

Cooperation and conflict in urban politics – the case of Imizamo Yethu, Cape Town

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Abstract

This paper, part of an on-going PhD project, poses the overall question how civil society-state relations have been affected by the introduction of democracy in South Africa. More specifically the ambition is to analyse how residents' associations in Cape Town have responded to the institutional and political changes when trying to influence local politics.

The suburb of Hout Bay is used as an illustrative example of the multifaceted reality of urban politics in the new South Africa. Focus is on Imizamo Yethu, an informal settlement that was established in the early 1990s. The development of the settlement captures many of the complexities of civil society-state interaction in relation to one of the most crucial issues in South Africa today, namely housing. The complexity is further intensified because of the sensitivity of the matter – a poor black settlement in the midst of a white affluent area. At the heart of the struggle lies an area of 16 hectares that the provincial authorities set aside for community facilities in 1992 (with residential development being allowed only on 18 hectares out of the total 34 hectares). In the course of events this technicality has become extremely politicised, and today it is “one of the most highly contested pieces of lands in South Africa”.¹

Drawing on interviews and other relevant material the paper shows that the frequent government shifts in Cape Town are perceived as either opportunities or threats by the associations in Hout Bay. This in turn has implications for the way in which the associations act to advance their demands. It is argued that the close links between many associations and political parties have made civil society-state relations particularly complex, ultimately hampering policy implementation and service delivery.

Please note that is part of ongoing work with my PhD thesis and therefore still work in progress to a large extent. I appreciate all comments on how to improve it! Please do not quote without the permission of the author.

¹ Idasa Newsletter, January 2007. In January 2007 the union leader Tony Ehrenreich encouraged residents of Hout Bay's informal settlements to forcibly claim land from the white communities in the area. (*Cape Times*, 10 January 2007)

The case of Hout Bay – an anomaly?

Hout Bay is situated around 20 kilometres south of central Cape Town, and following the implementation of the *Group Areas Act* in 1950 it was classified as a white residential suburb.² In line with the Coloured Labour Preference Policy the coloured population residing in the area was allowed to remain but only in a designated township by the harbour named Hangberg. Today Hout Bay has some 20.000-25.000 residents. Although Hout Bay is geographically quite small, and the Group Areas Act was abolished in 1991, the three major population groups continue to live highly segregated. The black population of around 8.000 live in Imizamo Yethu, the coloured population of around 6.000 live in Hangberg, and the white population of around 10.000 are spread out in the valley.³



Map of Hout Bay and Imizamo Yethu (from www.irishtwonship.com)

² I am aware of the complexity implicated in classifying people according to race/colour/ethnicity etc. I use the terminology used by the South African Census 2001, *i.e.* black (African), coloured and white.

³ The number of Imizamo Yethu residents has been subject of much debate. In a survey of Imazamo Yethu made in 2003 by the Development Action Group, the estimated total population was 7.874. (DAG, Imizamo Yethu Survey 2003) This is far less than the 16.000 people often referred to (see for example “Work starts on Imizamo Yethu homes”, *Cape Argus*, 31 August 2004). It is an issue of dispute between SANCO, who refers to the DAG survey, and the Ratepayers’ association who claims that there are “more than double that number of people living in IY.” (*Sentinel*, 13 February 2004) According to a survey report by the Schools of Economics and Management Studies, University of Cape Town, the total population of Hout Bay was 42.632 in 2001. (SALDRU, 2006, p 4) I will however hold on to the official figures provided by the City of Cape Town. Based on the 2001 census the official population of ward 74 to which Hout Bay belongs is estimated to 26.232 in 2006 according to the City of Cape Town. Out of these, 32% are classified as black African, 23% as coloured and 43% as white. (City of Cape Town, Census 2001, 2006 wards)

Hout Bay has been described as an anomaly referring to the fact that it, despite the attempts to strictly enforce apartheid policies of residential segregation, has a large black settlement located in the midst of a predominantly white and affluent area.⁴ Following decades of illegal squatting, in early 1991 a group of black informal settlers in Hout Bay were promised land for residential purposes. This was an extraordinary but not unique decision at the time. Land was identified by the then Provincial authorities, and services (such as water and electricity) provided in what came to be named Imizamo Yethu. Although there were many people, mostly white Hout Bay residents, who opposed this development, optimists saw it as a sign of the new South Africa in which different communities would live side by side instead of segregated as during the apartheid system.

For the sake of simplicity the conflict in Hout Bay can be described as involving actors against or in favour of building houses on 16 hectares in Imizamo Yethu that remain undeveloped. On the one side stand those that are in favour; the main civil society actor here is the Hout Bay *South African National Civic Association (SANCO)* branch that was established in 1991 as the Imizamo Yethu Civic Association. There is also the *Hout Bay Civic Association* based in the coloured Hangberg area in Hout Bay's harbour. Their main argument against the old decision is that it was taken by an apartheid government in line with apartheid policies of having separate facilities for different racial groups. In the new South Africa community facilities such as schools and sports fields should be shared by all. To improve integration these should thus be centrally located in Hout Bay. On the other side the main actor is the *Hout Bay Ratepayers' Association* that was established in 1971 representing the white ratepayers in Hout Bay. As such it has been very active in influencing the development of Imizamo Yethu. The prime objections to Imizamo Yethu have concerned the security aspect and decreasing property prices for houses close to the area. The association is strongly against the building of houses on the undeveloped 16 hectares. There are also a number of other associations that support the Ratepayers' view. Mostly those are associations with a support base in the white Hout Bay valley, and several of them stress the environmental hazards associated with a growing Imizamo Yethu. One association is based in Imizamo Yethu however, the *Sinethemba Civic Association*. These associations are against residential development on the 16 hectares and claim that in order for Imizamo Yethu to become an integrated part of Hout Bay, it needs to develop into a complete suburb with community facilities within its borders.

The framework of political opportunity structures

The framework of political opportunity structures will guide us in the analysis of how neighbourhood associations in Hout Bay have responded to the political and institutional changes. This theoretical perspective (that, due to lack of space, will only be briefly accounted for here) predicts that a certain political context (*i.e.* a particular opportunity structure), and changes in this context, has implications for why social movements mobilise at a certain point in time, the strategies they choose, and the success or failure of their mobilization. In short the framework draws attention to the formal and institutional legal structure of a certain polity, the electoral instability, and the presence or absence of elite allies.⁵

The transition from apartheid to democracy will be treated as an overall institutional change. Within this new democratic context I will focus on two aspects of the political opportunity structure that are often highlighted by social movement scholars; the formal institutional and legal structure, and electoral instability.⁶ In our case these two dimensions refer to *the local government structure* and *local government shifts*. As regards government shifts, Cape Town has experienced a frequent number of power shifts at both local and provincial government levels in the post-apartheid period (see

⁴ Freund (2006), p 326 (footnote 10).

⁵ See for example McAdam (1996), Tarrow (1998), and Maloney (2000).

⁶ See for example Kim M Williams who argues that structural change and power shifts were how political opportunities were originally conceived. (Williams, 2003, p 209.)

appendix 1). Cape Town has also witnessed substantial changes in the local government structure, most importantly in terms of going from a decentralised to a more centralised system. This has been the development in all metropolitan areas in South Africa, but in combination with the large number of party political changes in government, Cape Town is considered a critical case of political and institutional changes. Political opportunities are thus understood as openings or changes in the political context. I depart from the assumption that associations in Hout Bay have responded differently to these changes depending on whether they are perceived as threats or opportunities, which in turn have affected the actions and strategies of the associations. The question open for empirical investigation in the paper is how, more specifically, changes in the political context translate into neighbourhood associations' engagement and actions.

