

Urban Land and the Genesis of Violence

Edited by Malose Langa and Daniel Hartford



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Below: Zwelihle residents and police clash during a protest in Hermanus.



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Introduction

 *Malose Langa and Daniel Hartford*

The question of land has been a burning issue in the history of South Africa (Hendricks & Pithouse, 2013). Under colonialism and apartheid, various laws and policies were used to dispossess and force black people from their ancestral land. Since the democratic transition in 1994, there have been questions whether land reform or restitution processes have worked. Early in 2018, parliament voted for a review of Section 25 of the constitution. Since then, the Constitutional Review Committee has hosted meetings in town halls across South Africa to encourage debate on whether land must be expropriated without compensation or not. The theoretical tussle that occupies Facebook timelines, Twitter feeds and newspaper columns runs concurrent to daily news reports of ‘land invasions’,¹ ‘land grabs’, ‘land occupations’ and land- and housing-related protests, which often result in some form of public violence. In the back and forth of this debate, the moral and historical imperatives for reparations and justice, the call for human dignity and a demand to receive what was promised by the democratic government are pitted against a caucus that raises the spectre of market logic, falling investor confidence and concerns over food security. This research report seeks to add to the many voices in this conversation from the perspective of competition over urban land and the violence that often ensues as a result.

There are a few points of departure and omission that allow the breadth of the ‘land question’ to be distilled into one of ‘urban land and violence’. For one, the question of urban land is not new. In recent years, a number of publications and conversations have emphasised the urban in what is popularly a question that highlights rural land reform, restitution and redistribution (Hendricks & Pithouse, 2013; SACN, 2017, 2015). Hendricks and Pithouse (2013) sketch out the nuances and inconsistencies of this urban history, tracing the “arc of an ongoing struggle” from 1834, when the first shacks were built outside Cape Town, to the extreme indignity of the permanent ‘temporary relocation camps’ of Blikkiesdorp and Wolverivier in that same city today. Unpacking what is often described as blanket dispossession without organised resistance in South Africa, the authors reveal a longer view of land-related ‘citizen insurgency’, as it is termed by James Holston (2009).

As the public hearings on land expropriation proceed – notwithstanding President Cyril Ramaphosa’s announcement that the ruling African National Congress (ANC) party will push ahead with amending Section 25 of the constitution (M&G Reporter, 2018) – the arc of this struggle persists in invasions of well-located urban land. What distinguishes these conflicts from other sources of public violence and protest is perhaps the tangible, formative and symbolic value of land. It is this value that dictates a zero-sum struggle over a limited resource that is unable to satisfy diverse interests. As a finite commodity, land is not easily shared. The increasing intensity that has characterised contestation over urban space appears that much more vociferous as brinkmanship, and not compromise, becomes the preferred method of contestation, affording a greater chance of delivering a desired outcome for aggrieved groups.

¹ The terms ‘land occupation’ and ‘land invasion’ are used interchangeably in the report. Both terms refer to a situation where the land is occupied without legal permission.

In the democratic era, the self-assuredness of apartheid spatial planning finds ‘sense’ in neoliberal market logic, where the rich and the poor live in different spaces within the city. Against an outward push to marginalise poor and black people from city space, the global phenomenon of urbanisation has pushed thousands to leave rural areas, as well as other African countries. By and large, this has left peripheral urban space increasingly cramped and highly contested, especially as rural masses continue to arrive in large numbers. The scale of urban migration pitted against the capacity to accommodate it is frightening, with a recent estimate projecting a 71% increase in the number of households in metros over 19 years, from 6.2 million in 2011 to 10.5 million in 2030 (Simkins & Fonkam, 2018). Simkins and Fonkam (2018: 30) warn that “it is in the metros that the challenge of human settlement development is the greatest, and where the pressure for land reform will be the most urgent.”


In 2018, this warning has rung true, with the Western Cape seeing daily protests and a “73% increase in protest incidents that have grown progressively more violent” regarding land and housing (Pather, 2018). While some public commentators attribute the surge in land-related protests to political campaigns ahead of the 2019 national elections, the urgent demand for urban land to live on cannot be denied. As the urban population continues to grow, competition for scarce urban land is likely to intensify. In addition to these endogenous factors, there are suggestions that the increase in conflict over urban land has been spurred on not only by the ANC’s tentative commitment² but also by repeated and uncompromising national-level pronouncements from the Economic Freedom Fighters (EFF) party insisting on the policy position of “land expropriation without compensation” (Whittles, 2018).

At this juncture of urgent debate and concern over increasing violence related to urban land issues, we have sought to examine some of these dynamics through two case studies – Protea Glen in Gauteng and Hermanus in the Western Cape: two areas which are experiencing violent protests over access to urban land and housing. Our interest in this research was to understand the dynamics of these protests, the framing of grievances, the contestation for leadership positions, methods of mobilisation and resistance, the gendered nature of urban land claims and the policing of public violence. We also sought to identify comparable particularities at each site that are specific to land-related protest and public violence and the report concludes with recommendations to this effect. The research included in this report was conducted by CSVr researchers based in Johannesburg and Cape Town respectively: two cities in close proximity to both research sites. The decision to compile a co-edited and multi-authored report was informed by the desire to timeously contribute to the current and urgent land debate. This report provides initial findings from each site based on a series of interviews with key stakeholders over a period of six to eight weeks in June and July 2018.

Perhaps one of the most pertinent findings of this research is that regardless of the extent to which both research sites are decidedly dissimilar, the thematic dynamics that conflict over urban land surfaced in each – barring the divergent gender dynamics and the role of women in the respective sites – were closely comparable. Some of the themes identified were the heightened competition brought to bear by private developers; response protests from ‘landed’ individuals and those higher up the property hierarchy who felt threatened by claims to land from those without; a ‘hierarchy of belonging’ which dictated which groups were (by historical, cultural, linguistic and racial identifiers) the legitimate custodians of an area; the often violent role played by private security companies and other non-state safety and security outfits in protecting landed interests; the dynamic of ‘rentpreneurs’ and ‘land entrepreneurs’ that emerged in both sites to capitalise on land scarcity and collective grievances; the subversion of local governance in the emergence of *de facto* leadership in representing popular grievances and the rhetorical and often violent state responses that sought to criminalise and politically de-legitimise unelected leadership in the context of a governance vacuum.

² Which initially stated at the party’s 2017 Nasrec national conference that the “expropriation of land without compensation should be among the key mechanisms available to government to give effect to land reform and redistribution” (Grootes, 2018).

Land occupations and violence in Protea Glen, Soweto

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Introduction

It is clear that increasing urbanisation in a city such as Johannesburg has led to a shortage of urban land for human settlement. Given the financial constraints of many working-class people, many have had to build shacks on open land to be closer to places of work in the city. 'Informal settlements' have grown over the years on various pieces of land belonging to the city, the state and private owners. In some cases, these land occupations have led to violent confrontations between the state, the city, private agents and shack dwellers, resulting in forced removals and evictions. The land in and around the city is mainly needed for human settlement purposes. It appears that the demand for housing in urban areas such as Johannesburg exceeds the resources available to offer such assistance.

Protea Glen, which is located at the southern end of Johannesburg, has been growing over the last 10 years, with an increase in cluster houses in different sections. In total, the area has 31 sections, from extension 1 to extension 31. Each extension has a total of 80 to 150 houses. Large pieces of land still remain unoccupied, which has led to various incidents of land invasions.

The area of Protea Glen has also been growing rapidly in terms of shopping complexes and malls (e.g., the Glen and Sizwe Shopping Complexes, etc.). Developers see the area as an investment opportunity and are building bonded houses for sale and rental purposes, which makes this location a highly contested area amongst different groups with different interests. Located on the periphery of Protea Glen and Zurbekom is an informal settlement known by the locals as Waterworks. It was first established by locals moving from other areas in search of employment as well as African foreign nationals. The Waterworks community has often been in the news for service delivery protests to access basic services such as housing and electricity. Protea Glen has also witnessed numerous incidents with regards to land invasions and incidents of violence amongst protestors or between protestors and law enforcement officials. These protests were not only between land invaders and the state, but also between home owners and land invaders, which raises questions about class politics amongst black people post-1994. It is for this reason that Protea Glen was chosen as a case study, to explore the complexities of how urban land is contested amongst different group of people.

The next section of the report begins with the methodology of how data was collected and the challenges encountered in this regard, followed by a review of specific themes about rebelliousness amongst the poor attempting to access urban land, violence amongst protestors, the emergence of land entrepreneurs in which access to land becomes an opportunity to accumulate wealth and power, the role of private housing developers and whether they act in the interest of the public or not, uses or abuses of land expropriation by political parties, and politics of gender with regards to access to urban land.

Methodology

The report draws on secondary data collected from newspapers, social media and a literature review. In addition to this, individual and group interviews were conducted with various key stakeholders, community leaders and residents of Protea Glen, as well as officials of the city of Johannesburg. For confidentiality reasons, all key informants in the report shall remain anonymous. Fieldwork entailed going to Protea Glen and meeting informants on street corners and car washes and others in their respective offices and homes. A convenient sampling strategy was used in which informants known to the researchers were first approached for interviews. The interview process then snowballed, with the informants referring the researchers to other informants they knew.

The fieldwork was conducted between April and June 2018, following land invasions in the area. Some informants, especially land invaders, were not comfortable being interviewed, as they suspected that the researchers were secretly working as police agents looking for suspects to arrest. Some community leaders were also suspicious of the researchers, believing initially that we were in the area to 'spy on them and their work'. Despite these challenges, we were able to interview a total of 56 people. It is important to note that the sample is not fully representative of people in Protea Glen, but the report does provide some rich insight into the range of dynamics surrounding land invasions in the area. The report findings are preliminary in nature, with the intention to carry out follow-up interviews to deepen the case study.

Land question and rebellion of the landless people

Alexander (2010) in his article on the "rebellion of the poor" makes a compelling argument that the poorest of the poor are rebelling against political elites through violent protests for specific service delivery entitlements, as enshrined in the South African Bill of Rights. The poor are basically tired of waiting for a better life for all, while the rich and the politicians continue to live in opulence. The revolt of the poor, as shown in various studies (Alexander, 2010; von Holdt et al., 2011), often involves the blocking of roads and burning of public property, schools, libraries, clinics, etc. All these violent actions are aimed at disrupting normal life in the face of the abnormality that the poor face daily (Gibson, 2011).

Land invasions may constitute another way in which the poor are demanding to be recognised as full citizens of this country, with all the inherent, constitutional and legislative rights, rather than to be foundering on the margins and remaining invisible. It is a major struggle of the poor to realise citizenship rights in the 'new' post-apartheid South Africa, which appears to discriminate against people on the basis of class, in addition to race (Christopher, 2001; Alexander, 2010).

Land invaders interviewed in Protea Glen couched their actions within the framework of constitutional democracy, stating that it was their democratic right to have access to urban land for human settlement.

Yes, we have a constitution that this government of ours has failed to implement. You know the constitution talks about land. We are simply implementing the constitution that the wealth of this country must be shared including. We cannot live like this while the constitution says we must have land. (Individual interview, land invader)

Why harass us while the constitution protects us to live a dignified life and have land to build shelters for us and our families. We are not breaking any law. (Individual interview, land invader)

The key argument is that access to land for human settlement is a democratic right that needs to be protected at all costs. It is the right to the "promised land" (Gibson, 2011) taken away under colonialism and apartheid. The



demand for urban land for land invaders is also about restoring the human dignity of black people which was lost during apartheid.

Our great-, great-grandparents lost land to boers [white Afrikaners]. Why should we now buy land of our forefathers? Our dignity must be restored as black people, you see. (Individual interview, shack dweller)

White people stole land from our fathers and ancestors but they now expect us to buy it. This is madness, my brother, that these people now expect us to buy something that they stole. We must declare war for our dignity to be restored. (Individual interview, shack dweller)

Some informants were emotional when they spoke about the need for the dignity of black people to be restored. Their view is that land reform may help in the process of restoring this lost dignity.

