
10 *The Marikana land occupation in Cato Manor, Durban, in 2013 and 2014: A site where neither the state, the party nor popular resistance is fully in charge*

Richard Pithouse

This chapter provides an account of some of the contestation around a land occupation in Cato Manor, Durban. It shows that none of the actors aspiring to exercise control – party structures, the local state, the courts, NGOs and popular organisations – were, in the period under study, able to exercise full control over the people or territory in question. It also shows that actually existing forms of contestation frequently operated outside the limits established by liberal democratic arrangements.¹

Cato Manor: A long history of contestation

For nearly 100 years, from the 1870s until the mid-1960s, Cato Manor was the most significant of the urban spaces that enabled an autonomous black presence in Durban outside the archipelago of spaces, often carceral, created and managed by white authority. From the 1870s until March 1958 – when the mass evictions from Cato Manor that resulted in black residents being expelled from the city to the bantustans and segregated townships began – there was never a simple answer to the question, ‘Who is in charge?’

There was a variety of constantly dynamic social forces at play, and the balance between these social forces was never stable for very long. But from the moment when the evictions began, until they were completed in 1965, there was no doubt that in this space – which after the evictions were completed became empty of any human occupation and socially sterile – the apartheid state was firmly in charge. There was also no doubt that the state was attempting to reorder society in accordance with its desire to inscribe white supremacy into the spatial logic of the country. The ideal model for this was well described by Frantz Fanon in 1961 in his description of the colonial city as a ‘world cut in two’ (Fanon 1976: 29), a ‘world divided into compartments, a motionless, Manichean world’ (1976: 40).

Fanon argued that the event that will inaugurate the end of the ‘world of compartments’ occurs when the violence used to police the dividing line is ‘taken over by the native at the moment when, deciding to embody history in his [*sic*] own person, he [*sic*] surges into the forbidden quarters’ (1976: 31). He concluded that the urban land occupation ‘is the sign of the irrevocable decay, the gangrene ever present at the heart of political domination’ (1976: 103). In Henri Lefebvre’s view, the appropriation of land, planning and style inherent to the shack settlement produces ‘an extraordinary spatial duality. And the duality in space itself creates the strong impression that there exists a duality of political power’ (Lefebvre 1991: 375). More

contemporaneously, Raúl Zibechi argues that a common feature of popular struggles in Latin America is ‘the territorialization of the movements – that is, they have roots in spaces that have been recuperated or otherwise secured through long (open or underground) struggles’ (Zibechi 2012: 14). For all of these thinkers, the urban land occupation in the zone of privilege is an exercise of popular counter-power that marks a significant challenge to officially constituted forms of authority. This point can be usefully articulated to James Holston’s important although overstated argument that in much of the global South citizenship is realised, in practice, ‘not primarily through the struggles of labour but through those of the city’ (Holston 2008: 4) and that the material basis for insurgent claims to citizenship are ‘likely to be those of the autoconstructed city’ (2008: 313).

In the mid-1980s the apartheid state began to lose some of the control it had effectively wielded over urban space since the mid-1960s, and parts of Cato Manor were reoccupied. This process gathered further momentum in the early 1990s. The question, ‘Who is in charge?’ acquired a renewed salience. For many observers at the time, it seemed that the state had lost the capacity to govern urban space and had ceded at least some degree of power to popular forces.

But after the end of apartheid it seemed clear that a democratic state with a mandate to deliver development was firmly in charge. In Cato Manor, the state was working closely with an NGO, the Cato Manor Development Association (CMDA), and was strongly supported by the European Union (EU). Academic writing in this period was often, like much of the state and NGO discourse of the time, technocratic to the point where political questions were eviscerated and disruptions of the smooth space aspired to by the technocratic fantasy read in pathological, rather than political, terms. But although this was not always acknowledged, there were regular challenges to the intersection of NGO, donor and state power (Odendaal 2007). When this was acknowledged, it was often misread in terms of what Partha Chatterjee calls ‘homogenous empty time’ that, ‘(w)hen it encounters an impediment ... thinks it has encountered another time’, with the result that resistances are made to appear ‘archaic and backward’ (Chatterjee 2004: 5).

A return to contestation after apartheid

Ten years after apartheid ended it began to become difficult to sustain the technocratic fantasy that held that in a new post-political era a legitimate and enlightened state, with the support of stakeholders like the CMDA and the EU, was delivering development – assumed to be an unqualified good – to Cato Manor at a steady clip. In February 2004 ward councillor Mpume Chamane was shot three times outside her home. The shooting was rumoured to be consequent to intense local contestation. By 2005 road blockades organised from within Cato Manor were starting to take disruption into the streets and to affect middle-class people.

