Violence and Memory in the Reconstruction of South Africa's Cato Manor

E. JEFFREY POPKE

ABSTRACT Among the most destructive legacies of apartheid in South Africa is the violent history of division, discrimination, and control through which the everyday injustices of racial order were experienced. This violence of 'separate development' was inscribed within particular spaces, as the apartheid state attempted to define and control where racially-defined citizens could live, work, and travel. This paper examines the geography of violence and reconstruction in one such space, that of Cato Manor near Durban. The area is known for the large-scale forced removals which took place there in the 1950s, destroying a multi-racial community of Indian and African residents. Although zoned for white residence, Cato Manor remained vacant until the 1980s, when it became a safe haven for refugees fleeing violence in the Natal countryside. In the early 1990s, the area became the focus of a non-racial development effort, which sought to overcome the violent social divisions of the apartheid era. This redevelopment, however, became a site of contestation when former residents of Cato Manor petitioned to reclaim land they once owned there, claims that the city of Durban attempted to nullify in court. The outcome of the land claims trial highlights the tensions between the present dictates of development and the process of negotiating the violence of the past, and suggests that the democratization of planning can be a means of 'working through' the legacies of displacement and dispossession that are so much a part of South Africa's present.

T he past, it has been said, is another country. The way its stories are told and the way they are heard change as the years go by. The spotlight gyrates, exposing old lies and illuminating new truths. As a fuller picture emerges, a new piece of the jigsaw puzzle of our past settles into place ... And we have tried, in whatever way we could, to weave into this truth about our past some essential lessons for the future of the people of this country. Because the future, too, is another country. And we can do no more than lay at its feet the small wisdoms we have been able to garner out of our present experience."

- Archbishop Desmond Tutu
(Truth and Reconciliation Commission (TRC) Staff 1999, v. 1:1 §17; §19).

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In May of 1994, South Africans participated in that country's first-ever democratic elections, the culmination of a negotiated transition of power which stands as one of the signal political transformations of the late twentieth century. In the ensuing years, euphoria has given way to realism, as the new government struggles to confront and redress the social and economic legacies of apartheid rule. Among the most destructive of these legacies is a history of politically-motivated violence, as agents of the apartheid state, members of the Mass Democratic Movement, and opportunistic individuals and organizations sought to defend, transform, or profit from the system of apartheid (Manganyi and du Toit 1990). As the African National Congress (ANC) stated in its Reconstruction and Development Program:

> In its dying years, apartheid unleashed a vicious wave of violence. Thousands and thousands of people have been brutally killed, maimed, and forced from their homes. Security forces have all too often failed to act to protect people, and have frequently been accused of being implicated in, and even fomenting, this violence. We are close to creating a culture of violence in which no person can feel any sense of security in their person and property. The spectre of poverty and violence haunts millions of our people (ANC 1994, §1.2.5).

Over the past few years, this violent history has been on stage in the hearings of South Africa's Truth and Reconciliation Commission, the body charged with compiling a record of human rights abuses committed during the years of apartheid. As the Commission's Chairman, Archbishop Desmond Tutu, has remarked, "we could not make the journey from a past marked by conflict, injustice, oppression, and exploitation to a new and democratic dispensation characterised by a culture of respect for human rights without coming face to face with our recent history" (TRC Staff 1999, v. 1:1 §20).

As the Final Report of the TRC recognized, this history is manifest not only in the narratives of violence recounted during the hearings, but also in the forms of division, discrimination, and control through which the everyday injustices of apartheid were experienced:

> ...a strong argument can be made that the violations of human rights caused by 'separate development'—for example, by migrant labour, forced removals, bantustans, Bantu education and so on—had, and continue to have, the most negative possible impact on the lives of the majority of South Africans. The consequences of these violations cannot be measured only in the human lives lost through deaths, detentions, dirty tricks and disappearances, but in the human lives withered away through enforced poverty and other kinds of deprivation (TRC Staff 1999, v. 1:4 §58).

This violence of social division and 'separate development' was inscribed within particular geographies, as the apartheid state attempted to define and control the spaces within which racially-defined citizens could live, work, and travel in South Africa. Perhaps nowhere are these apartheid geographies more evident than in the segregated form of the apartheid city, still characterized by massive disparities in income, housing quality, and urban service provision. Indeed, one of the pressing challenges of South Africa's transition is to foster a process of urban redevelopment, to engage in a 're-mapping' of the apartheid city in order to deracialize and integrate fragmented urban spaces (Robinson 1998). Such re-mappings, however, are not simply a straightforward process of development planning, but require a political negotiation through which the violent social, as well as spatial, divisions of apartheid can be dissolved and re-worked. For this reason, urban regeneration has emerged in South Africa as a site of contestation over the very meanings of transition, development, and reconciliation.