The struggle for urban land was also about humanising poor working-class people through access to basic services such as housing. Symbolically, land occupiers argued that living in shacks was a “worse form of violence that the poor suffers daily in this country”. Questions were raised in the interviews about what constitutes violence and its related meanings:

You know I heard people saying we are violent and violent. I ask myself, you know, what is violence? Tell me, my brother, is this not violence that I sleep in a shack with no electricity? Is this not violence that I sleep in cold weather every day as my shack does not have a heater? Who is violent? Is it me? Come and stay in my shack for a week to experience the violence that I go through every day. (Individual interview, shack dweller)

We are not violent people but we are violated daily where we live, man. Violence is not us but it is where we live. We live with rats. Look at this [pointing to the uncollected rubbish bins]. We really need to redefine violence. (Individual interview, shack dweller)

The quotes above evoke Bourdieu’s work on symbolic violence, which is a form of violence that is not publicly recognised but that symbolically affects people daily (Burawoy & von Holdt, 2012). Poor people experience symbolic violence by living in shacks with no access to basic services such as clean water, electricity and sanitation. One shack dweller put this aptly:

Shacks basically undermine the dignity of people. We don’t want people to live in shacks. (Individual interview, Protea Glen resident)

For Gibson (2011), true liberation or freedom in his study on *Abahlali basemjondolo* (a shack dweller social movement) is about addressing the inequalities of the past to ensure poor black people also live a dignified life in post-apartheid South Africa. The politics of resistance by the poor aim to make their voices heard by causing a public disruption of public life, which daily renders them invisible and voiceless (Alexander, 2010; Gibson, 2011). It is only when the poor are organised in a protest group that they become recognisable as human beings who have needs and desires to live a better life. Their poor living conditions in shacks dehumanise them, but they are still expected to behave in a non-violent way.

Given the living circumstances of poor black people, violent public protests undoubtedly will not end in post-apartheid South Africa until all injustices linked with inequality, marginalisation and exclusion are permanently dealt with. In the absence of equality, violence is more likely to continue affecting us, as violence is becoming the only means of communication by the poor that the government will see by the smoke of burning tyres that we are calling them to listen to their grievances (von Holdt, et al, 2011).

Violence amongst vulnerable groups in the quest for land

A number of allegations were made about the identities of land invaders in Protea Glen. Some home owners alleged that land invaders were mainly African foreign nationals.

Yeah! You see the problem with this land occupation is that many of these people are not South Africans. Everything is free for all. (Individual interview, Protea Glen resident)

We cannot allow foreigners to come here and want land. Foreigners are just taking advantage of the situation. (Individual interview, Protea Glen resident)

You see this thing is going to cause chaos because anyone says I want land, I want land. How do we know if you are a South African or not? (Individual interview, community leader)

I know there are people here that want to fight us because we don't want these foreigners on our land. (Individual interview, Protea Glen resident)

It is evident in the quotes above that xenophobia may be used to fuel violence and hatred when people feel that their grievances are not heard or attended to. It is common during times of frustration over unmet needs that people displace their anger onto other vulnerable groups on the basis of ethnicity or nationality (Gibson, 2011). South Africa has experienced many incidents of xenophobic violence in the past. We agree with Gibson's argument that xenophobic violence is a displacement of anger which the majority of poor people are not able to direct at government for its failure to speed up the processes of service delivery. African foreign nationals are easily scapegoated as the 'other' and as a source of social pathology (Langa & Kiguwa, 2016). The risks of full-blown xenophobic violence remain high if the process of transferring urban land to the landless masses is not managed well. Xenophobic violence repeats the psychological economy of black-on-black violence (Gibson, 2011).

Land entrepreneurs, or landless people

Tilly (2003) in his book, *The politics of collective violence*, discusses political entrepreneurs as political actors who usually manipulate political processes through activism, connections, coordination, representation and patronage network systems for their own parochial interests. In South African politics, the term 'tenderpreneur' is popular in reference to politicians who masquerade as businesspeople while using their political connections to acquire state tenders through patronage networks (Ndletyana, Makhalemele & Mathekga, 2013). Multiple reports and books have been written about the phenomenon of 'state capture' in South Africa and tenders given to politically linked families (see, for example, Borat et al., 2017; Myburgh, 2017).

It is a fact that corruption is so rife that it has infiltrated the fabric of society, including paying bribes for a traffic fine, job, licence, a Reconstruction and Development Programme (RDP) house and so forth (Corruption Watch, 2017). The politics around access to urban land have not escaped the emergence of entrepreneurs, whom we refer to as 'land entrepreneurs'. These are individuals who are allegedly and illegally selling empty land spaces to potential buyers desperate for any piece of land. It was reported that some land entrepreneurs were selling a piece of land – a 'stand' – for R4,000 in Protea Glen.

I bet they have had to pay some amount to get an allocated plot! ... This is wrong on so many levels. (Individual interview, Protea Glen resident)

I heard that people pay around R4,000 to get a stand. (Individual interview, Protea Glen resident)



We heard that people paying money to be allocated pieces of land. (Group interview, Protea Glen residents)

Evidently, land has become a business opportunity for land entrepreneurs, who easily make a profit off land which they do not own. It is alleged that sometimes potential buyers find that more than one of them have bought the same piece of land. The transactions are always cash-based, with names handwritten in a notebook (as the only proof of payment). Land entrepreneurs are not a homogenous group. There are multiple land entrepreneurs competing for potential customers. There are reports of rivalry amongst land entrepreneurs, which may lead to killings similar to the increasing political intra-elite killings witnessed in von Holdt's (2013) 's article entitled violent democracy.

It seems the lack of state intervention to urgently address the urban land question has left the ground fertile for opportunists such as land entrepreneurs to take advantage of desperate landless people, who are literally dying to have a decent roof over their heads. In addition to the business-minded land entrepreneurs, there are the politically minded people who leverage collective grievances for their own gain and to consolidate their constituency. Land has become a source of accumulation and elite formation for land entrepreneurs in these precarious spaces. Desperate landless people may also retaliate with violence if their dreams of being allocated pieces of land, which they bought 'illegally', do not come true.

I'm just waiting for my land, my brother. I did pay and the hell will break if I don't get my money back. (Individual interview, land buyer)

We are worried as community leaders that we hear people have been buying land from dodgy people. Our worry is that they start wanting their money from these people and fight and fight. You cannot buy something from a person who is not the owner. (Individual interview, community leader)

It is therefore important given all the remarks above that the state urgently intervene to address the land question before the situation gets further out of control and become more violent.

Disruptive actions through land occupation

It emerged during the fieldwork that land occupations are not random and spontaneous. Often, there is some planning that takes place beforehand by self-appointed community leaders (or land entrepreneurs) to mobilise community members (mainly backyard and shack dwellers) about plans to occupy a certain open piece of land.

They gave me a number to send a WhatsApp and he would tell me where to meet him so I can pay him and get a stand. (Individual interview, land occupier)

There was a WhatsApp group formed for people to get messages about places to be occupied. (Individual interview, land occupier)

We normally communicate through a WhatsApp group of when to go and occupy land. (Individual interview, land occupier)

It was asserted that group conversations through WhatsApp messages easily spread to all land occupiers to meet at a particular point to occupy a specific piece of land. Eltantawy and Wiest (2011), and Khondeker (2011) comment on how instant messaging was easily and widely used in the 'Arab Spring' uprisings against long-standing dictators in Egypt, Tunisia and so forth. The same observation was made during the #FeesMustFall

protests, in which South African students used instant messaging and social media to advocate for and widely publicise their struggle for free higher education (Langa, 2017). Today instant messaging and social media have become important tools and resources for collective action, organisation and resistance among social movements (Eltanawy & Wiest, 2011).

The main strategy of land occupiers has been to occupy open land in phases:

We don't just go and occupy. We allow a small group to go and occupy and see what happens. If nothing happens, we send more other people to go and occupy until the numbers grow and grow and grow. (Individual interview, land occupier)

We want to go there and build their shacks. If people don't come, more other people come and build their shacks and if we are many the police cannot come and destroy them. It is against the law to do. We know that it is against the law to remove us. (Individual interview, land occupier)

Land occupiers asserted that they are fully aware of their rights that "once temporary structures are built, the municipality cannot remove us in terms of the law". Section 26(3) of the constitution states that "no one may be evicted from their home or have their home demolished without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions" (South African Constitution, 1996). The law stipulates that the municipality has the legal duty to provide alternative accommodation if they evict occupiers on any piece of land occupied illegally. Land occupiers interviewed in this study were familiar with some of the legal processes governing land occupations.

Holston (1991), in his research on land occupations in Brazil, discusses how the insurgents subvert legal processes to legalise themselves in their right to live in the city or next to it. He calls this "an insurgent appropriation of the right to the city through land occupations" (Holston, 1991: 706). Similar observations are

Below: A resident tries to calm the situation during protest over housing and jobs in Elderado Park in Johannesburg.



Photo: Ihsaan Haffjee/GroundUp. © 2016 GroundUp.

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made by Huchzermeyer (2003) in her work on informal settlements in Johannesburg. She notes that as long as regulated access to land for the urban poor is not improved, the poor have no alternative but to resort to informally occupying land. Urban poor black people are now using subversive tactics to attain access to urban land for human settlement.

Home owners' protests

Municipalities often deploy forceful tactics in the removal of land occupiers by metro police officials as well as the South African Police Service (SAPS). In other instances, the service is outsourced to private security companies, namely a security and armed response company known as the 'Red Ants', who are notorious for their brutal use of force against landless and homeless people.

Findings in the *Smoke that calls* report (von Holdt et al., 2011) show that the deployment of law enforcement officials to 'manage' public protests, including land occupations, often results in the situation becoming violent. This is because law enforcement officials often fire rubber bullets and stun grenades without any negotiation with occupiers. The land occupiers in turn throw stones at the police, barricade roads and burn tyres or public property. These are the violent protest scenes that we are all familiar with (see, for example, Alexander, 2010; Lancaster, 2016; von Holdt et al., 2011; von Holdt, 2013). Close to four or five protests happen daily in South Africa (Duncan, 2016; Lancaster, 2016). Many of these protests are violent in nature and the protest action organized by home owners in Protea Glen was no an exception.

The R559 to Randfontein has been completely blocked. No vehicles were allowed to pass as residents barricade streets with rocks and burning tyres. (Individual interview, Protea Glen resident)

We the residents of Protea Glen started the protest in order to get the attention of the government to do something about land invasions. (Individual interview, Protea Glen resident)

Below: Protesters block the main road during a service delivery protest in Finetown, Johannesburg.



Photo: Ihsaan Haffejee/GroundUp. © 2016 GroundUp.

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We formed a crisis committee for the residents of Protea Glen and agreed that we must block the main road so that the government can listen to us. (Individual interview, Protea Glen resident)

I know that the government needs us to strike whenever we want them to do something so the people that live here are striking because we want the government to come and to move these people. If the government can give them houses somewhere else then it will be better. (Individual interview, Protea Glen resident)

The main reason for the protest by the home owners was to raise public awareness about land invasions taking place in Protea Glen. The dominant view amongst the home owners was that land invasions in the area will devalue their properties.

These people [land invaders] will come and build shacks and this will affect the value of our properties. We have invested a lot of money on these houses. We don't want these people here. (Individual interview, Protea Glen resident)

I'm worried about people building shacks next to where we live as this will devalue our properties. (Individual interview, Protea Glen resident)

The rise in gated communities, which offer 24-hour security and highly controlled entry points, have led to new forms of segregation on the basis of class in post-apartheid South Africa (Jurgens & Martin, 2001). It is only those with money who can afford to live in certain spaces in the city. Some of these secluded private communities cater to the "upper rich people" in the form of golf estates and complexes against the disordered and fragmented society outside (Jurgens & Martin, 2001: 338). So this is a new form of 'class' apartheid on how the rich and the poor live, which rings a bell to the statement that South Africa is one of the most unequal societies in the world. However, it is not only the upper-class people who aspire to live this opulent lifestyle. This is the ideal dream for many South Africans who also wish to be home owners one day.

Areas such as Protea Glen, although not expensive or exclusive as compared to many other expensive urban areas, offer a bit of achievement for some of the 'emerging' black middle class who are able to afford bonded houses. The reaction of these Protea Glen residents to possible land invasions needs to be understood within the context of houses as an investment for the future, given the politics in the property market (Brown-Luthango, 2006).