In April that year Thembinkosi Qumbelo, a resident of Cato Manor, made a remarkably bold entrance onto the local political stage. Then president Thabo

Mbeki was set to speak in the Kings Park stadium on Freedom Day (27 April) and Qumbelo led hundreds of people out of the shacks in the Cato Crest section of Cato Manor, with the aim of blockading the freeway leading into town and preventing Mbeki's cavalcade from reaching the stadium. The police stopped the protesters in Mayville, near the Tollgate Bridge that crosses the freeway. There were 10 arrests, and Qumbelo spent the best part of a year in Westville Prison, where he said he was subjected to serious assault (Pithouse 2013). Despite the spectacular nature of the action led by Qumbelo, it remained the case that when discontent in Cato Manor was acknowledged in the elite public sphere, it generally conformed to Jacques Rancière's account of a different time and place in which 'only groans or cries expressing suffering, hunger or anger [can] emerge, not actual speech demonstrating a shared aisthesis' (Rancière 2010: 38).

Paula Meth (2013) argues that the conference of the African National Congress (ANC) at Polokwane in 2007, at which Jacob Zuma swept to power, had important consequences for local politics in Cato Manor. She argues that, following the conference, there was a growth in local ANC-aligned structures in the area, and this – while spoken about in terms of keeping elected officials closer to their constituents – functioned to extend the power of local party officials. This did not align local politics with the stated goals of the laws and policies to which the ANC was formally committed. In 2008 Cato Manor – along with places like Bottlebrush settlement in Chatsworth, the Kenville settlement in Greenwood Park, the Dalton Road hostel in Umbilo, and the city centre and the Point area – became a central site for the sometimes violent expression of xenophobic hostilities in Durban.

Meth notes, in particular, the power of the branch executive committee (BEC) of the ANC in Cato Manor.² However, it needs to be noted that local party structures, including BECs, have often held real power in shack settlements in Durban since at least 2005, and quite possibly before then. Across the city it has long been common in shack settlements for the local BEC – often an object of real fear for some of the people trying to raise issues of local concern within and outside party structures – to exercise considerable power, with regard not just to local residents but also to how local government, as well as NGO officials, are able to operate in its area. In 2008 Roger Deacon and Laurence Piper noted, in a study in Pietermaritzburg that has clear resonances with experiences in Durban, that party structures more or less invariably dominate ward committees and other official structures that are supposed to be non-partisan (Deacon & Piper 2008). In contemporary Durban, there are a number of wards in which local BECs have considered any public meeting called outside their authority as illegitimate. It is not uncommon for these committees, or the ward councillors who run them, to have their own armed support and to be able to use the police to secure their domination in ways that are in obvious violation of the law.

My own research (COHRE 2008), carried out at the same time as Deacon and Piper's work, indicated that local party structures often had the capacity to capture and

distort development projects championed by officials. When they could not capture these projects, they could prevent them from going ahead. It was, for instance, striking that despite the strong support for the international NGO Shack Dwellers International (SDI) from the housing minister and senior national, provincial and municipal officials – support that took financial, political and institutional forms – SDI was not able to be an effective actor in housing development in Durban because local party structures saw it as a threat to their power.

Because state development in Durban is more or less invariably channelled through local party structures, and because independent organisation is often treated as illegitimate by a range of actors – including local party structures and the police – it is extremely difficult to sustain independent organisations over long periods of time. The power of the BECs – which is often entrenched via access to the patronage that comes with development – has meant that, at some point in their development, local struggles often see no viable alternative but to give up their autonomy in order to become struggles for control of these organisations; they find it necessary to do this if they wish to participate in development, including development gains won by their own struggles. In the local context this is often a rational strategy. Where this does not happen, there has often been – and this is evident across South Africa – some kind of alliance formed with political parties other than the ANC. These alliances are often formed on a strategic basis, rather than out of any ideological sympathy; they can be functional to grassroots organisation in so far as party politics, while acutely contested, retains more legitimacy in some quarters than independent grassroots organisation does, and they can offer some protection against pervasive intimidation and violence.

A land occupation

In March 2013 conflict between some residents and local party structures in the Cato Crest section of Cato Manor began to be taken seriously in the elite public sphere in the wake of two related events. The first was a land occupation and the second was the stoning of the house and office of local councillor Mzimuni Ngiba. Both events struck clear blows at official forms of power and were initially reported in rather hysterical terms that mobilised a set of tropes with a long history in Durban and, indeed, the colonial world as a whole.

The *Daily News* described a '[t]housand-strong mob'³ attacking the councillor's home, but gave no space at all for any participant in that action to give an account of what had happened and why. The following day the same newspaper ran a story with the headline 'Shack dwellers invade Durban'.⁴ The article described the shack dwellers as an armed 'mob' and 'invaders' and quoted suburban interviewees, white and black, describing a 'mad racket' and speaking of the occupation as a 'tragedy'. In this article Thembinkosi Qumbelo – at the time the president of the Cato Crest Residents' Association, which was aligned to the ANC but was trying to assert some autonomy from the local BEC – was given some space to offer some context for

the events. But he did not speak as a protagonist in these events. The protagonists remained beyond the pale.

