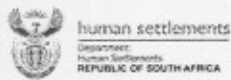


## Progress Report on the Implementation of the Judgment of the Constitutional Court Case

2 June 2010



## Consultation Process

The last report before this Committee was on 4<sup>th</sup> of November 2009 , amongst other things results of the socio-economic study, typology of the housing units, densities, transitional housing arrangements and allocation of housing units.



## Consultations

Subsequent thereto, various meetings were held by the parties and the proposal made by the provincial government pertaining to the upgrade of the Joe Slovo area;

On 1 February 2010, national and provincial departments of Human Settlements submitted a joint report to the Constitutional Court.



## Development proposals

Since the commencement of 2010, parties have been working on the development proposal via an established joint technical steering committee;

The joint technical steering committee has been established with representatives of local, provincial and national departments.



## Joint Steering Committee

The main purpose of the Joint Steering Committee is to:

- (a) instruct and inform external consultants on the drafting of a final (amended) layout plan in order to finalise same;
- (b) consult with the relevant community members, including residents of Joe Slovo pertaining to the proposed final layout plan;
- (c) submit the final layout plan to the City of Cape Town for its approval;

## Joint Steering Committee

- (d) consult with the Dept of Environmental Affairs and Development Planning thereon and obtain the requisite environmental and planning approvals;
- (e) consult with the City of Cape Town in respect of MIG funding and thereafter
- (f) establish the township.

## Joint Steering Committee

Once the above process is completed, the design phase will begin;

The construction of the bulk infrastructure including the road, services and electrical supply installations;



human settlements  
Department  
Human Settlements  
REPUBLIC OF SOUTH AFRICA

## Allocation proposal

The steering committee will propose the allocation process in terms of which current residents of Joe Slovo will be allocated into the projec.



human settlements  
Department  
Human Settlements  
REPUBLIC OF SOUTH AFRICA

## Funding

Costing of the top structure will be done by the HDA once the final layout plan has been approved, and funding made available by province and local municipality.



human settlements  
Department  
Human Settlements  
REPUBLIC OF SOUTH AFRICA

## Consultation

The province will continue to consult with residents in terms of the Court Order and any other interested parties so as to obtain their consent and agreement in this regard, in conjunction with the City and National

Initial transfers to beneficiaries is expected at the beginning of August 2011.



human settlements  
Department  
Human Settlements  
REPUBLIC OF SOUTH AFRICA

## Possible variations

Should the ongoing engagement process result in an agreement between all the parties, such an agreement will be placed before the Constitutional Court, once finalised. The agreement may result in various variations from the terms of the current Court Order.



## Possible variations

Variations may be necessitated by the redevelopment process envisaging 100% of the units to be built on the site of Joe Slovo Informal Settlement being allocated to people currently resident there or who were resident there but moved away after the launch of the N2 Gateway Housing Project.



## Possible variations

Those people will no longer require temporary accommodation in the form of temporary residential units as the proposed development will be *in situ*.

The proposed development proposes a greater densification so as to accommodate substantially more than the 1500 persons referred to in paragraph 18 of the Court Order.

## Consultation still necessary

The proposed final (amended) layout plan is still at the drafting stage by the Province's consultants and is yet to be workshopped with relevant stakeholders and/or residents;

As such, the consultation process in order to achieve final agreement on all the remaining issues has some way to go still.

## Report to the Constitutional Court



Province and national provided a further report to the Constitutional Court on 30 April 2010 and 3 May 2010 respectively;



Constitutional Court has been advised that consultation process is ongoing and that there may be variations from the terms of the current Court Order in which case the parties will approach the Court.



human settlements  
DEPARTMENT  
HUMAN SETTLEMENTS  
REPUBLIC OF SOUTH AFRICA

## Deferment of obligation to report



The Constitutional Court has been asked to grant an order in terms whereof any further reporting obligation is deferred until the consultative process, as outlined above, has been completed.