Land invasions for these community members also appeared to conjure up images of chaos, pathology and disorder:

I don't have any problem with people coming to live in Protea Glen, but these people just come to build shacks and make the place dirty again. They jump our walls and come steal when we are at work, they rape our kids. (Individual Interview, Protea Glen resident)

They can't just come make shacks here next to our houses; I don't feel safe and my kids they don't feel safe because these people we know that they steal. (Individual interview, Protea Glen resident)

Obviously the government won't bring service delivery to the squatters so all their garbage and waste will be left on the land, causing more rats than there already are as well as smells and general pollution. People don't want to see that type of thing around their homes. They would rather be blind to poverty and bad situations but they aren't necessarily against it on a moral level. (Individual interview, Protea Glen resident)

They will stay there and when they are hungry they will steal from us. They will stay and open taverns and come and walk around our children and hurt us at night. I don't want to hurt anyone I just want to be safe in Protea Glen; this was my home from when I was small. (Individual interview, Protea Glen resident)

It seems their fear was not mainly about the invasions but about who was invading the land. It was an invasion of land by poor black people. This evoked the blatant stereotypical racist discourses in the comments above, which simply associate poor black people with increased levels of excessive drinking and rampant violent crime. It evoked the *swaart gevaar* mentality – the view which was popular under apartheid that black people are dangerous, and especially so if they are black men. Langa, Kirsten, Bowman, Eagle and Kiguwa (2018) show that this attitude is present in the way a black man is spoken about and represented in the media.

Some black people have internalised racist stereotypes about their own race group to the extent that the work of Steve Biko (1978) becomes relevant. Biko discussed the need for black people to be liberated mentally in order to achieve total emancipation. He described the realisation by the black man (and woman) of the need to rally together with his brothers (and sisters) around the cause of their oppression – the blackness of their skin – and to operate as a group in order to rid themselves of the shackles that bind them to perpetual servitude. Biko countered the lie that black is an aberration from the 'normal', which is white. It is a manifestation of a new realisation that by seeking to run away from themselves and to emulate the white man, blacks are insulting the intelligence of whoever created them black: "Black Consciousness therefore, takes cognizance of the deliberateness of God's plan in creating black people black. It seeks to infuse the black community with a new-found pride in themselves, their efforts, their value systems, their culture, their religion and their outlook to life" (Biko, 2005: 49). In this quote, Biko emphasises the importance of black people working together to rid themselves of the shackles of exclusion and marginalisation as well as feelings of inferiority and hatred of themselves and their fellow black people.

However, it is important to note that these views about the exclusion of poor black people were not shared by all the residents of Protea Glen. Some argued that access to urban land must be facilitated properly for landless people to have pieces of land for human settlement.

There is nothing wrong with our people wanting land; this land was promised to them by the ANC, why should we stop them from staying on the land of their homes? (Individual interview, Protea Glen resident)

Those people must stay there and build their shacks, residents will engage the municipality about that matter. We can't chase away our poor black people ... where should they go? So your bonds are far more important than the lives of your own black people? (Individual interview, Protea Glen resident)

Our view is that this land belongs to all of us as black people. I don't understand the people that say these people will devalue our houses. Did we struggle or achieve our democracy to look down at our fellow black people? (Individual interview, Protea Glen resident)

The view amongst pro-land occupiers in Protea Glen was that the process of land occupations must be managed well to avoid conflict or violence. It was asserted that access to urban land was a basic human right that needs to be protected at all costs to ensure that the process is not hijacked by hooligans and thugs who wish to cause chaos for their own benefit.

Developers, or vampires

Some questions were raised about the interest of housing developers in the area. Developers, given their financial resources, seem to acquire open pieces of urban land easily to build shopping malls and bonded houses, which have been booming in all corners of Gauteng, including Protea Glen. It is clear that high property prices make it impossible for low earners to afford any house in the market. The only hope to own a house for the majority of black people is to get an RDP house. Getting to the front of the waiting list for an RDP house has remained a dream for many shack dwellers. Many in Waterlocks asserted that they have been on the waiting list for the last 10 years or more.

In Protea Glen, the 'Cosmopolitan' housing project was mentioned as belonging to one of the biggest private companies that buys open land in the area and builds bonded houses. Some residents expressed their reservations about the exorbitant prices of houses sold in the area. The main argument amongst home owners interviewed was that the price of their houses was high due to the added amount that they had to pay for the piece of land.

We buy our houses here close to R500,000 to R670,000 but if you check the price, the house is R400,000 or less. The other amount is for the land. You see the price for the land which is included in the bond makes our house prices to be high. This is one of the reasons we also support land expropriation without compensation. (Individual interview, Protea Glen resident)

The dominant view amongst Protea Glen residents was that developers were taking advantage of potential home owners in the area.

These developers simply buy the land and charge us high prices for these houses. I feel this is daily robbery that must stop. These are just vampires out to milk us dry. (Individual interview, Protea Glen resident)

Some vehemently argued that houses will be reasonable if the money charged for the land/stand was excluded or non-existent. This was suggested as one of the recommendations: to make houses affordable for the majority of black people in South Africa. It was further argued that residents will then be able to afford to build themselves decent houses, as some complained about the quality of their houses. It was reported that over 40 houses were damaged after a storm in December 2017 in Protea Glen.

You see, these developers are building us shit houses, my brother. You cannot call some of these houses a house. This is a house that can collapse at any time. Many of these houses have big cracks. (Individual interview, Protea Glen resident)

The quality of these houses is very bad. Everything is just falling apart. (Individual interview, Protea Glen resident)

Given all these problems, some residents were in support of land expropriation without compensation, so that black people can build quality houses based on their own dreams rather than live in small houses, which one resident likened to matchboxes. Another resident expressed a concern that the state appears to have implicitly outsourced its constitutional mandate to provide low-cost housing to the private sector:

It [the private sector] is just out to milk people dry as some home owners are losing their houses when they get repossessed by banks for their failure to meet their monthly bond payment (Individual interview, Protea Glen resident)

Brown-Luthango (2006: 28) shares the sentiment of the resident above that “it cannot be left up to the market to address the current development and spatial challenges as the current operation of the market reproduces and reinforces marginality, and exclusion”. Although this aspect was not explored in depth in our research, it appears that this epitomises the Cosmopolitan housing project, as the developer has captured the whole housing market in Protea Glen. The situation raises questions about how the company gets all these big pieces of land. Brown-Luthango argues that the value of land often gets distorted by the property market, which then becomes a source of exclusion for those who cannot afford bonded houses. Only a certain group of people can live in certain areas due to high house prices as a result of the land being considered ‘prime’.

Uses and abuses of land expropriation by political parties

There is no doubt that the issue of land expropriation is a political issue. There was a concern amongst some residents interviewed that this issue may also become hijacked by political parties for their 2019 election campaigns. However, it is also during elections that voters may begin to assert their constitutional rights, such as “no land, no house, no vote” (Gibson, 2011). Boycotting elections may be one of the most powerful strategies that voters employ to hold political parties accountable. The people of Merafong, Moutse and Matatiele once boycotted elections due to demarcation disputes. Given this, it is possible some political parties may intentionally couch their messages around the land question in an effort to woo potential voters to vote for them. It appears that the topic of land expropriation without compensation has already become a campaigning tool for different political parties.

I will be lying to you if I say the land expropriation is not going to be used come elections. (Individual interview, community leader)

The decision for land expropriation was a political decision. We all need to accept this. (Individual interview, community leader)

Some informants who identified themselves as members of the ANC mentioned that the ANC National Conference’s resolution to expropriate land without compensation was informed by material conditions on the ground as well as upcoming elections. One ANC leader asserted that the process of land expropriation needs to move faster so that “people can see that we are an organisation of our own words” (individual interview, ANC member in Protea Glen).

So far, the public hearings on land expropriation without compensation show the polarisation of South African society along racial lines. For the majority of black people, the dominant view in the public hearings is that “our freedom is incomplete while people do not have access to land”. For the majority of white people, the debate has created “anxiety and uncertainty about the future”. Emotions appear to be high amongst both white and black people at these public hearings. This confirms Rumney’s (2005: 401) view that the “discussion of ownership of, particularly of land, stirs up all sorts of emotions in South Africa: above all, memories of great wrongs wrought, resentment at theft on a grand scale and insult a pettier but no less wounding level”.

Politics of gender and access to urban land

Where are the women in the quest for access to urban land? In this study, interviews were conducted with women living in one of the informal settlements next to Protea Glen. Below are some of the views expressed by these women about access to urban land:

My husband works at the farms and I work in a kitchen, but I must also take care of the children because he must worry about how to get us an RDP, I cannot leave him with that a man must be the one to make his family live a better life and not to struggle. (Individual interview, female shack dweller)

For us as women we think it is men who must go and get us houses. I cannot go and occupy the land. It is dangerous because police come and shoot at you. (Individual interview, female shack dweller)

'I want a house but that place [the place invaded] is not safe because police arrest people. They shoot bullets. Women don't go because of the fights. (Individual interview, female shack dweller)

Women we interviewed spoke about the need to own houses but were not willing to risk their lives to illegally go and invade open pieces of land. Their main worry was about the violence associated with land invasions, especially violent evictions by law enforcement officials. Further research is needed about the position of women and access to urban land.

Many of the land invaders were young men, with some older men as well. For them, owning a house was linked with practices of hegemonic masculinity (Connell, 1995), in which men are traditionally expected to be providers, protectors and heads of household. The current South African social and economic conditions make it difficult for men to achieve 'complete' masculinity by securing jobs, marrying and establishing their own households (Hunter, 2006). Hunter (2006) describes poor young black men with no job prospects as men without *amandla* (power) because they cannot even afford to pay *ilobolo* (bridewealth) and *inhlawulo* (damages for impregnation outside of wedlock). Many of these unemployed men are extremely frustrated at not being able to meet the expected social roles of fatherhood, including building their own *umuzi* (homestead) or *motse* (house).

Some land invaders asserted that owning a piece of land to build a home "shall restore their sense of dignity as men". As much as we support the liberation of men, we also need to be critical of how men relate

Below: Woman and child are displaced during evictions carried out by the 'red ants'.



Photo: Ashraf Hendricks/GroundUp. © 2016 GroundUp.

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with women in relation to ownership of assets such as land. It is important that the land question does not become a tool in which women continue to be oppressed by men. It seems the prevalence of violence in land invasions has a gendered effect, discouraging women to occupy any piece of land. This effectively reinscribes symbolic domination that decrees and legitimates land expropriation as the exclusive domain of men, with women reproduced as carers of children and makers of homes. Attempts need to be made to ensure that women are not excluded in all these processes of accessing urban land.

Conclusion

Findings of this case study are preliminary at this stage as further research is still needed to explore all the complexities of urban land in Protea Glen. It is evident that urban land is highly contested amongst different groups of people, namely, the state, private sector, home owners and landless people. Risks of violence remain high especially if processes of urban land redistribution and reform are not managed with care and sensitivity to address the spatial inequalities of the past. There can never be peace while the majority of poor black people continue live in squalor with no access to basic services, such as water, electricity and housing etc. It is important that attempts are made to address these service delivery demands so that everyone can live a dignified life irrespective of class or race.

Below: Protesters break a road sign and use it as a shield against police during a protest over housing and jobs in Elderado Park in Johannesburg.



Photo: Ihsaan Haffejee/GroundUp. © 2016 GroundUp.

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Who belongs? Understanding urban land and violence in Hermanus

 *Daniel Hartford*



Introduction

The day after the first draft of this report was submitted, violence again erupted in Zwelihle, Hermanus on the 10th of July 2018 (Pitt, 2018). This time, the discernible core grievance appeared no longer to be about land and housing but was rather a call for the release of a community leader who had been arrested following the destruction of a newly erected fence that separated Zwelihle, a black township, from its white neighbours in suburban Sandbaai. As clashes between protestors and police escalated over the course of two weeks, media reports and Twitter commentary described the situation as a ‘hostage drama’ enforced by ‘thugs’ and ‘criminals’. Some local businesses in Hermanus provided the police with pies and thanked them on social media for “their hard work keeping *us* [emphasis added] residents safe”.³ And Minister of Police Bheki Cele visited the area on two occasions in an attempt to find a resolution to the situation.

On the basis of our prior research, we wrote an op-ed that sought to bring balance to what we recognised as a skewed popular portrayal of the protestors and those who had assumed leadership positions in Zwelihle, against the backdrop of a leadership vacuum left by mistrusted local leaders (Hartford & Langa, 2018). We also took time following the new developments to re-interrogate our initial findings in this report. Many of our preliminary findings have been underscored by the latest bout of violence and protests, reiterating the cleavages that are at the centre of violence in Hermanus. While the demand has become #HandsOffGcobaniNdzongana and the release of local and unelected leaders, the initial core grievance of land and housing – and the related discontents of distrust in local leaders, racial discrimination, acute inequality and a profound question of belonging – have emerged as powerful and enduring sources of resentment and anger.

