

UNCONSTITUTIONAL

HOMES TORN DOWN FOR THE THIRD TIME



KICKED OUT
Residents of Marikana informal settlement have been left without homes
PICTURE: HENK KRUGER

Residents of informal settlement in Philippi remain defiant against their eviction

Daneel Knoetze
STAFF REPORTER

THE CITY'S Anti-Land Invasion Unit has again demolished dozens of shacks at the Marikana informal settlement in Philippi. As before, evicted residents remain defiant, vowing to stay on the land to rebuild their homes.

Yesterday, the site, a vacant plot of land off Symphony Way, was littered with collapsed shacks and furniture. On Tuesday and yesterday, the city's Anti-Land Invasion Unit demolished structures with hammers and crowbars.

An hour after her shack was torn down, the Cape Argus found Nolutu Maniyi sitting with her three-year-old granddaughter on a bed.

"I have no job. I have no money... I have no other place to go," she said. Maniyi had formerly worked as a cleaner in Cape Town, but lost her job after being injured in a car accident



Judith Sikade, pictured, a community spokeswoman and one of the settlement's founders.

"What pains us is that the law enforcement officers come without warning," she said "They mark our homes with a big X and then they

in 2009. Without an income, her savings ran out and soon she could not afford rent for her room in Khayelitsha's Site C.

She moved to Marikana last April, shortly after the land occupation which preceded the permanent settlement. Since then her shack has been demolished three times. She has rebuilt every time and intends doing so again: "I will ask the young men here to help me. But it is difficult, because I have no money to pay them for building the shack."

Unemployment and poverty are the main reasons that prevent people from leaving Marikana, a settlement without running water or electricity, says

Marikana: a name of power

A NUMBER of recent land occupations around South Africa have assumed the "Marikana" name.

S'bu Zikode, chairman of shackdwellers' movement Abahlalibase Mjondolo, has pledged solidarity with Marikana and its residents.

come back early the next morning to break them down. Never have I seen them present a court order.

"This is something that the constitution requires them to do, so we are convinced that the city is acting illegally."

In Zikode's home town of Durban, there are three informal settlements that carry the name. He knows of others in the Eastern Cape.

"The name acknowledges the miners at Marikana and their struggle for dignity," said Zikode. "This is linked to our own struggle for land, housing and dignity. The miners struggled on, even when faced with violent repression."

"That *amandla* (power) continues to inspire people in similar struggles. That is why these settlements carry the name of Marikana."

Section 26 of the constitution states: "No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions."

The Cape Argus asked the city to respond to the allegations that the unit had demolished the shacks without presenting a court order and that the land did not belong to the city.

Mayoral committee member for human settlements Pandeka Gqada acknowledged the land was not city-owned: "The city is monitoring the situation and assisting the land owner where possible."

NTWA Dumela Investments owns the land and plans to develop it by building factories.

The Cape Argus could not locate details for the company, but spokesman Oscar Saunderson said last May that the company had negotiated with residents to leave the land by August last year.

Constitutional lawyer Pierre de Vos, commenting on the first round of evictions in May last year, condemned the city for assisting in illegal evictions of Marikana residents because they did not have a court order to do so.

daneel.knoetze@ml.co.za

DA QUESTIONS PROCESS

Public protector asked to probe scoring of fishing rights applications

John Yeld
ENVIRONMENT & SCIENCE WRITER

WAS THERE a "frantic filling-in" of score sheets for the applications for new long-term fishing rights in the days after the successful names were announced on December 30?

That's an allegation by an insider in the Department of Agriculture, Forestry and Fisheries (Daff) that Public Protector Thuli Madonsela has

been asked to investigate. The request for the investigation into allegations that the rights applications were not properly scored has come from DA fisheries spokesman Pieter van Dalen, who says he was tipped off by the insider. The request follows demands – not yet met by the department – by some unsuccessful applicants to see their score sheets.

On December 30, Daff announced 593 new long-term rights in eight

sectors, with 215 being granted in the linefish sector. Only 115 of these 215 had previously held rights, while 100 new entrants were given rights. The remaining 235 fishermen and their crews were left without a source of income (although not all of them had taken up the rights awarded to them in 2005).

According to an agreement reached at an emergency meeting on Tuesday between a senior manager of the

department, Desmond Stevens, and Wally Croome, representing commercial line fish associations, the department is, by the end of next week, to send letters to rights applicants giving its reasons for its decisions and the score sheets.

Van Dalen, who has clashed strongly with senior staff in the department over several fisheries issues in the past two years, says he does not believe the correct process was followed in the

fishing rights allocation process and has asked Madonsela to investigate. "They apparently followed an accelerated allocation process" – I don't know what that means. They must have thrown all the rules overboard."

Van Dalen has also submitted a Promotion of Access to Information Act application for all documentation relating to the process.

john.yeld@ml.co.za

SEE PAGE 15