

## **AB AHLALI BASEMJONDOLO AMICUS INTERVENTION: BROMWELL STREET MATTER.**

By: Seri-SA

26 February 2024

On Tuesday, 27 February 2024, the Constitutional Court will hear the matter of *Commando & Others v The City of Cape Town & Another*. The matter has been brought by the residents of Bromwell Street who are represented by Ndifuna Ukwazi. Abahlali baseMjondolo (Abahlali) have been admitted as amicus curiae (friend of the court) and are represented by the Socio-Economic Rights Institute of South Africa (SERI).

The applicants in the matter are long-standing residents of Bromwell Street in Cape Town's city centre and they have approached the Constitutional Court to appeal a decision of the Supreme Court of Appeal (SCA) delivered on 6 February 2023. This decision permits the City of Cape Town to evict the Bromwell Street families and relocate them to informal settlements, such as Wolwerivier, which are far away from the city centre.

The SCA decision overturned the Western Cape High Court decision of 6 September 2021 which found that the City of Cape Town's Housing Programme was arbitrary and unlawful, and ordered the city to provide the applicants with temporary emergency accommodation in Woodstock, Salt River or in the inner-city precinct.

The key issue before the Constitutional Court is the constitutionality of the City's housing policy not to provide temporary emergency accommodation in the inner city of Cape Town. Abahlali intends to make submissions that will specifically draw on international law to inform the interpretation of section 26 of the Constitution and the right to adequate housing.

In particular, Abahlali relies on the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, both of which South Africa has ratified. The central issue is the location of alternative accommodation provided by municipalities to people facing homelessness upon eviction. This is a matter of great importance in circumstances where large metropolitan municipalities seem to be implementing policies that resemble apartheid spatial planning in a democratic South Africa.

Municipalities cannot replicate apartheid era displacement of poor residents to the outskirts of city centres. The matter therefore holds significance not only for the Bromwell Street residents but for South Africa as a whole and the protection and advancement of our Constitutional ethos.

*This press statement was released by Seri-SA on 26 February 2024.*