It is no surprise that in Durban, before and during apartheid, a standard set of colonial tropes was mobilised against black people occupying space in what Fanon called 'the forbidden quarters' of the colonial city. But the fact that these tropes have continued to structure much elite discourse – including that of the state, the ANC, some NGOs and much of the middle-class left – after apartheid complicates naive understandings of what colonial power is and how it is to be defeated. The first mobilisations by shack dwellers in Durban after apartheid were often conceptualised – by a range of elites including the state, NGOs and the media – as they had often been in Durban for more than a century, as a case of malicious white agitation. But when the developing crisis in Cato Crest was first announced to the elite public sphere, rebellious practices were conceptualised not as a case of malicious white manipulation, but simply as a matter of inexplicable criminality.

In long discussions with participants in these events, including people who had been members of the local ANC and South African Communist Party (SACP), the events in question were traced back to a housing project begun in 2006. This project is widely perceived to have been corrupt, and there is documentary evidence that confirms this. Moreover, in 2008 some people were moved from their shacks to a government 'transit camp'. They were told that the transit camp would be a temporary arrangement while their houses were built. However, they are still in the transit camp – a muddy area – and it is widely believed that leading members of the local party structures sold the houses intended for the residents of the 'transit camp'.

All kinds of attempts were made to raise concerns through 'the correct channels', including engaging the local party structures and more senior party leaders in the city hall. When all of this failed, the Durban office of the public protector was approached. The complaint was referred to the local councillor for a response, an action which the complainants felt put their lives at risk. By the end of 2012 at least two local activists, both with a long history in alliance structures, had fled the area. They both continued to feel quite clearly that their lives were at risk, and they remained visibly nervous and hypervigilant.

An already tense situation was seriously exacerbated in February 2013, when a large number of people renting shacks were evicted to make way for a housing development. They were not given alternative accommodation and were left homeless. This was illegal and in direct contradiction to state policies, but it has long been standard practice in Durban (COHRE 2008). Routine criminality by the state with regard to impoverished people occupying land without the consent of the market or the state is far from unique to Durban, or to South Africa. Chatterjee has argued that in India – and, he suggests, most of the world – the urban poor are 'only tenuously, and even then ambiguously and contextually, rights-bearing citizens in the sense imagined by the constitution' (Chatterjee 2004: 38). The liberal ideal assumes that the power of the most significant forces that could be said to be 'in charge' will

be mediated through laws and institutions. When there is a group of people for whom this is not the case, or for whom it is not fully the case, an uncritical recourse to the liberalism that structures much academic thinking about society in the form of a general common sense will take the form of an ideology. It is important to note, however, that the middle classes were not a solid bloc uniformly hostile to squatters. A retired nurse, who had been active in the Black Consciousness movement in the 1970s, was appalled by her gardener's experience of 'development' in Cato Crest. She connected him to Abahlali baseMjondolo, the shack-dwellers' movement that had been formed in 2005.

Most of the people who had been evicted decided to respond to their situation by occupying an adjacent piece of vacant land owned by the municipality and building new shacks. When the actual occupation took place, the 'weapons' with which the 'mob' was supposedly 'armed' to effect its 'invasion' of the city were in fact tools for cutting away the vegetation to clear space to build.

The occupation was initially named 'Marikana' by the police (Naicker 2015), but the name Marikana was read, from above and below, as being connected to the prospect of state violence against popular struggle. There is another land occupation in Durban, in Clare Estate, that is also named Marikana. This occupation has proceeded without any attention from the media nor any attempt to destroy on the part of the state. There is also a land occupation in Cape Town, which has been highly contested, that carries the same name. In the late 1980s and early 1990s land occupations were often given names such as 'Joe Slovo' or 'Lusaka', names that tied them to the ANC. The decision to call the Clare Estate land occupation Marikana was largely explained in terms of a shared willingness to die; some people, however – some with roots in the same part of the Eastern Cape as many of the mineworkers killed in Marikana – also explained the logic of this decision in terms of a decision to choose self-presentation over representation via structures authorised by the ruling party. Marikana as event means many things, but one of them, surely, must be a subaltern challenge to received ideas about who is in charge.

Two assassinations and a police murder

On 13 February 2013 a meeting was called with the councillors of wards 30 and 101, the station commander of the local police station, and other police officers and municipal officials. People who were present at this meeting report that the councillor, Mzimuni Ngiba, told the people who had been illegally evicted that he 'doesn't know them', that he 'only knows the landlords' (that is, shack owners), and that the renters who were illegally evicted 'do not belong to Cato Crest'. This sounds like a standard iteration of actually existing state practices in housing developments in Durban. But precisely a month later it was, in an unusual development, announced that the mayor, James Nxumalo, would be coming to the community on 16 March. That night Councillor Ngiba's house was stoned. On 15 March Thembinkosi Qumbelo was assassinated. The ANC declared this a criminal matter. However,

many residents, including those with affiliations to the ANC and those organised independently of the ANC, are certain that this was an assassination carried out on the instructions of the BEC by professional assassins linked to the taxi industry. There has been no arrest in response to the assassination.