Signs of liberalisation and the transition to democracy 1990-1996

The events in Hout Bay in the early 1990s, ultimately leading to the establishment of Imizamo Yethu, must be understood within the framework of the fundamental political changes that South Africa was going through at the time. The changing political climate, together with a rapid growth of black urbanisation due to the removal of the infamous Pass Laws in 1986 and eventually the Group Areas Act in 1991, resulted in large numbers of land invasions and the establishment of informal settlements. In 1992 it was estimated that the Cape Town Metropolitan area had approximately 705 000 people that were either living in unserviced squatter areas, backyard shacks or were homeless.⁷ Most of the informal settlements grew in connection to the established townships, but there were also a number of land invasions in established, predominantly white, residential areas, such as Hout Bay, Noordhoek and Milnerton in the Cape, and Midrand in the PWV region.⁸

Land is formally allocated for permanent settlement

Hout Bay has had illegal settlements since the 1970s when an increasing number of white residents created a demand for domestic workers. The supply of job opportunities in combination with Hout Bay's location, far away from the established townships on the Cape Flats, made it more attractive and convenient to stay in the area in spite facing the risk of recurrent evictions and arrests. By the late 1980s there were approximately 2000 persons living in five different settlements around Hout Bay.⁹ The relaxation of the policy of forced removals increased the number of informal settlers, and it was only then that the settlements were perceived as problematic by other residents in Hout Bay. When the numbers increased and, perhaps most importantly, started to occupy "prime recreation area", both white and coloured formal residents reacted.¹⁰ In May 1990 the white Property Rights Committee sent a letter to the provincial minister in charge of informal housing and only five days later, on May 16 1990, a first meeting was organised by a ministerial representative.¹¹ Judging by the quick government response, it was a high priority issue. Present at the meeting were representatives from ten different groupings. Out of these, eight were "pro-squatters" and two were "anti-squatters".¹²

⁷ Saff (2001), p 92.

⁸ Oelofse (1994), p 6, and Saff (2001). Following intense negotiations between representatives of the Noordhoek communities and the authorities, land was expropriated for the permanent establishment of some 600 informal settlers in 1989-1990. (Development Action Group (1996), pp 4-8.)

⁹ Greene (1991), and Oelofse (1994), pp 6-7.

¹⁰ Princess Bush and Sea Products were located right next to the homes of white residents and in attractive areas; Princess Bush in the sand dunes behind Hout Bay beach and Sea Products along the Disa river. Sowman and Gawith (1994), p 4.

¹¹ Nathan and Spindler (1993), p 493.

¹² The first group included the following representatives: Squatter Co-ordinating Committee (SCC), which represented all informal settlements in Hout Bay, Development Action Group (DAG), a foreign funded NGO dealing with development issues, Legal Resources Centre (LRC), foreign funded legal consultants dealing with eviction litigation, Harbour Village delegation, some RPA members, Hout Bay church representatives, Hout Bay member of Parliament and Individual representatives of the informal settlements. On the other side there were two types of representatives: The Property Rights Committee and officials from different levels of government (town planners etc). (Nathan and Spindler, 1993, p 493.)

Dicki Meter from the coloured township in Hangberg was one of the members of the Squatter Coordinating Committee. He felt that he was under a lot of pressure from the communities that he was representing. At the same time he had to negotiate with authorities that ultimately could exercise veto over “unacceptable” decisions.

Remember, I’m now talking still pre-94. We had an apartheid government with no representation in government. It was only us, small folk against powerful government officials and very arrogant white leadership. (...) And they forced a lot of stuff onto us. Even today they are trying to get rid of us. And it brought into the arena different players. For the first time in decades everyone was sitting around the table and discussing. But the irony of it was they still thought they knew what was best for us. So there was a very unbalanced situation. I think we didn’t do too badly.¹³

In late December 1990, on Christmas eve, a fire broke out in the settlement of Sea Products and a number of homes were burnt down. The Cape Provincial Administration (CPA) urgently responded by allocating 18 hectares of the Western Cape Regional Services Council’s forestry site in Hout Bay for permanent occupation by the informal settlers.¹⁴ It should be noted that the CPA plan only provided for services, such as sewerage, electricity and some community facilities, for the around 500 sites within the 18 hectares.¹⁵ The building of houses was thus left for the residents themselves to cater for. The Hout Bay Action Committee had opposed this solution much earlier, rejecting an interim movement to site and service camps and demanding acceptable permanent housing.¹⁶ Although a planning process involving the most important actors had indeed preceded the decision by the CPA, several actors were dissatisfied. Many white residents considered it to be an “undemocratic and bad decision”, whereas the Hout Bay Squatter Coordinating Committee protested “against the decision to resettle all the communities on the forestry site and the disregard of the plight of the homeless in the harbour [Hangberg].”¹⁷ In the end none of the main actors in Hout Bay thus proved satisfied with the government’s decision as it turned out. This is important to keep in mind if we are to understand the sustained mobilisation among civil society actors in Hout Bay. However, as noted by Jan Froestad, the establishment of Imizamo Yethu was probably to the advantage of both the government at the time and many white residents. Instead of having illegal settlements all over Hout Bay, these were now concentrated in one location, thereby facilitating control of the “squatting problem”. Interpreted in this way, the establishment of Imizamo Yethu was actually a way of further marginalising black Africans.¹⁸

In spite of protests, the residents of the five settlements were moved to a temporary site of 8 hectares in March/April 1991. It was named Imizamo Yethu by the community (meaning “through our collective struggle”), but was also commonly known as Mandela Park.¹⁹ At the same time Imizamo Yethu was declared a township in terms of the *Less Formal Township Establishment Act* (Act No. 113 of 1991).²⁰ In March 1992, at the CPA’s insistence, the Hout Bay Liaison Committee was created with the purpose to liaise with the CPA. It included five representatives of each of the three main groups in Hout Bay (Ratepayers, Informal settlement and Harbour delegation).²¹ The following months, intense meetings and negotiations took place with the purpose to agree upon a plan for the layout of Imizamo Yethu.²² On October 19 1992 the plan was finally approved upon by the Imizamo Yethu community

¹³ Interview Meter, 21 February 2006.

¹⁴ Sowman and Gawith (1994), p 5.

¹⁵ CPA Communication Services, 1993, “Development of Mizamoyethu Village”.

¹⁶ “We want houses in Hout Bay”, *Grassroots*, May 1986.

¹⁷ Sowman and Gawith (1994), p 5.

¹⁸ Froestad (2005), p 339.

¹⁹ Oelofse (1994), p 8, and Sowman and Gawith (1994), p 5.

²⁰ Gawith (1996), appendix F. This act was created to speed up the process of establishing townships for low-cost housing. However, as will be clear in the Imizamo Yethu case, although the act made provision for the delivery of serviced sites possible at reduced costs, it did not place any obligation on the authorities to see to it that low-income developments were indeed carried out or houses built in the designated areas. (Royston, 1998), p 3)

²¹ Letter to CPA, 5 March 1992, from Hout Bay Committee.

²² In her thesis, Gawith refers to at least 12 Liaison Committee minutes between May and October 1992. (Gawith, 1996, p 272)

after approval by the Liaison Committee.²³ Still, when one of the leaders of the Imizamo Yethu Civic Association, Kenny Tokwe, recalls those days he is very critical.

