

# Journal of Asian and African Studies

<http://jas.sagepub.com/>

---

## **A Politics of Land Occupation: State Practice and Everyday Mobilization in Zille Raine Heights, Cape Town**

Jessica Thorn and Sophie Oldfield

*Journal of Asian and African Studies* 2011 46: 518

DOI: 10.1177/0021909611403710

The online version of this article can be found at:

<http://jas.sagepub.com/content/46/5/518>

---

Published by:



<http://www.sagepublications.com>

**Additional services and information for *Journal of Asian and African Studies* can be found at:**

**Email Alerts:** <http://jas.sagepub.com/cgi/alerts>

**Subscriptions:** <http://jas.sagepub.com/subscriptions>

**Reprints:** <http://www.sagepub.com/journalsReprints.nav>

**Permissions:** <http://www.sagepub.com/journalsPermissions.nav>

**Citations:** <http://jas.sagepub.com/content/46/5/518.refs.html>

>> [Version of Record](#) - Sep 22, 2011

[What is This?](#)

# A Politics of Land Occupation: State Practice and Everyday Mobilization in Zille Raine Heights, Cape Town

Journal of Asian and African Studies

46(5) 518–530

© The Author(s) 2011

Reprints and permission: sagepub.

co.uk/journalsPermissions.nav

DOI: 10.1177/0021909611403710

jas.sagepub.com



**Jessica Thorn**

Independent researcher

**Sophie Oldfield**

University of Cape Town, South Africa

## Abstract

In this paper we reflect on a contested land occupation in Cape Town, the informal settlement of Zille Raine Heights in the city's southern suburbs, to explore the settlement's struggle to gain a legal right to land and the state's attempts to remove it. In occupying land and defending their right to a decent place in the city, Zille Raine Heights and other settlements like it challenge the state in precise ways. This paper explores the provisional and unstable ways in which land occupiers and the state access and defend resources such as land, and in the process, engage in a politics of occupation together.

## Keywords

Eviction, land occupation, legal struggle, mobilization, state practice

## Introduction

In this paper we reflect on a contested land occupation in Cape Town, Zille Raine Heights in the city's southern suburbs, to explore the settlement's struggle to gain legal right to the land and the state's attempts to eradicate the settlement and to force residents to relocate to the edge of the city. Through the experiences of land occupiers, we analyse in particular the discourses and the processes the state enacts in relation to occupation, particularly contesting the settlement's right to exist, and symbolically and materially marking its illegality. Although Zille Raine Heights's residents have mobilized to assert and defend their right to be on the settlement and in this particular part of the city, their claims are tenuous, contested by the city physically in

---

## Corresponding author:

Dr. Sophie Oldfield, Department of Environmental and Geographical Science, University of Cape Town, Private Bag X3, Rondebosch, Cape Town, 7701, South Africa.

Email: [sophie.oldfield@uct.ac.za](mailto:sophie.oldfield@uct.ac.za)

attempts to demolish the settlement, legally through the courts in processes undertaken to evict the community and remove residents to the urban periphery, and symbolically and discursively in their labelling residents illegal land invaders.

In the tension between the security of building homes and a community and the insecurity generated in the city's attempts to remove them, Zille Raine Heights's residents experience the state, and its policies and politics of occupation. Their experience is not unique. In the City of Cape Town, some peripheral settlements are visible to the public eye through their designation for upgrading.<sup>1</sup> Others remain invisible, permitted because they have been ignored or neglected. In a third context, certain informal settlements have been labelled 'illegal'. Through this status and the subsequent legal process taken to evict land occupiers, they have become visible to the city and the public. Zille Raine Heights is such a case, interdicted as illegal, and thus targeted for eviction and removal, ironically, to another informal settlement in a less valuable and orderly area on the city's periphery.

In this contested context, the Zille Raine Heights community experiences the state and its multiple faces, via law enforcement officers, the police, city lawyers, and city and provincial housing officials and politicians. This everyday engagement with varied parts of the state is ambiguous, in real and challenging ways limiting the possibilities for maintaining their homes and the occupation. At the same time, however, in mobilizing, leaders and residents assert themselves as settlement members, as city dwellers and as citizens. Engaging the state and its challenge of removal thus also creates opportunities to object to land policies and to assert and secure the community's present place in the city.

In this case, we demonstrate land occupiers' agency to contest and challenge, through, for instance, the delay and postponement of the unfolding of land and settlement policies. We explore the multiple, and often contradictory, ways in which different parts of the state engage in issues related to land occupation. Because the state's actions and policies are perceived by Zille Raine Heights leaders and residents as arbitrary, leaders and residents mobilize to counter their removal. They challenge normative ideas of legitimate practice in relation to land by fighting the city for what they deem are their legitimate rights to decently located land. Through the shifting agenda and politics of land, occupation and removal, and a detailed analysis of how and where land occupiers meet representatives of the state, this case helps us critically consider everyday access to the state.

