

ITEM NUMBER: C 63/12/22

MOTION IN TERMS OF RULE 18 OF THE RULES OF ORDER FOR COUNCIL FOR THE SCHEDULED COUNCIL MEETING ON 08 DECEMBER 2022

I Lungiswa Ntshuntshe hereby table a motion for the formalisation of all informal settlements.

Noting that:

The journey of normalising the indignity of temporary shelter has been a series of debate from the Land Act 19 of 1998 (the PIE Act), section 26(3) of the Constitution's requirement that a court consider all circumstances before making an eviction order, to the STREETS, PUBLIC PLACES AND THE PREVENTION OF NOISE NUISANCES AMENDMENT BY-LAW, 2021 in noting housing act 107 of 1997, making reference to Section 26 of the constitution.

COVID destroyed South Africa economically and had a catastrophic effect on the thousands of borderline poverty stricken families of those earning minimum wage. It further affected those who had some viably stable income from the back yard dwellers renting informal structures in the back of people's houses, as well as those who built flats at the back of their houses for a stable income due to the influx of those from different provinces looking for better job prospects. Loss of income has forced people to erect informal structures to alleviate the burden of rent so that money could be channelled to food, and other basic immediate needs.

Formal settlements are given basic services such as Water, sanitation and electricity addressing the need of a very basic human right.

The burden of living in an informal settlement already puts those living in them at very high health risk.

There are no longer emergency kits afforded to Informal settlements in place of disaster.

Believing that:

Many South Africans can no longer afford rent due to loss of income and yet the housing allocation project continue to decline in delivery due to less funds being allocated yearly for housing opportunities.

Informal settlements in South Africa are a direct result of urbanisation and the inability of past legislation to adequately accommodate informal settlements.

It is the unwillingness of past governments to accept and formally plan for informal settlements in scrutinising the policies and grants in place to assist the poor.

Formalising a settlement will be a gate way to access more services such as schools, police stations and clinics to be built given the distance between the accesses to facility in kilometres.

This will reduce crime as people will not have to wake up early to walk long kilometres to access basic services in the dark just to get what is rightfully supposed to be freely afforded to them.

Over 200 informal settlements were erected from the year 2020 to date where desperate South Africans are creating a sense of security and dignity in erecting such a structure they can call home.

Formalisation of informal settlements allows for re-blocking and fire kits to be accessed through this process.

Recommend that:

- Council resolves to formalise all informal settlements without discriminating on when they are erected so all sites of informal settlements can be afforded basic services equally in restoring dignity through proper equal service delivery
- Furthermore we table this motion with understanding that the this will change people's lives in informal settlements
- That the relevant department reports to Council by March 2023.

Proposer: Cllr L Ntshuntshe (EFF)

Seconder: Cllr A Cassiem (EFF)

Date: 15 November 2022

MOSIE INGEVOLGE REËL 18 VAN DIE RAAD SE ORDEREËLS VIR DIE GESKEDULEERDE RAADSVERGADERING OP 8 DESEMBER 2022

Ek, Lungiswa Ntshuntshe, lê hiermee 'n mosie vir die formalisering van alle informele nedersettings ter tafel.

Met kennisname dat:

Die pad wat die normalisering van die waardigheid van tydelike skuiling geloop het, behels het 'n reeks debatte van die Wet op Voorkoming van Onwettige Uitsetting en Onregmatige Besetting van Grond, Wet 19 van 1998 (die PIE-wet), artikel 26(3) van die Grondwet se vereiste dat 'n hof alle omstandighede in ag neem voor 'n uitsettingsbevel gemaak word, tot die Wysigingsverordening op Strate, Openbare Plekke en die Voorkoming van Geraassteurnis, 2021 en die Behuisingswet 107 van 1997, met verwysing na artikel 26 van die Grondwet.

Covid het Suid-Afrika ekonomies vernietig en 'n katastrofiese uitwerking op die duisende grensgeval- arm families van dié wat 'n minimum loon verdien. Dit het ook dié geraak wat 'n redelike stabiele inkomste ontvang het van agterplaasbewoners wat informele strukture agter by mense se huise huur, asook dié wat woonstelle agter hul huise gebou het vir 'n stabiele inkomste weens die instroming van dié van ander provinsies wat beter werksvooruitsigte soek. 'n Verlies aan inkomste het mense gedwing om informele strukture op te rig ten einde die las van huur te verlig en geld na kos en ander onmiddellike basiese behoeftes gekanaliseer kan word.

