



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Ongoing Land Invasions and Protest Actions

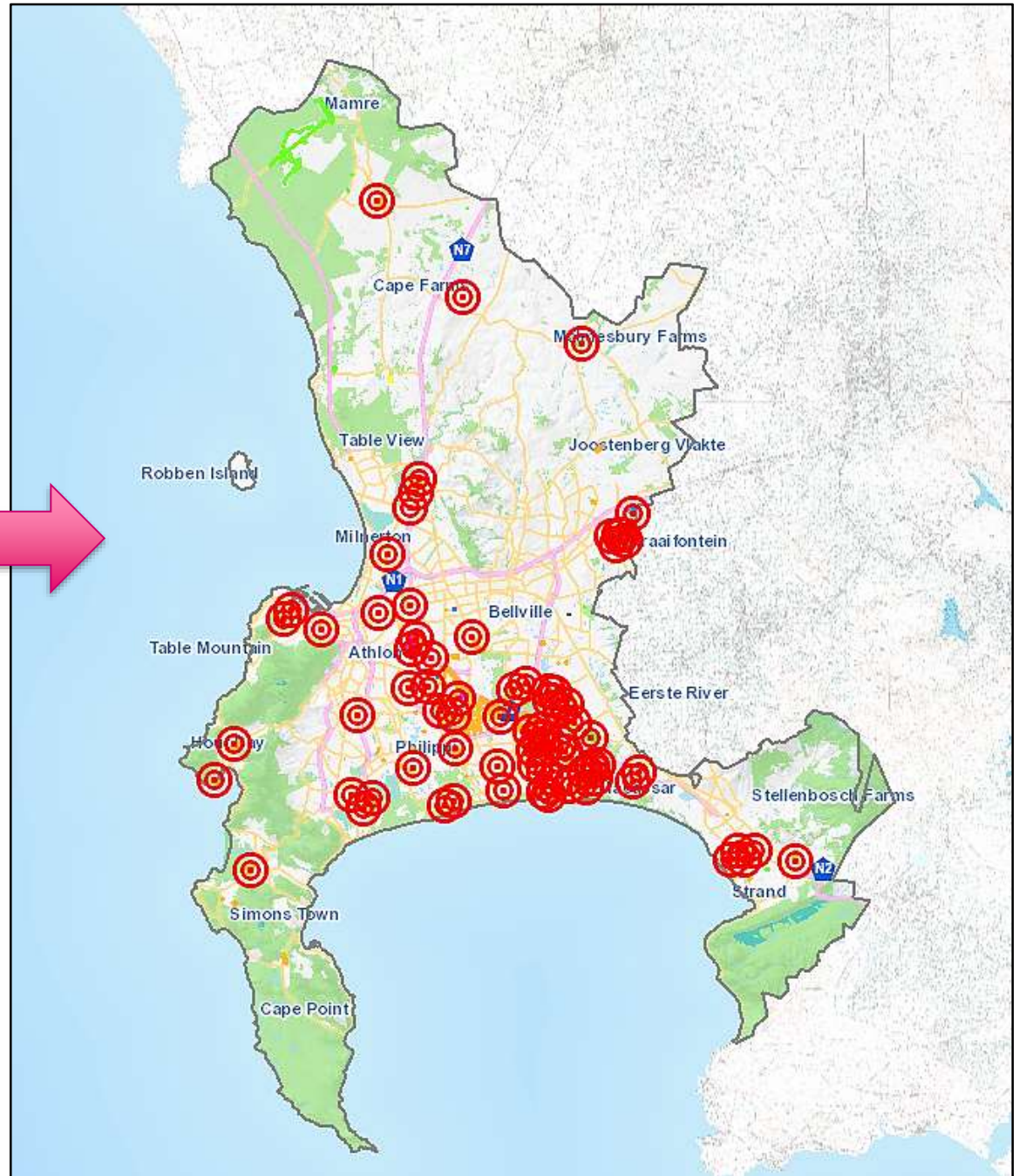
Mayor Plato and Ald. JP Smith

04 September 2020

Making progress possible. **Together.**

CITY OVERVIEW

The biggest
policing threat
in **Cape Town**
is currently
land invasions
and **protest**
actions.