This paper examines one of the most contested sites of such urban redevelopment: that of Cato Manor in the city of Durban (Figure 1). Cato Manor is a familiar toponym to most South Africans, and has been described as a "political metaphor for urban dispossession and resistance" (Edwards 1994: 415). Along with Johannesburg's Sophiatown and Cape Town's District Six, Cato Manor is synonymous with the large-scale forced removals which took place under the auspices of South Africa's Group Areas Act in the 1950s. At that time, Cato Manor was home to a multi-racial community of Indian and African residents, who created for themselves a social space outside of the legal and administrative regulation of Durban's white authorities. In an attempt to reassert control over the area, the city declared the settlement illegal, and thousands of residents were forcibly relocated to township locations on Durban's periphery. In this sense, Cato Manor is a space inscribed with a complex history of violence and displacement, and in the first section of the paper this history is examined, highlighting the ways in which the state's desire to manage and order the spaces of the city culminated in the apartheid vision of urban racial segregation.

From its inception, of course, this apartheid vision was challenged by the South African majority, leading to increasingly violent responses on the part of the apartheid state. The second section of the paper describes some of the effects of this anti-apartheid struggle in the province of KwaZulu-Natal, noting in particular the escalating conflict between the African National Congress and the Inkatha Freedom Party (IFP), which led in Durban to violent clashes among township youth, and a flood of refugees into the city. By the early 1990s the end of apartheid rule seemed to be in sight. Authorities in Durban began to focus on the still-vacant land of Cato Manor as the site of a new non-racial planning process, one with the potential to overcome the violent social divisions of the
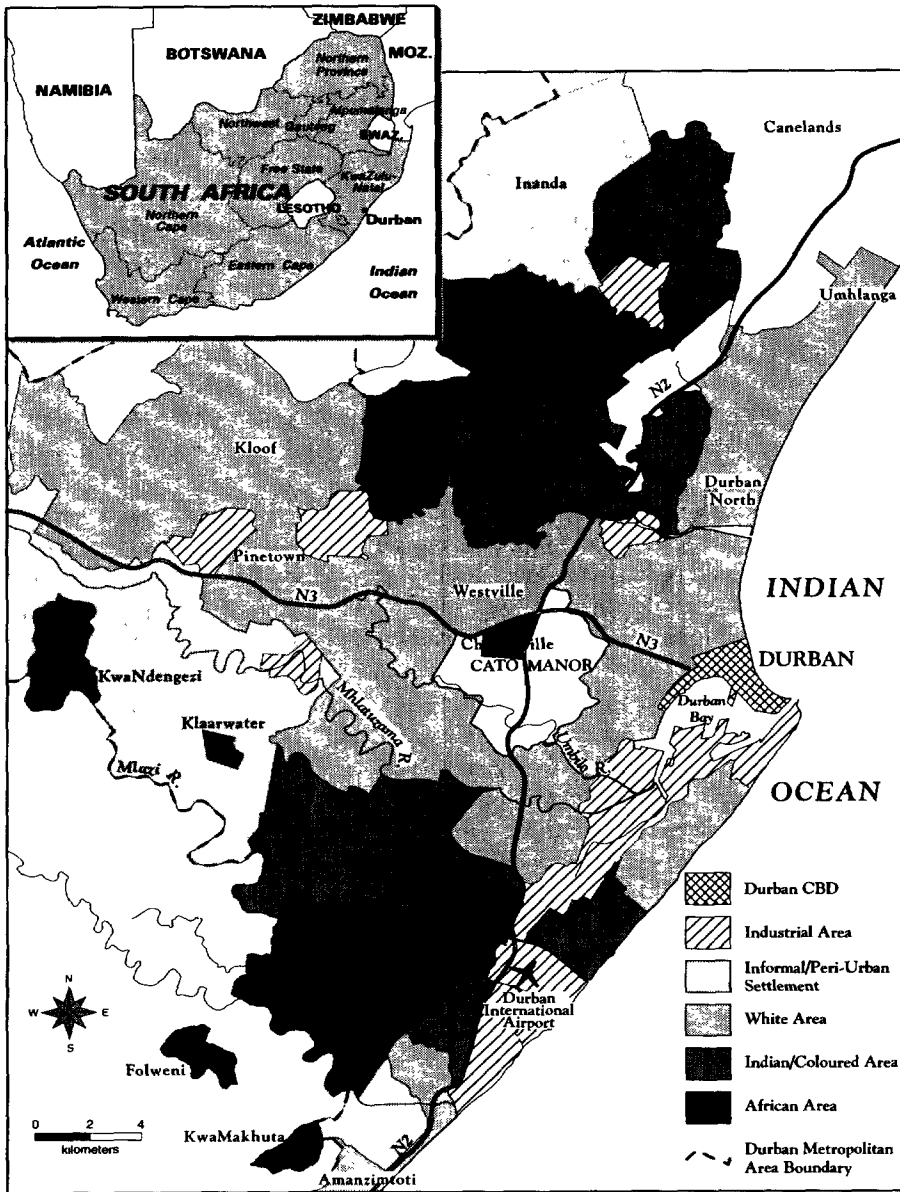
FIGURE 1. THE DURBAN METROPOLITAN AREA

Map compiled by the Center for Cartography & Geographic Information, University of Kentucky

apartheid era. Cato Manor became the focus of a large-scale redevelopment effort, the goal of which was to provide badly-needed jobs and housing to thousands of the city's low-income residents. This redevelop-ment, however, became a site of contestation when some former residents of Cato Manor petitioned to reclaim land they once owned in the area, claims that the city of Durban sought to nullify in court.