## **A Perspective on the State and Land Occupation**

In economically impoverished township contexts, the state is a powerful agent that shapes urban geographies and territories. Yet, as Scott argues:

We must keep in mind not only the capacity of state simplifications to transform the world but also the capacity of the society to modify, subvert, block and even overturn the categories imposed upon it. Here it is useful to distinguish what might be called facts on paper from facts on the ground ... We must never assume that local practice conforms with state theory. (1998: 49)

State policies and programmes simplify complex and contextual realities to make them legible to 'development', a process that legitimates and delegitimates, and thus shapes our urban geography and imagination. The state's actions are not monolithic however. The roles that state representatives play in developmental processes are complex because the state may simultaneously be an agent, explicitly creating and defending territories, and also represent a struggle for power and resources to

shape development, in this case to access and use land in particular ways (Oldfield, 2002). At the same time, individuals, groups, organizations and parties, in the local arena in this case, engage with and contest not only the state's multiple roles, but also its institutions, projects and practices.

Simone (2004) reminds us to consider citizens and their contingent negotiation of the city and its governance, and of the ways in which cities and development processes '... hold people in relations that make them governable' (2004: 7). At the centre of analysis in this paper are occupiers and the networks they draw on to assert some agency, however incomplete, contested or provisional, to occupy land and to create homes in the city. This type of analysis, as Corbridge et al. (2005) argue, helps us 'come to a more nuanced understanding of how people inhabit and encounter the state, and how they react to its everydayness and their senses of what it is to be a citizen, client and/or subject' (2005: 8). Particularly useful from their discussion is the idea of the state 'as consisting of diverse and not always cohering human technologies of government' (2005: 5–6). The state is therefore not consistent, nor is it experienced consistently. In a similar anti-reductionist vein, neither are 'sightings' of the state unitary; they are complex, mediated through the sightings of others and memories of past experiences (2005: 8–24). These entanglements and the 'illegibility' of state practice serve not only to complicate encounters with the state, but also open up spaces for manoeuvre, agency and negotiation that are experienced differently according to the bodies accessing them, in this case those of families persisting in informal settlements, variously named as land 'occupiers', 'invaders', 'shack dwellers', and 'families that seek shelter' (Corbridge et al., 2005: 35; Das and Poole, 2004: 19; Roy, 2003). Clearly, state policies and actions are not mapped onto inert and passive marginal populations. In experiencing and engaging policy, citizens encounter the state and in theory and practice open up spaces and moments for agency and negotiation.

These conceptual materials frame our examination of the everyday realities of land occupations and city attempts to forcibly remove and evict residents from their homes. Land occupiers engage with different parts of the state to contest and secure their claims through fighting in the courts against the city; moreover, they draw on provincial and national policies and experiences of other municipalities to assert and demonstrate the illegitimacy of the city's claim on the land they occupied. The body of theory directs us to pay attention to the state's multiple everyday roles in relation to land occupation and evictions and its interplay with the agency land occupiers assert. In doing so, we highlight the often contingent nature of state processes, and the complex and often ambiguous relationships that regulate land occupation in South African cities.

## **Zille Raine Heights: A Post-apartheid Politics of Land Occupation**

They are playing political games with us.

(Heunis, 10/08/08, Informal Settlements in Struggle meeting, Cape Town)

Living in an informal settlement implies a constant struggle against forces working to eliminate one's unauthorized and hazardous home.

(Huchzermeyer, 2007: 1)

Despite progressive legislation in the Bill of Rights in the South African Constitution (Act 108 of 1996), post-apartheid South Africa paradoxically has been marked by an increase in social inequality, particularly in the context of the macroeconomic policies of neoliberalization and privatization of market-based urban land and services (Ballard et al., 2006; Bond, 1999; Daniel et al., 2003). Poor communities remain on the urban periphery, whether through the legacy of apartheid land policies, contemporary forced removal, living in townships or through receiving beneficiary status