And remember, when that programme (...) was being politically led, our community was not represented. It was before the first democratic election, that was 1993, so we didn't have a voice to put our opinions on the table. (...) That is why it is for us to challenge the decision that was taken (...) against our will.²⁴

Part of the problem with the plan that was agreed upon was that Imizamo Yethu was set up as an "emergency settlement camp (...) with no town planning or building regulations".²⁵ As mentioned above this was a solution that the Hout Bay Action Committee opposed already in 1986. However, by the time of negotiations there was such pressure on the informal settlers that they agreed to this imperfect solution.²⁶ They probably considered the costs too high to mobilize to demand houses as this could increase authorities' levels of repression. It is also likely that many of the activists in Imizamo Yethu were in fact tired of negotiating and longed for some peace and stability. At least they had achieved the goal of obtaining the legal right to permanently settle down in an area that provided nearby job opportunities.

The Ratepayers' association continued to mobilise however. They were concerned with restrictions around the settlement size and the number of plots, and therefore negotiated with the provincial authorities around these issues. Representatives of the Liaison Committee or Imizamo Yethu community did not attend these meetings however. It was agreed upon that residential development would only be allowed on 18 hectares out of the total 34 hectares designated for Imizamo Yethu. The remaining 16 hectares were intended for buffer zones and some community facilities.²⁷

Preparing for local government elections

As part of the democratisation of local government, more formal avenues for public participation for previously excluded actors were created. Non-racial transitional councils were established, mostly in 1995.²⁸ These councils consisted of appointed councillors on a fifty-fifty basis from statutory and non-statutory bodies.²⁹ They were supposed to replace existing local authorities and to take on their functions until the first local government elections.³⁰ Hout Bay was represented by 12 councillors in the interim council; four from the Hout Bay Ratepayers' Association, four from Llandudno³¹, two from Hangberg in Hout Bay's harbour, and two black councillors from outside Hout Bay. Dicki Meter was one of the councillors from Hangberg and he became the Mayor of the transitional council. The powers of the council were limited, mainly because of financial constraints. Meter tried to exercise as much influence as possible within the existing local government legislation and considering the short period under which the council was operative (a little more than a year).

[During the time of the transitional council] nobody was evicted from their homes, no shacks were broken (...). And we've also tried to push, you know, basic services to everyone. And of course in that short period no money was budgeted for it so (...) what we've done is we tried to tap (...) unspent money. We would channel that to non-white areas. Try to get extra taps, trying to clean up the areas, trying to provide basic services, that was about it. And we couldn't do much more.³²

²³ Gawith (1996), appendix F.

²⁴ Interview Tokwe, 12 October 2004.

²⁵ Notes Hout Bay and Llandudno ward committee meeting 20 February 1997.

²⁶ Notes Hout Bay and Llandudno ward committee meeting 20 February 1997.

²⁷ Province of the Cape of Good Hope, Hout Bay Ratepayers' Association: Meeting with Cape Provincial Administration, confirming notes, 28 October 1992, and Province of the Cape of Good Hope, Designation of an area for less formal settlement: Mizamoyethu (Hout Bay), The Province of the Cape of Good Hope Official Gazette, 23 July 1993.

²⁸ Seekings (1999), p 210. The deadline for the establishment of pre-interim councils was set for 30 November 1994 in Cape Town due to boundary disputes and other delays. (Cameron, 1999, p 117)

²⁹ Statutory: previously white local authorities, Non-statutory: previously non-white (black, coloured and Indian). (Camay and Gordon, 2004, p 186.)

³⁰ Cameron, 1999, p 87

³¹ An affluent residential area next to Hout Bay along the coast.

³² Interview Meter, 21 February 2006.

It is probable that Meter's limited success was also related to the NP dominance in the province, whose agenda at the time was very much concerned with preventing an ANC victory in the upcoming local elections. One of the council's more concrete functions was to prepare for the elections by supporting election candidates. Party politics were in the process of entering local government politics in Cape Town, and this was clearly reflected in the new council. Graham Kelroe-Cooke represented the Ratepayers Association in Hout Bay's interim council. His organisation was strongly against the increasing politicisation of local government, and wanted to put up an independent candidate in the local elections. Kelroe-Cooke feared that the ANC would gain a majority of votes in Hout Bay as their view of Imizamo Yethu differed substantially from that of the Ratepayers. In the end there were three candidates in Hout Bay: ANC, Democratic Party (DP) and an independent candidate. According to Kelroe-Cooke this divided the white Hout Bay community, and ultimately led to ANC's and Meter's victory.³³

Civic associations thus had a prominent role in the decision-making process during this first phase of local government democratisation. As representatives of the interim councils they had formal access through the new structures that were set up. Jonny Steinberg describes the status of the civics in the transitional councils as "a symptom of an anomaly, for they earned this status, not through a process of formal representation, but by virtue of organizing those who were denied the opportunity to be represented at all."³⁴ Still, as touched upon, their possibilities to exercise influence were restricted because of aspects such as lack of funds, time constraints and, most importantly, a political context that continued to favour established actors such as ratepayers' associations.

The early years of local democracy 1996-2000

The first non-racial local government elections were held in May 1996 in Western Cape including Cape Town. Following the elections, a two-tier system was introduced with six local councils and a metropolitan council.³⁵ In Cape Town municipality the ANC became the biggest party, whereas the remaining six municipalities were won by the NP. Hout Bay, including Imizamo Yethu, now became the responsibility of the South Peninsula Municipality. Its council had 36 seats out of which the NP had 26 and ANC 4.³⁶ The NP thus continued to dominate the majority of municipalities in the Cape Metropolitan Area. We would thus not expect any major changes in the authorities' policy position regarding Imizamo Yethu. This is likely to have favoured those hoping for a status quo in terms of keeping the 18 hectares restriction for residential development, *i.e.* large parts of the white Hout Bay community.

The ANC takes control over Hout Bay

Dicki Meter thus became the first democratically elected ward councillor in Hout Bay, representing the ANC. Although it should have been positive for the associations in Imizamo Yethu and Hangberg to have an ANC ward councillor who was "on their side", his minority position in the municipal council clearly restricted their possibilities to influence. Being only one out of four ANC councillors in the otherwise NP-dominated South Peninsula Council, Meter perceived that this period was perhaps even more difficult than pre-1994 in terms of influencing the decision-making process. But in the end he was satisfied with what he managed to achieve in terms of allocating funds to his ward.

³³ Interview Kelroe-Cooke, 1 October 2004.

³⁴ Steinberg (2000), p 175.

³⁵ The seven councils were Blaauwberg Municipality (Northern substructure), Oostenberg Municipality (Eastern), Helderberg Municipality, South Peninsula Municipality, the City of Cape Town (central), the City of Tygerberg and the Cape Metropolitan Council. Prior to these elections, metropolitan Cape Town was governed by more than 39 local authorities and administered by 19 separate administrations. (The Unicity Commission, 2000, p 5.)

³⁶ Cameron (1999), p 258.

Guess which ward spent the most? Not an NP ward, the ANC ward. And of course I was always of the opinion that it's better to try to persuade by very little force. I think that's what paid off for us and local government politics also. We would never try to score points.³⁷

The Ratepayers' association's strategy to remain apolitical proved untenable due to the party politicisation of local government that became apparent in the elections. The vice-chair remembers how the association approached the NP at the time. But he also recalls the close collaboration with the local ANC councillor.