The third section of the paper examines this dispute over land claims in Cato Manor, focusing on the arguments put forward by both the city and the land claimants at a special hearing of the Land Claims Court in Durban. It is suggested that the land claims process highlights two crucial axes of transition that are at work in the struggle over the future development of South Africa. In one, reconstruction is seen as a strategy of re-mapping, modernizing, and building a new South Africa, a necessary process of overcoming the past in order to build a democratic future. In the other, reconstruction demands a *reconciling* of the violence of the past—what Habermas (1997) has called a "working off [or through] the past"—and requires engaging in the difficult process of re-negotiating the boundaries and violence of apartheid. In this view, reconstruction can be successful only if the forms and experiences of violence and division are acknowledged in the present, so that they may be both reworked and reconciled. Indeed, it is precisely the negotiation over what reconstruction and reconciliation mean, and how they should best be fostered, that lies at the heart of the post-apartheid struggle over Cato Manor.

The Struggle for Space: The Rise and Fall of Cato Manor

The history of Cato Manor highlights one of the central features of South African modernity: the desire to impose order and control urban social spaces which were increasingly seen as chaotic and ambiguous (this is discussed greater detail elsewhere (Popke 1999; see also Bauman 1995; Scott 1998). The specific origins of the area lie in a period of rapid urbanization and industrial growth in Durban in the 1930s and 1940s. At this time, throughout South Africa, urban space came to be seen through the lenses of planning common elsewhere in the world (Parnell and Mabin 1995). The Fordist management of cities in the U.S. and Britain provided a model for regulating the relations between production and reproduction through carefully zoned industrialization, and rationally-planned housing and suburbanization (Freund 1997; Parnell 1997). As a result, issues of urban growth and control were increasingly articulated through a modernist discourse of urban planning, particularly the British Garden City and 'new town' movements (Mabin 1991; Brooks and Harrison 1998). The first planning ordinance in Natal was passed in 1934, and the city proceeded to embark upon a series of initiatives to order the social and economic landscape, including large-scale public works projects, zoning initiatives, and suburban housing development (Scott 1992; Freund 1997). These projects were meant to promote the

larger vision of a Fordist social order for Durban's white residents, focused around a secure income and the suburban, nuclear family.

This industrialization process was contradictory, however. Although ever-increasing numbers of workers were needed in the city, the supply of housing for Indians and Africans was woefully inadequate, and most laborers were housed in a small number of municipal hostels, in employer-sponsored dormitories, or in backyard sheds or shacks rented by Indian or white land owners. Beginning in the 1930s, Indians and Africans began taking up residence in areas outside the city limits, areas which became sites of resistance to the city's attempts to control its own development. The most important of these spaces was Cato Manor. Comprising about 4500 hectares of hilly land to the west of the city center, Cato Manor was originally owned by George Cato, Durban's first Mayor. Cato was granted the land in 1845, and his sons farmed the area until the turn of the century, after which it was subdivided into a number of smaller farms (Robinson 1997). In the early decades of the century, the area was progressively settled by Indians who, having finished their period of indenture, leased or purchased the land from the white owners. In time, Indian land-owners began to rent out small plots of land to Africans, who built shacks in the area. By the 1930s, African shack settlements had expanded rapidly, and by the late 1940s, the area had developed into an unhealthy yet vibrant slum (Figure 2).
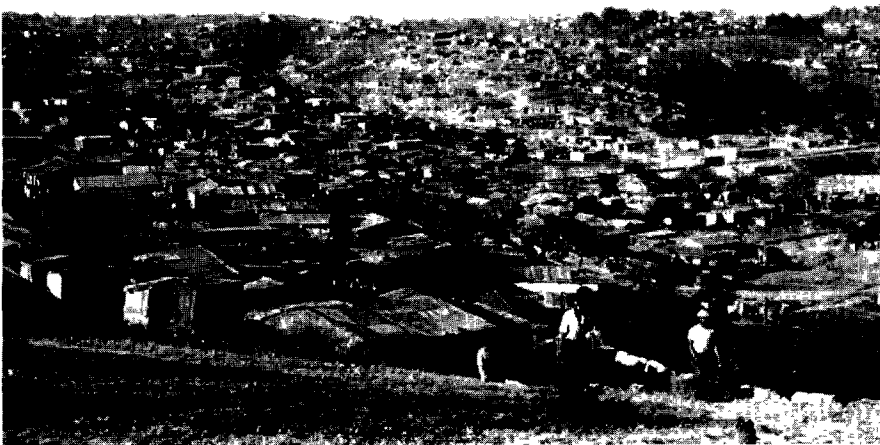