Nxumalo's scheduled visit went ahead the day after Qumbelo's assassination. He was reported as having accused people from the Eastern Cape⁵ of being responsible for the breakdown in the ruling party's control of the area. People who were present at the meeting say that his comments were given a clear ethnic inflection. Beginning from the campaign in support of Jacob Zuma in 2009, it has not been unusual for local party structures in Durban to mobilise ethnic discourses on the ground. It was unusual, though, for this to be said in the elite public sphere.

Three meetings, all considered fruitless by the residents now in open rebellion against the local councillor and his BEC, were held with various senior people in the ruling party in Durban. It was reported that at the third meeting the occupiers were told that they would have to prove that they were South Africans, and that as people who were not ANC supporters they should not expect to receive houses from the ANC. After this, no further meetings with senior members of the ruling party were held for the next 18 months.

At the same time there was escalating middle-class panic about land occupations elsewhere in the city, much of it framed in language indistinguishable from that which has characterised similar anxieties in Durban since the late 1800s. An article in the *Sunday Tribune* (16 April 2013) described occupiers near the Umgeni River as 'prostitutes and criminals'. These kinds of articles would often seek the views of middle-class residents and government officials while making no attempt at all to seek the views of occupiers. As Rancière argues, 'The war of the poor and the rich is also a war over the very existence of politics. The dispute over the count of the poor as people, and of the people as the community, is a dispute about the existence of politics through which politics occurs' (Rancière 2004: 14). The a priori denial that a popular challenge to the rule of property can be political is a strategy mobilised by those who feel confident that their wealth gives them an unquestioned right to be in charge.

A meeting of people concerned about evictions and corruption was scheduled to be held with municipal officials at Councillor Ngiba's office on 25 June. Participants in the process recall that it was agreed that the meeting would be held without the BEC, the local SACP, the councillor or the community liaison officer being present. They report that when they entered Ngiba's office there were many people from the local ANC and SACP present. They also report that one of their representatives, Nkululeko Gwala – who had, in his personal capacity, in February joined Abahlali baseMjondolo, an organisation that had not previously had a presence in Cato Manor – pushed the point that the community representatives wanted to negotiate with officials involved in local development and not with members of the local ANC and SACP. One of the participants in that meeting recalls that 'Gwala was threatened

with death. He was told that if he didn't stay out of this he would die.' When an account of this meeting was given in a report-back meeting, feelings ran high. People took to the streets in protest, and the offices of both the councillors in the area were burnt. The destruction of the homes of elected officials is, in the local context, a spectacular collective act that offers – in that moment at least – a clear rejection of official modes of authority. In this case, as in some others around South Africa, arson was justified not only with reference to the political practices of the 1980s. It was also justified by a clearly drawn distinction between the community, seen as legitimate and democratic, and the party, seen as predatory and undemocratic.

At around 9 a.m. the next day a municipal vehicle moved through the area with a loudhailer announcing a meeting that was said to be about 'bringing peace to the area'. Mayor James Nxumalo and the chairperson of the ANC in Durban, Sibongiseni Dhlomo, spoke, along with other leading figures in the local party structures. Two people who were present say that one of these people openly said that Gwala was 'disturbing them from eating'. This was not reported in the press, but considerable attention was given to statements by Dhlomo that, although made in idiomatic language, were interpreted as a death threat. Death threats on the part of party leaders are a common feature of local politics in parts of Durban, but it is uncommon for them to be noted or taken seriously in the elite public sphere. Gwala was assassinated that night. At this point, at least five people from the area, most of whom had been members of alliance structures but had been critical of the local party leaders, were in hiding. Gwala's funeral was a highly politicised and dramatic public event, which was widely and fairly covered in both the local isiZulu and English press.⁶

On 13 August residents of the Marikana occupation reported that the local BEC had called the Land Invasions Unit to destroy the occupation. At this point the primary political strategy of the occupiers was still to insist that the BEC be separated from the ward committee. When it became clear that this was not going to happen, other strategies were explored.

Just over a week later, the contestation was taken into the courts. The residents, now working closely with Abahlali baseMjondolo, applied for an urgent application at the Durban high court for an interim order interdicting and restraining the municipality and the member of the executive council (MEC) for human settlements from evicting the residents without a valid court order. The previous experience of the movement had been that getting these sorts of conflict onto the legal terrain not only won time to organise but also took the contestation off the terrain of violence. The municipality and the MEC gave the residents an undertaking to refrain from evicting everyone living in the shacks on the land occupation, pending the finalisation of the application. But on the very same day, the Land Invasions Unit came to evict. When Ndabo Mzimela, a young activist, asked for a court order he was assaulted. He reported that a member of the local ANC had said that 'this is not a court land, this is our land'. Maya Majozi, a 60-year-old woman, was shot in the eye during the eviction. She was unarmed.