All the metros are experiencing land invasions

- ✓ Buffalo City
- ✓ Ekurhuleni
- ✓ eThekweni
- ✓ Johannesburg
- ✓ Tshwane
- ✓ Nelson Mandela Bay
- ✓ Cape Town

Land Invasions a Country Wide policing threat: **Buffalo City**

News

Lindiwe Sisulu calls on police and army to protect land before it is invaded

By TimesLIVE - July 7, 2020



“When we say that there should be no land invasions, it is actually that which we mean. The responsibility of making sure that this happens is with law enforcement. It is in our regulations and therefore we expect that the law enforcers will make sure that any land that is on the cusp of being invaded is protected appropriately.

“In this particular lockdown, not only do we have the police but we also have the capacity of the defence force that we can employ to make sure that if there is any threat to any land that we actually protect that land.

Land Invasions a Country Wide policing threat: eKurhuleni



Mushrooming of Informal Settlements and Land Invasions

Stuart Lister / Human Settlements | 06 August 2025 | Page 132

Member of Mayoral Committee (MMC) for Human Settlements Cllr Lesiba Mpya has issued a stern warning on land invaders, stating that 'enough is enough'.

"As a City we will no longer tolerate any further land invasions and these must stop with immediate effect," said Mpya.

The MMC's office has formed a tasked team together with the Ekurhuleni Metropolitan Police Department (EMPD) to thwart any further invasions. CoE relies on the EMPD, South African Police Services, and private security companies contracted to City to protect and prevent any unlawful invasion or occupation of land.

These law enforcement agencies are at times reluctant to act without a court order which can give them the power to evict any illegal occupiers. Once invaders are deemed unlawful land occupiers the City approaches the court for an order to evict the invaders as per the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998.

If order is granted by the court, the City will effect the demolishing of structures that have been erected by the illegal occupants.

"Land invasion negatively affects the City's budget, as it is often required to allocate unplanned basic services. As a result, the City is unable to fulfil the long-term plans as per the Integrated Development Plan of the municipality," added MMC Mpya.

Land Invasions a Country Wide policing threat: eThekwini



IN THE video, this officer advances towards the filming resident before shots are heard

WATCH: Bullets fly as land invaders clash with eThekwini Municipality security

Durban - IT'S A tug of war between eThekwini Municipality and the people they call land invaders. However, the invaders claim to be occupants of an informal settlement and allege that they experienced brutality at the hands of a contracted security company and the city's Land Invasion Unit.

On Wednesday shackdwellers' movement Abahlali baseMjondolo alerted the media, saying that Khenana informal settlement in Cato Crest was under attack by a security company and the Land Invasion Unit were allegedly firing live ammunition.

"Why would we target 15 or 20 shacks?" he asked. "The courts ruled in our favour to demolish any new structures," he added.

Mayisela said the municipality had a responsibility to maintain order and they were demolishing unoccupied, partially built new structures.

Land Invasions a Country Wide policing threat: Johannesburg

City of Joburg warns against land invasions

Monday 20 April 2020 - 6:09am



Disgruntled Lawley residents are protesting because their shacks were demolished by the Red Ants on instruction from the City of Johannesburg.



Team News24

@TeamNews24

#landinvasions MEC Faith Mazibuko near a shack that was destroyed in Elandsfontein, south of Johannesburg. Scores of people have invaded land in the area (@ntwaagae)



10:56 · 25 Jun 20 · GroupTweet

9 Retweets 3 Quote Tweets 9 Likes



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Land Invasions a Country Wide policing threat: Tshwane

Local news

Sisulu condemns "illegal land invasion"

"We are also still firm on our call that no one should be evicted during the lockdown."