FIGURE 2. DURBAN'S 'BLACK BELT': CATO MANOR IN THE 1950S
Source: Local history museum's collection, Durban

For the residents of Cato Manor, the area provided an opportunity to avoid the disciplinary matrix of control exercised by municipal authorities, and to open space for alternative forms of economic activity in a thriving informal sector. As Paul Maylam notes (1983, 419): "the settlements were areas where Africans could escape from excessive control by police and officials, where they had more opportunities for earning their subsistence, and where they could more easily shape their own lives." Among Africans in particular, Cato Manor soon developed a reputation as a place in which a hybrid culture had developed, and "within the shantytowns of [Cato Manor] ... whose population almost doubled at weekends when visitors and revelers flooded into the area, the range and assortment of activities was far more diverse than in any other area within the city" (Edwards 1989: 81).

Durban authorities soon began to express concern about Cato Manor, which, being located outside of the city's boundaries, remained outside of the planned urban order, and which fostered forms of activity that hindered the formation of a stable labor market. In 1931, for example, Chief Constable Whitsitt complained of the "won't work, illicit liquor-selling class" of natives (quoted in Maylam 1994: 269), and in 1936 the manager of the municipal Native Administration Department, F. C. Layman, noted the number of unemployed African men, "who do casual work when and where procurable, and spend most of their time in 'shebeens' and in consorting with immoral women" (quoted in Maylam 1982: 5). In 1932, the city extended its municipal boundaries, which had the twin effects of securing new land for industrial development and bringing the residents of Cato Manor under the legal and administrative jurisdiction of the city. Armed with this new control, Durban began to draw upon both national and local mechanisms to limit the number of 'non-productive' individuals in the city, measures commonly known as 'influx control.' In 1930, the Amendment to the Natives (Urban Areas) Act had already provided for the deportation of "idle, dissolute or disorderly" Africans, and under this statute, more than 1,000 were expelled from the city in 1930 alone. The 1937 Native Laws Amendment Act gave local authorities the right to refuse entry to any African if there was a local surplus of labor, and a 1940 proclamation limited entry at any time to those taking up employment or on a legitimate visit (Maylam 1994).

The real problem, however, was lack of housing. In the context of the rational planning of the city, the need to protect white privilege, and the challenge posed by Cato Manor, the city of Durban began to draw up plans for the residential segregation of the population. In 1943, the City Evaluator and Estates Manager produced a report suggesting that "Durban is faced with the problem of housing a community made up of four distinct sections ... It is in the racial interests of all sections for them to be housed separately, one from the other" (quoted in McCarthy 1991: 36). This proposal served as a new form of spatial planning, in which the spaces of the city were defined as containers within which a racially defined citizenry was to be placed, thus fostering order and control.

These plans took on a new urgency in 1949, when a minor altercation between an African youth and an Indian shop owner sparked the 'Durban Riots'. Throughout the next day, groups of Africans attacked Indian people and property throughout the city, and especially in Cato Manor.   Indian-owned homes and businesses were plundered and burned, and Indian men, women, and children were severely assaulted, raped, or killed (Ladlau 1975). Heavily armed police units were sent to the areas of rioting, shooting Africans who refused to disperse. By the end of the day, order had been restored, but in two days, 142 people had been killed (1 European, 50 Indians, 87 Africans and 4 unknown), and 1,087 had been injured (Van Den Heever Commission 1949).

In the wake of the riots, the city stepped up its efforts to enforce urban residential segregation. The legal mechanism was provided by the 1950 Group Areas Act, which provided for urban areas to be 'proclaimed' for the sole residence of a particular 'race group'. Although such policies had been evolving for some time, the riots in Durban were seen as proof of their wisdom. Upon presenting the bill to Parliament, the Minister of the Interior argued that:

> the dangers of residential juxtaposition between members of different races is not a newly discovered danger ... The Durban riots of last year constitute a case in point, and show the dangers of residential juxtaposition for the peace and quiet of the country.   Consequently the solution of separate areas for different races, compulsorily enforced if necessary, is not a novel solution (quoted in Webster 1979, 15).

In Durban, a new spatial plan was quickly developed, under which Cato Manor was to be zoned exclusively for white residence. The existing Indian and African shack dwellers were to be removed to newly-built townships built according to British New Town principles. In 1952, the city established a controlled Emergency Camp in Cato Manor. The Camp was meant to provide temporary shelter and basic services to Cato Manor squatters until the shacks could be demolished and residents could be moved into one of the new townships (Minnaar 1992). Shack demolition began immediately, and by 1957, the Emergency Camp housed over 90,000 people. In 1956, the township of KwaMashu was completed and families from the Emergency Camp began to be resettled. Building began on Umlazi township in 1961, and in 1963 the government announced that the remaining Indians in Cato Manor would be transferred to the new Indian township of Chatsworth (Patel 1995).