This will have the effect of curtailing legal costs occasioned by periodical preparation and filing of reports by the legal teams.



human settlements  
DEPARTMENT  
HUMAN SETTLEMENTS  
REPUBLIC OF SOUTH AFRICA



## Deferment of obligation to report



It has been proposed to the Constitutional Court that a postponement of the obligation to report should be subject to any party's right to approach the Court at any stage for a ruling as to the implementation of the Order or the development process that is being applied;



human settlements  
Department  
Human Settlements  
REPUBLIC OF SOUTH AFRICA

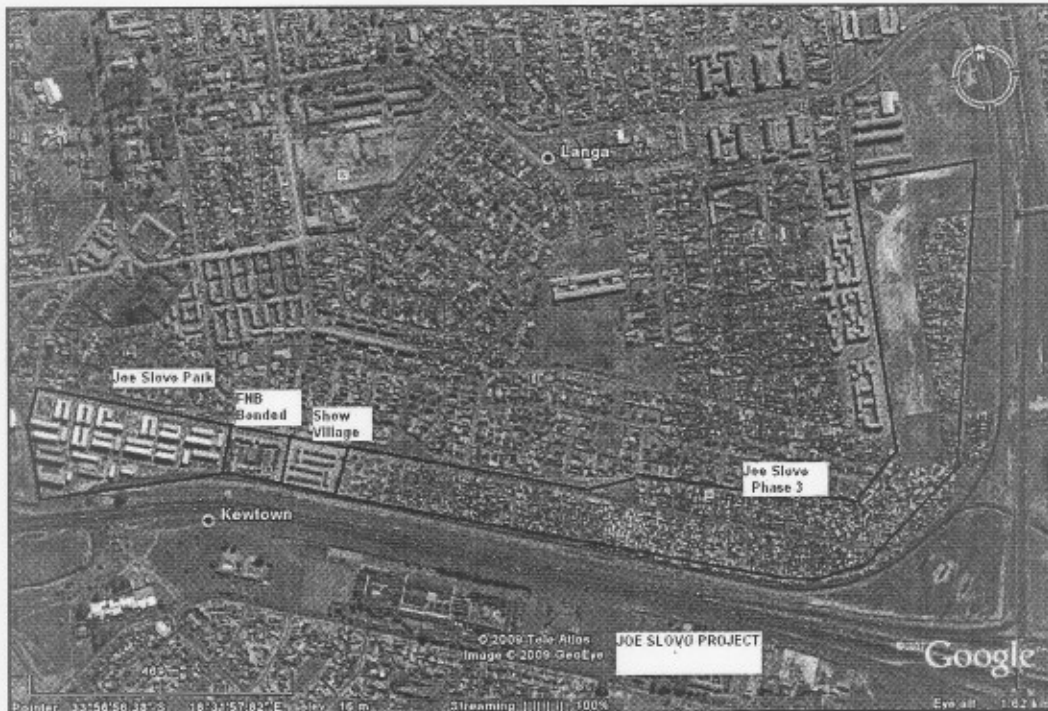
## Court ruling



A ruling from the Constitutional Court as to the request that any further reporting obligations be deferred until the process referred to above has been completed, is awaited



human settlements  
Department  
Human Settlements  
REPUBLIC OF SOUTH AFRICA



## Specific interventions

As a result of the constitutional court judgement on the Joe Slovo Informal Settlement, certain interventions have been instituted.

Key elements of the Concourt ruling were:

- a) Provide housing opportunities to minimise relocation of people.
- b) Ensure consultative engagement to engender community consultation and buy-in.

## Specific interventions

Two facets to the interventions:

1. Technical Design and Planning of the Development
2. Social facilitation/Community Engagement



human settlements  
Department  
Human Settlements  
REPUBLIC OF SOUTH AFRICA

## Technical Design and Planning process

The urban design proposal yielded a provisional sum of 2800 units.



To comply with the Concourt judgement, the densities in the development proposals have had to be increased.



## Technical Design and Planning process

Unit Description	Phase 3 A	Phase 3 B	Phase 3 C
40m <sup>2</sup> Double storey units	1080	740	526
20m <sup>2</sup> Live / Work units	269	45	100
40m <sup>2</sup> Ground floor with disability access	20	20	
<b>Total-Number of units</b>	<b>1369</b>	<b>805</b>	<b>626</b>
<b>Total-Number of units (All Phases)</b>	<b>2800</b>		

## Social Facilitation & Community Engagement

HDA and PGWC has embarked on a participatory and inclusive community engagement process through the Project Steering Committee to conclude the following.  

- a) Draft Social Compact document
- b) Draft Community Engagement Strategy

## Social Facilitation & Community Engagement

The community has been engaged in power struggle between those who took legal action and the group that seems keen to move – raising questions of legitimacy in representation.

With Joe Slovo divided into areas/zones (Zone 30, 31, 32 and Intersite TRA), it has been agreed that there should be 2 representatives from each area to make the joint Project Steering Committee

## Social Facilitation & Community Engagement

The major thrust of the efforts by HDA is to ensure that the community knows their representatives – thereby eliminating elements of “illegitimacy”.

The community processes require constant engagement, management and monitoring at this stage