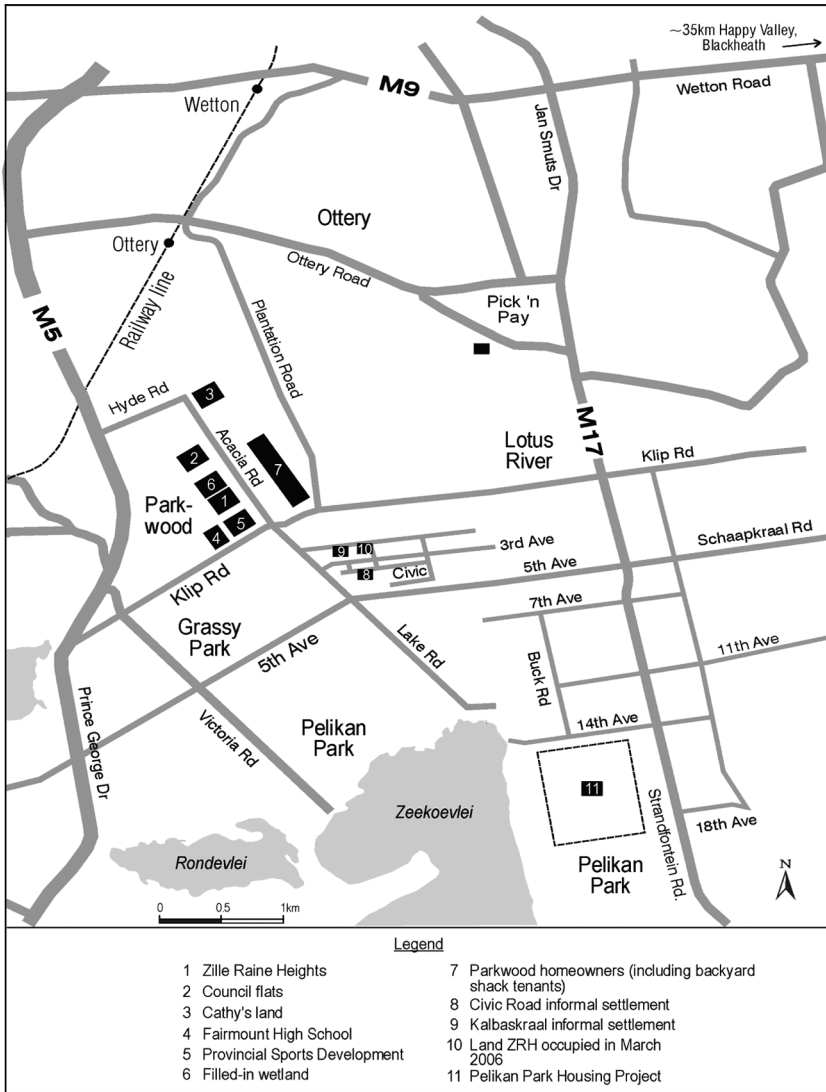
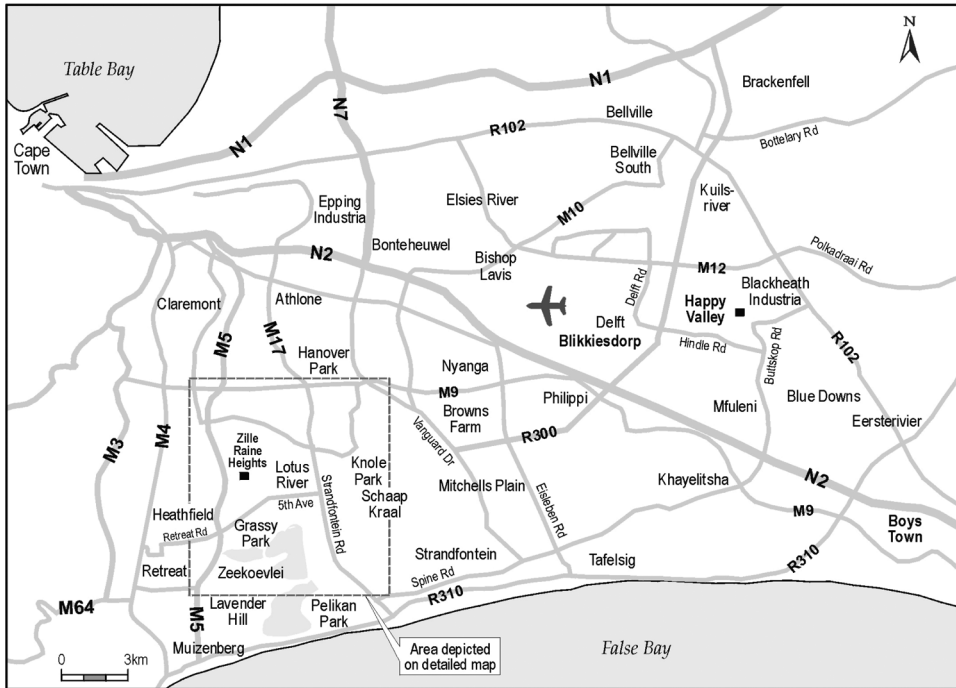


Figure 1. Zille Raine Heights and the surrounding settlements in Grassy Park, Cape Town  
Source: Sally Adam, Technodraft.

of state-subsidized homes. In practice, state-built homes in the post-apartheid era are primarily in poor peripheral locations and the supply is inadequate to meet the demand. While the provision of state-subsidized housing and land occupation have historically proved a means to access homes, the demand for state housing far outweighs supply (Huchzermeyer, 2003). In this context, land occupations in working-class suburbs (in the Cape Town case, most often in areas formerly segregated and classified as ‘coloured’ and ‘African’) have become relatively commonplace (see Huchzermeyer, 2007; Oldfield and Stokke, 2007).