This new spatial plan placed severe restrictions on the African and Indian residents of Durban.   The townships were located miles from employment opportunities in the city center. Rents and transportation costs were much higher in the new townships, and the removals meant decreased space for the kinds of illicit and subaltern activities that had flourished in Cato Manor. In addition, the move required new expenditures on furniture and other household items that were not

part of the household budget in the shack settlements. Despite protests against the removals, by 1966 the shacklands of Cato Manor had been eliminated. Some 40,000 Indians and 120,000 Africans had been forced from their homes, most relocated to the controlled, racially sanitized township spaces. The effects of this violent displacement were described as follows in an editorial in an Indian newspaper:

> It is almost as if humans are being used as pawns and moved into white and black squares by a manipulator who plans and plots to achieve a desired objective. He annihilates and sacrifices to that all important end. But this is no game that is being played. Human lives are involved ... everything that has been built up over many years, and decades, is destroyed ... leaving in its wake resentment, enmity, despair and pain (quoted in Maharaj 1996, p. 8).

The Space of Opportunity: Violence and Reconstruction in Natal

Despite attempts by the apartheid state to manage the spatial division and movement of 'race groups' in South Africa, the system came under increasing pressure in the 1970s. In response to this pressure, the South African government embarked upon a new series of spatial and political strategies intended to shore up the political economy of the country while maintaining the apartheid policy of separate development. Toward this end, starting in the late 1970s, the state granted greater powers to the bantustans in the form of 'independence' or 'self-governing' status. The policy continued the discursive division of identities into discrete tribal units, a division mirrored in space in the form of new African states, which were to become the spatial containers within which 'national self-determination' was to be exercised. As one government-issued pamphlet described it:

> the objectives of the policy are not old-style segregation or white supremacy but separate freedoms and territorial separation ... to the South African, who is so often branded as a racist, it savors of the worst kind of racial arrogance to presume that the different Bantu peoples could conceivably wish to reject their own identities and to adopt instead the white South African culture or nationhood (Information Service of South Africa 1973: 11; 21).

These 'nations' were coerced into the spaces of the bantustans through a policy of forced resettlement of rural Africans considered surplus to the needs to the white farming community (Platzky and Walker 1995; Christopher 1994).

In Durban, the KwaZulu 'homeland' was given nominal independence in 1974, and hence control over the vast townships of KwaMashu and Umlazi. Most of Durban's African residents became cross-border commuters, which "made it possible for the state to achieve the objectives of residential and territorial apartheid simultaneously" (Hindson et al. 1994: 330). Relocation to KwaZulu was encouraged through a series of 'development' policies, including housing provision

and industrial 'decentralization programs' which provided incentives for industrial investment (Booth and Biyela 1988). As a result, KwaZulu, like many homeland areas, experienced 'displaced urbanization' as work-seekers agglomerated on the periphery of Durban near potential jobs (Pickles and Woods 1992). At the same time, there was a freeze on new housing within the Durban townships of Lamontville, Chesterville, and Clermont, leading to a deterioration in conditions and increasing dissent (Hindson et al. 1994).

In an effort to dispel this dissent, the state embarked on limited political reforms. In 1984, a new Constitution came into operation, comprising a tri-cameral parliament with separate chambers for Whites, Coloureds and Indians, with African political rights circumscribed within the 'independent' homelands. This national realignment was accompanied by the devolution of power to local levels of government. Although non-white South Africans were to remain disenfranchised, Coloureds and Indians were to be 'represented' in local government structures by Local Affairs Committees, and Africans by the creation of Black Local Authorities. Representatives from these bodies formed Regional Service Councils, which were intended to coordinate metropolitan service provision and thus avoid the costly duplication of services fostered by the racial segregation of the apartheid city (McCarthy 1992; Maharaj 1997). To pay for this new administration, rents and public transportation fares in township areas were increased, and housing provision was privatized, sparking widespread resistance, particularly in the form of rent boycotts (Hindson et al. 1994).

Throughout this time, the space of Cato Manor continued to occupy a prominent place in the public imagination of Durban residents. Although planned for white occupation under Group Areas proclamations, Cato Manor was of little interest to the white community. As a 1978 study described it, "today the hillsides of Cato Manor are once again covered by thick tropical bush and grass. A few paved roads, shells of buildings burnt during the 1958 riots and traffic to and from Chesterville are the sole reminders of human settlement" (Maasdorp and Ellison 1975: 63). The situation prompted criticism that Cato Manor was becoming a wasted resource. In 1980, an article in the *Natal Mercury* argued: "that such a vast tract of prime real estate could remain underutilised for just on two decades while the backlog in housing is one of the nation's critical problems, is something of a tragedy" (Isemonger 1980: 4). In response, the area became seen as a means to secure a measure of legitimacy within the Indian community, and in 1980 part of the area was reproclaimed for Indian ownership and residence (Edwards 1994). Control over Cato Manor was ceded to the Indian House of Delegates, which built and sold a small number of homes in the area (Hart 1990).

