

The City of Cape Town's opening statement, 23 January 2014

1. The City's submissions concerning the issues before the Commission are that:

1.1 The terms of reference issued by the Premier in setting up the Commission do not include the City. Nonetheless the City has taken the position that it will do whatever it can to assist and cooperate with the work of the Commission, the work of SAPS and all the other parties involved in the work of the Commission, such as the Social Justice Coalition.

1.2 First, the City accepts as a fact and in principle that infrastructure and service delivery may well effect policing in a particular area.

1.3 Secondly, the City has, as one of the objects of local government as set out in section 152 of the Constitution to promote a safe and secure environment.

It works towards this in terms of its enforcement actions of traffic and by law enforcement as well as supporting the SAPS in a limited crime prevention duty through its Metro Police.

1.4 Thirdly, the City accepts that it has constitutional obligations in respect of socio-economic rights generally and those that could affect policing.

The City notes that there is no suggestion that it has in any way breached or contributed to the breach of the constitutional rights implicated by the policing issues directly.

The arguments advanced by the Social Justice Coalition and others are to the effect that the City's service delivery programmes could be improved to assist policing must be assessed against the voluminous and extensive documents the City has submitted to the Commission.

1.5 The documentation sets out in detail the City's service delivery programmes, and roll out in the past and for the forthcoming years. Included in the documentation are the city's programmes in relation to the provision of sanitation services, water, electricity, street lighting, bush clearing, housing, including upgrading of informal settlements, provision of new houses, de-densification. It also has provided evidence of the CCTV cameras setup to help policing in Khayelitsha.

1.6 The City explains why its efforts in respect of service delivery are compromised by vandalism, and sometimes resistance by overpopulated areas to its de-densification programmes. On Monday the 20th of January 2014 the City reported that many millions of Rand were spent by it in repairs to broken down structures resulting from vandalism and theft.

"In 2012 the City's Electricity and Services Department initiated a proactive public lighting repairs programme in the Khayelitsha area. The net result of this work was that the burning rate in major parts of Khayelitsha improved from approximately 30% to approximately 90%."

1.7 There are more than 204 informal settlements in Cape Town, and it is clear from the evidence before the Commission by the experts called by the Social Justice Coalition and the evidence leaders that urbanisation and the consequent rapid increase in the population of Cape Town and particularly Khayelitsha, places significant constraints on the ability of the City to rise to all the developmental challenges it is confronted with throughout its jurisdiction.

2. I turn now to the City's stance in respect of the evidence.

The City regards the detailed and voluminous documentation it has provided to the Commission in 7 Lever arch files consisting of more than 1000 pages as important and significant evidence to be considered by the Commission in its deliberations.

3. During the commission the City does not intend to cross-examine or submit interrogatories to those witnesses who make broad and generalised suggestions, that the

City's service delivery programme is insufficient or defective in any way. The City will request that the Commission consider the extensive documentation it has submitted and bearing in mind that evidence analyse the critics made.

The City will make available a witness to explain its CCTV camera crime prevention and control operation and provide the Commission open and complete access to the CCTV's section of the TMC, operating in Goodwood. It will also make available as a witness Richard Bosman, the Executive Director of the City's Safety and Security Directorate. Mr Bosman has already provided a detailed statement to the Commission on those aspects raised by the Commission, which relate to the City.

4. I now make some general concluding remarks:

4.1 During the High Court and Constitutional Court proceedings relating to this commission the City filed short affidavits from Mr Bosman and Ms. Deirdre Olivier, the City's attorney, and submitted written submissions.

4.2 The City's stance was, as it is now and intends to be, to assist and cooperate with all institutions, whether it be a governmental or non-governmental organisation and indeed the Commission itself, to assist the policing function in Khayelitsha, and indeed all areas within its jurisdiction, so that as many people as possible, if not all, may enjoy their section 12 constitutional right to freedom and security of the person, from all forms of violence from either public or private sources, and that every man woman and child's right to dignity be respected and protected.