In the Zille Raine Heights case, in 2006, 63 families occupied vacant land on the corner of Lake Road and Civic Road in Grassy Park (see Figure 1) in the southern suburbs of Cape Town (LH,



**Figure 2.** Zille Raine Heights and Happy Valley in the context of metropolitan Cape Town  
 Source: Sally Adam, Technodraft.

personal communication 09/09/08). On a Saturday evening in March 2006, families hauled wooden planks and sheets of corrugated iron onto a piece of land adjacent to the home in which monthly meetings had been taking place throughout the previous year. The next day, law enforcement, along with contracted casual workers from a neighbouring farm came to break down the structures, arguing on behalf of the city that land ‘invasions’ cannot be permitted as this allows anyone to ‘jump the queue for people on the waiting list for state-provided homes’, the state’s ‘normal’ justification against land occupation. Newly appointed Mayor Helen Zille joined the police, pronouncing that the city would try and offer an alternative location within the area and that within 18 months the people on the land would be offered permanent housing, including the possible option of the housing project of Pelikan Park. The following Sunday, the city identified erf 77856 in Parkwood Estate, a low-income area neighbouring Grassy Park. Within the month, all families were relocated by the state to the new location and assigned plots on which they could build temporary homes. Residents named the settlement ‘Zille Raine Heights’ to reflect, respectively, their appreciation of Zille’s intervention in their relocation and for Loraine Heunis, a founder of the settlement.

Seven months later the city changed its mind. Located on land owned by the Province and earmarked for a sports development, the city took legal action to remove the Zille Raine Heights settlement to allow for the development of the land as planned.<sup>2</sup> Two years and three months after residents had been relocated, a municipal court ruled for the eviction of the residents to Happy Valley, in Blackheath on the eastern edge of Cape Town located over 20 kilometres from Grassy Park (see Figure 2). In response, the residents contested the eviction ruling by applying

for an appeal trial, which was granted in February 2009. Residents challenged the city, arguing that removal would severely impact upon the livelihoods of the people of Zille Raine Heights due to the distance, increased prices, insufficient work opportunities, sanitation, education and health care, and cutting of social networks core to the settlement families' everyday survival. At the conclusion of the appeal trial in March 2010, the court ruled once again, however, in favour of the city, on the grounds that Happy Valley was indeed a reasonable alternative. The court also supported the city's claim that there was no viable land that could be serviced for a housing development in the Lotus River, Ottery, Grassy Park and Retreat Area (LOGRA), the areas surrounding Zille Raine Heights. Moreover, they stated that no agreement regarding the inclusion of the community in the Pelikan Park housing project had been reached. Continuing to use the courts as a means to engage with the state, in April 2010 Zille Raine Heights applied to the Supreme Court of Appeal to contest the ruling of High Court of Cape Town. The application was denied in July 2010.

Facing a legal dead-end and concerned about the viability of moving to Happy Valley, in July 2010 Zille Raine Heights residents travelled to the area to meet with the community and to find out if they would be accepted in this new area. Backyarders<sup>3</sup> living on the properties of formal housing surrounding Happy Valley expressed their frustration that Zille Raine Heights residents would receive allocations of land over their needs. The day after Zille Raine Heights residents visited the land, backyarders protested, with threats of violence against the residents of Zille Raine Heights if they were to move to the area. Once again, Zille Raine Heights was in the spotlight of the media, catching the attention of the Mayor and Premier.<sup>4</sup> The then Executive Mayor of Cape Town, Dan Plato, called the community leaders to a meeting, and proposed that those eligible could become beneficiaries in the forthcoming Pelikan Park housing project, while the remainder would be integrated into the existing informal settlements in the surrounding area of Grassy Park. The Mayor returned for four meetings with the community, in between which leaders of Zille Raine Heights approached the committees of surrounding informal settlements asking for their permission for sections of the Zille Raine Heights settlement to be integrated into their settlements. Permission was granted. However, the discussions with Mayor Dan Plato culminated eventually in his return to the High Court's judgement, in particular to its precise interdict against Zille Raine Heights families integrating into surrounding informal settlements in Grassy Park. Aware of these restrictions, residents of Zille Raine Heights nonetheless had placed their hope in the Mayor and in other local politicians' attempts to find a solution outside of the courts. Once more, however, the court ruling and its eviction and removal stood, despite the Mayor's claim that 'no person would be forcibly removed to Happy Valley'.

The engagement with the Mayor and other politicians such as the Premier re-opened a discussion of the relocation with state officials. To push this conversation and their worries about removal, the residents' legal representative filed a letter to the city's lawyers requesting precise details of the settlement families' relocation to Happy Valley, requesting information on what services would be provided, which plots the families would be assigned, and when they could expect the area to be developed for formal housing. Residents required this information to make informed decisions on the choices they faced: to move to Blackheath or to opt for the alternative: to occupy backyard and overcrowded housing in the surrounding area of Grassy Park. The city's lawyers refused to supply this information, arguing that because the community had engaged with the Mayor and Premier, no further engagement or information would be forthcoming regarding the community's relocation. They claimed, moreover, that the information provided through the courts had been 'sufficient'. In consequence, the struggle continues.

