

SPEECH BY CLLR MPHOS PARKS TAU, EXECUTIVE MAYOR OF JOHANNESBURG, AT THE GENERAL MEETING OF MEMBERS OF THE GAUTENG CIRCLE OF THE LAW SOCIETY OF THE NORTHERN PROVINCES, SUNNYSIDE PARK HOTEL, JOHANNESBURG, 11 OCTOBER, 2014

Chairperson of the Gauteng Circle of the Law Society Mr. T. Mkhonto

Our keynote speaker for today Honourable Judge V Saldanha

Members of the Gauteng Circle of the Law Society

Distinguished guests

Ladies and Gentlemen

Good Morning

On behalf of the City of Johannesburg I would like to thank you for inviting us to this important function of the legal fraternity. Gatherings like these offer us an opportunity to share ideas but also to immerse ourselves in the country's legal issues and in the latest debates in the field.

Ladies and gentlemen, as a country we have come a long way since the dawn of democracy in 1994. The democratically elected government led by the African National Congress has done much to deliver on the people's expectations since then. We now have the most liberal constitution in the world. Previously, human rights violations were an intrinsic part of the system. Now, when they occur, they are seen as a disgrace to our society and action is taken against the perpetrators. Apartheid, which left many of us with physical and mental scars, has been buried for good.

As the City of Johannesburg we have also made strides in implementing national policy. We continue to transform our City, including our townships such as Soweto and Alexandra, from a city based on segregation and suspicion to a non-racial people's city. Let me name a few achievements over the last few years. The City has built proper houses for our people in the townships. The Rea Vaya project has transformed the landscape of Johannesburg, Soweto is the first black township in South Africa to rid itself of gravel roads. Tourism is booming in Johannesburg and we are creating a cleaner, safer, greener environment.

We are continuing to build on these past successes. In October 2012 we adopted a new vision, built around ten priorities. These ten priorities are an important bridge linking us to the future through our decisions on the allocation of resources and our carefully considered implementation programmes. Through these, we will ensure that the City realises the objectives of developmental local government.

I only have time to highlight a few of the City's ten priorities. Then I will summarise some of the legal problems and challenges we are faced with which require the attention and advice of this gathering of legal talent. Johannesburg's ten priorities include:

Financial sustainability and resilience, through which we hope to raise our collection of service revenue to 97%.

Sustainable human settlements characterised by, amongst other things, the acquisition of land to implement social housing and mixed land use development projects such as the Corridors of

Freedom. This is a long-term development programme, the heart of which is to address spatial, social and economic inequality in our City. Three key development priority areas have been identified in line with the Corridors of Freedom initiative, linking the Central Business District - the CBD - with Alexandra and Sandton via Louis Botha Avenue; Soweto to the CBD along Empire and Perth Streets, and the Turffontein node. The intention is that City residents will live closer to their workplace and be able to reside, work and play without having to use private motorised transport. Safe, affordable and convenient buses, and an environment that makes cycling and walking pleasant and inviting, will reduce the domination of carbon-emitting private vehicles.

SMME and entrepreneurial support through which we intend to improve access to support and development services for SMMEs and entrepreneurs, ensuring better access to opportunities. We expect our SMMEs and co-operatives to tap into our co-production programme, Jozi@work. By introducing Jozi@work we are breaking down the divide between the 'first' and 'second' economies, opening up opportunities for those previously excluded.

The Smart City initiative. This will bring, for instance, 100% access to affordable internet services across City-owned buildings.

A safer city ensuring improved, ward-based, visible law enforcement focusing on bylaws and municipal matters. We are convinced that this will contribute to the reduction of crime.

This then is the society that we at the City of Johannesburg are working towards. However, we find ourselves teetering on the edge of a slippery slope as we try to create a meaningful and dignified life for the people of our region. We have encountered many problems and challenges, as have our sister city of Tshwane and others elsewhere in South Africa and the world. These challenges include poverty, crime and unemployment. But we are at a legal gathering today, and I want to focus on the difficult law related problems which confront the City of Johannesburg.

For example, achieving the objectives of the Corridors of Freedom is not without challenges. To establish them, property owners will have to sell to make way for the project. These owners will have to be persuaded that the Corridors of Freedom vision will ultimately benefit the entire City, which includes themselves. Properties in the earmarked areas will have to be purchased or at worst expropriated to make way for the Corridors of Freedom. Litigation is an unfortunate possibility here, though it is time consuming and likely to hit the City's not so deep pockets. These cumbersome procedures, including negotiations, purchase, and sometimes expropriation and litigation could delay the implementation of the Corridors of Freedom project. It is only with the support and cooperation of our residents that programmes such as this can succeed.