Plans to develop Cato Manor as an Indian area never came to fruition, however, as popular resistance put increasing pressure on the apartheid state during the mid-1980s. In Durban, this opposition emerged around the formation of radical township-based civic organizations, most of which were sympathetic to the banned

African National Congress. Two of the more influential groups in Durban were the Durban Housing Action Committee, largely Indian and Coloured-based (Maharaj 1995), and the Joint Rent Action Committee, operating in the African townships (Reintges 1990). In 1983, these and other ANC-aligned associations nationwide formed the United Democratic Front (UDF). The UDF sought to challenge apartheid policies of urbanization, the imposition of Black Local Authorities, and the new tricameral national parliament, from which Africans were excluded (Glaser 1997). Through strategies of nonparticipation, boycotts, and strikes, the UDF challenged the reform strategies of the state, and began to work toward the transformation to a democratic political order (Booth and Biyela 1988).

In Natal, the UDF was challenged by the Zulu-nationalist Inkatha Freedom Party. Inkatha began in 1975 as a Zulu cultural organization with strong links to the ANC. Throughout the 1980s, however, under the personal leadership of Dr. Mangosuthu Buthelezi, Inkatha increasingly tied its fortunes to the apartheid state. Largely rural-based, often drawing upon a traditionalist and Zulu-nationalist discourse, Inkatha dominated the administrative apparatuses of the KwaZulu homeland, and sought an accommodation with both traditional leaders and white capital in the territory. Buthelezi's stated goal of working within and through the structures of apartheid led to increasing confrontation between Inkatha and the UDF, leading to violence which was to claim the lives of thousands of people in the province of KwaZulu-Natal (Hindson et al. 1994; Taylor and Shaw 1998).

Much of the violence was located in the rural areas of the province, as tit-for-tat battles developed between communities loyal to either the UDF or the IFP. As a result, thousands of migrants fled into Durban, most settling in informal shack settlements on the city's periphery. According to Minnaar (1992: 21), "throughout the 1980s rural refugees flooded into Durban at an estimated annual inflow of 100,000 and by 1985 the total number of people living in the informal settlements on the outskirts of Durban had reached approximately one million." Within Durban, violence was an effect of struggles over control of the spaces of the city, and the ability to police the identities of those residing there. In and around Durban, certain spaces became 'no-go' areas, controlled either by Inkatha or the UDF. Township residents (particularly in Chesterville and Lamontville) began a series of resistance campaigns around issues of rent, education, transport, and the proposed incorporation of the townships into KwaZulu, leading to violent backlashes by supporters of Inkatha (Pillay 1994). In the burgeoning shack areas, political authority fell to 'warlords', powerful individuals able to control or manipulate access to land. Many were able to organize their own vigilante groups and paid nominal allegiance to Inkatha due to their support of the status quo (Minnaar 1992). As a result, the province of Natal became the site of the worst violence of the apartheid era. As the TRC notes in its final report:

> close to half of all statements reporting gross human rights abuses received were
> from the KwaZulu-Natal region ... This makes the proportion of submissions

relative to population almost four times higher for this province than for the rest of the country ... [O]f 19,143 reports of alleged human rights violations in the province ... one quarter referred to politically motivated killings. NGOs, research institutes and monitoring bodies have estimated the actual number of politically motivated killings for the period to have been four times greater–between 18,000 and 20,000 (TRC Staff 1999, v. 3:3 §22, §10).

In the context of these regional dynamics, the vacant land of Cato Manor became a safe haven. Thousands of migrants, many with past ties to the area, came into Cato Manor, fleeing the escalating violence in the townships and outlying informal settlements (Hindson and Makhathini 1993; Makhathini 1994). Many of these squatters settled in an area known as Cato Crest. From an estimated 300 shacks in 1990, largely hidden in the dense vegetation, the settlement had expanded to some 3,600 shacks by 1995, generating anxiety among some white residents in nearby Manor Gardens (Hindson and Makhathini 1993). Civic and community groups formed within the shack settlements, as did vigilante groups, criminal gangs, and shack lords, who participated in familiar attempts to gain power and control over the area (Edwards 1994).

As the shack settlements in Cato Manor grew, a series of dramatic events transformed the national political landscape of South Africa. With the unbanning of the ANC in February 1990, and the beginning of national negotiations a year later, the stage was set for the transition to democratic rule. In Durban, the future of Cato Manor became central to a new political dispensation, and both residents and government officials began to call for the non-racial planning of the area (Hindson and Makhathini 1993). In 1991, civic leaders highlighted Cato Manor as a key area for potential development efforts, and helped to form the Greater Cato Manor Development Forum in 1992 (Khan 1996). The Forum was comprised of 33 member organizations, including political parties, local authorities, and community organizations. The Forum made a commitment from the outset "to explore the possibilities of coordinated development ... and to work towards the creation of a non-racial, democratic implementation vehicle" (Robinson 1997: 10). In 1994, the Forum transformed itself into the Cato Manor Development Association (CMDA), a non-profit organization which set about buying land and formulating a development vision for the area. In 1995, the CMDA produced a comprehensive 'structure plan', which called for 30,000 to 35,000 houses, office parks, industrial areas, schools, clinics, and recreation facilities (*Izwi* 1997a). The redevelopment of Cato Manor was to entail "the development of a new city with a population of perhaps a quarter of a million people at the heart of [the] principal metropole in the province of KwaZulu-Natal" (Robinson 1997: 5) (Figure 3).