Evictions, unlawful and in violation of the agreement made with the court, continued in early September. The Socio-Economic Rights Institute (SERI), the pro bono law firm representing the occupiers, issued a statement declaring that the eThekweni Municipality had gone 'rogue' (SERI 2013). The residents returned to court and obtained an urgent interdict restraining the municipality from evicting the applicants or demolishing their structures without a court order. However, there were more illegal evictions on 5 September. A non-violent protest in the form of a road blockade was quickly organised.⁷ When the first police officers arrived on the scene of the road blockade, three residents – Sibongile Msiya, Nokulunga Magobongo and Bhekani Mzinhle – showed them a court order interdicting the municipality from carrying out evictions. But as soon as the police superintendent arrived on the scene, Msiya, Magobongo and Mzinhle were arrested. Msiya and Magobongo both reported being subjected to serious assault in the Cato Manor police station. When they were released their clothes were torn and they had visible injuries. When their case finally went to trial in July 2014 it was thrown out of court. As with the assault of Mzimela and the shooting of Majozi, this exercise of the state's power to detain and to assault had nothing to do with the law. It was a pedagogical act designed to impart a lesson about who was really in charge.

On 6 September the residents returned to the Durban high court to apply for a contempt-of-court order. An interim order was granted. The municipality filed an answering affidavit in respect of the contempt application on 12 September. The parties agreed to an order that directed the legal representatives of the parties to meet at the settlement on 17 September to identify and mark the residents' shacks, in order that they could be protected from unlawful evictions. The municipality was interdicted and restrained from demolishing, removing or otherwise disposing of any of these shacks, pending the finalisation of the application.

On 16 September Abahlali baseMjondolo organised a legal march of thousands of people on the Durban city hall. This march, with its striking image of a large, red-clad crowd around the city hall, was reported to be 3 000 strong and was widely and sympathetically covered in the media.⁸ This kind of public manifestation of support has a different function to the disruption of the road blockade, but, when power is constituted in the name of the people, it raises questions about the legitimacy of authority. The demands that were issued to the Department of Human Settlements included a full report on housing allocation in Cato Crest, an investigation into allegations of corruption, and full investigations into the assassinations of Qumbelo and Gwala. The memorandum made it clear that an answer was expected within a week.

On 17 September 2013 lawyers representing both the Cato Crest residents and the municipality met at the Marikana occupation, as mandated by the court, to mark the shacks protected by the court. The local ANC and SACP mobilised a group of people that made this impossible. Various threats, including death threats, were openly made.

Four days later there was another illegal eviction, during which Nkosinathi Mngomezulu was shot four times. It was claimed that he was in possession of a spear. He survived the shooting. Witnesses reported that a manager of the Land Invasions Unit was responsible for the shooting. A man who took Mngomezulu to hospital in his private car was arrested, but no one was arrested for the shooting.

On 23 September Ishmael Semenya, the chairperson of the General Council of the Bar of South Africa, issued a statement declaring: 'It is a matter of grave concern that, despite their repeated attempts to follow due process of law in enforcing their constitutional rights, the residents, including many women and children, have been left homeless and destitute' (Semenya 2013). At the same time Abahlali baseMjondolo began to organise simultaneous rush-hour blockades of roads – up to eight at a time, coordinated via WhatsApp – in various parts of the city. On 7 October Nyati Gcinithemba was shot in the chest by the police and then severely assaulted inside the court in Umlazi. He was unarmed. He was there to support people who had been arrested on a road blockade. One of the bullets fired at Gcinithemba by the police injured a security guard; although the police had fired the shot, Gcinithemba was charged with assault with intent to do grievous bodily harm. The charge was later withdrawn.

As the road blockades continued over a period of several days, the media response became hysterical. There was a clear sense of a moral panic predicated on a breakdown in the logic of who seemed to be in charge. This process also created new forms of organisation and decision-making in Abahlali baseMjondolo. The movement had previously made decisions on the basis of slow, deliberative meetings organised by elected leaders with a mandate to facilitate inclusive discussion aimed at achieving consensus. This model was not always effective in situations requiring quick thinking and action, but it was very effective at sustaining solidarity over the long haul and in difficult circumstances. But when decision-making shifted to WhatsApp, there was a clear shift in authority to young people and modes of leadership based more on charisma than democratic process. In time, this would enable a major personal conflict on WhatsApp between two young leaders, and then raise the question of who was in charge of the movement in a manner that – along with a set of other factors – lead to significant internal contestation.

On 30 September 17-year-old Nqobile Nzuza was shot in the back of the head by the police on a road blockade in Cato Crest. She died on the scene. She was unarmed. Witnesses said that she was shot by the head of the Cato Manor police station. Another young woman, Luleka Makhwenkwana, was also shot and injured. At the time of writing, no one has been arrested for the murder of Nzuza nor the shooting of Makhwenkwana. However, the then Abahlali baseMjondolo secretary general Bandile Mdlalose was arrested while participating in a non-violent march on the police station, in protest following the shootings. These events received considerable media attention, including national television coverage, much of which uncritically repeated statements from the police claiming, bizarrely, that they had shot Nzuza in self-defence. Mdlalose was detained for a week, released on bail of R5 000 and

prohibited from entering the Cato Crest area. When her case was brought to trial all the charges against her were dismissed.