• June 27, 2020

Sinesipho Schriber 1 minute read



Video: Buffalo City

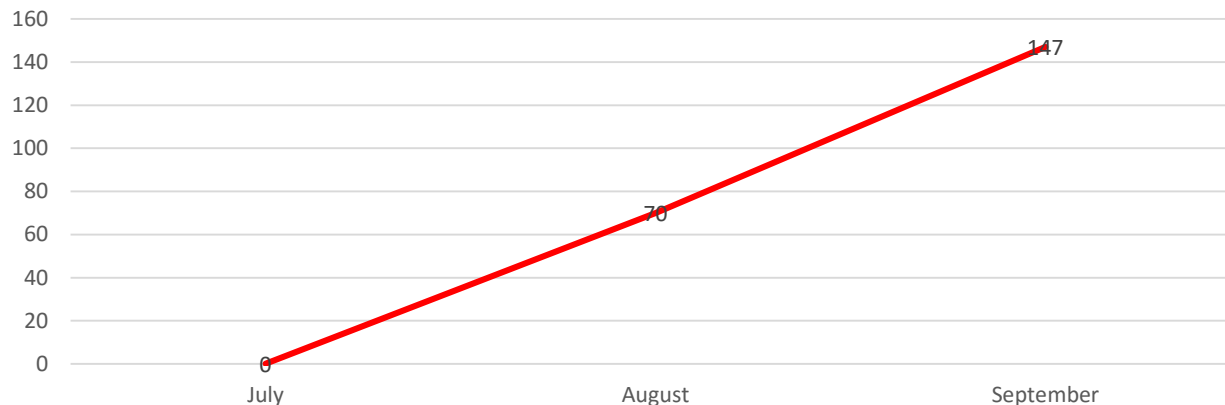


Statistics & Trends

Land Invasions in Cape Town: Statistics and Trends

- The City protects **National (E.G. NATIONAL PUBLIC WORKS), Provincial, City and Private land** from illegal occupation within the ambit of the Prevention of Illegal Eviction from and Unlawful Occupation of Land (PIE) Act and the common law remedy of counter-spoliation.

Increase in Land Invasions



- 147 land invasion** incidents were reported in Cape Town from July-September 2020.

PRASA Land – Philippi





Structures built on Dam Wall – communities at risk of flooding



Driftsands Nature Reserve on 24 August 2020

Reasons for Land Invasions?

- Key catalyst for land invasions:
 - **Political maneuvering** is the trend building-up to an election year.
 - **Opportunistic Entrepreneurship** i.e. Selling of state, city and private land and plots. Landlords profiting from desperate people
 - Situation is aggravated by **economic impact of COVID-19** i.e. private evictions of backyarders & call for social distancing
 - **Lockdown regulations:** since we have dropped down from level 5 which was the hard lockdown, to level four and three there has been an increase in land invasions and public violence
- **Grant funded housing** budget & delivery (formal structures & serviced sites) are outstripped by demand as a result of natural growth and urbanization.
- Upgrading of Informal settlements are **very important and necessary** but often tangled up in various processes (EIA, WULA, TIA, Planning approvals, Procurement process, Community engagements etc.)



Business is booming for shack builders in Dunoon

14 August 2020 By [Peter Luhanga](#)

Councillor says illegal occupations are jeopardising housing plans for the area



“Last Saturday, I erected five shacks [at a cost of] R3,400 each. I am well-known in the township for erecting double-storey shacks ... Dunoon residents have been oppressed for too long ... ¶

The man says the inevitable increase in land occupations in the area has created more work for local shack builders. On average, it takes about two hours to assemble a small shack, he says. His current fees range from R3,400 for a one-room shack and a slightly larger one-room shack is R3,600. While a family-size shack that can house a double bed and wardrobes costs about R4,600. ¶

“I used to accept a 50% deposit with full payment on completion of the shack, but now I can demand the full price beforehand because if authorities demolish the shacks they confiscated all the materials and then people don't pay the rest of the money. My profits depend on the demand,” he says. ¶

Ward councillor Lubabalo Makeleni (ANC) said more people were illegally occupying City and privately owned land. This, he said, jeopardised housing opportunities particularly in cases where the occupied land was earmarked for development. He acknowledged that the upside was that it was generating jobs for some in the township. ¶

“The spate of land invasions has boosted profit margins for entrepreneurs specialising in shack building. Those building shacks... their business is booming. They can't keep up with the demand to build shacks for land occupiers. It's chaos,” he said. ¶



What is the City doing to protect land from illegal occupation?