Commitments made by the police minister to assist in facilitating a task team of relevant national government departments to address the needs of Zwelihle residents has allowed relative calm to descend on the area. This promise also comes with the minister’s assurance that the Independent Police Investigative Directorate (IPID) will be called to investigate incidents of police violence and that an independent investigation will be established to provide an objective appraisal of the preceding weeks’ violence. Streets have been cleared, schools have reopened and people have returned to work while a SAPS base has been established in Zwelihle with a permanent and heavy police presence. It is at this point in a developing story that this chapter has been updated and revised.

The protests of July 2018 were the third and most violent iteration in a series of protests that characterised Hermanus this year. They follow protests and clashes with police in Zwelihle and Hermanus over access to land and housing on 17 May 2018 (Evans, 2018a; Isaacs, 2018), and the start of community-led action towards the end of March following “thwarted land invasions” (Palm, 2018). Taken together, the violence has led to the death of a two-year-old child, numerous severe injuries to protestors and police, and an estimated R40 million in damages (Hlati, 2018). At the centre of the developing protests is a piece of vacant land, Schulphoek, which was sold by the previous municipality to private investors Leslie Viljoen and the Rabie Property Group (Evans, 2018b). Zwelihle residents claim that the land belonged to their community and was sold without a proper

³. “Seeff Hermanus spent Mandela’s birthday supplying the local police men and woman with pies for their lunch to thank and acknowledge them for their hard work keeping us residents safe #Seeff #mandela #gratefulThanks”. See <https://twitter.com/SeeffVoelklip/status/1019611538246729728>.



public consultation – a claim disputed by the municipality. This central grievance has seen the coalescence of other pressing land and housing grievances in Zwelihle and in neighbouring communities. Residents of the adjacent Mount Pleasant and the nearby town of Hawston have initiated their own protests for land and housing, as well as a claim to the Schulphoek site.

After protests in May 2018, the Western Cape government intervened with a housing task team and a commitment to repurchasing the land from the private developers – something that at the time of writing was still in process (Isaacs, 2018). In addition, temporary housing units were being developed for aggrieved backyard dwellers on a site of vacant land in Zwelihle. While not yet finalised nor agreed to by all parties, the state's vision for the Schulphoek site includes a mixed portfolio of housing and rental units which would be made available to all eligible residents of the Overstrand region and no one community in particular. The details of who is eligible for a site or house, the date of occupation and the housing typologies are subject to ongoing negotiations between stakeholders and a housing task team comprised of members of the provincial government and municipality and facilitated by South African Human Rights Commission (SAHRC) commissioner, Chris Nissen.

The veracity of allegations of unlawful sale and corruption aside, the current conflict has revealed complex dynamics which resonate with a broader South African conversation around access to urban land and housing in the post-apartheid period. This report aims to sketch a brief description of events, an overview of key stakeholders and an outline of the drivers of conflict before drawing out initial themes through an analysis of interview and desktop data. The report concludes that the Hermanus case study provides a glimpse of many intersecting structural drivers of conflict and offers some preliminary recommendations for mitigating – or avoiding – violence in comparable situations.

The overlapping and mutually reinforcing drivers of conflict in this context are identified as: the enduring legacies of the Group Areas Act, the racialisation and designation of land for specific race groups and the failure to achieve spatial justice in the coastal town; within this, the failure to provide *sufficient* land and housing close to residents' work; market pressures that exclude and marginalise people from Hermanus in a process similar to 'gentrification' in other urban contexts; an acute sense of relative deprivation made more pronounced (due to such close proximity) between those without and those with extreme wealth; simmering racial tensions; poor communication between the municipality and communities; a failure of local leadership, distrust in elected officials and a consequent 'governance gap'; and poor inter-group understanding of respective communities' needs, which is compounded by racialised and pejorative stereotyping.

Hermanus and the Overstrand: A brief overview

The year 1652 is an ill-omened one in the history of the land mass that now constitutes the Republic of South Africa. It has come to connote not only the arrival of European colonisers but also the swathe of injustices – particularly as they pertain to land – that are as of yet unresolved in this country.⁴ A brief sketch of the settler colonial and apartheid period in Hermanus demonstrates the divisive spatial origins of the town that are prominent features of the contemporary conflict. Hermanuspietersfontein was so named from 1830, before being shortened to Hermanus when the town was declared a municipality in 1904 (Baumann et al., 2009). Over the early 1900s, the development of a hotel and golf course attracted a wealthy class of white holiday makers which formed the impetus for Hermanus' abiding identity amongst a certain bracket of white society as the 'Riviera of the South' (Burman, 1989).

The 'coloured' fishing community of Mount Pleasant was established close to the town in 1934 and – in keeping with the stipulated segregation of the 1950 Group Areas Act – a black community living at Die Mond

⁴ Popular discourse on Twitter and other social media platforms references this date as symbolic of colonialism's dispossession, deprivation and subjugation of black people.

were forcibly removed to lower Mount Pleasant (adjacent to current-day Zwelihle) in 1957. In 1963, Hermanus was declared a 'white' group area. In the same year, Zwelihle was 'established' and black residents of Mount Pleasant were moved to the developing settlement. The land previously used by black residents in Mount Pleasant was allocated to newly removed coloured people from elsewhere. Forced removals from central Hermanus continued until 1966, with Mount Pleasant considered a temporary relocation area for coloured people destined for Hawston – a designated 'coloured area' further away from Hermanus. Black access to the coastline over this period was limited to the Schulphoek site.

Since the end of apartheid and the onset of democracy in 1994, the racialised contours of human settlement have remained intact, leaving the communities of Mount Pleasant, Hermanus, Zwelihle and Hawston almost racially identical to their apartheid predecessors. While some racial integration has occurred in each community, it is limited. By and large Hawston and Mount Pleasant are regarded as 'coloured communities', Hermanus is thought of as a 'white community' and Zwelihle is seen as a 'black community'.⁵ What has changed in these communities is the number of people residing in them. The Integrated Development Plan (2017, 26) for the Overstrand municipality indicates a proportional drop in both coloured and white populations in the municipality from 37% (20, 355) and 36% (19, 804) of a total 55, 012 people in 2001 to 29% (27, 088) and 28% (26, 154) of a total population of 93, 407 people in 2016, respectively.

By contrast, the population of black South Africans has risen from 27% (14, 853) in 2001 to 43% (40, 164) in 2016 (Overstrand Municipality, 2017). There has been a distinct shift in the demographics of the region, with the black population more than doubling in the space of 15 years. This shift is registered primarily in Zwelihle, leaving the white areas of Hermanus, Onrus, Sandbaai and Vermont notably 'untransformed'.⁶ The other demographic distinction in the post-apartheid period is the burgeoning in-migration of African foreign nationals into, almost exclusively, Zwelihle. Zimbabweans, Malawians, Nigerians, Somalians and Ethiopians, as well as Bangladeshis, predominate in this group.

Googling 'Hermanus' today, one is met with a list of entries boasting accommodation options, "The 10 Best Things to Do in Hermanus" and promises of "Property and Houses for Sale", with 'Little Monaco' joining 'The Riviera of the South' as choice descriptions of the town. In the last months, this tourist-friendly list has come to include search results like "WATCH: Protestors set property alight in Hermanus protest" (Singh, 2018). Land and housing-related protests have sprung up across the Overstrand municipality, not only in Zwelihle, Hawston, Mount Pleasant and Hermanus but also in informal settlements in Kleinmond, Stanford and Gansbaai, as well as Botrivier in the neighbouring Theewaterskloof Municipality. What follows in this report is an attempt to detail some of these dynamics as they pertain to the Hermanus area specifically. The protest and public violence that have ensued are in many respects the breaking of an illusion and a stain on the projected identity of the tourist-friendly town of Hermanus. Against images of well-heeled retirement packages, green golf courses, fine dining and opulent homes, the recent protests have vociferously upended this idyllic vision and revealed the town's shame in the indignity suffered by its poorest members.

⁵ Apartheid-era racial distinguishers of 'coloured', 'black' and 'white' will continue to be used in this report to denote different race groups, and as a result, different communities. To engage in a post-apartheid language of, for example "so-called 'coloured' people", is an unnecessary complication in the Hermanus context and serves mostly to confuse. This is not to say that individuals are unable to transcend their apartheid-given racial identity in their respective self-identification. Instead, the utility of such racial typologies is widely subscribed to in interviews and conversations in the Hermanus area and to reframe such conversations towards a post-race or 'colour-blind' language would necessarily lose a large part of what is meant or intended by interviewees.

⁶ It is also worth noting that the increased black population has had an almost negligible impact on the socio-cultural-linguistic predominance of white culture in the area – an observation that is consistent with much of the literature on the transformation of post-apartheid space captured in a Lefebvrian discourse of a 'right to the city' (Huchzermeyer, 2014), as well as around ideas of 'being and belonging' in post-apartheid urbanity (Jackson, 2003).



Figure 1: Overstrand Municipality Population Growth by Race

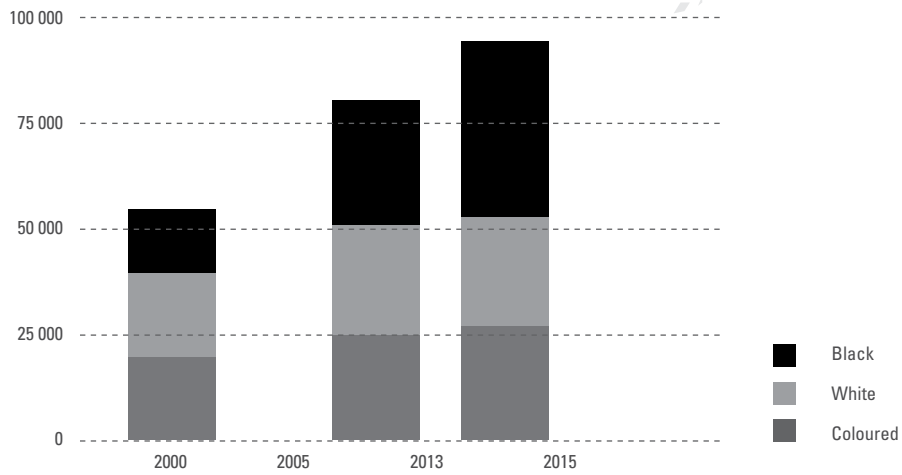


Figure 2: Mount Pleasant indicated in red, Zwelihle in purple and the contested land Schulphoek in yellow. The Hermanus town extends to the right of the image. Illustrations are approximations



Methodology

This report draws on newspaper articles, government documents, social media and other desktop sources. In addition, interviews were conducted with key stakeholders involved in the current conflict over access to land and housing in the Hermanus area. By and large the identities of interviewees are withheld in this report. Interviews were conducted with individuals in leadership positions in the respective communities, municipality, department of human settlements in the province, SAPS, private security companies, journalists, members of the public, housing experts, town planners and other interested parties.

Research limitations

As with any research, the context of time and place matters. In Hermanus, interviews with research participants took place while developments with respect to the key grievance – the protest over the Schulphoek site and land and housing generally – were still unfolding. In the midst of a developing situation, the testimony of many participants was not a retrospective post-fact reflection on an event that had reached resolution. Instead, many research participants were vested emotionally, and in a particular outcome emerging from the ongoing negotiations over land and housing. As will become evident below, consensus on the particularities of the conflict is constrained by the subjectivities of interviewees and their own agenda-based interests. This is not to insinuate that all interviewees distorted their narratives to suit their agenda, but failing to acknowledge individual agendas would do this research a naïve disservice. In the heat of the moment, rumour, hearsay, perception and conspiracy emerged prominently in interviews. As much as possible, this report attempts to distil from the rich contributions a narrative of events, themes and uncontested detail in identifying core motifs and formulating the proposed recommendations.

A second methodological point worth mentioning is the positionality of the researcher and what my own identity registered in interviewees. As is evident, the context of Hermanus is racially charged. The area has a strong Afrikaner identity and Afrikaans is widely spoken as a first language by both white and coloured people and as a second or third language by some black people. English is a common language to most, while isiXhosa is almost exclusively spoken by black South Africans in addition to a wide variety of other African languages. Interviews were conducted in English, which required many participants to speak their second or third language. As a white, modestly multilingual (in isiXhosa and Afrikaans) but predominantly English-speaking South African researcher, many doors were opened to me while, conceivably, others were closed.