The settlement's legal representatives plan to instigate legal action to ensure that they access the details of their relocation and their future housing. In doing so, the residents have drawn on the experiences of Joe Slovo shack dwellers,<sup>5</sup> and in this case the Constitutional Court's ruling that although the state could evict these shack dwellers, a plan for alternative housing has to be provided (Underhill, 2009). At the same time, however, notification of the Supreme Court of Appeals rejection of the Zille Raine Heights case, combined with a lack of information and response from the city, has led, of course, to increased insecurity. In consequence, a number of residents have left the settlement. The remaining residents fear that on any given day, law enforcement officials could set a date for their removal. This insecurity frames the everyday living experiences of the shack dwellers.

Although there are many elements of the Zille Raine Heights experience that might be discussed, here we reflect specifically on the ways in which the community of Zille Raine Heights has accessed, engaged with, and fought the state and its land occupation policies. Their engagement with the state is not abstract or general, but particular and personal, understood through the relationships which leaders and community members have developed with, for instance, the city's housing and law enforcement officials, who forced them into court to defend themselves, and with politicians representing the state, such as the Premier of the Western Cape and the current Executive Mayor of Cape Town. This sequence of events and mobilizations illustrates how the state frequently shifts its strategies, instances in which frequently differently positioned state actors contradict each other in managing and intervening in land and settlement policies, and the constrained and often creative ways in which Zille Raine Heights leaders and residents counter-organize. In the following discussion, we demonstrate the ways in which resident mobilization actively contests the state's regulation of land in the post-apartheid period.

### *The State's Multiple Faces: The Mayor, Local Authorities, the Police*

The Mayor of Cape Town at the time of the land occupation (in 2006), and more recently the Premier of the Western Cape (since 2009),<sup>6</sup> Helen Zille, visited the community the day after they had settled next to Civic Road and provided them with the temporary alternative site, on which Zille Raine Heights is currently situated. Zille told residents that they may be included in a local state housing project in the area called Pelikan Park. The Mayor suggested that the community's permanent relocation would be in close proximity to Grassy Park, and that temporary relocation would take place within 18 months. On the day of the land occupation, while the unhinged shelters were being pulled down, the image of Helen Zille standing barefoot on a mattress is etched in the memory of the community. Felicia, a resident, recalls in 2008:

She promised us a lot of things. And she even said that she will not let us go beyond boundaries [of Grassy Park]. [But] she never came to court ... .. we never seeing her again. (17/07/08)

Although some residents of the settlement have received letters notifying them that they are eligible to be beneficiaries of the project, as a community and settlement Zille Raine Heights has been targeted for 'permanent' relocation to Happy Valley. Until recently, residents had not had the opportunity again to engage Zille in discussions, nor had they received feedback on letters which were sent to her office and other provincial leaders. The meeting with her in March 2006 became, therefore, a symbol of a lack of accountability of state officials, and empty promises for the community. A leader reflects on this feeling:



The state is the people, the very same people that we put there to rule. They didn't care how people felt that moment [of the first eviction]. The state is the people – they supposed to protect us, neh. They supposed to, when you don't have a house, to help you with a house ... So it frustrates me to think year after year you are in the same situation and the government can't get you out of it. (Heunis, 09/09/08)

However, in June 2010, the Zille Raine Heights committee once more approached the Premier to air their concerns, to request assistance and to support, and to ask for feedback on the status of the Pelikan Park housing project and whether persons living in the settlement could be accommodated in the project. This opportunity to meet the Premier allowed committee leaders to set the agenda, to explain the history of the settlement, the organizational developments and the creative and multiple approaches which the leadership has taken to solve the conflict. The committee expressed their frustration with their seemingly desperate situation. The Premier asked the committee to return to her office for a follow-up meeting so that she could address some of the concerns and queries around the Pelikan Park project.

After the first meeting with the Premier, the residents felt as though they had connected with a real person who engaged and sympathized with them. One leader, for instance, said 'I thought I would be afraid, but I told her exactly what was on my mind. I wasn't afraid' (23/08/08). This engagement shifted the leadership's sense of state officials' accountability; the face of the state started to take shape. Yet, after the second meeting with the Premier, which one month later resulted in no alternative outcome, residents felt that their issues were not a priority, that they had met a stalemate in interacting both with the Mayor and Premier. Both parties claimed that others were responsible, with the Mayor attributing part of the cause to the decision of the Supreme Court of Appeal that needed to be implemented, and the problems associated with red-tape related to housing delivery processes, which according to the Premier was the responsibility of the President of the country, an arm of the state certainly inaccessible to most citizens.

When the city's legal representatives denied the Zille Raine Heights committee access to information, due to the community's engagement with these officials, despite the fact that both parties effectively referred back to the court decisions, the leaders and residents of the settlement shifted their perspective: initially they were willing to engage and negotiate with representatives of the state, but after repeated problems they decided to cut off any further contact and thus refused further meetings. The roles of the leadership of the community, perceptions of the state, and the ways that they engaged with the faces of the state are not fixed, but fluid and constantly evolving.