- The City is forced to protect its land and to deal with every invasion as a **counter spoliation operation**. *Counter-spoliation is a right that an owner has in terms of South African common law to re-take possession of a property that is in the process of being unlawfully taken away.*
- The Constitutional Court has found that the State as the owner of property has the **same rights** as any other property owner.
- It cannot be said that the City's counter-spoliation actions are arbitrary given how **vital land protection** efforts are in giving effect to a number of **other socio-economic rights** that the City is constitutionally mandated to realise.



City Enforcement towards Land Invasions and Protest Action

Activities	11 JULY 2020 UP TO DATE
Structures demolished	59,406
Land Invasion	147
Plots Cleared	27,781
Protest Action	115
Arrest	91
Injuries (I.O.D)	46
COCT vehicles damaged	18
Government vehicle (Human Settlements)	2
Private vehicles damaged	13
Court Orders	30
Relocation	14
Occupied Structures currently in the City	1594

9761 structures have been illegally occupied since January- August 2020.

***no evictions or demolitions took place for these structures which have resulted in a loss of public land.**



Impacts of Land Invasions on communities



Those who have waited patiently for housing will have to wait even longer as **sites are lost to illegal invasions** and new sites need to be identified.



Impacts of Land Invasions on communities

- Service delivery projects are placed on hold, depriving our residents of critical infrastructure upgrades, like the **R162 million water infrastructure upgrade project in Khayelitsha**. That project is in jeopardy, impacting thousands of law abiding residents in Khayelitsha who are relying on this pipeline for **improved water and sanitation** services and planned housing developments. Multiple housing projects are currently under threat.
- R50 million Khayelitsha **housing development lost** to land invasions
- Illegal land invasions mean our law enforcement officers are diverted from our communities to deal with these invasions and the associated protest action. This means areas affected by gang violence have less law enforcement on the streets.
- R1.3 billion rand worth of housing development sites currently threatened by invasions.



Criminal activity associated with Land Invasions and Protest actions

Bloekombos – 08 August 2020



**Paving removed
from sidewalk**

**Used to build
a barrier to shield
them from
enforcements means
of dispersing the crowd**



Bloekombos – 08 August 2020



Petrol Bomb



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Public Violence

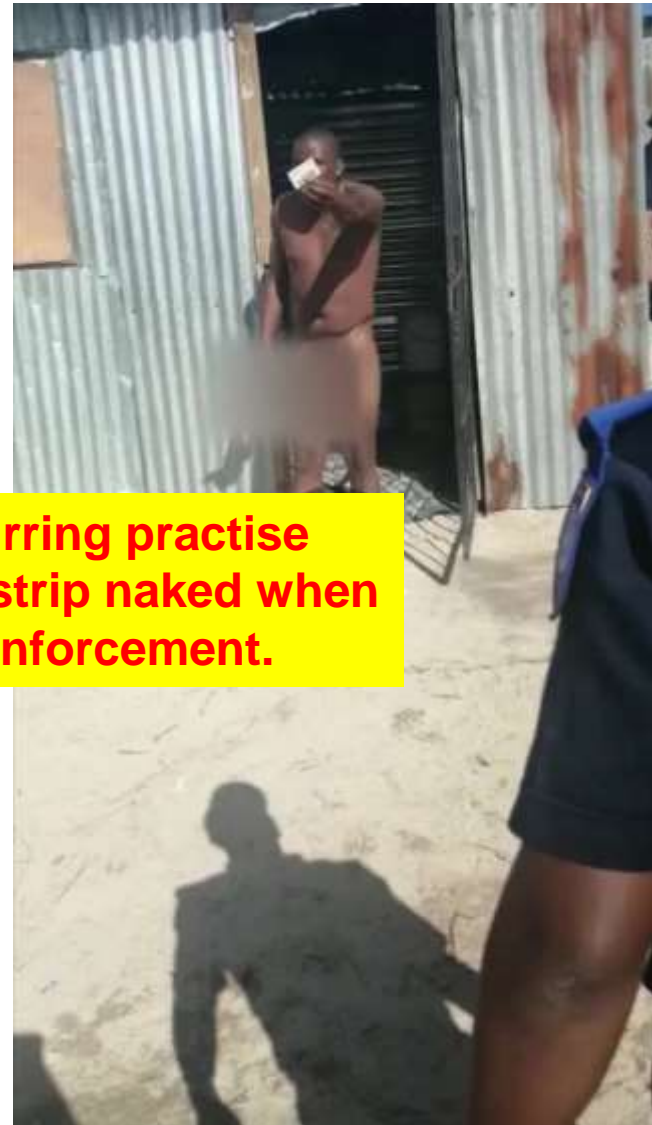
Damage to City Property



Stripping naked to deter law enforcement



It has become a recurring practise for land invaders to strip naked when approached by law enforcement.