After election took place, out of 200 councillors (...) [in the Cape Metropolitan Area], there was only a hand full of independent councillors that were elected. We realised at that moment that the future of local government was definitely going a political route. We then approached the New National Party at that stage. They had been very co-operative. They were in fact running the [South Peninsula] Council at that stage, they had the majority. We started working quite closely with them. I then for the first time joined a political party. I signed for the NNP. I have been involved in politics ever since then. (...) In fact we worked closely with Dicki Meter as well.³⁸

This indicates that, although the Ratepayers' association would most likely have preferred an independent candidate to be the ward councillor, the election results were accepted and considered legitimate. The frequent interaction between the association and Dicki Meter was also the result of Meter's attempts to establish joint community structures in Hout Bay. The overall aim was to reach a common agenda for Hout Bay's residents to overcome the deep divisions. Generally the initiatives were backed up by most associations. The most important of these was the *Hout Bay-Llandudno ward committee* that was supposed to serve as the link between the ward and the South Peninsula Council. Local authorities favoured such initiatives as they were trying to improve their relations to the public, relations that had been seriously undermined because of mutual distrust in the apartheid years.³⁹

In spite of increasing formal possibilities for influencing decision-making, living conditions in Imizamo Yethu continued to be difficult. No formal houses were being built and informal housing grew as more people moved into the area. In May 2000 about 100 Imizamo Yethu residents demonstrated in Hout Bay to demand access to the 16 hectares of undeveloped land. Councillor Meter accused the municipality of neglecting previous recommendations to redevelop the land and for not involving the Imizamo Yethu community in a consultative process of the future development of the area. The municipal director for housing services responded that the land needed to be transferred from its present owners, the Cape Metropolitan Council, to the South Peninsula municipality before serviced plots could be transferred to identified Imizamo Yethu beneficiaries.⁴⁰

More formal avenues for public participation were thus encouraged by the local authorities during the first years of democracy. The South Peninsula Administration showed interest in the work carried out by the ward committee in Hout Bay. However, the distribution of power and differing party political majorities at different levels and spheres of government (the ANC ward councillor, and the NP dominated South peninsula municipality, Cape Metropolitan council and Cape Provincial Administration) created a context that was rigid and unresponsive to the demands put forward by the Imizamo Yethu representatives. Although the ward councillor was representing them, his minority position in the council did not benefit their cause. The Ratepayers' association responded to increasing party politicisation at local government level by becoming more politicised as well. The previous racial and class dimensions visible in the conflict over Imizamo Yethu (white property owners against black and coloured homeless) were now accompanied by a third, party political dimension.

³⁷ Interview Meter, 21 February 2006.

³⁸ Interview Kelroe-Cooke, 1 October 2004.

³⁹ South Peninsula Administration, "Challenges facing the South Peninsula Municipality", October 1998, pp 21-23.

⁴⁰ "Hout Bay squatters march for their land", *Cape Times* 10 May 2000.

The DA rules Cape Town 2000-2002

The White Paper on Local Government, which was released in March 1998, envisaged the implementation of a single-tier system of local government. There were objections to the paper, in particular from the then opposition-controlled provinces of the Western Cape and KwaZulu-Natal.⁴¹ The one-tier system became a reality in Cape Town at the time of the second local government elections on 5 December 2000, which were won by the Democratic Alliance (DA). Then the Cape Town Unicity came into being, implying that the previous seven municipalities were dissolved and “their employees, assets and commitments transferred to the new Unicity Council.”⁴² Unicity metropolitan councils were introduced in six of South Africa’s major cities at the same time.⁴³ The overall responsibility of Hout Bay was transferred from the South Peninsula Municipality to the new Unicity administration. In the literature on political opportunity structures, centralisation is often seen as decreasing associations’ degree of formal access to the decision-making process. However, the creation of the centralised Unicity was soon followed by DA’s introduction of sub-councils in 2001 as a way of decentralising some of the council’s functions. These sub-councils gave associations formal access to the decision-making process, although the way in which they operate (very formally, during day time and geographically far from many residents) does not really encourage participation. For this reason not many community representatives have used this avenue to raise issues.⁴⁴

The DA’s success in Cape Town was also discernable in Hout Bay where ANC’s Dicki Meter found himself beaten by DA’s Pieter Venter. With a DA ward councillor in Hout Bay, and a DA-led Cape Town City council, the political opportunities clearly changed for the main actors SANCO and the Ratepayers’ Association. SANCO’s chances to get access to the undeveloped 16 hectares in Imizamo Yethu further diminished as their political ally Dicki Meter now stepped down. The new DA ward councillor soon made clear that his view on Imizamo Yethu was the same as that of the Ratepayers, namely to restrict further residential development in Imizamo Yethu. The ward councillor Pieter Venter continued to organise meetings in the ward committee established by Dicki Meter. In January 2001 the Ward Consultative Council was formed with 14 organisations attending the first meeting.⁴⁵ However, Pieter Venter soon considered the meetings useless. “[I]t really was a very pointless exercise. We would spend hours debating issues trying to reach a compromise on issues.”⁴⁶ The committee collapsed in June 2003 due to internal disputes.⁴⁷

Towards increased influx control

The Ratepayers’ association continued to try to get the authorities to deal with the situation in Imizamo Yethu. Its main concern was the influx of people to the area. In March 2002 they organised a joint protest with the Sinthemba Civic Association, the newly established civic association representing some of Imizamo Yethu’s original settlers. With the support of ward councillor Venter, around 150 people managed to get into a new City Council chamber that was being inaugurated by the DA Mayor Gerald Morkel. Mayor Morkel stressed that the action was illegal but eventually accepted to meet with the demonstrators and to accept the memorandum that was being handed over. The

⁴¹ Cameron (1999), p 245.

⁴² The Unicity Commission, 2000, p 5. Cape Town has 3 million inhabitants, 210 elected councillors and 27.000 municipal staff. (South African Cities Network, www.sacities.net)

⁴³ Metropolitan municipalities are found in the six biggest cities: Johannesburg, Cape Town, eThekwin (Durban), Tshwane (Pretoria), Nelson Mandela Metropole (Port Elizabeth) and the East Rand.

⁴⁴ Notes from sub-council meeting 15 October 2004. The difficulty to attend was also mentioned by Brian Gray, Chairperson of Observatory civic association, 20 October 2004.

⁴⁵ Minutes of meeting on the formation of a new ward consultative council, 29 January 2001. The change of name from ward committee to ward consultative council was made to distinguish it from formal ward committees established in the rest of the country. In Cape Town, sub-councils were introduced by the DA instead of ward committees. In late 2004 formal ward committees were introduced by the ANC also in Cape Town, with the sub-councils remaining though.

⁴⁶ Interview Venter, 1 November 2004.

⁴⁷ Pieter Venter and the newly established Sinthemba civic association withdrew from a meeting because the Hout Bay Residents’ Association had opposed that the Sinthemba could be part of the powerful sub-committee called the Hout Bay Planning Committee. Interview Venter, 1 November 2004.

Imizamo Yethu Civic Association (SANCO) claimed that some of the Imizamo Yethu participants had been “tricked into attending the protest under the false pretences that they were ‘going to Cape Town to receive their long awaited title deeds’.” The action was seen as a way to ‘divide and rule’ the Imizamo Yethu residents. Not surprisingly the Ratepayers’ denied such accusations.⁴⁸

According to the Ratepayers’ the protest had the intended effect on the authorities. The City council proved willing to solve the dispute over the unused 16 hectares in Imizamo Yethu and organised a meeting in which representatives of SANCO and the Ratepayers’ participated. SANCO continued to claim that the 16 hectares should be used for residential purposes, whereas the Ratepayers’ persisted that the original plan should be adhered to. It was agreed that the council would obtain legal opinion in the matter and that this would be adopted as their formal policy regarding Imizamo Yethu. Kelroe-Cooke of the Ratepayers’ Associations recalls that “[b]oth parties agreed beforehand that whatever the outcome was, we would accept that in good faith and we would abide by that...”⁴⁹ The legal opinion came and followed the old decisions, implying that residential development would still only be allowed within the designated 18 hectares. This became the official approach from the council. The council also acknowledged that there was a need to find alternative land outside Hout Bay in order to house all people.⁵⁰ Furthermore, the council agreed to start implementing influx control including obtaining a High Court order to be able to move people that were illegally coming in and erecting shacks in the national park area up in the mountain.⁵¹

In terms of political opportunities, the political and institutional changes during the period 2000-2002 benefited the Ratepayers’ association in the first place. The creation of the Unicity in 2000 centralised political decision-making. The new metropolitan mayor was given more political power than before acting as the chair of an executive committee.⁵² This change in the formal institutional structure coincided more or less in time with the government shift in which the DA won the second local elections in December 2000. The combination of institutional and political changes clearly affected the actions of the Ratepayers’ association. Assisted by the new DA ward councillor in Hout Bay, the association managed to put pressure on the mayor Gerald Morkel, and to convince the government of the need to adhere to the old legislation regarding Imizamo Yethu. Given the mayor’s powerful position, he had the capacity to see to it that a number of the association’s demands were indeed implemented, stricter influx control being one of them.

