparents were directly affected. When I say the destruction of "our community", I mean the exclusion of Black African, Coloured and Indian people, some whom were my ancestors and the people who helped to build Cape Town since its founding on the basis of colonial slavery.
  
17. My family's forced removals from District Six in Cape Town and Greyville in Durban forced its way into my consciousness since birth, during my secondary school years at Harold Cressy High School and now as a university student. I committed myself to reading about past and current land dispossession. I

consider myself an urban land justice activist working for restitution, spatial equality and equitable access to land. In this sense, I am an activist in the histories of dispossession in Cape Town since my high school days and continue this activism through my involvement with Reclaim the City.

18. The spatial inequality, land dispossession and injustice had a severe impact on working-class Coloured people, then and now, condemned to areas devoid of economic opportunities with sub-standard township housing located in unsafe and unhealthy environments. Access to the City, its CBDs and suburbs was only allowed to African and Coloured people as cheap labour. Bonteheuwel, Mannenberg, Ocean View, Atlantis, Mitchells Plain, Gugulethu and Nyanga located on the outskirts of Cape Town are townships which have become synonymous with gangsterism, crime, drugs, alcoholism and dysfunctional schools.
19. Forced removals entrenched racial, class and gender inequality and continue to have a severe impact on the dignity of Black African, Coloured and Indian people particularly children and youth.
20. I was born and raised in Walmer Estate, Cape Town. I attended Rondebosch Boys Preparatory School in Rondebosch and Harold Cressy High School in Zonnebloem, Cape Town. In many ways, I am more privileged than my contemporaries in the working-class townships and informal settlements on the Cape Flats. In particular, I grew up a few kilometres from the centre of Cape



Town with the consciousness that every person has a right to the City. At Harold Cressy High School, I met many young people from all over the Cape Flats and I always appealed that they should not see Hanover Park or Khayelitsha as their only heritage. Cape Town, District Six, Sea Point, Green Point, Rondebosch, Claremont, Simon's Town and other suburbs from which our families were removed belong to all of us.

21. The advantages that I derived and continue to do from living closer to the City are manifold. They include easy access to safe and good schools; the ability to walk or use cheap, reliable inner City public transport to reach recreational facilities including beaches; a walking distance to Devil's Peak and hiking on Table Mountain. Accessing decent shops and buying basic foodstuffs is very easy and safe. Similarly, I spend less than 10 minutes travelling to UCT where I study.
22. The same is not true for young people who travel to UCT from the Cape Flats. They undertake long and sometimes dangerous journeys which affect their ability to concentrate in class.
23. Many of my fellow students and Reclaim the City members live in residence at the University which costs R28,500 in catering residences and R18,500 in self-catering residences. A shortage of places at university residences and the high cost of privately rented accommodation contributed to violence on our campus earlier this year. The absence of a densified city with significant mixed-income

and mixed-use spaces and rental housing stock impacts negatively on the ability of students to access tertiary education. Government's failure to ensure spatial justice and restitution since the advent of democracy has made segregation worse.

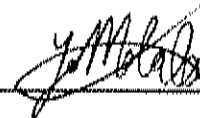
## **CONTINUED SPATIAL APARTHEID IN THE CAPE TOWN CITY BOWL AND SURROUNDS**

24. Apart from a limited number of District Six claimant families who received sub-standard housing as restitution, I have no knowledge of the provision of housing on a significant scale for Black African and Coloured working-class families in the Cape Town City Bowl and surrounds since the advent of democracy. I have seen a significant number of luxury apartments, major office blocks and hotels being constructed from the Foreshore to Kloof Street and from Riebeeck Street to Bantry Bay. The economic growth engendered by these new building developments have brought many more people into the City as workers from Cape Town's dormitory townships.
25. Almost invisible to the wealthy are people who are members of Reclaim the City. These members include the commuting office-cleaners, street sweepers, parking marshals, cashiers, kitchen-staff and waiters in restaurants and fast-food outlets, hotel service workers, construction workers, mini-cab drivers, semi-formal traders and their workers, domestic workers, laundry services and security guards, all of whom are among the lowest paid workers in our City. A fraction of

these workers live near their places of employment. As Cissie Gool predicted in 1940 Black African and Coloured people working in low-paid jobs (many of whose forefathers lived in places like District Six and Sea Point) spend a significant proportion of their meagre incomes on transport. Instead of bringing people closer to the CBDs and suburbs, working-class people are forced to live much further away in places such as Delft, and more recently in Wolwerivier and Pelican Park.

## CONCLUSION

26. Reclaim the City submits that the provision in section 25(5) of the Constitution requiring the state to progressively ensure *equitable access to land* must be read as an obligation to realise the rights to equality and human dignity in the provision of housing and basic services. Reclaim the City seeks to ensure that all levels of government co-operate to plan and utilise, without delay, at least the Four Sites earmarked for disposal by the provincial government towards ending urban land inequality and injustice in the inner City of Cape Town, Green Point and in Sea Point.



YAMEEN MOTALA

The Deponent has acknowledged to me that he knows and understands the contents of this affidavit, which affidavit was signed and sworn to or before me at



Cape Town on this 10<sup>th</sup> day of April 2016 the regulations contained in Government Notice No. R1258 of 21 July 1972, having been complied with.

  
**COMMISSIONER OF OATHS**

NASLEY ABRAHAMS  
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