Qolani matter of Khayelitsha

The invitation requests an engagement with the City on the below:

This paper is in preparation for an engagement between the Portfolio Committee on Police with the City of Cape Town Metropolitan Police and the Independent Police Investigative Directorate (IPID) on a recent eviction of Bulelani Qholani in Khayelitsha scheduled for 19 August 2020.

- The City is NOT in a position to discuss this matter further to what is public knowledge and what has been presented above. This is due to the current court action and appeal which renders the matter **sub judice**.
- The City wishes to place on record that **no eviction took place**. As mentioned in earlier slides, the city engages in counter-spoliation of an illegally erected, unoccupied structures.

**video available at end of presentation*

Disputed invasion facts

- The Court erred in **conflating the demolition of unoccupied structures which have not yet become the homes of any persons, with the eviction of persons from structures which are homes.**
- The Court **incorrectly concluded that the presence of furniture in certain images put up by the applicants was dispositive of the question as to whether particular structures were occupied when they were dismantled, in circumstances where the City put up clear evidence contradicting these conclusions.**
- In rejecting the evidence put up by the City, the Court failed properly to apply the applicable legal principles governing the resolution of disputes of fact in interim relief proceedings. **Had the Court correctly applied the aforesaid legal principles it ought to have concluded that the City's evidence threw serious doubt on the version of the applicants**

Disputed invasion facts

- **Court failed to consider the City's clear evidence based on the aerial photographs, which demonstrated that the third applicant's claim that he was in occupation of his structure from 16 March 2020 could not be correct.**
- **The Court failed to consider the City's clear evidence from the aerial photographs which demonstrated that the second intervening applicants' claim that they had been in occupation of Erf 544 Mfuleni, since March 2020 could not be correct.**
- **The Court failed to draw an adverse inference from the fact that Ms Rossouw and the third applicant, when confronted with facts in the City's answering affidavit casting serious doubt on the veracity of their versions as to how and when they took occupation of their structures, put up new facts and/or entirely new versions in reply for the first time.**

SAHRC Judgement

- It must be noted that the SAHRC Judgment **does not** override **existing orders that authorises the City** to take down unoccupied and/or incomplete structures;
- Those current orders stand **as is** until they are set aside;
- The City remains able to act in terms of those existing orders with the assistance of SAPS.

Land Invasions

More POPs needed

City of Cape Town under resourced with only 4 POPs units

Extract from letter from Mayor to National Police Commissioner:

The extent of land invasions and protest actions within the Cape Town justifies a **need for more POPs units to be deployed to the Cape Town Metropole**. The units allocated to Paarl and the Southern Cape cannot be used within the metropole due to similar situations within these areas.

Province	Year	POP Units	POP Officers SAPS Act
Western Cape	2010	3	40
	2011	3	39
	2012	3	314
	2013	3	311
	2014	3	325
	2015	3	330
	2016	3	332
	2017	3	424
	2018	3	541
	2019	3	412
2020	3	406	



Province	Financial year	POP Units	POP Officers SAPS Act
Eastern Cape	2010	5	292
	2011	4	352
	2012	4	499
	2013	4	513
	2014	4	561
	2015	6	572
	2016	6	558
	2017	6	639
	2018	7	649
	2019	7	691
2020	7	701	



Province	Financial year	POP Units	POP Officers SAPS Act
Northern Cape	2010	2	130
	2011	2	125
	2012	2	222
	2013	2	217
	2014	2	216
	2015	2	215
	2016	2	226
	2017	3	277
	2018	3	306
	2019	3	331
2020	5	381	



False allegations in Parliamentary research paper

In 2018/19, the IPID referred 29 cases with disciplinary recommendations to the respective MPs. Of these, eight cases were referred back to the City of Cape Town Metro Police Department, of which six cases involved deaths as a result of police action.