ANC and NNP in alliance 2002-2004

However, the Ratepayers’ expectations for Imizamo Yethu soon vanished. Many of the decisions taken under the DA-led government were only in the process of being implemented when there was a shift in power in the city council. Following a floor-crossing period⁵³ in September 2002, an ANC-NNP alliance took over the rule of Cape Town. The ANC-NNP take over was perceived as a great change for the better by SANCO in Imizamo Yethu and the Hout Bay Civic Association in Hangberg. Their communication with the Mayor improved substantially when Nomaindia Mfeketo resumed power. The first area that she visited after becoming mayor again (she used to be the mayor of the City of Cape Town 1996-2000) was Imizamo Yethu, where she met with residents and community leaders on 31 October.⁵⁴ The Ratepayers’ association perceived that the new government seriously diminished

⁴⁸ *Sentinel*, Friday 15 March 2002.

⁴⁹ Interview Kelroe-Cooke, 1 October 2004.

⁵⁰ Interview Bedderson, 5 April 2006.

⁵¹ Interview Kelroe-Cooke, 1 October 2004. According to the South African constitution “[N]o one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances.” (The Constitution of the Republic of South Africa, Chapter 2, Bill of Rights, 26 Housing)

⁵² The Unicity commission (2000), p 14.

⁵³ Floor-crossing allows local councillors (no less than 10%) under limited periods (two window periods in the life of the legislature, normally two weeks every second year) to leave their party to join another party or form a new.

⁵⁴ “Nomaindia is city’s new mayor, again”, Media release, City of Cape Town, No 184/2002, 29 October 2002, “Mayor gets down to work”, Media release, City of Cape Town, No 186/2002, 30 October 2002.

the chances to advance their interests, and that the new Mayor was neglecting them, for example by not inviting them to community meetings.⁵⁵

The communication has just become worse and worse and worse. Since the time that she [the Mayor Nomaindia Mfeketo] moved in, there's been a complete breakdown. (...) To this day I still haven't even met our new Mayor and we've been through a lot of conflict you know. There's been no communication. We've written letters that haven't been answered and there is a lot of conflict taking place.⁵⁶

The Ratepayers' association relation with the DA ward councillor Pieter Venter continued to be good⁵⁷, but

unfortunately, the way things have changed now with the political situation as it is, he carries very little weight. (...) The decisions that the Mayor is taking in terms of Imizamo Yethu, our councillor doesn't seem to have any influence on at all.⁵⁸

As we will see, the government shift intensified the dispute over the undeveloped 16 hectares and led to increased mobilisation among the Ratepayers and the local DA branch in Hout Bay. In terms of the formal institutional structure, the mayor's power further increased when Cape Town went from an Executive Committee System to an Executive Mayor System in June 2003.⁵⁹ Another institutional change that contributed to party political conflicts was that the meetings of the mayoral committee now closed to the public and the media. DA's feeling of exclusion increased, and spread to most other associations in Hout Bay that were against the ANC. SANCO thus had an extremely influential ally in the executive mayor. As we will see later on, in terms of concrete opportunities these did however not have much effect on the chances of success for SANCO.

Towards the end of 2002, the then ANC-led Executive Committee of the City of Cape Town formed the Imizamo Yethu Improvement Project (IYIP) "in order to create some momentum for the project."⁶⁰ In May 2003 the City manager Wallace Mgoqi called for nominations to form a steering committee for the project. There would be four council representatives, six members from Imizamo Yethu and "an additional six members from the broader Hout Bay community."⁶¹ However, according to the project manager of Imizamo Yethu the valley organisations (*i.e.* those outside Imizamo Yethu), could not agree on the representation on the steering committee, and therefore in August 2003 the Executive Mayor approved a recommendation that the steering committee would be abandoned. It was agreed that a Technical Committee, consisting of Mayoral Committee Members, City officials and representatives from the Imizamo Yethu community, would be created instead.⁶² This shows how the Mayor ultimately excluded certain associations from being represented in the further planning of Imizamo Yethu. It also excluded the elected representative of the ward, the ward councillor, to take part in the committee.

No more evictions

The party political change in the city council in October 2002 proved to have clear consequences on the mobilisation of the Ratepayers' association. Only a few days after the NNP-ANC coalition took over the City of Cape Town, the new council placed a six-month moratorium on water cut-offs and the

⁵⁵ According to the Ratepayers' association, they were not formally invited to attend when the Mayor went on a fact-finding exercise to communicate with different communities of Cape Town "Mayor's listening campaign".

⁵⁶ Interview Kelroe-Cooke, 1 October 2004.

⁵⁷ One sign of this is that the vice-chair of the Ratepayers' association is also the vice-chair of the Hout Bay DA branch.

⁵⁸ Interview Kelroe-Cooke, 1 October 2004.

⁵⁹ "Executive Mayoral system for Cape Town: Historic day for Cape Town", Media release City of Cape Town, No 77/2003, 10 June 2003. The Executive Mayor appoints ten councillors to be part of the Mayoral Committee. This system has been highly criticised by the opposition for being a way of centralising power and excluding the opposition from important information and decision-making. The membership of the Executive committee was based on a proportional basis.

⁶⁰ Imizamo Yethu Status Report, Roger Carney 2004-05-19.

⁶¹ Imizamo Yethu Improvement Project Steering Committee, Call for Nominations, *Cape Times* 26 May 2003.

⁶² Imizamo Yethu Status Report, Roger Carney 2004-05-19.

eviction of people from their homes over unpaid municipal accounts. The intention behind the moratorium was to “give Council time to come up with an indigent policy and to consult with affected communities to jointly find solutions.”⁶³ The motion was strongly opposed by the DA, whose councillors eventually left the council meeting.⁶⁴ In Hout Bay the DA councillor Pieter Venter and the Ratepayers’ association feared the consequences of the decision in Imizamo Yethu. Venter managed to get the City Council to adopt a resolution which set out to continue “to implement a rigorous informal dwelling growth control programme in Imizamo Yethu”.⁶⁵ The resolution was however never implemented.

In June 2003 the city manager Wallace Mgoqi stepped in at the last minute and called off a court-ordered demolition of 189 squatter shacks in Imizamo Yethu. Council officials were unaware of his and the Mayor’s decision and the media reported of “heated discussions between (...) housing department officials and the city leadership”.⁶⁶ The city manager was quoted saying that attempts were made to “try to persuade these people (squatters) to move voluntarily. The present administration is not like the previous one which was about the enforcement of law and order. (...) This is a more sensible, prudent and humane way of doing things.”⁶⁷ In July the Mayor visited Imizamo Yethu to discuss some of the problems in the area.⁶⁸

According to one official, Edward Thomas, the Mayor’s decisions deteriorated the situation in Imizamo Yethu.