By way of example, coloured respondents in Mount Pleasant made a series of racist jokes and slurs targeted at black people which was intended to amuse. I can only assume that I was included in this description on the basis of my being white. In this sense my whiteness and the assumption that I shared a racist affinity with interviewees permitted me access to an 'in-joke' which revealed the extent of race-based sentiment. In another example, I was regarded with suspicion by black participants for enquiring about the protests and having no proof of being a member of the press. White people in Zwelihle who are asking questions about what drives residents to protest while emotions are still high are perhaps more readily identified as spies, state security agents or provocateurs than researchers. As I was regarded with a healthy level of distrust, many participants in Zwelihle were initially guarded in interviews and access to people in leadership structures was not readily forthcoming. These examples illustrate the often divergent ways in which groups perceived this researcher and the access that I was denied or granted on the basis of my own identity.



Who are the protestors in Hermanus?

On 22 March 2018, a group of about 15 women living in the Kwasa Kwasa area of Zwelihle walked to the Overstrand municipal offices. Tired of paying exorbitant rental prices for small backyard dwellings attached to RDP homes, and frustrated at a lack of services when their landlords failed to pay rates and for electricity, they demanded serviced land so that they could build their own homes. They were turned away. The following day a large group of peaceful protestors returned to the municipality. What ensued has been widely covered in the media, as the protest turned violent. In many respects it is consistent with descriptions of public violence around the country (Alexander, 2013; von Holdt et al., 2011).

Interviewees described how the looting of shops and the burning of buildings were actions that were not supported by the whole community and were initiated by *phara-pharas*, or 'criminal elements', within the community. It was only once looting had started that the community joined in. This too is not dissimilar to public violence elsewhere in the country (Landau & Misago, 2016; Misago, 2011; von Holdt et al., 2011). While foreign-owned shops were targeted by looters, shops owned by South Africans were also destroyed. In the aftermath of protests that saw foreigners chased from the area, community leaders publicly apologised to the respective foreigner groups in Zwelihle. Nevertheless, when the situation becomes volatile, it is foreigners who tend to be the most vulnerable targets. The burning of municipal housing offices and the satellite police station was accredited to *tsotsis*, or thugs. However, the home of an official responsible for the housing waiting list was also burned down – something that is difficult to associate with criminal elements and appears to be a clear expression of community frustration.

What perhaps differentiates the connection between urban land-based protest and public violence is the very tangible quality of what is being demanded. In Zwelihle, the protest saw the invasion and staking of plots in the area behind the Zwelihle swimming pool as well as the old dump mound, which has been dubbed Marikana. Unlike a protest for the delivery of services or better governance, which are rendered intangible by their absence, land is a finite commodity that simply exists. The blocking of roads and damaging of schools, municipal buildings and police stations are aspects of the public violence that echo other situations across the country. Protestors in Zwelihle went beyond the usual tactics to physically lay claim to plots of private or municipal land. Law enforcement authorities as well as the Red Ants eviction service responded by demolishing structures and forcibly removing protestors from Marikana.

On 7 July 2018, Zwelihle residents led by members of Zwelihle Renewal, a Facebook group that became associated with the protest leadership, removed a new fence that had been erected on a strip of land on the edge of the community which borders Schulphoek Road. This fence was on the boundary between Zwelihle and the predominantly white suburb of Sandbaai on the opposite side of the road. It is this action that led to the arrest of a community leader and the escalation in violence. Judging by comments on Facebook, Zwelihle residents felt that the fence was a clear attempt to keep them 'boxed in' and segregated from the neighbouring area following the recent protests. The fence also served to protect the unoccupied strip of land and meant people walking to the nearby shopping mall now had to circumnavigate the barrier. This small example of the fence is another way in which land-based grievances develop distinctly from other popular grievances, as the dynamics of space, access, territory and ownership (in the collective more than the legal sense) converge on pieces of land between aggrieved groups and stakeholders. In addition to being tangible, land is foundational. For water, electricity and piped sanitation to be provided to people, land is a prerequisite. That many demands for land were accompanied by complaints about the indignity of living conditions in Zwelihle is perhaps indicative of this point. Since the initial delegation of Zwelihle women, what has become clearer are the many parallel grievances that have converged to form what from the outside appears to be a unified demand for land and housing.

Distilling the grievances

Schulphoek is at the heart of land and housing grievances in Hermanus and is a focal point for the coalescence of related grievances. The site was sold by the municipality to Rabcav⁷ for R6.1 million in January 2010 as one of five sites included in a deal which saw Rabcav appointed as the municipality's 'development facilitator'. Part of the agreement for the sale of the 64-hectare property was that Rabcav, in addition to 245 luxury sea-facing homes, would build a bypass road as well as provide bulk services to Zwelihle to the value of R17.5 million. None of this has materialised (Staff Writer, 2010). The deal has been mired in controversy and opposition,⁸ with the former head of Overstrand Housing and Development, Bobby von Doring, quoted as saying, "The whole idea was to sell Schulphoek first and then to use the money to cross-subsidise it for houses, rehabilitation of the old waste dump, sports fields and a centre with a 24-hour clinic. Nothing has happened. They sold off Schulphoek and forgot about the promises" (Quoted in Staff Writer, 2010).

The aggrieved

Zwelihle, has emerged as the initial protagonist in the protests. Over the past months, dubious details and insinuations of municipal corruption in relation to the Schulphoek sale have been levelled at the municipality, with Zwelihle protestors expressing frustration that land earmarked for their community had been illegitimately sold. This frustration has been compounded by growing dissatisfaction with the pace of housing delivery and poor living conditions as well as demand for serviced land where people can build their own homes. With such high demand for rental units, the common informal settlement phenomenon of backyard dwellers has developed in parts of Zwelihle as single room rental units were affixed to RDP homes and sites.

Below: Residents from the Zwelihle, Hermanus in a standoff with police during a protest



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⁷ A joint venture between Rabie Properties of John Rabie and Cavor Properties under Lesley Viljoen.

⁸ Opposition to the sale from the Hermanus Ratepayers Association captured in the same news article (Staff Writer, 2010) notes that "the sale was neither properly advertised nor put out to tender"; "the market value of the land was not clearly determined"; "the development would cut off the public's access to the sea"; "there were insufficient reasons for disposing of the land"; and "the Overberg Municipality's management policy was not followed and the proposed development was environmentally and socially objectionable".

Key here is the demand of middle-income wage earners, who are discounted from state housing programmes because they earn more than the stipulated minimum salary of R3,500 a month to be deemed eligible. Waiters, chef's assistants, home-based carers, police, municipal employees and seasonal workers in the hospitality industry are some of the professionals in this group. Given the lack of affordable housing in Hermanus itself and of mixed-income rental options, this group is forced into precarious and poor living conditions in small shacks, often sharing one toilet for every 6 to 12 units. For those on waiting lists for homes, many are aggrieved at the slow pace of delivery, perceived municipal corruption and manipulation of the waiting lists, and poor communication from the municipality. With overcrowding and backyarders placing increasing strain on limited living space, residents want access to vacant land so that they can erect their own structures. Having lost land to luxury developments on well-located land, Zwelihle residents feel an acute sense of urgency to access land.

After the primary Zwelihle-led protest on 17 May 2018 and following Zwelihle's initial 'success' in securing the Schulphoek site through the provincial government, Mount Pleasant residents initiated their own protest, blocking the R43 with burning tyres. Much like Zwelihle residents, Mount Pleasant residents demanded access to land and housing and expressed frustration at being on housing lists without any relief. They also claimed a right to the Schulphoek land on the basis of a historical and cultural connection with the site, as it is where many coloured families holidayed under apartheid.

In addition to Zwelihle and Mount Pleasant residents, there is a small group of aggrieved white people involved, some of whom joined the Mount Pleasant protest. This group is distinct from affluent Hermanus residents. It is a comparatively poorer group who are unable to afford the expensive rental prices of the town and neighbouring suburbs. Some are under threat of eviction from an area known as Paradise Park, which

Below: Police on the scene in Zwelihle, Hermanus during protest action.



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has been sold to a private developer by a private owner (Avaaz, 2018). They complain that they cannot afford to live in the town of Hermanus and have been pushed to the outskirts. This community is not limited to Paradise Park and includes pockets of residents in Stanford, Vermont, Onrus and Hawston.

More generally, in addition to those professionals who are forced to rent backyard shacks in Zwelihle, there is a stratum of middle-income earners who are aggrieved at the high cost of rentals in the area. Many in this group, who are employed in Hermanus, choose to commute to work from as far afield as Caledon and Somerset West to avoid expensive rentals.

The accused

The municipality stands – unofficially – accused of corruption, mainly for the sale of Schulphoek and for housing waiting list irregularities. It is also accused of maladministration, with regard to housing lists and making land available, and of choosing to side with private developers over providing land and housing to the poor. Distrust of locally elected ward councillors in Zwelihle and of the municipality more broadly is apparent among interviewees. Municipal interviewees refute these claims⁹ and echo Western Cape Premier Helen Zille’s analysis of the difficulties in providing land and housing: municipalities are hamstrung by the national fiscus and, with a small tax base and high rates of in-migration to the Western Cape, they do not have the resources to provide housing that can meet the growing demand. Sales of land are one way the municipality can inject finances into its budget.

Although less pointedly alluded to, there is a sense of frustration amongst some of the aggrieved with a very wealthy class in Hermanus, many of whom own holiday homes and are not year-round residents. Hermanus real estate is some of the most expensive in the country and has resisted slumps in the local property market elsewhere. The power and luxury of this group in such proximity to the aggrieved paints a picture of absolute contrast. The popularity of Hermanus real estate amongst a wealthy, almost entirely white, class has placed the increased pressure of a market-driven demand for land on a land-scarce region. This group is a powerful lobby in influencing municipal priorities and while not openly accused, is indirectly implicated in the conflict.

Mobilisation tools: Facebook and a loudhailer

A particularly interesting aspect of the Hermanus protests is the way, especially in Zwelihle, communities organise. The Facebook group Zwelihle Renewal, which started with the simple intention of being a community platform for positive change, morphed into a political and organisational tool leading up to and during the protests. The group has supplanted the three local ward councillors and has been popularly legitimised in that they represented the community in negotiations with the police minister. The group has 4,330 members and an active and updated timeline that details grievances and debates and provides organisational and logistical information.

In addition to the Facebook group, as well as instant messaging applications like WhatsApp, an interviewee from Zwelihle Renewal described how before a community meeting or protest, a leader with a loudhailer would go street to street announcing relevant information. Old and modern technology have played a combined role in efforts to mobilise the community around key grievances.

⁹ Although the recently published *Overstrand’s Strategic Risk Register for the 2018/19 Financial Year* acknowledges the “susceptibility of municipal staff and councilors to engage in fraud and corruption” as a key risk faced by the municipality (Overstrand Municipality, 2018).



Gender dimensions and politics of urban land in Hermanus

Agrarian or urban, the experience of land reform in South Africa has been highly gendered, with women broadly excluded from the process (Pheko, 2014; Walker, 2002; Walker and Dubb, 2014). Some of the challenges identified here are the strength of socio-cultural institutions that affirm patriarchal norms and the male saturation of relevant institutions (and by consequence an absence of women in these roles). In instances where title is granted, it is most often awarded in the name of a man and not a woman in a household. The ownership patterns and the gendered nature of ownership are currently not clear in Zwelihle, Mount Pleasant and Hermanus. While the leading individuals in community leadership structures were mostly men, interviews with women (in leadership and otherwise) and observations of community meetings revealed the distinctly gendered nature of the formation and framing of land and housing grievances from the perspective of women. Something common to Zwelihle, Hawston and Mount Pleasant is that many of the original, ground-level complainants and many of the most vocal participants in community meetings are women.¹⁰

Asked why this is the case, female interviewees described how demands by women for housing were more personal than for men. They noted that women are motivated by a greater need for safety – something that a house with an indoor toilet provides more than a backyard shack with a shared toilet. Interviewees, women and men, also described women as ‘homemakers’ who have an especial need for secure houses as the maternal figure in households. “Our men are so weak” (Individual interview, Hawston woman). She went on to explain their tabling of grievances as being consistent with their role as the sole breadwinners in their homes. Yet despite the prominent role of women in tabling, shaping and pushing grievances from the ground up, women, except perhaps in Hawston, are not widely represented in leadership structures.