- The City wishes to place on record that no such cases have been brought to our attention with the exception of one incident involving a death resulting from a man being struck by a policing vehicle. This matter is 2 years old and no findings have been reported to the City as yet.
- The only other matter that the City is aware of is involves a police officer at the Standard Bank Building in Adderly street matter.
- City of Cape Town has always shown its full support and cooperation towards any IPID investigations. The City enjoys a good working relationship with IPID.
- It should be noted that there are hundreds of municipalities across the country that employ municipal traffic or peace officers (public safety/law enforcement) .

City response to Single Police Service/White paper on Police

- The City notes the arguments offered by national government in support of a “single police service”, including Chapter 4 of the White Paper on Policing, which states a rationale underpinning the establishment of a Single Police Service which the City disputes:
 - **Claim:** The available resources in South Africa do not permit the huge duplication of function
 - **Fact:** no duplication of function exists in that the policing resources of the City focus on their core constitutional competency of traffic and by-law enforcement and are making increasing investments in expanding resources committed to crime prevention through Metro Police and Law Enforcement
 - **Claim:** Where policing forces are fragmented the standard of training and other support services are likely to diminish
 - **Fact:** there standards within Metro Police have by no means diminished and the service complies with all national norms and standards published by SAPS
 - **Claim:** Artificial boundaries and barriers (geographical or legal) between police forces makes the task of policing more difficult and raises serious problems with regard to the jurisdiction of one police force over crimes committed in one area and where the suspects have crossed the border into another area.
 - **Fact:** Simply redistributing the seriously under-resourced policing resources does not address the crime challenges being experienced. While national government must bring SAPS resources in line with international best practise urgently, they must also act to expand the powers of MPS and municipal peace officers to permit these services to contribute as much as possible to the fight against crime.



City response to Single Police Service/White paper on Police

- The model for a Single Police Service will not clarify the ambiguity surrounding the crime prevention mandate of the MPS but will simply remove the local responsiveness and deprive residents of the current alternative option that they have through CTMPD where SAPS is non-responsive to their complaints.
- The City denounces the attempt by national government to centralise control of the police, believe that this is unconstitutional and that it is contrary to international best practise and will oppose such attempts in court.
- While the MPS can effectively contribute to visible policing through the enforcement of their two other mandates, namely traffic and by-law enforcement, the spiralling crime and the current shortfall in effective policing by SAPS and the massive impact on communities is such that there is no option for Metro Police to withdraw from crime prevention and the enforcement of specialised crime threats such as gang violence, metal theft, drug and alcohol and numerous other issues.
- The City remains aware of the subtext of several of the pronouncements by the national minister and other individuals and structures which appear to be laying the foundation to rationalize their intention of national government to seize control of the metro police services within municipalities – the City views the frequent criticism and interrogation of Cape Town in the light of this.

FINAL COMMENTS

- The failure of national government to correct the shortcomings of the Prevention of Illegal Eviction from and Unauthorised Occupation of Land Act (PIE Act), as requested by SALGA over several years, has created an unrealistic and undue burden on public and private land owners to protect land, which in part is fueling the conflict and violence – there is an urgent need for national government to support the PIE Act with the necessary regulations in terms of the Act
- The coordinated spate of land invasions since the first week of July is the result of the political conflicting and or contradictory messages by national ministers on the subject of land invasions, poor legislation, the intermittent lack of support by the national police service, severely problematic court rulings and agitators organizing the land invasions

FINAL COMMENTS

- The City is further aware that it has been summoned to appear before no less than four portfolio committees in the last three months at least 6 times and we further note that no ANC controlled municipality has been treated in this manner even through the matters which the City is being interrogated on apply equally or more significantly to each of these, such as land invasions and demolitions as demonstrated earlier in the presentation. Page 5 of the research paper circulated to the committee before this meeting outlines the differential treatment received in courts by the City of Cape Town and other ANC controlled municipalities



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Thank You

Making progress possible. Together.

Video: Qolani stripping naked