At the same time, the state is not consistent, nor is it experienced consistently. For instance, on the day before the order for eviction was to be carried out, city and law enforcement officials arrived on the settlement offering transport for the residents to Happy Valley, despite the serving of the appeal by Zille Raine Heights legal representation and consequent postponing of the judgment. Two city officials, who represented the informal settlements division of the local district municipality, walked door to door asking residents if they would like to be assisted in their relocation to Happy Valley the next day, despite the community's lawyers filing the papers for the appeal case that effectively halted the forced removal. The lack of presence of the ward councillor,<sup>7</sup> as well as the poor communication channels between the courts of the city, exacerbated residents' sense of insecurity and caused internal divisions within the community due to contradictory information. The presence of law enforcement officers, in this example, caused residents much concern; families were already filled with apprehension and confusion over the scheduled eviction. Deep sentiments of insecurity and mistrust of state processes resulted in two families leaving the settlement,

believing that departure was a better alternative to eviction to what they referred to as the ‘dumping site’ in Happy Valley (*People’s Post*, 2007, 2008).

At the same time, non-state actors, in this case residents and community organizations, also act with ambiguity, choosing when to engage and when to resist state processes. Despite the threat of eviction, for instance, residents continued to use the state as a means to negotiate for secure housing. Moreover, the majority of residents are welfare recipients of child, pension and disability grants. Documentation has been crucial in their High Court case and was more essential in the appeal process. In the process, however, they also relied on the state documents and state assessments of the settlement, drawing on these materials to support their case and archive their experiences. As the community increasingly organized themselves, they developed the need for documentation to establish their rights of occupation and to build the case for the legitimacy of the settlement.

This ambiguity characterizes Zille Raine Heights residents’ relations with law enforcement officers and the police as well. Residents feel the police attach a stigma to their community because, even though the city placed them on the site, they have been interdicted and thus declared illegal in their location. Residents feel they are ‘treated with utter disrespect by the police’ (Zille Raine Heights Residents’ Association, 2007: 1). A leader suggests:

I think it is because we are on an informal settlement. They [the police] always ignore our calls and things like that. And I don’t know how many times we phone them. [But if] someone phone and tell them that David [a ZRH resident] has a stolen generator at this place ... they come out quick ... against us. (Hoedemaker, 15/07/08)

While seeing the police as violent, prejudiced and verbally abusive, the community has chosen at times to work with them. Policewomen were invited to give a talk on drug abuse at a family event organized by community leaders in the settlement in April 2009. The local police station also supported the community in notarizing affidavits for the appeal trial. In this instance, they came to the settlement and the community welcomed them with food and drink, showing their appreciation of their support. Relationships with the police are thus both personal and institutional, bound up equivocally in the positive and negative ways in which they engage with each other.

In these contingent and shifting relationships with the state, Zille Raine Heights residents experience a set of contradictions. At different moments and in different branches of the state, they find support and contestation in their search for secure homes and a permanent and stable place to live. These contradictions are felt most acutely in court, highlighted in the discussion below.

### *Meeting the State in Court: The Challenge of a Legal Conversation and Engaging Lawyers*

Due to the residents’ lack of financial resources, accessing legal representation for both the first trial and the appeal case was extremely challenging. Zille Raine Heights leaders spent weeks walking through the streets of the city, sitting in lawyers’ offices, refusing to leave until they received representation. Due to the difficulty of finding lawyers, community leaders had to represent Zille Raine Heights in court without lawyers on two occasions. A leader described how the accessibility to language used within the court environment proved to be to her disadvantage. She recalls:

That was when we were running around now – trying to get lawyers – we didn't have any money ... And for two days I had to speak in court because we didn't have attorneys ... To be honest, I don't remember a thing anymore because I was so freaked out. At one stage I had to tell the judge to ask ... them [the city's legal representation] to speak in my plain language because I didn't understand. (Hoedemaker, 15/07/08)

Once legal representation was found, residents felt at times that the attorney and advocate had not consulted them sufficiently. For instance, they were called out to the lawyers' offices to sign affidavits the day before submission for the appeal trial to both the High Court and then again for the Supreme Court of Appeal. In interacting with the city's lawyers, residents often felt they had insufficient information. On the day the judgment was passed, residents were not notified of the emergency hearing, and consequently neither their attorney nor community leaders were present at the hearing.

Although Zille Raine Heights engaged with the courts initially to assert and claim their constitutional right to a home in the city, their experience demonstrates the limits of the courts as a site in which to defend their rights. The community's experiences with legal processes confirm Huchzermeyer's (2003) argument concerning the ambiguous position of the judiciary in debates on land occupation and forced removal. Nonetheless, the Zille Raine Heights settlement chose to pursue its struggle through the courts. Residents used the court as a central site to engage the state, despite the scarce resources and organizational energy invested in such a gamble. The notion that a legal struggle provides an independent and objective outcome created, at times, a false sense of security. Leaders recognize now how this choice has at times demobilized their community, who could perhaps instead have focused their energies into raising funds for land, building community organizations, or mobilizing on other fronts. Once imbricated in the court's legal process, however, opting out was not possible. At the same time, legal and trial processes were concrete and the procedures were clear, whereas other means of mobilization appeared uncertain. Nevertheless, at this stage, the denial of the application to the Supreme Court has halted the courts as a channel for struggle, and has opened up room for other means to engage the state.

