

The City of Cape Town was contacted on the 19th of October 2020 for in-depth comment on the issues raised in the film. Detailed responses attributable to both Councillor Malusi Booi (Mayoral Committee Member for Human Settlements) and Alderman Xanthea Limberg (Mayoral Committee Member for Water and Waste) were received on the 21st of October 2020 and are available below.

QUESTIONS AND RESPONSES: COUNCILLOR MALUSI BOOI (MAYORAL COMMITTEE MEMBER FOR HUMAN SETTLEMENTS)

Film section 1:

People in the film describe that sewage pipe burst in eNkanini, Khayelitsha on Monday the 17th of August 2020 and that this leakage ran into the eThembeni area creating a dam of sewage contaminated water.

Q1. Please could you comment on these events and confirm the dates on which they occurred?

No response received.

Quote 1

"We went to the City of Cape Town several times. We first went to our community leader, Blacks. He then said that he had called the City and that they didn't want to hear anything."

Quote 2

"What we are saying is that they must attend to this matter because they have an obligation as a City of Cape Town, as a municipality they have to provide services to people. And they are saying, "No we can't help because this is an unlawful occupation.""

Q2. Please could you comment on the requests for assistance from the City of Cape Town on the matter of the burst sewage pipe from members of the eThembeni community as well as civil society groups and whether this matter has been resolved?

No response received.

Quote 3

"We see this as a tactic to try to force people out of the area. We call it demonstrative eviction. It is where the landlord or the owner of the property would make a living condition unbearable. So that you will leave voluntarily out of the area, to try to force people of eThembeni to move out of that area, because it's not providing them with municipal services."

Q3. Please could you comment on the suggestion by one of the interviewees in the film, that the lack of attention to this matter is a tactic being used by the City to force people of eThembeni to move out of the area?

This unlawful occupation has happened in a water detention pond. The City has warned people not to settle here as the pond is designed to catch the excess water after rain and then drain it to the ocean. It is designed to catch water and not for human habitation. The pond has been there before the people settled so this is a pre-existing condition. The City cannot be expected to pump out a pond, that is not earmarked for human settlement, at extreme cost every time it rains. This is simply not possible. People have also settled in

the pond where the water needs to drain out, and thus the water cannot drain out. The City has communicated people are settling in such areas at own risk.

Quote 4

“Where does eThembeni belong? Where are those people supposed to stay? Because sometimes it feels like there's a Republic of Cape Town and the Republic of South Africa.”

People simply cannot stay in water detention ponds.

It is not safe for them and they should not settle in places that are not fit for habitation.

Q4. Please could you comment on the sentiments/frustrations expressed by this interviewee?

The City empathises with residents but unfortunately in this instance, people have settled in a water detention pond.

Not all land is suitable for housing. The vast majority of illegal occupations have occurred on land that the City would never have earmarked for housing. All City-owned land is earmarked for a purpose. Just because it looks vacant, does not mean it is meant for housing or that it can safely be settled, like in this case where the settlement is in a water detention pond. Land is used as road reserves, as water detention ponds, for future community services, for initiation sites, clinics, for water and sewage pipelines to help growing communities. If everyone settles where they want to, it destabilises the entire system and jeopardises the future. It also places people at risk. Irrespective of the land use, it is illegal to occupy land or property that does not belong to you.

Beneficiaries of all City housing projects are allocated in accordance with the City's Allocation Policy and the Housing Needs Register to ensure that housing opportunities are provided to qualifying applicants in a fair, transparent and equitable manner, and to prevent queue-jumping. This is very important given the acute need for housing opportunities across the metro. Without this organised system, based on first come first served, who determines then if resident A is more worthy of an opportunity or resident B? Community leaders, activist, lobby groups and political instigators of especially large-scale organised invasions, often driven by syndicates for shack-farming, do not worry about the consequences. At the end of the day, when the illegal occupation has happened, it is the occupiers and the City that must face the consequences.

It is only through working together and finding new, collaborative and innovative ways of working that we will be able to tackle the shortfall in the development of housing opportunities in the metro, especially for those earning below R22 000 per month. This is exactly why we have released our draft Human Settlements Strategy, which is currently out for public participation, to encourage members of the public to read through the proposed interventions and to have their say.