Formele nedersettings kry basiese dienste soos water, sanitasie en elektrisiteit en so word in 'n baie basiese mensereg voorsien.

Die las van om in 'n informele nedersetting te woon, stel dié wat daar woon reeds aan 'n baie hoë gesondheidsrisiko bloot.

Noodstelle word nie meer aan rampplekke in informele nederstelling verskaf nie.

Met die siening dat:

Baie Suid-Afrikaners kan weens 'n verlies aan inkomste nie meer huurgeld bekostig nie en die projek vir die toekenning van behuising lewer steeds toenemend minder weens minder fondse wat jaarliks vir behuisingsgeleenthede toegeken word. Informele nedersettings in Suid-Afrika is 'n regstreekse gevolg van verstedeliking en die onvermoë van wetgewing in die verlede om genoegsaam vir informele nedersettings voorsiening te maak.

Eertydse regerings was onwillig om informele nedersettings te aanvaar en formeel daarvoor te beplan deur die beleide en toelaes in plek te bestudeer met die oog daarop om die armes te help.

Die formalisering van 'n nedersetting sal 'n poort wees vir toegang tot meer dienste soos skole, polisiestasies en klinieke want fasiliteite is ver.

Dit sal misdaad verminder want mense sal nie vroeg moet wakker word om ver te stap vir toegang tot basiese dienste in die donker net om te kry wat hulle regtens veronderstel is om gratis te bekom nie.

Meer as 200 informele nedersettings is sedert 2020 tot op hede opgerig waar desperate Suid-Afrikane 'n sin van sekuriteit en waardigheid skep met die oprigting van so 'n struktuur wat hulle hul tuiste kan noem.

Die formalisering van informele nedersettings maak voorsiening vir herafbakening ("re-blocking") en toegang tot brandweerstelle deur hierdie proses.

Aanbeveel dat:

- Die Raad besluit om alle informele nedersettings te formaliseer sonder diskriminasie oor waar hulle opgerig is sodat alle informele nedersettingspersele gelyke basiese dienste kan ontvang vir die herstel van waardigheid deur behoorlike gelyke dienslewering.
- Ons hierdie mosie voorts ter tafel lê met die verstandhouding dat dit mense se lewens in informele nedersettings sal verander.
- Die betrokke departement verslae aan die Raad voorlê teen Maart 2023.

Voorsteller: rdl. L Ntshuntshe (EFF)

Sekondant: rdl. A Cassiem (EFF)

Datum: 15 November 2022

**ISIPHAKAMISO NGOKOMGAQO18 ONGEMIGAQO YOLAWULO LOCWANGCO
YEBHUNGA ESILUNGISELELWE INTLANGANISO YEBHUNGA YOWE8
KWEYOMNGA (DISEMBA) 2022**

Mna Lungiswa Ntshuntshe ndidandalazisa isiphakamiso sokumiselwa ngokusesikweni kwazo zonke iindawo ezingamatyotyombe.

Kuqatshelwe ukuba:

Uhambo lokuzinzisa isidima kwiisheltha zexeshana luye lwaphembelelo uthotho lweengxoxo olususela kuMthetho ongezoMhlaba ongunomb.19 (uMthetho iPIE), ke ngoko icandelo 26(3) loMgaqosiseko linemfuno yokuba inkundla kufuneka ithathele ingqalelo yazo zonke iimeko ngaphambi kokuba senze isigqibo sokugxotha, NGOKUJOLISWE KUMTHETHO KAMASIPALA OLUNGISIWEYO ONGEZITRATO, IINDAWO ZOLUNTU NOKUTHINTELWA KWENKATHAZO YENGXOLO, ekuqwalaselweni komthetho ongezizindlu ongunombolo 107 wango1997, kusalathwa kwiCandelo26 lomgaqosiseko.

I-COVID iye yawutshabalalisa uMzantsi Afrika kwezoqoqosho kwaye yenze impembelelo enganambaliso kwamawaka eentsapho ethe yathwaxa yindlala ngokujoliswe kwabo banomvuzo osezantsi. Kwakhona iye yachaphazela nabo banomvuzo osisigxina ukususela kwabo bahlala kwiiyadi ezingemva kwezinye abarenta izakheko ezingekhosesikweni ezisemva kwezinye zezindlu zabanye abantu kunye nabo bokhe iiflethi ngasemva kwamakhaya abo ukuze bafumane umvuzo ngokusisigxina kwabo bangena ngobuninzi kweli phondo abaphuma kumaphondo awohlukeneyo, befuna amathuba angcono emisebenzi. Ukuphulukana nomvuzo kuye kwanyanzelisa abantu ukuba bamisele izakheko ezingamatyotyombe ukucutha uxanduva lokurenta ukuze imali leyo banayo bathenge ukutya nezinye iimfuno ezingundoqo.