Discursive contestation

Following the murder of Nzuzi, intimidation continued. Mnikelo Ndabankulu, at the time the spokesperson for Abahlali baseMjondolo, was threatened with death by a caller to a radio talkshow in which he was discussing the Cato Crest situation. Contestation over the land occupation between residents, now often supported by members of Abahlali baseMjondolo living elsewhere in the city, and the municipality's Land Invasions Unit, supported by the police, also continued. After each eviction people rebuilt. Collective activities, such as cooking together, sustained a sense of shared resolve and purpose. Over time this struggle became something of a cat-and-mouse game with a shift in tactics from one side resulting in a shift on the other side. For instance, it was not unusual for residents to be warned of pending evictions from sympathisers working in the Land Invasions Unit. Shacks started to be built, usually from pallets, in such a way that they could be quickly collapsed, much like a tent, when word of a pending eviction was received. This meant that building materials and household goods were not destroyed during evictions and the shack could quickly be re-erected once the Land Invasions Unit had left. The police responded to this by threatening the nearby company from which people had been accessing the pallets.

The discourse from politicians continued to present events in Cato Crest in terms of criminality and conspiracy – including a return to long-standing claims that Abahlali baseMjondolo was a 'third force'.⁹ On 11 November, S'bu Zikode, the then chairperson of Abahlali baseMjondolo, was able – via the intervention of Mexican academic John Holloway – to publish an article on the situation in Cato Crest, and the broader context of state and party violence in Durban, in the *Guardian* newspaper in London.¹⁰ There was a swift response from the office of the provincial MEC for housing; while the contestation over the occupation between occupiers and the Land Invasions Unit continued, threats from politicians ceased, and there was a clear shift towards negotiation rather than open intimidation. Just as a land occupation in what was once a white suburb challenges easy assumptions about how fully the social forces that are assumed to be 'in charge' exercise control over territory and people, so too access to the commanding heights of an international public sphere raises questions about how much control local elites are able to exercise over the symbolic economy.

Evictions continued. On 24 December 2013 the *Daily News* led with evictions in Cato Crest on the eve of Christmas. At the time the shacks at the Marikana occupation had been demolished, often violently, on nine separate occasions and then rebuilt. The residents had been to the high court five times to request the court's intervention. There were two articles, both of which were broadly sympathetic to the people who had been evicted. In the first article it was noted that the residents

had won a number of court interdicts against evictions, that three people acting in support of the land occupation had been killed, and that there had recently been a series of road blockades, organised across the city in protest against repression.¹¹ The second article, also on the front page of the paper, named and interviewed two of the people who had been evicted, giving some background to their lives and giving them space to express their views and emotions.¹² A week later the same paper would include the series of rush-hour road blockades that had been organised at various points around the city in its list of the most significant stories that it had covered in Durban that year.

It is not an easy thing for a struggle centred on a land occupation by people who are poor and black in a formerly white and middle-class suburb to win this kind of rational and sympathetic attention in the mainstream press. A struggle like this is usually read in elite publics as spatially insurgent and, therefore, as a profound transgression of the order of the city and inherently criminal or consequent to malicious conspiracy. But sustained organisation, along with clear and effective communication with the journalists and others, can shift the media. Although these kinds of gain are usually precarious, sustained organisation can change some aspects of the economy of who has and does not have the capacity to be represented as an ethical and rational actor in the elite public sphere.

Stresses and strains

On 10 March 2014 Abahlali baseMjondolo held its annual general meeting (AGM). A combination of stresses made for a conflicted meeting. These stresses resulted from the trauma consequent to repression; intense pressure from the family members of an individual facing death threats; the new forms of power that emerged within the movement following the shift of some modes of decision-making into an online sphere accessed via mobile phones; and the ongoing attempts from within the NGO sphere to wrest control of the movement from its members. There was, for the first time in Abahlali baseMjondolo's history, open contestation over who was, and who should be, 'in charge' of the movement, and on what basis.

Abahlali baseMjondolo had boycotted all elections since its formation in 2005. On 2 May it issued an announcement, which shocked many, that it intended to make what it called a 'tactical vote for the DA'. This decision, taken via a democratic process, was, the movement said, largely in response to the repression it had experienced (Abahlali baseMjondolo 2014; see also Zikode, endnote 10). Three weeks after the election, the movement held a two-day 'land summit' in a decaying hall in central Durban. In the conversations over those two days it was clear that the movement's politics had shifted fundamentally over the previous nine years. There is always a diversity of opinion in a large organisation, and people's views are not constant over time, but, speaking broadly, it is not incorrect to say that when the movement was formed in 2005 the dominant understanding among its members was that they had been left out of the new democracy and that they needed to

stand together in order to be recognised and included. Once these illusions had been shattered on the anvil of repressive responses to mobilisation, the next idea to become dominant in the movement was that building popular power from below could force a shift that would make democracy more inclusive. Now there was a very different set of political assumptions. The first speaker stressed that '[t]here is a need to bring up new leaders. We will be killed and they must be ready to take over.' The second emphasised that '[d]ignity cannot be delivered by services'. The third and fourth speakers railed against the commodification of land. Over the rest of that day, and the second day, the consensus that emerged from the discussions centred on the necessity to occupy land. The dominant understanding of the law was in terms of a colonial imposition that continues to legitimate ongoing dispossession that, while it should be engaged on a tactical basis, should be understood as part of an enduring structure of domination. There was agreement that access to land will not come via the law or electoral politics, but from people's own resilience, courage and force (*inkani*). Much of the discussion focused on how to attain this power. This discussion was often intensely personal. One woman spoke about how she had found this power in herself after having to confront violence in her family.