### *Shaping the State: The Power and Potential of a Moral Project of Community Building*

Against enormous odds, the Zille Raine Heights land occupiers have succeeded in defending their territory, at least in the meantime, through their collective mobilization and presence, collaborating with social movements, activists and researchers, and continuing to engage in dialogue with different parts of the state to contest and secure their claims. Using multiple sites of struggle, only a few of which have been addressed in this paper, they have built up the organizational capacity of the community, facilitated through networking with other organisations and communities. These networks, at times, have been unexpected and innovative. For instance, when the committee and concerned residents visited Happy Valley for the third time since the start of the legal trial in 2006, residents found that the backyarders surrounding Happy Valley were upset with the state's allocation of land to more and more people from outside the area, land which would be allocated at no costs to the removed families. Backyarders contested these allocations, arguing that they should be accommodated first. Having confronted a similar challenge when allocated their plots in Zille Raine Heights, the community leaders were familiar with these types of politics and stresses. They were thus concerned with the threats of violence which were voiced by the backyarders if they were removed to Happy Valley, a scenario repeated throughout Cape Town and other South African cities where access to land is scarce, expensive and highly politicized. As discussed earlier, the real threat of violence in Happy Valley led the Mayor of Cape Town at one

stage to seek an alternative site for residents to move to, an offer since withdrawn. Nonetheless, engagement with Happy Valley residents has opened up alternative avenues to discuss security of tenure and affordable shelter.

In more conventional ways, the Zille Raine Heights settlement has linked up with social movements,<sup>8</sup> activists and researchers, shaping the way the community accesses information and resources which are important in their efforts to secure housing. These networks have been instrumental in accessing legal representation, developing political skills, and, through them, residents have cultivated their knowledge of their housing and services rights. As a community leader compellingly argued:

I think the more support you have, the more information you have, people can't just evict you. You know your rights ... I think it is because we had all the organizations behind our court case that we were not evicted here. (Hoedemaker, 15/07/08)

Leaders feel, at least, that networking has helped with support for the settlement, and, at the same time, has affirmed the legitimacy of their struggle, supporting and affirming key leaders. In turn, some leaders have become recognized activists, building on the political and organizational support offered by NGOs and other movements, and their own innate skill, ability and perseverance. The settlement has faced many challenges in responding to the legal case and in building and sustaining their mobilization under the threat of eviction – and with few resources to cover legal costs. Networking and support from local NGOs, the International Labour and Information Research Group in particular, has supported the leadership, the development of a task team, and the democratic election of a settlement committee, all crucial to the community's security. Moreover, community founder, Lorraine Heunis, and Zille Raine Heights leaders have developed a larger alliance of informal settlements in the surrounding area, called Informal Settlements in Struggle (ISIS). ISIS is a collective of residents living in informal, overcrowded conditions in the southern suburbs of Cape Town (primarily areas formerly classified 'coloured' in the apartheid era) who mobilize around housing needs. Directed by strong leaders, the community is aware of legal and political issues and holds regular meetings to keep residents together and up-to-date, which also allows for a space and process in which to debate and take collective decisions. These relationships and processes have helped Zille Raine Heights and other informal settlements linked to ISIS to mobilize for and to legitimate their right to local land and a secure place in the city.

## **Conclusion**

Although the Zille Raine Heights community continue to engage with state officials to access secure housing, they struggle with the ambiguities and contradictions produced through the state's multiple faces, procedures, legal processes and law enforcement attitudes. Experiences of land occupation and responses of the state representatives directly shape how individuals and families understand themselves as community members, activists, shack dwellers and citizens. In naming Zille Raine Heights an illegal land invasion, legal and state institutions powerfully stigmatize the settlement, labelling its struggles as illegitimate, at times even criminal, and fundamentally as 'out of place'. As a result of their attempt to build homes and find security in their local area, the Zille Raine Heights settlement faces dislocation to Cape Town's peri-urban edge, physically and symbolically. Families face removal from their social networks, far from employment opportunities, familiar schools, relatives and neighbours. Yet, against many odds, in their struggle to maintain

their settlement, residents have nurtured agency to resist removal and to claim their rights through building and defending their access to land and their building of homes. In occupying land and defending a right to a decent place in the city, Zille Raine Heights and other settlements like it challenge the state. Economically impoverished residents and informally housed settlements make the most of the state's inconsistencies as they discover how to strategize around the limits of legally-bound, narrowly defined court-based rulings on land and access to the city. In negotiating this terrain, the community wins and loses, learning along the way how to access the state.