Amatyotyombe asesikweni athi abonelelwe ngeenkonzo ezingundoqo ezinjengezaManzi, ezoGutyulo nezoMbane apho kuphendulwa eyona mfuno engundoqo yelungelo lomntu.

Uxanduva lokuhlala kumatyotyombe angekhosesikweni sekubeke abo sebhala kuwo kumngcipheko ophezulu.

Akusekho sibonelelo somgodlo wezixhobo zoncendo ezingxamisekileyo ezinikezelwa kumatyotyombe angekhosesikweni ngexesha lentlekele.

Kuyinkolelo yokuba:

Abemi baseMzantsi Afrika babanakho ukumelana nerenti kungokunje ngenxa yokuphulukana nomvuzo kwaye kwelinye icala iprowujekthi engolwabelo lwezindlu iye iqhubekela ngokuwohloka ngenxa yezimali ezinganelanga ezithi zabelwe rhoqo ngonyaka kumathuba angezezindlu.

Iindawo ezingamatyotyombe eMzantsi Afrika zingumphumela ongqalileyo wokungena edolophini nokungabinakho komthetho wamandulo ukukhawulelana neendawo ezingamatyotyombe.

Kukungazimiseli kwezirhulumente zangaphambili ukwamkela nokucwangcisa ngokusesikweni kweendawo ezingamatyotyombe, ekuhlelweni kwemigaqonkqubo, kumiselwe izibonelelozonedo ukuncedisana nabo bahlelekileyo.

Ukumisela ngokusesikweni kweendawo ezingamatyotyombe kokubangela ukuba kubenguvulindlela ekufunyanweni kweenkonzo ngokubanzi ezinjengezezikolo, izikhululo zamapolisa neekliniki ukuba zakhiwe, kuthathelwa ingqalelo umgama phakathi kwesakheko ngasinye ngokweekhilomitha.

Oku kuyakuthi kucuthe ulwaphulomthetho njengoko kungasakuba yimfuneko ukuba abantu bavuke ngentseni ukuba bahambe iikhilomitha ezinde ukufumana iinkonzo ezingundoqo ebumnyameni, ukufumana nje okufaneleke ukuba kunikezelwe kubo ngaphandle kwentlawulo.

Kungaphezulu kwama200 endawo zamatyotyombe ezithe zakhiwa ngowama2020, ukuzakuthi ga ngoku apho abami baseMzantsi Afrika bathi badale ubume bezokhuseleko nesidima ngokuthi bamisele ezo zakheko apho bazibiza ngokuba ngamakhaya abo.

Ukumisela ngokusesikweni amatyotyombe kuthi kuvumele ukususwa kwemiqobo kwaye kuyakuthi kufumaneke izixokelelwane ezingezocim'omlilo ngokwale nkqubo.

Kundululwa ukuba:

- IBhunga lithabathe isigqibo sokuba kumiselwe ngokusesikweni zonke iindawo ezingamatyotyombe ngaphandle komkhethe, xa zithe zakhiwa ukuze zonke iziza ezingamatyotyombe zithi zinikezelwe iinkonzo ezingundoqo ngokulinganayo, ekubuyiselweni kwesidima kusetyenziswa unikezelo lwenkonzo ngokulinganayo efanelekileyo.
- Kwakhona sidandalazisa esi siphakamiso sinengcinga yokuba oku kuyakuthi kutshintshe ubomi babantu abahlala kwiindawo ezingamatyotyombe
- Ukuba isebe elifanelekileyo malinikezele ingxelo kwiBhunga ngeyoKwindla 2023.

Siphakanyiswe: nguCeba L Ntshuntshe (EFF)

Sasekelwa: nguCeba A Cassiem (EFF)

Umhla: 15 kweyeNkanga (Novemba) 2022

MOTION IN TERMS OF RULE 18 OF RULES OF ORDER OF COUNCIL AS AMENDED BY COUNCIL ON 05 DECEMBER 2019 C19/12/19 FOR THE MOTION FOR THE FORMALISATION OF ALL INFORMAL SETTLEMENTS

I Lungiswa Ntshuntshe hereby table a motion for the formalisation of all informal settlements.

Noting that:

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Signed:



Lungiswa N

Seconded:



Aishah Cassiem

15 November 2022