Political interference, *de facto* leadership and groups within groups

Initial media reports suggested that the start of the protests in March 2018 were instigated by the EFF in their call for land expropriation without compensation. The Zwelihle leadership are angry with what they describe as “malicious reporting”, saying, “Our community protest was not politically motivated but was entirely community driven” (Individual Interview, ZR leader). If anything, say Zwelihle leaders, there were people wearing Democratic Alliance (DA) t-shirts in the protesting crowd. There is a general wariness amongst interviewees of how issues in the Western Cape can become a political football for scoring points between the DA and the ANC, especially ahead of the 2019 elections (Davis, 2018). Interviewees are adamant that their demands have not been hijacked by politicians. Zwelihle leaders claim to have denied Member of the Executive Council Cameron Dugmore of the ANC access to their meetings in an effort to distance themselves from political parties.¹¹ Asked whether the current protests are in part inspired by recent pronouncements on land reform at the national level and the ANC’s commitment to pursuing a revamped land reform policy, Zwelihle leaders emphasised that their struggle long predates the renewed popularity of this debate. Other interviewees acknowledged it as a possibility, but it appeared that this was not an instrumental driver of recent action.

Yet, aside from national-level dynamics, there are local party dynamics that cannot be discounted. For one, Zwelihle is comprised of three ANC wards in a DA municipality. As the majority party in Western Cape municipalities and the province, the DA often stands accused of servicing its suburban constituency while neglecting a township constituency that has repeatedly voted ANC.¹² This analysis is consistent with a key criticism of the Overstrand municipality that it failed to effectively communicate and consult with residents

¹⁰ At a community meeting in Mount Pleasant, about 60% to 70% of comments/questions/demands in plenary came from women.

¹¹ There are allegations and counter-allegations between the DA and ANC over this issue, with the DA having accused Dugmore of inciting violence in Hermanus (Meyer, 2018).

¹² The slogan ‘This City Works for a Few’ adorns the walls of Cape Town and is a popular satirical rebranding of the city’s ‘This City Works for You’ slogan.


of Zwelihle, specifically with respect to the sale of the Schulphoek site. In response, municipal interviewees cite documentation which shows that community consultation did take place before the sale, although it was suggested in numerous interviews, that the attendee signatures were collected in a 'box-ticking' exercise with a predetermined outcome in mind. Certainly, as the most recent protests attest, there exists a grand sense of dissatisfaction notwithstanding whether public participation processes were conducted. Attempts by the DA provincial leadership to brand protest leaders 'thugs' and 'terrorists' – even though they assumed *de facto* leadership positions in representing community grievances in the absence of supported elected leaders – are indicative of the political power plays employed to delegitimise protestors.

In addition, dynamics within the predominantly amaXhosa community in Zwelihle form a prominent aspect of the complex political terrain. As in many Western Cape townships, there exists an insider–outsider dynamic between the *bornas* and the *amagodukas*, or the *inkomers*. *Bornas* connotes the old families in the community, many of whom can trace their heritage to the establishment of Zwelihle. They often can speak Afrikaans and most are employed, with many having jobs in the municipality. *Bornas* live in the 'old settlement' in some of the converted migrant hostels or in newly built homes. While certainly not affluent, this area in Zwelihle is the most comfortable and suburban. *Amagodukas* ('those that go home') or *inkomers* ('incomers') are the new generation in Zwelihle. Some are families that moved to Zwelihle, others are single dwellers who came to Zwelihle to seek work in the various Hermanus-based industries, and others still are first-generation *amagoduka*. As one interviewee described it, "Zwelihle is empty in December – people come here for work, not to have a home" (Individual interview, community member). The group of *inkomers* is further divided by the initial origin of immigrants, with a clear bias amongst those from Mthatha, Mqanduli and Elliotdale of the Eastern Cape against Xhosa people coming from north of Mthatha. Sometimes a jovial and joking difference, these divisions find purchase in discrepancies in material conditions and social status between the groups, although this is more of a generalisation than a rule.

The distinction between those that belong and newcomers eerily conforms to the provisions of the infamous apartheid pass laws – captured in the Native Laws Amendment Act (1952) – which, with respect to *bornas*, stipulated under Section 10(1a) that 'Africans' could only stay in an urban area if they "had been born there and had lived there ever since". 'Africans' who were not born in that area (*amagoduka*) were permitted access under Section 10(1b and 1c), provided they

- b) Had worked there for ten years under one employer, or had lived there for 15 years without breaking any law (including pass laws)
- c) Were the child or wife of a man permitted to live in the urban area on the conditions of (a) or (b) mentioned above

The *borna–amagoduka* dynamic was alluded to in interviews as being a characteristic of the unceremonious change in leadership in Zwelihle. Mostly this dynamic was referenced to describe an 'out with the old, in with the new' *realpolitik*, more than being necessarily indicative of the material and social status of Zwelihle Renewal leaders. These leaders, barring one, are technically *amagoduka* but are themselves in positions of comparative security compared to other *amagoduka* as they have both a home and a regular income. A more prominent hallmark of the youthful leadership has been a notable change in ideological stance and an understanding of the South African dispensation – to paraphrase – which has allowed such harsh township conditions to persist



in Hermanus. Where older leaders might have been more passive and prone to dialogue in their engagements with the municipality, the new guard in the young people of Zwelihle Renewal are uncompromising, educated and angry. Following the protests in July 2018, some in the leadership described how the divisions between *bornas* and *amagodukas* had been eroded by the enduring conflict and that “all are together now”, whereas when grievances were initially aired many *bornas* did not participate (Individual interview, ZR leader).

As a final point, there is a distinct personality aspect to leadership in Zwelihle. While community interviewees express their gratitude for the strong leadership of the new young leaders, they recognise the personal and political career prospects for those who have been championing the community’s cause. This is expressed openly by interviewees as simply a matter of course, sometimes cynically, implying that the leaders are only taking the actions they have for their own interest, and sometimes fearfully, with some concerned that they will be intimidated by the new leaders. Certainly, as the situation in Hermanus developed to a point of dialogue with the municipality and the province, identifying who constituted the leadership – and with whom the state should negotiate (Individual interview, government official) – proved challenging. Those who put themselves forward as representatives of the community did not necessarily have a collective mandate or the support of Zwelihle.

Moreover, of those who claimed to be leaders, the legitimacy of some was challenged, sending meetings into deadlock until the accused ‘false leaders’ agreed to leave the room. Once Zwelihle made national headlines and received the attention of the police minister, the situation also attracted political entrepreneurs, with a provincial EFF delegation arriving at negotiations with the offer of “monitoring the situation in the interests of the community”.¹³ The competition amongst self-proclaimed leaders, the jostling of political entrepreneurs and the gatekeeping of leadership positions (by the newly self-appointed leadership) are not born out of a desire to be more altruistic than one’s counterpart but rather are indicative of the individual interests that are at play. These dynamics have been identified elsewhere in South Africa, with research by Landau and Misago (2016) illustrating how, in the absence of proper local governance, *de facto* local leaders have emerged in townships where “violent protest is used to claim or consolidate power and authority while furthering political and economic interests”.

Taken together – in a context where elected leaders have lost the support of their constituents and the opportunity to fill a governance gap has emerged – there is a degree of predictability to the fierce competition that characterises attempts to assume latent power. This, however, is often mistakenly perceived by bystanders as the sole motivation driving the unrest, where grievances are merely political proxies for personal or party ambition. Police women and men, white and coloured residents of neighbouring communities, municipal employees and private security were some of the interviewees who identified the EFF or the ANC as being behind the protests. Their goal, the interviewees said, was either to destabilise the region ahead of the elections in 2019 or to ‘take back the land’ by acting on the EFF’s call to occupy land – something consistent with a national call to expropriate land without compensation. Yet, in interviews with protestors, the leadership and other residents of Zwelihle, it became quickly evident that although there may well be personal ambitions at stake, the demands put forward by the *de facto* leadership give voice to very real grievances and resonate with the community at large. Observers’ misunderstanding of their neighbours’ protests as a wholly disingenuous act on behalf of political parties exacerbates tenuous inter-community relations and is a key concern.¹⁴

¹³ These comments were made by an EFF spokesperson in the meeting between Zwelihle Renewal and the police minister (EFF Spokesperson, 2018).

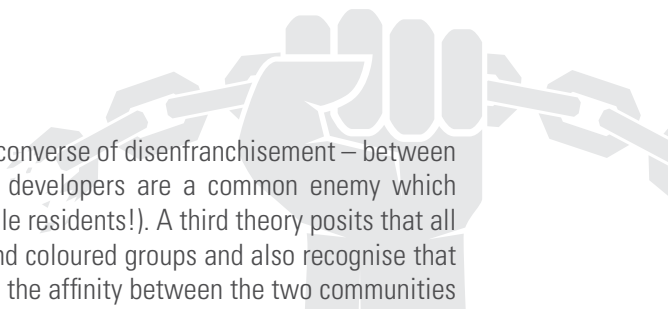
¹⁴ One contributing factor to this misunderstanding is the media, which has hinted at the political plot theory through headlines such as “EFF to blame for spate of land invasions?” (Felix, 2018). Perhaps another is the complex collective imaginary of predominantly white fear of the imminent arrival of the *swaart gevaar* (‘black danger’), which was invented under apartheid’s P.W. Botha administration to galvanise National Party power through an injection of fear into the country’s minority white population. Conjuring racist tropes of the unpredictability and savage barbarism of the more enumerated black population, the *swaart gevaar* narrative renders an apocalyptic conclusion for the white race in Africa which begins with the dispossession (or repossession) of land and ends with the sharp end of a machete. Such fears have gained increased currency in white South African society in recent years, with the most fringe elements convinced that a genocide fuelled by ‘reverse racism’ is being perpetrated against white people. To this group, land-related protests are an early indicator of an impending reality that is linked to a broader political agenda.

Framing grievances across groups

The framing of grievances in Hermanus differs across aggrieved groups. Zwelihle residents have framed their grievances procedurally (in that the sale of Schulphoek was unlawful) and from a position of dignity, asserting that their living conditions are undignified and that it is the municipality's responsibility to address this. Constitutional, rights-based framings are evident but not foregrounded. Mention of historical injustice and restitution is sparing, although resentment towards the 'whiteness' that characterises Hermanus and the town's unwillingness to welcome black people as equal citizens has emerged as protests have intensified as a prominent framing. Mount Pleasant's framing of their grievances is internally contested between the community and the leadership. Media reports and my own observations suggest that Mount Pleasant residents only began protesting after, as was overheard, "the k*****s got Schulphoek". Residents felt cheated by their neighbours, who they claim went behind their backs in acquiring land that 'belongs' to the coloured community. In this sense, the original grievance motivating Mount Pleasant to protest lay not with the municipality's non-delivery but rather with a sense of frustration with their immediate neighbours' success – many of whom, it bears mentioning, live in conditions comparatively worse than those in Mount Pleasant. Historical connection to the Schulphoek land as a site designated for coloured use as well as being descendants of the Khoisan and the original inhabitants of the Western Cape are subsequent reasons offered for why the site 'belongs' to Mount Pleasant. Interestingly, the argument of 'original inhabitants' was not as readily extended to the neighbouring white areas.

The Mount Pleasant leadership and SAHRC Commissioner Nissen, however, were unambiguous in remonstrating with the community, telling them that their struggle for land is a collective one with Zwelihle and that racism will not be tolerated. The leadership framed grievances in terms of constitutionally enshrined rights and discussed the Group Areas Act as driving the current injustice. In identifying pockets of land that could be developed for housing, leaders insisted that the community must "think wider than Mount Pleasant", saying that "we have just as much right to vacant land in the town of Hermanus than we do to land around Mount Pleasant" (Mnt Pleasant Resident, 2018). This was emphasised and well received, with the idea that Ons is Hermanus ('We Are Hermanus') popularly echoed by all. A strong sense of identity tied to language and place motivated Mount Pleasant residents. A white representative linked to Paradise Park addressed the Mount Pleasant community meeting, conveying his community's appreciation for being included in Mount Pleasant's protest (which he had joined on the picket line). His speech received the loudest applause of the evening. The speaker and leadership of Mount Pleasant described the solidarity between the two groups. It was not made clear by the white speaker whether this same sense of affinity and collective struggle had been extended to Zwelihle residents. The acceptance and appreciation of the white speaker indicated that the material disparity between the aggrieved white community and Mount Pleasant was of little consequence. In an interview, the white speaker described the unaffordability of rental properties but, besides financial concerns, his immediate need for shelter was met (Individual interview, white speaker). By contrast, some Mount Pleasant community members live in backyard *hokkies* ('shacks'), are on housing waiting lists and have a comparably far greater need for land and decent housing.