Moving away from liberal democracy

This was a politics in which liberal democracy was seen as a continuation of a colonial mode of power; direct action to appropriate land was valorised as the primary political task; death was seen as inevitable for at least some leaders; and personal and collective resilience, courage and force – rather than, say, the courts or elections – were seen as the primary vehicle for making social progress. In the Marikana land occupation, named after a state massacre, there were now two sections – one named after Nkululeko Gwala and the other named after Nqobile Nzuza. This was a politics saturated with an awareness of death.

Evictions continued in Cato Crest. On 22 June the municipality illegally destroyed 48 shacks. The eviction was violent and included the use of tear gas and stun grenades. Media reports quoted residents saying that they were threatened with death during the eviction.

The irregular contact with the provincial MEC – begun after the publication of the article in the *Guardian* – eventually produced a meeting scheduled for 16 September. Abahlali baseMjondolo issued a statement saying that this meeting took the form of intimidation rather than negotiation, and that it was now concerned for the life of Ndabo Mzimela, the chairperson of its Cato Crest branch. The movement made it clear that the threats came from the local party structures in Cato Crest. Mzimela was quickly put on a bus to Cape Town and, later, moved in to safe housing outside Cato Crest.

Ten days after this meeting the movement reported that the Cato Crest land occupation had been attacked with impunity by ANC members. This was an important shift in the contestation over who was in charge in Cato Crest. Three days later one of

the movement's leaders, Thuli Ndlovu, was assassinated in KwaNdengezi. A week after the assassination an article was published in the *Mercury* in which a spokesperson for the provincial Department of Human Settlements and a senior official from the Land Invasions Unit made surreal and entirely unsubstantiated accusations about S'bu Zikode and Abahlali baseMjondolo, and ascribed urbanisation and land occupations to a criminal conspiracy.¹³ Just under two weeks later, ANC members occupied a piece of land in the Marikana land occupation that had been kept vacant to build a hall. The police looked on as the local party structure organised its own counter-occupation.

Conclusion

The resilience of the residents of the Marikana land occupation in the face of brutal repression is not entirely unusual. People often go to extraordinary lengths to defend their place in South African cities. But the way in which aspects of this particular drama have entered the elite public sphere is, while not unique, certainly unusual. When local party structures, with all kinds of links to elite actors, encounter opposition from people who are isolated and not part of the sustained organisation of a counter-project, those people's voices, and their experiences, are usually silenced.

When access to the political is policed in contemporary Durban – whether it be by local political elites, the media, the police or other actors – in such a way that the most oppressed people in the city are denied the right to assert themselves as political actors, as rational actors, on a shared stage, we are in the presence of attempts to silence the present. Attempts to silence the present are, among other things, attempts to make a very strong claim about who is in charge. This brief account of events in Cato Crest in 2013 and 2014 shows clearly that the protagonists in this drama were not just the state, capital, patriarchy or white supremacy, but most certainly included local political elites, operating in a matrix shaped by all these forces, along with others. It is clear that their arsenal includes forms of authority and power that, while in part authorised and legitimated via liberal democratic arrangements, also operate outside the law. It is also clear that this is not an aberration, nor a hangover from the past, but is in fact a constitutive feature of the present. At the same time, there is also an exercise of power from below that, in certain moments and places, raises real questions – material and symbolic – about the extent to which those authorised to be in charge are in fact fully in control of the people and spaces they are attempting to govern. Here, as in Holston's reading of São Paulo, 'the insurgent and entrenched remain conjoined in dangerous and corrosive entanglements' (Holston 2008: 4) on 'unsettling yet vital terrain' (2008: 313).

Notes

- 1 This chapter draws on the participation of the author in various meetings and discussions organised by residents, and former residents, of Cato Crest. These meetings and discussions were often held in the context of acute anxiety about the safety of the participants, some

of whom had been subjected to direct threats of various kinds, including death threats. In the interests of safety it was decided that reference to the content of these meetings and discussions would be made in the most general way possible. Where individuals have been cited, it is with their express commitment to appear in the text in this manner.