[I]t just lengthened the period of suffering with more people coming in. That’s how we as practitioners see it. We have no problem with the political intent, but the realities and the practicalities on the ground tell you otherwise. You know, you cannot build, you cannot develop on top of people and if you cannot relocate them, what do you do?⁶⁹

The opposition believed that the decision not to evict people was an attempt to accommodate as many people as possible in Imizamo Yethu to secure an ANC victory in the next local government elections.⁷⁰ Rightly or not, the votes of Imizamo Yethu are important for both the ANC and the DA because of the tight battle for winning the ward. Also the DA branch in Hout Bay has been very active in Imizamo Yethu, canvassing for votes.⁷¹ The competition for votes in Cape Town and Hout Bay has contributed to the politicization of the dispute regarding the 16 hectares of undeveloped land in Imizamo Yethu. It has been shown elsewhere that when residents’ associations align themselves with political parties, disputes that arise tend to become so politicised and personalised that solutions become more and more difficult.⁷² The feeling of success or failure of associations trying to influence decision-making thus turns out to be highly related to the party political composition of the ruling government.

⁶³ “City Review 1 November 2002”, Media Release City of Cape Town, 5 November 2002.

⁶⁴ Ibid. The reconstituted Executive Committee following the transfer of power from the DA to the NNP-ANC alliance in 2002 consisted of ten councillors including the Mayor Nomaindia Mfeketo. Five were ANC, three NNP and two DA (Media release City of Cape Town, 29 October 2002.)

⁶⁵ Executive Committee of the City of Cape Town, Minutes of a meeting, 3 December 2002, EXCO/55/12/02 Imizamo Yethu: Proposed development.

⁶⁶ “Hout Bay squatters thrown lifeline by Mgoqi”, *Cape Times* 5 June 2003.

⁶⁷ Ibid.

⁶⁸ “Mayor Mfeketo to address issues in Imizamo Yethu”, Media release City of Cape Town, No 189/2003, 16 July 2003.

⁶⁹ Interview Thomas, 11 April 2006.

⁷⁰ For example interview Venter 1 November 2004, and one respondent who wished not be quoted on this matter. Eligible voters are South African citizens that possess a valid identity document or certificate. (Independent Electoral Commission). This excludes the substantial number of non-South Africans that live in Imizamo Yethu.

⁷¹ In the DA community newsletter covering ward 74, one reads that “[n]o less than 37% of the local members now reside in Imizamo Yethu, where the party and its predecessors have never previously had any members. *The Democrat*, “Local DA branch 2nd biggest, growth in Imizamo Yethu”, April 2004.

⁷² Camay and Gordon (2004), p 305. Camay and Gordon discuss the Sandton Ratepayers’ dispute in which “white-led ratepayers’ associations positioned themselves alongside an opposition political party (the Democratic Party) in their dispute with the metropolitan council. This only served to further alienate the council leadership.” (ibid)

The court order

A number of factors thus explain the increasing levels of mobilisation among the Hout Bay Ratepayers' Association and the Sinethemba Civic Association. Some were clearly political, such as the power change in the City council. Others were unprecedented, such as the so-called Niall Mellon project.⁷³ But they contributed to the same outcome, namely an increasing number of informal structures in Imizamo Yethu. This in turn was seen as a threat to the objectives of the Ratepayers' and the Sinethemba associations; to limit the expansion of Imizamo Yethu. They perceived that the structure of power relations, with the ANC governing at municipal, provincial and national levels, made it impossible to succeed by going through the normal avenues for influencing the political agenda (*i.e.* sub-council meetings, letters etc). Instead they opted for the legal route. In community papers they asked for donations to the "Stop the land invasions fund" in order to be able to prepare legal action.⁷⁴ In February 2004 they went to court to prevent the City of Cape Town from removing the 16 hectares clause that inhibits further residential development in Imizamo Yethu. The triggering factor was thus the uncontrolled influx of people to Imizamo Yethu that eventually led to land invasions on the 16 hectares of land. Additionally, a fire in February 2004 destroyed approximately 570 informal structures in Imizamo Yethu and the authorities needed land to accommodate those that had been left without a home. For this reason the mayor, in discussion with the city manager and Imizamo Yethu representatives, decided to remove some of the trees in the forestry area to be able to relocate some of the people affected by the fire.⁷⁵

The reasons behind the Ratepayers' objections against allowing residential development on the 16 hectares were mainly related to a fear of a formalisation of an already overcrowded area. It is perhaps more difficult to understand why the Sinethemba Civic Association, consisting of Imizamo Yethu residents, also objected further residential development in the area. Their main concern was primarily that the influx of people prevented the original occupants from getting their title deeds and government grants due to "disorder and corruption." Instead these were given to relative newcomers, mainly from the rural province of Eastern Cape, coming to look for job opportunities.

We are not saying that maybe mayor must take people out of Hout Bay... No! Our aim is first come, first served. If you did that, we are satisfied, but now...⁷⁶

The Court ruled in favour of the Ratepayers' and the Sinethemba associations and the planned development of the 16 hectares area was thereby temporarily halted. According to the City of Cape Town project manager Roger Carney this strategy proved counter-productive and in the end it has just defeated the associations' own objectives.

In the meantime this place is growing. Our city leaders will not evict people from here. (...) So the situation here is getting worse because of the obstacles that they're putting in our way. (...) They have the ability to delay this thing almost indefinitely.⁷⁷

⁷³ Niall Mellon is an Irish business man who was on holiday in Hout Bay in 2002. He became very upset about the situation in Imizamo Yethu and set up the Niall Mellon Township Challenge. He promised to build 450 houses within three years, and in 2006 450 block houses were completed. The intention is to continue to build houses in Imizamo Yethu once the 16 hectares restriction is removed. The initiative has spread to other parts of Cape Town, such as Netreg and Mfuleni on the Cape Flats. It has also received a lot of attention from local and national government levels. ("Niall Mellon calls on South African volunteers to match the Irish 350 overseas volunteers on 4th annual Building Blitz in Cape Town", Press Release: 20th November 2006, www.irishtownship.com, retrieved 25 January 2007.) In more concrete terms the building of formal houses in Imizamo Yethu has expanded the areas of illegal settlements spreading up the mountains in the National park. When a plot is being developed this implies that the people occupying that area, sometimes up to three of four families, are forced to move to make room for a house that can accommodate one family. It has thus increased overcrowding in other parts of Imizamo Yethu.

⁷⁴ Roger Carney (2004), "Background to 18 ha restriction", *Sentinel* etc.

⁷⁵ Imizamo Yethu status report, Roger Carney 19 May 2004.

⁷⁶ Interview Ngwangwa, 12 October 2004.

⁷⁷ Interview Carney, 8 October 2004.

The court order caused a great deal of heated feelings. In early March 2004 the home of Goodman Ngwanga, the chairperson of the Sinthemba Civic Association, was burnt down. This was supposedly done by a group of SANCO members.⁷⁸

In April 2004 Cape Town's Mayor Mfeketo approached the then National Minister of Housing Bridget Mabandla with a request to put pressure on the Premier of the Western Cape to amend the *Less Formal Township Establishment Act*. The purpose would be to enable residential development on the unused 16 hectares in Imizamo Yethu.⁷⁹ As will be clear later on this was just the beginning of a lengthy bureaucratic process that we still have not seen the end of.