This material distinction appeared to be of little consequence. There is perhaps a confluence of three reasons for this. The first is a shared cultural and linguistic affinity which draws these two groups together. The second is that the affinity between the two communities is indicative of a sense of equivalence of struggle,



one which does not distinguish between relative privilege – or the converse of disenfranchisement – between the two groups. By this analysis, the municipality and property developers are a common enemy which discriminates evenly and, thus, all are equal victims (except Zwelihle residents!). A third theory posits that all recognise the material disparities between the victimised white and coloured groups and also recognise that their respective needs and demands are different. By this analysis, the affinity between the two communities can be understood as an act of solidarity that strengthens both struggles in achieving the respective and relative outcomes. Again though, this solidarity has as of yet not been extended to Zwelihle residents, who expressed disappointment at the lack of support from the white community and their Mount Pleasant neighbours.

Violence, police, private security and conflict management

In addition to what has been reported, protestors, police and private security personnel have divergent accounts of the running clashes that ensued over the main days of the protests. Asked at what point a peaceful protest turns violent, protesting interviewees responded “only after they [the police] shoot” (Individual interview, community member). The police response to the same question places the protestors as the initiators of violence, who force the police to fire rubber bullets and teargas canisters in order to protect property, and themselves, from thrown stones. An aspect of the violence that has not surfaced in news reports is the alleged firing of live ammunition into groups of protestors by private citizens and police.¹⁵ In addition to this there have been many reports of police brutality that emerged following the most recent clashes, prompting an investigation by IPID. Asset protection services, private security and neighbourhood watch groups were also involved in ‘containing’ the protest. Members of private security outfits described matter-of-factly how they fired paintball guns at protestors to ‘herd’ them away from the white suburb of Westcliff (Individual interview, private security).

In this way, the sentiments of the white and wealthy are echoed by a strong show of force from law enforcement and private security in the protection of property and the patrolling of the town’s invisible boundaries. The affluent neighbourhoods of Hermanus are guarded against ‘demographic irregularities’ and the socioeconomically undesirable by more than prohibitively expensive living costs. A host of private security companies as well as committed neighbourhood watch groups ensure that Hermanus’ well-served areas are protected from ‘criminal elements’ – a euphemistic term that often in reality denotes the policing of black and coloured passersby in the name of ‘community safety’. Little, if any support or solidarity for protesting communities has been forthcoming from this wealthy group.

Finally, there are claims that the police response to protest has been uneven across communities and that it leverages racial cleavages. Zwelihle residents describe how they were shot at with rubber bullets and teargassed. By contrast, police played a monitoring role at the Mount Pleasant protest. That many of the police officers at the front lines of the clashes are coloured is claimed not to be a coincidence, and Zwelihle residents report that they are victims of racist verbal abuse from these officers. Brigadier Donovan Heilbron described SAPS’ role in the protests primarily as safety keepers and mediators. He expressed frustration with having to intervene on behalf of politicians in a crisis that requires a political solution (Individual interview, Heilbron). He, along with others, insisted that the parties must meet to address grievances and avoid further violence and road blockages.

¹⁵ These allegations have been raised on Facebook and in interviews. In informal discussions with some police, the allegations were not flatly denied.

Racism, narrative and the power of perception

It follows from the above that the racial dynamics in Hermanus are complex and fraught. The Zwelihle leadership described their pain at the racism displayed towards them by their Mount Pleasant neighbours, saying that when they approached Mount Pleasant to discuss a joint protest (and prior to the protests that emerged) they were pelted with stones and received racist slurs. The leaders said, “We don’t have a problem with the coloured community. The coloured community has a problem with us” (Individual interview, ZR leader). It was after this incident that Zwelihle decided to take action alone. In the July 2018 protests, Mount Pleasant residents (themselves not protesting on this occasion) allegedly aided the police in pushing Zwelihle residents back from the main road by throwing stones at protestors.¹⁶ The divisions in the Hermanus area are acknowledged by the municipal manager, who in an interview mentioned the Statistics South Africa study that described Hermanus as “the most segregated town in the country”.¹⁷ Many of these fraught racial dynamics are captured in powerful perceptions that prevail in the area.

As the methodology above briefly mentions, distinguishing what drives individuals to protest, condemn protests, counter-protest and even – in the case of private citizens – attack protestors has been a process complicated by competing agendas and a wealth of rumours. More than obfuscating the details of the conflict and individuals’ genuine grievances and fears, rumours and perceived truths have developed their own distinct power – expressed as belief in the *veracity* of these claims – in Hermanus and surrounds. The power of perception and rumour emerged in the interviews, where participants described popular narratives which, in addition to key grievances, motivated them and (presumably) other groups to action. In general, these sweeping – mostly race-based – perceptions employ a faux deductive logic where hopes, fears, intentions

Below: Police Minister Bheki Cele addresses media in Zwelihle after addressing residents.



Photo: Ashraf Hendricks/GroundUp. © 2016 GroundUp.

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¹⁶ The Western Cape has seen a surge in racist sentiment directed by coloured people against black people who have been occupying land or protesting for land and housing. Gatvol Capetonian is an example of a vocally racist initiative that seeks to unify an independent Cape without black people (Whittles & Pather, 2018).

¹⁷ Fouché (2016) provides an overview of the study.

and the criminality or honourability of an individual or group can be determined by their skin colour. In this environment, much of what is understood about the 'other' is derived from a precursory engagement with popular stereotypes that are widely referenced in passing conversation.

'They come here'

The first of such perceptions is the '*they* come here' narrative. A short perusal of the 'Letters to the Editor' in the local Village News gives an indication of the popularity of this idea. This narrative essentially paints black residents of the Overstrand as illegitimate occupiers of the space who have only themselves to blame for their poor living conditions as, (as is commonly overheard) '*they* should not have come here in the first place'. The increase in the black population of the Overstrand was often described as 'the problem' by white and coloured interviewees, who are frustrated by the protests. "*They* must go back to the Eastern Cape, Zimbabwe and wherever else they come from" (Individual interview, Hermanus resident) and "*They* must ask Zuma or Ramaphosa for a house" (Individual interview, Mount Pleasant resident) were some of the dismissive responses to Zwelihle residents' protest. This is peppered by references to "some of *them* being okay" (Individual interview, Hermanus resident), but by and large white and coloured residents are righteous in their proprietorship over the Overstrand region, which is grounded in a converse logic that sees their own presence as not only legitimate but also constituting the essence of belonging through an affinity with the socio-cultural-linguistic identity of the area. The '*they* come here' narrative is consistent with the strong racial divisions in the Overstrand and is often invoked to describe other social ills. Crime, litter and so on are quickly attributed to the residents of Zwelihle and black migration to the area generally.

Below: Zwelihle protestors retreat to the top of the odd dump site known as Marikana. Protestors use zinc sheets to shield themselves from the police's rubber bullets".



Photo: Ashraf Hendricks/GroundUp. © 2016 GroundUp.

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In addition, the ‘they come here’ narrative has its own variants and peculiarities. For one, it is a pejorative judgement that is never extended to the wealthy European ‘swallows’ or moneyed South Africans who seasonally migrate to their Hermanus holiday homes. That this group is a powerful lobby in the competition for scarce land and in the inflation of rental and purchase prices, and that they in many cases lack the cultural-linguistic identity of the Overstrand (like many black migrants), is overlooked in the targeting of a far less ‘legitimate’ other. This apparent irony in the perceived hierarchy of belonging was pointed out by one interviewee, who said, “The mistake Hermanus has made is to focus on foreigners and not locals” (Individual interview, Hermanus resident). The ‘they come here’ narrative is not only divisive between communities but also within them. The dynamic exists in Zwelihle in the *borna–amagoduka* divide, as many of the old Zwelihle families feel a greater sense of belonging than the newly arrived *inkomers* and express frustration at the ‘impatient’ and ‘illegitimate’ demands of in-migrants from the Eastern Cape.

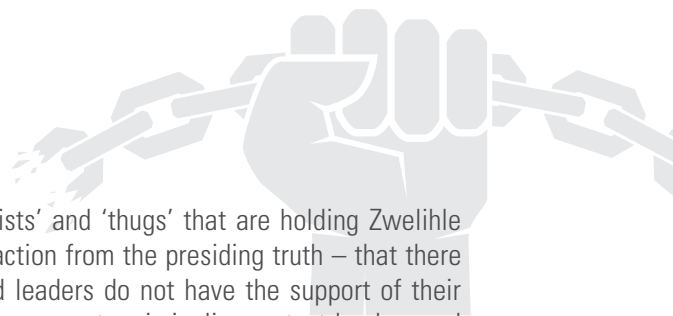
In coloured communities, the ‘they come here’ dynamic is frequently crudely expressed. An interviewee in Hawston referring to black South Africans described how the Hawston community would never allow *them* to live there because children would be at risk of being raped (individual interview, Hawston resident). Interestingly, this same fear of violent crime is expressed by many black interviewees about their coloured neighbours, although the stringent controls on freedom of movement in Zwelihle are not implied or applied.¹⁸ Black Africans from other countries, however, are divergently regarded by the white, coloured and black communities. In Hawston, African foreign nationals would be more readily accepted as neighbours because they “know how to save”, “work hard” and “don’t do drugs or commit crime” (Individual interview, Hawston resident). White communities, while regarding black people with general suspicion and hostility, also prefer foreign nationals – specifically Malawians and Zimbabweans – because they are perceived to be more ‘hard-working’ and ‘trustworthy’ (Individual interview, Sandbaai resident) than black South Africans. In Zwelihle, sentiment amongst black South Africans is divided with respect to foreign nationals, although it is clear that foreigners are some of the first targeted when looting begins.¹⁹

‘Bus-loads of them’ and ‘rentpreneurs’

Linked to the above is the ‘bus-loads of *them*’ conspiracy theory, which suggests that not all protestors from Zwelihle are in fact from Zwelihle and that protest reinforcements come by bus from Kleinmond, Khayelitsha and as far afield as the Eastern Cape. There is no evidence to support this conspiracy theory, yet it is popularly raised to discredit Zwelihle protestors and delegitimise their grievances as merely constituting an ANC or EFF plot. Or, in a different application of the perception explained by a participant in Hawston, the Hawston community protested in order to stop the busses coming from Kleinmond “so they can’t join the Zwelihle people” (Individual interview, Hawston resident). The ‘bus-loads of *them*’ narrative is popularly linked to an abiding idea that the majority of protestors are not in socioeconomically trying circumstances and that their demands for land and housing are motivated by opportunistic and calculated attempts to own another home in addition to the “RDP that they have back home in the Eastern Cape” (Individual interview, municipal official). Such people are regarded as RDP ‘rentpreneurs’ who seek to grow a property portfolio, subdividing their RDPs into backyard rental units to maximise their revenue on each site. This practice is noted by province and the municipality as a challenge to the provision of housing (Individual interview, municipal and provincial officials), yet certainly it does not constitute a collective level of opportunism that justifies the scale and popular consumption of the perception.

¹⁸ A particularly revealing example of the limited notions of racially integrated living is on Mbeki Road, which separates the southern boundary of Mount Pleasant from the northern boundary of Zwelihle. An interviewee described how one could find some coloured households on the Zwelihle side of the road, but that there were no black households on the Mount Pleasant side of the road.

¹⁹ Many Somali shopkeepers sought refuge at the local mosque when the protests became violent. Zwelihle also witnessed xenophobic/Afrophobic sentiment in the past, during the wave of xenophobic violence that swept the country in 2008.



'Terrorists and hostages'

The most recent narrative has cast protest leaders as 'terrorists' and 'thugs' that are holding Zwelihle in a protracted 'hostage drama'.²⁰ This in effect serves as a distraction from the presiding truth – that there is a wholesale breakdown in local governance and that elected leaders do not have the support of their constituents. Moreover, it bears stressing that while this narrative serves to criminalise protest leaders and strip them of political agency and while it operates concurrent to the arrest of *de facto* leaders, regardless of the narrative and/or arrests, it is legitimate community grievances that remain and provide sustained energy for collective action.

A third force

In addition to the rumour and allegations of hidden agendas and proxy politics, there is a perception – although not as widely shared as those above – that a third force is orchestrating key events and manipulating outcomes. Interviewees allude to the intelligence structures of the previous regime, ex-state security agents and former state security ministers who have retired to Hermanus but who have "never stopped working" (Individual interview, Hermanus resident). In addition, interviewees point to the hidden hand of a powerful and secretive Afrikaner nationalist group, the Broederbond, who ostensibly exercise their influence through local government and civic bodies. The aim of these individuals and organisations, it is said, is to maintain the pre-1994 'integrity' of Hermanus. Interviewees note that, notwithstanding a transformative and developmental local government policy framework, these forces are working to sustain a segregated Overstrand that is consistent with Verwoerdian notions of separate development.