Importantly, this strategy cannot be a City strategy alone. It must be a strategy for all of Cape Town and its people. Partnerships are going to be increasingly crucial for social prosperity and by working together, with business, civil society and all partners we will make progress possible together. These large-scale unlawful occupations will jeopardise all plans and programmes.

View and comment on the strategy

Please visit www.capetown.gov.za/haveyoursay.

QUESTIONS AND RESPONSES: ALDERMAN XANTHEA LIMBERG (MAYORAL COMMITTEE MEMBER FOR WATER AND WASTE)

Film section 1:

People in the film describe that sewage pipe burst in eNkanini, Khayelitsha on Sunday the 17th of August 2020 and that this leakage ran into the eThembeni area creating a dam of sewage contaminated water.

Q1. Please could you comment on these events and confirm the dates on which they occurred?

Please note that it is not a burst pipe which flooded this settlement. This settlement was formed by means of unlawful occupation of a stormwater detention point. While the pond was dry at the time of initial occupation, early in the lockdown period this year, it filled with water when the rains came.

Stormwater detention ponds are designed to accommodate water overflows during and following rain events, to prevent flooding in the surrounding areas. Deploying the specialised equipment that would be necessary to drain a pond of water that it is engineered to hold, would not be feasible or sustainable.

Urban stormwater can often be polluted, especially in areas with many illegal cross connections between sewers and stormwater systems (such as Khayelitsha). If there are a lot of cross-connections, this also causes sewers to flood and overflow when it rains, especially when combined with illegal dumping into the sewers. This overflow inevitably gets carried by the rain into storm drains, where it is channelled to detention dams such as the one Ethembeni residents have occupied, before being channelled out to sea. In this case, residents have built structures that obstruct the outlet through which the water would normally drain from the pond.

Two blockages occurred in the area in August, and City staff cleared the blockages on both occasions. On both occasions, it was found that inappropriate materials had been disposed of into the sewer system. The City's informal settlements department staff inspected the area shortly thereafter and could find no visible evidence of sewage contamination.

The dumping of inappropriate materials (builders rubble, nappies, cooking fat, rags, and others) is an ongoing challenge the City works to address through

various ways, and spends over R100m clearing every year. However for as long as such materials are dumped into the system, blockages will inevitably occur.

Quote 1

"We went to the City of Cape Town several times. We first went to our community leader, Blacks. He then said that he had called the City and that they didn't want to hear anything."

Quote 2

"What we are saying is that they must attend to this matter because they have an obligation as a City of Cape Town, as a municipality they have to provide services to people. And they are saying, "No we can't help because this is an unlawful occupation."

Q2. Please could you comment on the requests for assistance from the City of Cape Town on the matter of the burst sewage pipe from members of the eThembeni community as well as civil society groups and whether this matter has been resolved?

As above, the occupied area is a stormwater detention pond, and the pond filled with water as it is designed to during and following rain events. Normal drainage was obstructed due to structures blocking the outlet. The pond is not intended for human habitation.

The City does not have the resources to deploy the specialized equipment necessary to drain a stormwater detention pond throughout rainfall events. This would also pull these resources away from other areas in need.

The City has communicated with the points listed above numerous times, with the residents, civil society groups, and the media. The pond will flood every rainy season, as it is designed to function.

Quote 3

"We see this as a tactic to try to force people out of the area. We call it demonstrative eviction. It is where the landlord or the owner of the property would make a living condition unbearable. So that you will leave voluntarily out of the area, to try to force people of eThembeni to move out of that area, because it's not providing them with municipal services."

Q3. Please could you comment on the suggestion by one of the interviewees in the film, that the lack of attention to this matter is a tactic being used by the City to force people of eThembeni to move out of the area?

No response received.

Q4. Please could you comment on the issues described by the interviewee above?

No response received.

Quote 4

"Where does eThembeni belong? Where are those people supposed to stay? Because sometimes it feels like there's a Republic of Cape Town and the Republic of South Africa."

Q5. Please could you comment on the sentiments/frustrations expressed by this interviewee?

No response received.