The ANC rules Cape Town 2004-2006

In September 2004 there was a new period of floor-crossing. 27 NNP-councillors joined the ANC which resulted in the ANC gaining 106 out of 200 seats in the council. Nomaindia Mfeketo continued as mayor of the Unicity. With the Executive Mayor system that was introduced in 2003, the ANC now had full control of the Mayoral committee. The ten members were appointed by the Mayor and were all ANC councillors. This change in the formal institutional structure created an even more influential ally for those associations that were aligned with the mayor. Vice versa, for those excluded it became more difficult to influence the decision-making process. Still, as we will see, the court interdict forbidding residential development on the 16 hectares hampered any attempts by the ANC council to proceed with its plans in Imizamo Yethu.

SANCO in Hout Bay was however very confident about the possibilities to advance their interests with the support of the ANC-council. They describe an almost overoptimistic picture of how the council would facilitate their chances of success.

Now it's easy because you can just go and put your plan on the table and discuss the plan and implement the plan. But before you had to struggle even before you put the concept on the table. To change that concept, to implementation process, was going to be very hectic and somebody would tell you how to do it although they didn't initiate it. But these years we can easily initiate, implement and also reap the product. That's where the difference lies.⁸⁰

The Hout Bay civic association was hopeful that the new ANC council would address also the needs of the coloured community in the Hangberg harbour area. At the same time the association showed a great deal of solidarity of the needs of Imizamo Yethu.

We believe that being an ANC council, things will materialise, (...) and we stand a hundred percent towards the council that we have because it's now only that council are realising that Hout Bay needs to be upgraded, uplifted. (...) They're not looking at one side of Hout Bay but they're looking to both sides. There's housing needs in Imizamo Yethu and housing needs in Hangberg. (...) We believe that Imizamo Yethu is in far greater need when it comes to housing because that people have been living there in shacks for 14 years. (...) [T]here are 500 people on this side [Hangberg] also living in shacks, but we found there's about 2000 families living in shacks on that side [Imizamo Yethu] (...) We're having patience. We just want the Ratepayers', and the Sinthemba, and the Residents' association and the Heritage Trust stop objecting.⁸¹

Comparing Hangberg and Imizamo Yethu, it has been noted that Hangberg is more organised and contains more community structures than Imizamo Yethu. The lack of structures is particularly

⁷⁸ "Township on edge after shack wrecked", *Cape Times*, 4 March 2004.

⁷⁹ Roger Carney, 2004, report to the Executive Mayor, Imizamo Yethu: Delays with the development of the area affected by fire and the forestry station site.

⁸⁰ Interview Gqoboka, 12 October 2004.

⁸¹ Interview Jacobs, 25 October 2004.

noticeable in the upper parts of Imizamo Yethu where most newcomers end up.⁸² In part this is probably explained by socio-economic differences between Hangberg and Imizamo Yethu. It is also likely to be the result of larger influx of people into Imizamo Yethu, not the least from non-South Africans, which is likely to hamper community organisation. Froestad notes that petty corruption in Imizamo Yethu seems to be well known by public authorities, and this was confirmed in several of my interviews. Still, officials see no alternatives but to work through these “official” community structures, which in most cases mean ANC and SANCO leaders.⁸³ SANCO’s actual support base remains unknown.

SANCO’s and the Hout Bay Civic Association’s interaction with the DA ward councillor Pieter Venter was limited from the very beginning. The strategy from both sides (Venter on one side and the associations on the other) was to deal as little as possible with each other. Referring to these associations, Venter in late 2004 said that “with regards to those two there’s virtually no contact.”⁸⁴ SANCO and the Hout Civic Association found it much more fruitful to turn directly to other levels within the government system to advance their demands. Although a bit unclear to what extent these demands were indeed realised, the important aspect here is that the political context within the government structure can be exploited by civil society associations. In this particular case cleavages existed in terms of ideology (DA ward councillor and ANC in majority position in sub-council, City council and Provincial government). A concrete example is that the Hout Bay Civic Association, through the chairperson of the sub-council to which Hout Bay’s ward 74 belongs (Lydia Anderson, ANC councillor), established direct links to the city council. These were formalised by a Memorandum of understanding. The association met with the Housing department every month to discuss issues of concern to the Hangberg community. The council also assisted in the provision of a council building where the civic association established an advice office, with the council paying for water and electricity.⁸⁵

The strategy to skip government levels that are controlled by opposition parties (*i.e.* not the ANC) was also pointed out to me close to the local government elections in March 2006. Malibongwe Gqoboka, chairperson of SANCO, and also the ANC candidate in Hout Bay, was very clear on the matter. Instead of working through the Hout Bay ward committee⁸⁶, in which ANC-allied associations were in a minority position, SANCO liaised directly with the ANC-led Unicity. If he was to win the elections and

...if the Unicity belongs to the DA, we’ll skip the Unicity and work with the provincial government, which will be something that is going to be difficult but we have to make way...⁸⁷

Partly this view is wishful thinking as the respective competencies of the different government levels are regulated by law. As rightly noted by the then Mayor Mfeketo, an intervention by provincial government in city affairs would require a long thorough legal process in which it should be proven beyond doubt that the city did not fulfil its obligations.⁸⁸

In sum then, the structure of power relations at local and provincial government levels have proved crucial in explaining how associations perceive that they are able to influence the decision-making process. Especially SANCO seems to exaggerate the concrete benefits of having allies in government. Although they were closely aligned with the powerful Mayor of the city, their possibilities to get access to the 16 hectares were hamstrung by the court interdict.

⁸² Froestad (2005), pp 343.

⁸³ Froestad (2005), pp 343-344. Given the sensitivity of the matter, no references to specific interviewees will be made.

⁸⁴ Interview Venter, 1 November 2004.

⁸⁵ Interview Jacobs, 25 October 2004.

⁸⁶ Ward committees were introduced in Cape Town by the ANC-led council in late 2004. In Hout Bay the ward committee was never very active, partly due to ward councillor’s Venter’s deteriorating health condition.

⁸⁷ Interview Gqoboka, 21 February 2006.

⁸⁸ Interview Mfeketo, 5 March 2007. See also Oldfield (2002), p 97, who notes that “the conditions of official intervention are reserved for extreme emergencies or intransigence and are highly regulated.”

Bureaucratic red tape continues to block political intentions

Local government officials were frustrated over the delay that the court interdict put on the development of Imizamo Yethu. The former Director of Housing with the City of Cape Town, Seymour Bedderson, refers to it as “one of the most frustrating developments that I’ve ever been involved in.”⁸⁹ Part of the delays can be explained by the fact that there were uncertainties on the responsibility question. It was only in late 2006 that it became clear that the Western Cape Provincial government had the power to amend the *Less Formal Township Establishment Act*.⁹⁰ The question is why the City council, while it was still under ANC rule, did not speed up the process and put pressure on the provincial authorities to amend the act. According to the then Mayor Mfeketo this was the result of a very frustrating bureaucratic process. The respective ministers at national and provincial levels all agreed on the need to amend the act in order to allow for the development of the 16 hectares. What delayed the process was that there were officials at provincial level that directed the case to national level, which in turn resubmitted it to provincial level. With no particular reference to Imizamo Yethu, Mfeketo argues that there are government officials in Cape Town “who are getting very, very smart” in taking advantage of the frequent power shifts. In some cases they drag their feet when it comes to the implementation of policies that they do not agree with, waiting for the next power shift that may alter their directives.⁹¹

Translated into the framework of political opportunities this refers to the dimension of elite fragmentation within the government system. It is believed that in the case of Cape Town, fragmentation and conflicts between government actors, both politicians and officials, has increased because of the frequent government shifts. The bureaucracy has, perhaps not necessarily intentional, contributed to inertia when it comes to the implementation of political decisions. In the case of Imizamo Yethu this has ultimately benefited the Ratepayers’ association.