As the democratic elections approached, the redevelopment of Cato Manor was seen as a crucial part of a social processes of breaking down the divisions of the past. As the CMDA put it, "because it is being developed to help redress the imbalances of the past in a just and efficient manner, the project has attained
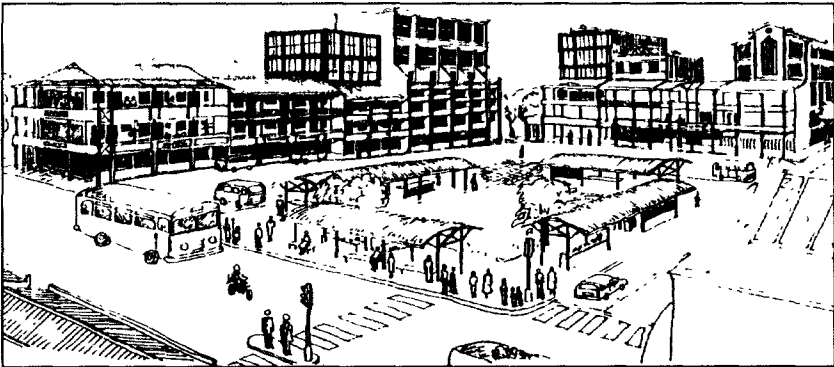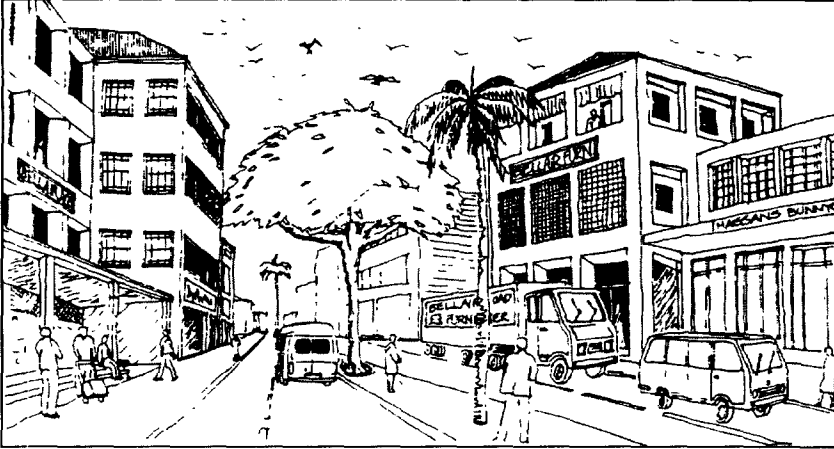
FIGURES 3A AND 3B. CMDA SKETCHES OF A FUTURE CATO MANOR
Source: Courtesy of the Cato Manor Development Association

substantial symbolic significance both regionally and nationally. It offers a unique
opportunity to contribute to the restructuring of the apartheid city" (Cato Manor
Development Association 1997: 3). The new vision of Cato Manor gained wide
circulation within the city, and was symbolically tied to a new post-apartheid era of
urban living. In 1990, the *Sunday Tribune* suggested that Cato Manor would
become "a massive 'peace city' ... a showpiece city housing 300,000 people of all
races" (Spence 1990: 10). This vision was an image of a future social space which
would consciously seek to displace the legacies of planning and violence fostered
by apartheid policies.

Since then, hundreds of homes have been built, and residents are beginning to move into Cato Manor, supported by provincial housing subsidies of up to 15,000 rands (about $3,000). CMDA Land Manager Dave Smyly has called the Cato Manor project "the biggest inner-city development in the world" (quoted in Schmidt 1997). This has made Cato Manor a high-profile space, not just in Durban, but throughout South Africa. In 1995, Cato Manor was designated a 'Presidential Lead Project' under the country's Reconstruction and Development Program, and additional funding has been secured from the European Union, with total investments expected to be roughly four billion rands ($800 million) over the next five years (Schmidt 1997). There is little doubt, then, that "the [Cato Manor] development forum sees a dream of a new SA in Cato Manor" (*Finance Week* 1991: 22).