### Acknowledgements

The National Research Foundation (Contesting Body Politics Project, number 2072796) funded the research. Sincere thanks to settlement leaders and residents of Zille Raine Heights, Informal Settlements in Struggle, and Koni Benson of the International Labour and Research Information Group.

### Notes

1. In some instances due to location, in others to length of a settlement's existence, and the politicization of residents, for example.
2. See *City of Cape Town v. Jennifer Tango and 39 others*, 11038/08.
3. 'Backyarders' live in informal structures in back and front yards of formal homes.
4. The leader of regional government, in this case the Western Cape.
5. Joe Slovo is an area of informal settlement in Langa, a relatively central part of Cape Town. Targeted for eviction to clear land for the development of formal rental housing, the community with the help of the Legal Resources Centre challenged the eviction in the Constitutional Court in 2009.
6. Zille was mayor of Cape Town in 2006, but once her party, the Democratic Alliance, took power at the regional level, she became the Premier of the Western Cape Province from 2009.
7. The ward councillor is a representative of the Democratic Alliance, although political party politics have not explicitly infused this conflict.
8. Such as the Homeless People's Crisis Committee, the Western Cape Anti-Eviction Campaign, the International Labour and Research and Information Group, the Freedom of Expression Institute, and the Social Movements Indaba, amongst others.

### References

- Ballard R, Habib A and Valodia I (2006) *Voices of Protest: Social Movements in Post-Apartheid South Africa*. Scottsville: University of Kwazulu Natal Press.
- Bond P (1999) Basic infrastructure for socio-economic development, environmental protection and geographical desegregation: South Africa's unmet challenge. *Geoforum* 30(1): 53–59.
- City of Cape Town v. Jennifer Tango and 39 others (2008) Judgement in the High Court of South Africa (Cape of Good Hope Provincial Division) in the matter between: The City of Cape Town and Jennifer Tango and 39 Others. Case 11038/08, 13 June: 1–18, Judge Ndita.
- Corbridge S, Williams G, Shrivastava M and Veron R (2005) *Seeing the State: Governance and Governmentality in India*. Cambridge: Cambridge University Press.
- Daniel J, Habib A and Southall R (eds) (2003) *State of the Nation: South Africa 2003–2004*. Johannesburg: HRSC Press.
- Das V and Poole D (2004) State and Its Margins: Comparative Ethnographies. In Das V and Poole D (eds) *Anthropology in the Margins of the State*. London: James Curry, 3–33.
- Felicia (2008) Life history: Personal interview, 17 July, Cape Town (unpublished).
- Heunis L (2008) Organizational matters of Zille Raine Heights: Personal interview, 9 September, Cape Town (unpublished).
- Hoedemaker E (2008) Lived experiences of Zille Raine Heights: Personal interview, 15 July, Cape Town (unpublished).

- Huchzermeyer M (2003) Housing rights in South Africa: Invasions, evictions, the media and the courts in the cases of Grootboom, Alexandra, and Bredell. *Urban Forum* 14(1): 80–107.
- Huchzermeyer M (2007) KZN Slum Elimination Bill a Step Back. Article published as a press release for Abahlali baseMjondolo ([www.abahlali.org/node/903](http://www.abahlali.org/node/903)), 13 March.
- Oldfield S (2002) Local state restructuring and urban transformation in post-apartheid Cape Town. *GeoJournal* 57(1–2): 39–47.
- Oldfield S and Stokke K (2007) Polemical politics, the local politics of community organising, and neoliberalism in South Africa. In: Peck J, Leitner H and Sheppard E (eds) *Contesting Neoliberalism: The Urban Frontier*. New York: Guilford Press.
- People's Post (2007) No joy as Happy Valley looms large. *People's Post*, 13 March.
- People's Post (2008) Zille Squatters lose case. *People's Post*, 17 June.
- Roy A (2003) *City Requiem, Calcutta*. Minneapolis: University of Minnesota Press.
- Scott J (1998) *Seeing Like A State: How Certain Schemes to Improve the Human Condition have Failed*. New Haven: Yale University Press.
- Simone AM (2004) *For the City Yet to Come: Changing African Life in Four Cities*. Chapel Hill: Duke University Press.
- Underhill G (2009) Small victory for homeless. *Mail and Guardian*, 15 June.

Jessica Thorn has worked with the community of Zille Raine Heights and Informal Settlements in Struggle, alliance of shack dwellers in the southern suburbs of Cape Town South Africa, in legal, organizational and political affairs since 2008. She completed her honors degree in the Department of Environmental and Geographical Science at the University of Cape Town and MSc in Environmental Change and Management at the University of Oxford. Her current research focus addresses climate change adaptation in informal settlements in African cities and how community-based approaches are feeding into international policy agendas, including the UN International Strategy on Disaster Reduction.

Sophie Oldfield PhD Geography, is an Associate Professor in the Department of Environmental and Geographical Science, University of Cape Town.