

The no-man's-land of District Six

When Cape Town welcomes the world next year, it will still wear its angriest apartheid scar, writes **Murray Williams**

Sixteen years after the advent of democracy, the sight which will greet tens of thousands of visitors will be the same barren plain which was left when apartheid bulldozers razed the once-thriving suburb of District Six.

Experts estimate that the property, valued at billions of rands, could accommodate around 4 000 new homes. But the plan for thousands of new homes remains little more than a broken promise. Only 24 have been built - an embarrassing failure to redress grand apartheid's evil designs.

We asked several key figures about District Six's uncertain future.

Dan Plato, Executive Mayor of Cape Town

I would like to express my utmost disappointment with the continued delays in the redevelopment of District Six. District Six stands as a stark testament to the failure of the Land Claims Commission to deliver on their promises.

I am outraged at the disorganisation of the commission who are the custodians of this project. The tragedy of the forced removals has been worsened by the continued injustices of delayed restitution.

When a case as prominent as this is not being resolved, it is symbolic of the dismal state of land reform in our country as a whole. Unresolved land rights are crippling development in every corner of South Africa, and the failure to ensure effective performance by the Land Claims Commission will go down in history as one of the greatest failings of our new democracy.

The City of Cape Town is an active member of the District Six Task Team, and is doing whatever we can to assist in overcoming the obstacles in this particular case.

Unfortunately, the City's role as the custodian of the land is limited with regard to restitution, and what efforts we can make have been marred by the Land Claims Commission's lack of capacity.

We are looking forward to the Regional Land Claims Commission's making the necessary appointments, so that the development and spatial framework and business plan can be completed.

Once this is done, I will be instructing the City's planning department to work closely with the parties selected to complete the development framework so as to accelerate this project.

The redevelopment of District Six is as complex as it is important.

Not only does the vacant land remind us of wounds unhealed, but it is a massive loss of economic potential, since this prime land could be put to great use in uplifting the city.

The successful completion of this project requires dedicated representatives of all the relevant role-players to put aside their differences and personal interests, and work together with skill and dedication. I will be doing so.

Helen Zille, Western Cape Premier

The main problem is that the redevelopment of District Six was delegated to people with the right political connections but none of the skills or capacity to manage the enormous project. Every time the City tried to assist, it was overruled.

The system put in place to manage this project was wrong from the start, and the Land Claims Commission (which is responsible for managing land restitution) did not follow the correct legal processes.

The result of incapacity, weak management and bad processes has been one delay after another with very little work happening. This has meant that only 24 houses have been completed nine years since the redevelopment started, and their owners still do not have title deeds.

Now a second "pilot project" managed by the Trust has failed, and will only deliver around 60 of the 120 houses that they promised. The City and the Province are now planning legal action to break the logjam.

Anwar Nagia, District Six Development Trust

District Six is not about money. There is no amount of money that can heal the pain of forced removal. Our pain can only be healed by rebuilding a community that addresses all the social ills we suffer as a nation today. It is about restorative justice.

The Trust wants to build homes for poor people in an environment that is sustainable and uplifting.

In contrast, big business wants to tempt the poor with thirty pieces of silver while eyeing the huge mountain of gold that the land in District Six represents. Their agenda is insidious and helped by wilful politicians who not only twist the truth to meet their own aims, but who also turn the community against itself.

District Six has become symbolic of everything that is wrong in our present discourse. We will build District Six in spite of that because a decent home is our birthright. What is more, we are winning - just as we did against apartheid.

Andrew Boraine, Cape Town Partnership

Any project of this size and nature requires partnerships. Partnerships begin with relationships, which in turn begin with trust.

Trust is the missing element. The problem lies in part with the original agreement, which effectively gives all the parties veto rights over each other, hence a perpetual deadlock in decision-making.

In the case of District Six, restorative justice is necessary. However, the Land Restitution Act, which was designed primarily for rural land restitution, is not a useful mechanism for a complex urban development process.

District Six is a Cape Town problem, not just a community problem.

However, District Six sometimes assumes the status of a sacred cow, that is, untouchable by anyone outside the community. This inhibits the possibility of a broader set of partners helping to find solutions, including finance and development expertise.

The Cape Town Partnership would like to repeat the offer that we have made in the past that we are ready and willing to work with all parties to assist with the full and complete

redevelopment of District Six as a matter of priority.

Beverly Jansen, Land Claims Commission

The task of the Restitution Commission is the return of land which claimants lost under the Group Areas Act. This is done under the amended Restitution Act of 1995. The restitution process is about righting the wrongs of the past. In the Western Cape we have settled well over 15 000 of the 17 000 claims lodged during 1995. The cut-off date for the lodgement of claims was December 31, 1998.

Our first task after lodgement is to validate the claim - finding the evidence on behalf of the thousands of claimants that they lived on the claimed land. This can take a good year or more. Such evidence must be able to stand up in court if there are any court challenges. Thereafter each claimant and siblings and other family members have to be verified.

They have to furnish the commission with birth certificates, marriage certificates, IDs and so on. Then the claim gets published in the Government Gazette. The legal document, called S42D, is then drafted.

This is an agreement between the claimants and the state. Agreements about grants and other benefits have to be entered into.

What I have described above may seem inconsequential to some, but it is time-consuming and often requires an entire team to work on.

Professionals such as town planners, architects and business analysts are thereafter appointed through government tender processes to draft business plans and create a town plan.

In the case of District Six we have formed an inter-government task team comprising the Department of Human Settlement, the WC Premier's Department, various provincial government departments, the Restitution Commission and the National Restitution Commissioner's office as well as the District Six Trust.

Currently another 100 homes are being built on the site.

The completed business plan for the entire area is due before the end of the year, after which a decision will be made on who will manage the development to its conclusion.

It has taken patience and perseverance to reach this point as this is a negotiated settlement.

It is worth noting that countries such as Australia, New Zealand and Canada are still struggling to complete restitution processes.

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