Other challenges in bringing about sustainable human settlements revolve around dilapidated buildings and properties within the city's area of jurisdiction. A great number of urban poor find shelter in these dilapidated buildings, which sometimes become crime havens from where the darkest of deeds are planned and implemented. To identify, control and manage such properties, the City of Johannesburg promulgated the Problem Properties by-law in June 2014. This enables us, through due process, to identify, classify and obtain control over such buildings and properties. This will ensure the restoration of affected properties, making them suitable for decent human habitation.

The formation of City Improvement Districts, or CIDS, is an important management tool in the turn-around strategy for upgrading dilapidated areas and bringing about investment in the City. A number of successful CIDS have been formed and are operating in different parts of the City, contributing positively to its sustainability.

Legislation enabling public private partnerships such as the CIDs to assist with the upliftment and improvement of areas experiencing degeneration is crucial, and the City is investigating ways of further facilitating CIDS within its area of jurisdiction. However, we are confronting difficulties, as the City Improvement Districts Act, employed to establish CIDS, is currently facing constitutional challenge.

We are also faced with challenges around the provision of emergency accommodation for those evicted from buildings. The need to provide emergency accommodation continues to be a major problem for the City particularly after the Constitutional Court judgment in *Blue Moonlight Properties vs. the City of Johannesburg* which ruled in favour of the evictees. As the City we constantly seem to fall short before the courts with regard to the provision of emergency accommodation. As a result, the City is obliged to adopt an ad hoc approach each time it is ordered by the court to provide emergency accommodation.

The City, which is responsible for prudent use of municipal funds, has been obliged to take an opposing stand in most instances where building occupiers were declared homeless by the court after eviction. This has resulted in the City being ordered to file court reports setting out its method of engaging with the occupiers, and outlining the type of emergency accommodation it can provide, and when it can do so.

The City is obliged to furnish this information under oath, explaining for instance, where its real problem is, whether it is lack of funds or availability of space to accommodate the evictees. Under these circumstances, the City is often repeatedly called to court to explain itself, incurring unnecessary costs.

The tussle we have had with traders over trading platforms or spaces should not make citizens conclude that the City of Johannesburg is against informal trading. The opposite applies. It is our duty to build a growing and inclusive economy. As the City we are therefore mindful of the vital importance of informal traders. We are working hand in glove with them to ensure that they become successful entrepreneurs. For example we are currently engaging with various stakeholders involved in the upgrading of informal trading in our region. As the City we are managing the process of reinstating and regularising informal trade in the City. We are working on ensuring that legitimate and lawful informal traders are allocated trading accommodation in a legally compliant manner, taking into account their interests as well as those of the business owners in the area.

To ensure good governance and in order to win the confidence of our residents, in June 2013 the City approved the establishment of the Office of the Ombudsman. The establishment of this office will provide our residents with a new avenue for their complaints regarding actions by the City and its officials. We are currently in the process of recruiting the Ombudsman.

In addition to the positive developments around the Ombudsman, the City is increasingly finding ways to work with its residents, business and civil society to increase community participation in the

delivery of services. In its promotion of the transformation agenda, the City encourages its departments and entities to appoint service providers in accordance with the transformative legislation that is in place. We have not, in our endeavours, forgotten you, our dearest members of the legal fraternity. As the City we draw, and will continue to draw, legal expertise from your ranks to help us deal with some of the problems experienced by the City.

At the moment, our City has a Panel of Attorneys in which 29 law firms are currently serving. These are categorised into big, medium and small law firms. Instructions to the law firms are on a rotational basis. Where necessary, the small law firms are partnered with the big or medium ones to ensure the transfer of skills. The City's current Panel of Attorneys was appointed in 2012 and will serve until 2015. Before the term of office of the current panel expires, the City will again call for proposals from law firms to be placed on the next panel.

Ladies and gentlemen, these then are some of the socio-economic and legal nuances surrounding the City of Johannesburg. As I outlined in my speech, in spite of the various challenges, we continue to work hard as the City in an effort to ensure a viable and worthy 21st century city, the pride of every Joburg citizen. I would like to emphasise that this Law Society has a role to play in the further development of the City of Johannesburg. We are pleased and honoured to be associated with you.

Thank you