- 2 I wish to note that I do not accept the colonial manner in which she chooses to frame her comments on spiritual practices in Cato Manor.
- 3 Nene N, Thousand-strong mob damages councillor's home at Cato Crest, *Daily News*, 13 March 2013. Accessed October 2014, <http://www.iol.co.za/dailynews/news/thousand-strong-mob-damages-councillor-s-home-at-cato-crest-1.1485367#.VFj2JPmUfUU>
- 4 Rondganger L & Nene N, Shack dwellers invade Durban, *Daily News*, 14 March 2013. Accessed October 2014, <http://www.iol.co.za/news/south-africa/kwazulu-natal/shack-dwellers-invade-durban-1.1486477#.VFj2lfmUfUU>
- 5 Sanpath A & Mthembu S, 'Migrants' are fuelling Durban's housing backlog, *Independent on Saturday*, 16 March 2013. Accessed October 2014, <http://www.iol.co.za/ios/news/migrants-are-fuelling-durban-s-housing-backlog-1.1487579#.VFj7xfmUfUU>
- 6 See, for example, Nene N, Emotions bared as Gwala buried, *Daily News*, 4 July 2013. Accessed October 2014, <http://www.iol.co.za/dailynews/news/emotions-bared-as-gwala-buried-1.1541885#.VFmOVfmUfUU>
- 7 The road blockade is, across the planet, a disruptive act that is to the urban poor what the strike is to the industrial working class. It enables the appearance of a collective political actor and enforces a temporary, and on occasion spectacular, reduction in the authority of the state.
- 8 See, for example, Patel K, Shack dwellers take the fight to eThekweni – and the ANC takes note, *Daily Maverick*, 16 September 2013. Accessed October 2014, <http://www.dailymaverick.co.za/article/2013-09-16-shack-dwellers-take-the-fight-to-ethekweni-and-the-anc-takes-note/>
- 9 Memela M, ANC: Abahlali and opposition a third force, *The Witness*, 17 October 2013. Accessed October 2015, http://www.witness.co.za/index.php?showcontent&global%5B_id%5D=108219
- 10 Zikode S, Despite the state's violence, our fight to escape the mud and fire of South Africa's slums will continue, *The Guardian*, 11 November 2013. Accessed October 2014, <http://www.theguardian.com/commentisfree/2013/nov/11/south-africa-fight-decent-housing-assassination>
- 11 Barbeau N, City destroys shacks, *Daily News*, 24 December 2013. Accessed October 2014, <http://www.iol.co.za/dailynews/news/city-destroys-shacks-1.1626284#.VFmXOvmUfUU>
- 12 Umar RS & Mlambo S, Bleak Christmas as dwellers are left homeless, *Daily News*, 24 December 2013. Accessed October 2014, <http://www.iol.co.za/dailynews/news/bleak-christmas-as-dwellers-are-left-homeless-1.1626282#.VFmW-PmUfUU>
- 13 Hans B & Manda S, Shacks pop up in Durban land grab, *The Mercury*, 16 October 2014. Accessed October 2014, http://www.iol.co.za/news/crime-courts/shacks-pop-up-in-durban-land-grab-1.1760398#.Vg_UpJe1Psk

References

- Abahlali baseMjondolo (2014) *The ANC must be removed from office*. Accessed October 2014, <http://abahlali.org/node/13681/>
- Chatterjee P (2004) *The politics of the governed*. Delhi: Permanent Black
- COHRE (Centre on Housing Rights and Evictions) (2008) *Business as usual? Housing rights and 'slum eradication' in Durban, South Africa*. Geneva: COHRE
- Deacon R & Piper L (2008) Party politics, elite accountability and public participation: Ward committee politics in the Msunduzi Municipality. *Transformation* 66(1): 61–82
- Fanon F (1976) *The wretched of the earth*. London: Penguin Books
- Holston J (2008) *Insurgent citizenship*. Princeton, NJ: Princeton University Press
- Lefebvre H (1991) *The production of space*. Oxford: Blackwell
- Meth P (2013) Committees, witch doctors and the 'mother-body': Everyday politics in the township of Cato Manor, South Africa. *Habitat International* 39: 269–277
- Naicker C (2015) What's in a name? Marikana and its afterlives. Seminar paper, Unit for the Humanities, Rhodes University
- Odendaal N (2007) The Cato Manor development project in Durban, South Africa: Urban development through innovation. *American Behavioral Scientist* 50: 935–945
- Pithouse R (2013) *From Lusaka to Marikana*. South African Civil Society Information Service. Accessed October 2014, <http://sacsis.org.za/site/article/1608>
- Ranci re J (2004) *Disagreement*. Minneapolis: University of Minnesota Press
- Ranci re J (2010) *Dissensus*. London: Continuum
- Semenya I (2013) Press statement. General Council of the Bar of South Africa, 23 September. Accessed October 2014, http://www.seri-sa.org/images/Cato_Press_Release_23_09_2013-1_GBC.pdf
- SERI (Socio-Economic Rights Institute) (2013) *eThekweni municipality goes rogue*. Socio-Economic Rights Institute of South Africa. Accessed October 2014, http://www.seri-sa.org/images/Cato_PressRelease_2Sep13.pdf
- Zibechi R (2012) *Territories in resistance*. Oakland, CA: AK Press