Below: Zwelihle residents, standing atop of 'Marikana', face off with police.



Photo: Ashraf Hendricks/GroundUp. © 2016 GroundUp.

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²⁰ See Hartford and Langa (2018) for a more detailed unpacking of the utility of this narrative.

Taken together, conspiracy, rumour and perception have – discounting any veracity that such claims may have – added fuel to an already volatile situation and are a major impediment to addressing the key issues between aggrieved, accused and bystander groups.

Conclusion

The recent protests, the violence perpetrated against and by protestors, and the ongoing negotiations in the Hermanus area have revealed a multi-layered intersection of structural and contextual drivers of conflict in the town. Hermanus, with its extreme inequality and divisions, lends itself to scrutiny as an acute microcosm of a broader set of challenges facing urban areas across South Africa. The market dictating the marginalisation of the majority to the periphery; spatial injustice and the failure to unlock land for those who need it; the continued adherence to and entrenchment of apartheid-era segregationist ideology, and the cumulative effect of racism that such ideas brings to bear; the absence of trusted local leaders and a governance vacuum; and the powerful role of perception and poor communication between groups, within groups and from local government have compounded in Hermanus, effectively forming a powerful and abiding determinant of conflict.

Below: A police water canon disperses protestors in Zwelihle.



Photo: Ashraf Hendricks/GroundUp. © 2016 GroundUp.

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Concluding remarks and recommendations

 *Malose Langa and Daniel Hartford*

On the outskirts of Soweto and in the urban sprawl of the city of Johannesburg, landless people fight for access to pieces of municipal or privately owned vacant land in Protea Glen in order to build houses. Some 1,400 kilometres to the south, along one of South Africa's most expensive coastal strips, 'backyard dwellers' in Zwelihle stake plots on empty pieces of land and fight to claim sold-off municipal land in Hermanus to alleviate the indignity of their living conditions. It is these simultaneous struggles that are perhaps the greatest similarity shared by the divergent communities and areas. The recommendations that follow are drawn from the comparison of the thematic particularities of both struggles, which are listed below.

Similarities

- Who belongs? In both sites a principal finding was the hierarchy of belonging that dictates who is prioritised in accessing urban land (as well as housing waiting lists). This is expressed by participants in terms of legitimate belonging to place as the real and rightful owners or potential beneficiaries. The *borna–amagoduka* divide that plays out in Hermanus exists in Protea Glen too, but by different names. The preference given to Shangaan or Tswana speakers in Protea Glen resonates with Hermanus, where Afrikaans can be a tool of both access and exclusion. As foreigners are deemed to be those who least belong within this hierarchy, they will continue to be the first who suffer at the hands of a community when competition over urban land turns violent.
- In both cases, developers are implicated but appear to receive preferential treatment from the municipalities. Shopping malls, retirement homes, luxury developments, golf courses and gated communities are some of the varied typologies from a developer's perspective that are in direct competition with landless people in urban spaces. There are two points to be made here. First, while many of the grievances in each case can be traced to the interests of private developers, these developers are very rarely implicated by protestors, who take their grievances to either the land in question, the municipality or the police. Second, there is a strong endogenous lobby from a landed, middle- to upper-income group as well as municipalities to sell municipal urban land to private developers. The principal reasoning here is in the value of property prices, as residents want to see their properties retain or grow in value (something land occupations threaten). Municipalities want to fill their coffers through rates derived from high property prices. If property values deflate, so too does their revenue.
- It follows from the above that an aspect that lends itself to further reflection is the nature of competition over urban land vis-à-vis competition over rural land. Where urban areas may see many more landless people, and a higher number of competitive interests,²¹ rural areas experience contestation of a different kind when the revenues from rich mineral deposits are considered.
- 'Land entrepreneurs' and 'rentpreneurs' are common notions in both Protea Glen and Hermanus. That there are those individuals looking to make a profit out of extreme demand and disenfranchisement is no

²¹ See Budlender and Royston (2016) and Pieterse (2009).

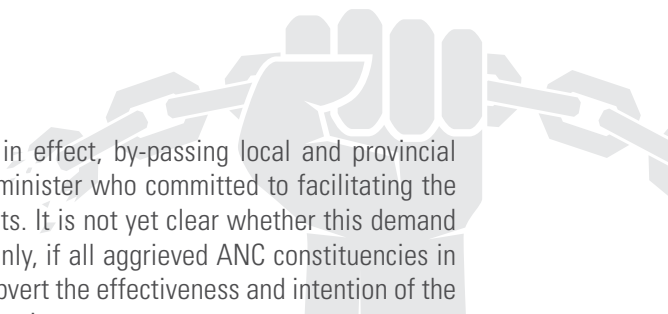
doubt a consequence of a capitalist infrastructure. In Hermanus this takes the form of RDP landlords who subdivide their properties into numerous backyard structures, each of which derives a rental income. In Protea Glen this takes the form of illegal sales of pieces of land.

- So too is political entrepreneurship a theme in both cases. In addition to business-minded land entrepreneurs, there are politically minded individuals who leverage collective grievances for their own political gain, consolidating their constituency. An aspect of this, that of *de facto* leadership groups in the absence of effective local governance, is described by Landau and Misago (2016).
- What makes protest over land different? That land is tangible, formative and symbolic. These discrepancies make protest over land distinct from what are popularly termed ‘service delivery protests’ or political protests elsewhere. More than this, however, is the way in which conflict over land, unlike other popular protests, draws in groups who occupy a position of relative security and privilege. Where the conflict is initiated by poor and landless people, the development of these grievances triggers response protests and even vigilante behaviour from those who occupy a more landed position in the urban land hierarchy – as the examples of homeowners in Protea Glen and the residents of Mount Pleasant and Hermanus show. In this sense, an integral feature of this kind of protest is that it involves a contestation of different urban interests over the same land, thus intensifying conflict and quite often producing counter-protests from the more secure or privileged over the meaning of “property rights”.²²
- In both cases, private security companies and the Red Ants eviction services act on behalf of developers and in conjunction with the state. There is little to regulate them and routinely there are reports of live ammunition and excessive force being used against land occupiers and protestors.

Differences

- Hermanus is distinct from Protea Glen in terms of its provincial dynamics. As the DA runs the province and municipalities in the Western Cape under an ANC national government, this means that key issues run the risk of being politicised (especially ahead of the 2019 elections). In addition, race dynamics between coloured and black residents of the Western Cape are particular, pronounced and long-standing and can also form the fault lines of politicisation. This distinction has seen the development of a unique set of circumstances in Hermanus which could be a concerning precedent in similar contexts in the province. As ANC wards in a DA municipality and province – and as a community that has expressed anger at what they perceive to be a hostile local government – Zwelihle leaders demanded to deal with national

²² We are grateful to Professor Karl von Holdt who identified this feature of the protests in generous feedback on a previous draft of this report.



government departments only in addressing grievances, and in effect, by-passing local and provincial government. These demands were conceded to by the police minister who committed to facilitating the engagement with the relevant national government departments. It is not yet clear whether this demand is novel practice in the context of the Western Cape but certainly, if all aggrieved ANC constituencies in the Western Cape were to make the same demand, it would subvert the effectiveness and intention of the three tiers of government, severely impacting on the state's capacity to govern.

- In terms of gender dynamics, Protea Glen affirmed much of the literature on gender and land reform, which shows women to be excluded and reproduced in line with the patriarchal gaze vis-à-vis land reform. Many were not directly involved in occupations as it was said that their roles were primarily as carers of children and makers of homes and not protestors (Individual interview, Protea Glen). Interestingly, the same justifications of the 'womans' role' were invoked in Hermanus to demonstrate why women feel an acutely more urgent need for housing and land as 'women are the homemakers' (Individual interview, Zwelihle resident & Hawston resident). While women were not resoundingly represented in the community leadership, their demands were tabled at the municipality (in an all-woman march) and in plenary at community meetings. The Hawston community was the only exception, with men there described as 'useless' and the majority of the campaigning undertaken by women. While fears for personal safety were cited as a reason why women did not take part in land occupations and protests in Protea Glen, many women were injured in the occupations and protests in Hermanus.
- The framing of land-based demands is different across the sites. In Hermanus the central grievance is a confluence of demands from landless people as well as landed people in backyards who are living in terrible conditions, at the mercy of negligent landlords who charge exorbitant rents, of a state that has not delivered different affordable housing typologies and thereby excludes a 'missing middle', and of private developers who are buying up municipal land. In Protea Glen, meanwhile, the central grievance is driven by landless people and is not disaggregated into multiple grievances. Access to urban land was the key driver for the Protea Glen protests.

Under such divergent circumstances, it is telling that the respective struggles for land and housing in Protea Glen and Hermanus share so many thematic similarities. Suffice to say that there are likely many more examples in urban municipalities across South Africa that are equally comparable. The following is a list of preliminary recommendations for similar circumstances in urban areas of South Africa.

Preliminary recommendations



1 Political will and proper implementation of spatial justice policies:

If urban land contestations were better managed, this would mitigate violence. It bears stressing that core land-based grievances are exacerbated by a failure to realise spatial justice in South African metros and cities. By addressing these grievances, the need for further recommendations would be drastically diminished. Urban areas that welcome the excluded and the poor are at this stage an ideal but one that is an increasingly urgent necessity.

2. Bottom-up approaches to dealing with urban land occupation:

People at the grassroots level often feel that their voices are ignored until they engage in public protest. It is at this point that their grievances are taken into account, often only after protests have become violent. However, even once grievances are aired, they are often distorted by vested bystanders, the media and politicians who do not engage such grievances at face value. It is therefore important that bottom-up approaches are explored in which landless and aggrieved 'landed' people are engaged in discussions within municipalities. This would result in a clear record of grievances that is transparent to all parties and unsusceptible to manipulation.

3. Effective communication about housing processes within municipalities:

Much of the confusion, anger and frustration relating to land and housing issues has its origins in a poor understanding of housing programmes and processes for accessing certain housing benefits and urban land that might be available. Currently, there is a perception that waiting lists are manipulated and that corruption is rife in municipalities. It is important that municipalities take proactive steps to inform communities about processes to follow in getting land for human settlement. Moreover, while there are instances where public participation exercises have taken place to access the perspective of communities, the documented outcomes of these processes are often at odds with the demands that surface during protests – something that calls into question the nature and quality of public participation conducted by municipalities.

4. Proactive engagement with communities:

Lack of proactive engagement has been found to be a source of mistrust between local government officials and communities. It is therefore important that regular engagements are organised between communities and municipalities. Elected officials have too frequently failed their constituents and this is concerning for democratic practice.



5. Decriminalisation of protestors:

It is evident that protests often occur due to genuine concerns. It does not help to simply label protestors as hooligans and thugs. An unwillingness to engage protestors on their demands or the insistence that demands are derived from opportunistic, lazy or politically motivated individuals, serves only to exacerbate already tenuous situations. Meaningful engagements with concerned groups are important to explore long-lasting solutions. It is also important for protestors to present their grievances in a nonviolent manner.

6. Democratic policing of protests:

It is important to establish relationships between local communities and the police to monitor protests, rather than calling in specialised units which simply fire rubber bullets, teargas and stun grenades at protestors. Protests are less likely to turn violent if the police engage positively with protestors and assist in submitting their grievances to relevant offices. It is important for community leaders to consult with the local police to inform them about a planned protest.

7. Rights-based interventions:

It is important for local municipalities to strive to achieve all the ideals of the Bill of Rights, including the right to provide shelter and housing as stipulated in Section 26 of the constitution.

8. Promoting access to urban land for women:

It is important that special initiatives are taken to ensure that poor working-class women are assisted to access urban land for human settlement.

9. Establishment of independent community groups:


It is important for communities to organise themselves to lobby for the local, provincial and national government to address issues of poverty, unemployment and inequality. It is important for these communities to guard against political or land entrepreneurs who may use their genuine grievances to advance their narrow personal interests.

10. Addressing land restitution and reform as part of national healing:

It is important that the process of land restitution and reform is also used as part of national healing to deal with history of our violent past and high levels of traumatisation. For many black people, land redistribution or reform is linked with restoring their dignity lost during violent removals and evictions under apartheid. Given our past, these processes are likely to evoke strong feelings of anger, fear and anxiety amongst both white and black people, but this can also be an opportunity for the country to grow from its unresolved collective trauma by addressing current socio-economic challenges facing the majority of poor people.

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Notes

Lined area for taking notes, consisting of multiple horizontal lines.



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