Concluding discussion

The purpose of this paper has been to analyse how residents’ associations in Hout Bay have responded to the institutional and political changes when trying to influence local politics in the particular case of Imizamo Yethu. In terms of the structure of power relations, a general conclusion is that the frequent party political shifts have created a continuum of political opportunities for the involved associations, sometimes creating opportunities and other times closing possible avenues for influence. The importance of party politics is further accentuated by the close links between residents associations and politicians. The conflict over Imizamo Yethu includes three dimensions; race, class and party politics. To a large extent these dimensions coincide – those that are black, poor and pro-ANC are one side and those that are white, rich and pro-DA (or against ANC) are one the other side. This has resulted in different strategies and levels of engagement depending on which political party is in government.

Apart from the political competition it is also obvious that the elite fragmentation and conflicts that exist within the government system contributes to our understanding of the political engagement of associations. If a certain government level is ruled by the “wrong” party, some associations find it more efficient to turn to other, often higher, levels to advance their interests. The bureaucracy also seems to have affected the possibilities to influence the decision-making process, not just for the associations but also for ruling politicians. Many government officials claim that the frequent power shifts have hampered implementation. But they have had a privileged position in terms of professional knowledge compared to the politicians that keep coming and going. This has made success more difficult for SANCO and ANC since the bureaucracy, intentional or not, appears to have contributed to

⁸⁹ Interview Bedderson, 5 April 2006.

⁹⁰ E-mail correspondence with Thatcher, 7 December 2006.

⁹¹ Interview Mfeketo, 5 March 2007.

keeping the status quo. In the case of Imizamo Yethu this means that the 16 hectares have not been allowed for residential development.

When it comes to influential allies these are most often found within the political system, and consequently change over time according to the outcome of elections or after periods of floor-crossing. After the introduction of the Unicity in 2000, the Mayor of Cape Town has become one of the most important allies. For the ANC aligned associations, and particularly SANCO, the fact that the ANC rules at provincial and national level creates a certain feeling of security even during periods when the ANC does not control Cape Town. The concrete benefits of these alliances is however unclear, although they seem to be exaggerated by SANCO.

In terms of the establishment of sub-councils and ward committees, formal fora to encourage public participation, these have not had large effects on associations' possibilities to influence the decision-making process. It seems as if associations prefer to have more frequent and direct contacts with politicians and government officials. There are however changes in the formal institutional structure that, when they coincide in time with party political changes, have proved important for associations to successfully advance their interests. A concrete example was that the creation of the Unicity coincided more or less in time with DA's success in the second local government elections in 2000. The Ratepayers' benefited of having a powerful ally on their side. Likewise, the change to an Executive Mayoral system benefited SANCO as the ANC Mayor became even more powerful in this system. This also confirms the picture that a decentralised system may provide more formal avenues for influence from neighbourhood associations, but that a centralised system may prove more efficient in terms of real influence.⁹² Still it is striking how little was achieved in terms of meeting the demands of SANCO during the period of relatively stable ANC rule 2002-2006. Although SANCO, through the ANC, had allies in the strategically important provincial government, the old legislation continued to restrict the building of houses on the undeveloped 16 hectares. It is believed that this points to the fact that the bureaucracy, not necessarily intentional, has greatly contributed to keeping the status quo.

The party politicisation of residents' associations makes the relationship between residents' associations and the local government particularly complex. When this is not the case, associations are more likely to support whatever government that works in the interest of the associations' objectives. This would be the case in the ideal pluralistic democracy. In our case it seems as if most associations are already so linked to a certain political affiliation that an objective assessment of the government's abilities to work in line with the association's objectives is never even an option.

⁹² Maloney et al (2000), p 810, Swarts (2003), p 79.

Epilogue: The return of the DA March 2006

On March 1 2006 the third municipal elections were held, and after two weeks of intense negotiations DA's candidate Helen Zille became the new mayor with only 106 votes against 103 in the council. She managed to present a coalition alternative that included all smaller parties except the Independent Democrats. In ward 74 DA's Pieter Venter was re-elected as a ward councillor. His main opponent had been Malibongwe Gqobokwa who stood for the ANC. The return of the DA in the city council was a setback for SANCO and the ANC in Hout Bay. The support for the ANC in Imizamo Yethu also decreased (to be confirmed) and may be the result of frustration among its residents over the lack of progress in terms of uplifting the area.

In December 2006 ward councillor Pieter Venter passed away after several years of struggling with cancer. An ANC election rally in January created headlines all over South Africa when Cosatu's provincial leader Tony Ehrenreich said that "[t]here is a need to take some of the land from the white communities and redistribute this to the townships that are going up in Hout Bay."⁹³ His move once again put the spotlight on the 16 hectares of undeveloped land, and a number of proposals are currently being discussed with Mayor Helen Zille and the provincial minister of Local Government and Housing Richard Dyantyi.⁹⁴ By-elections were held on February 7 2007, in which DA's candidate Marga Haywood got 61.8 percent of the votes and George Banjwa of the ANC got 37.8 percent.⁹⁵

The ANC-led Provincial government has indicated that it will rezone the 16 hectares which would allow for residential development. The party political change of power in Cape Town's Council in March 2006 seems to have complicated things however. In January 2007, Mayor Zille was reported to have opposed the rezoning of the unused land in Imizamo Yethu. Apparently she had approached the Provincial minister Dyantyi, "warning him against tampering with the land."⁹⁶ The amendment of the *Less Formal Township Development Act* was out for public scrutiny and comment in February/March 2007.⁹⁷

⁹³ "Cosatu's Ehrenreich calls for Hout Bay land grab", *Cape Times* 11 January 2007.

⁹⁴ "Eco-town proposal for Hout Bay land", *Cape Argus*, 22 January 2007.

⁹⁵ "DA wins Hout Bay, Beaufort West by-elections", *Sapa*, 8 February 2007.

⁹⁶ "Zille comes out against rezoning of land", *Sapa* 1 February 2007.

⁹⁷ "Dyantyi move welcomed. Ehrenreich drops call for Hout Bay land invasion", *Cape Times*, 2 February 2007.

Appendix 1

Table 1 Party political shifts in Metropolitan Cape Town and Hout Bay 1996 to present

Period	Party in power	Representation in council	Mayor	Hout Bay ward councillor
<i>First local government elections May 1996</i>				
May 1996- Dec 2000	NP (six out of seven municipalities) and ANC (City of Cape Town, CCT)	Central Administration (CCT): ANC 37, NP 26 Southern Peninsula Administration: NP 26, ANC 3	Nomaindia Mfeketo, ANC (City of Cape Town)	Dicki Meter, ANC
<i>Second local government elections December 2000</i>				
Dec 2000- Oct 2002	DA (alliance of DP and NNP)	DA 107, ANC 77	Peter Marais, DA Gerald Morkel, DA	Pieter Venter, DA
<i>Floor-crossing September 2002</i>				
Oct 2002- Sept 2004	NNP/ANC coalition	ANC 80, DA 71, NNP 32, ACDP 8, UDM 3, others 5	Nomaindia Mfeketo, ANC	Pieter Venter, DA
<i>Floor-crossing September 2004</i>				
Sept 2004 – March 2006	ANC	ANC 106, DA 70, ACDP 6, NNP 5, ID 4, UDM 3, others 8	Nomaindia Mfeketo, ANC	Pieter Venter, DA
<i>Third local government elections March 2006</i>				
March 2006 - present	DA coalition	DA 90, ANC 81, ID 22, ACDP 7, AMP 3, UDM 2, others 4	Helen Zille, DA	Pieter Venter, DA (until Dec. 2006), Marga Haywood, DA, February 2007 to present

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