Contested Space: The Cato Manor Land Claim

The dream of re-mapping the space of a future Cato Manor, however, was soon called into question by the area's own past. In February of 1996, some 3000 former residents submitted applications for restitution under the terms of the 1994 Restitution of Land Rights Act. Under this Act, those who were dispossessed of their land under apartheid can apply to be compensated in one of three ways: land restoration (the return of a formerly owned plot of land); receipt of a comparable plot of land elsewhere; or monetary compensation. In this way, the land claims process provides a means of redressing the social and spatial divisions of the past. Indeed, the South African government has argued (Department of Land Affairs 1997, §2.5.2; §2.5.1) that "the historical legacy of South Africa necessitates land reform" and that "the primary reason for the government's land reform measures is to redress the injustices of apartheid and to alleviate the impoverishment and suffering that it caused."

Despite this commitment, in response to the land claims in Cato Manor, the city of Durban, acting on behalf of the CMDA, applied to the Land Claims Court in June of 1996 for an order under Section 34 of the Restitution Act. Section 34 provides for a local authority to apply to have land under its jurisdiction declared exempt from restoration, and to require that all claims be settled through alternative land or monetary compensation, if doing so would be 'in the public interest' (Land Claims Court 1997). The CMDA felt, as stated in its 1996 Annual Report, that "few factors have as great a potential to impact negatively on the re-development of Cato Manor as the issue of land claims" (Cato Manor Development Association 1997, p. 10). The Section 34 application was opposed by roughly 400 of the applicants (so-called 'objectors'), who subsequently sought a court interdict halting all planning and development work on Cato Manor until the land claims process was finalized (Maharaj and Ramballi 1997). This led to a hearing of the Land Claims Court in January of 1997, in which oral arguments were heard to determine what would constitute the 'public interest' in Cato Manor.

The hearing took the form of a cross-examination of CMDA officials by lawyers representing individuals or groups of objectors. In turn, each lawyer sought to extract information about the planning and development of Cato Manor, and about the reasoning behind the Section 34 application. The objectors were primarily former Indian land owners, but included a number of former African residents as well, all of whom were relocated during the Group Areas removals of the 1960s. The objectors focused the court's attention on the personal nature of Cato Manor's violent history, and on the necessity of taking account of that history in the present planning process. As former resident Soodhama Rughbeer put it, "we were robbed of our land by the Nats and now we are being robbed again by the ANC government" (quoted in Schmidt 1996). Mr. Moosa, one of the lawyers, put the following statement to CMDA Chairman Peter Robinson: "you realize that Cato Manor was a place where people lived and loved, where they experienced the joys and woes of life and you must understand why they would want the land back, not money, not anything else" (*Cato Manor* 1997: 306). In response, the CMDA representatives argued that the nature and scale of the planning process in Cato Manor made the restoration of land to successful claimants infeasible. For them, the importance of the development process demanded that it not be held up in the complicated process of determining the legitimacy of land claims. As CMDA Chief Executive Officer Clive Forster told the court:

> In summary, the impact of not getting a section 34 would be, in our view, to seriously delay the project, to make a series of projects that are currently under way highly risky, to make it very difficult for us to deliver to other constituencies, to destabilise the situation, to create increasing land invasions, etcetera, etcetera. (*Cato Manor* 1997: 800).

As the trial progressed, it became clear that what was at issue was the way in which Cato Manor's violent history would be accommodated in the process of planning. At one point in the hearing, lawyer Angus Stewart posed this question directly to Peter Robinson: "If the history is not given its proper place in the development process, what problems will that create for us, if we take an approach which ignores the history?" Robinson responded: "I don't think there is a technically proper place for history in a development process" (*Cato Manor* 1997: 309). If history did not figure in a 'technically proper' manner into the CMDA's plan, however, it was clear that Cato Manor's violent past had influenced their thinking. During the trial, Clive Forster spoke of his fear that "racial conflict will escalate" and of the "possibility of rapidly escalating violence and indeed bloodshed" (*Cato Manor* 1997: 912). Thus, the history of division returned in the courtroom as the ever-present potential for conflict, a potential which, for the CMDA, can only be forestalled by a new process of planning. Indeed, it was revealed during the trial that the CMDA, fearing the disruption caused by land claims, was itself *responsible* for having Section 34 added to the Land Claims Act.

Thus, the planning process had, from the very beginning, attempted to evade confrontations with Cato Manor's violent past. As Angus Stewart told the court, "the applicant, being essentially the City of Durban, seeks to wipe the slate clean as far as claims for restoration are concerned" (*Cato Manor* 1997: 321).

For the objectors, however, such histories cannot simply be 'wiped clean', but must be accommodated in the present redevelopment of the area, an issue that Angus Stewart posed directly to Peter Robinson: "Presumably, then you would agree that one of the reasons why dealing properly with the history is important is to try and address those wounds, heal those wounds of racial conflict of the past? — Yes, I agree with that" (*Cato Manor* 1997: 311). In the end, the CMDA was indeed forced to agree. It became obvious that the sympathies of the court were with the objectors, and when the hearing reconvened in April, the CMDA presented a settlement. After discussions between the objectors, the city, and the Land Claims Commission, an agreement was signed which has been hailed as "a blueprint for dealing with future disputes where claimants and greater community interests are at odds" (Payne 1997). Under the agreement, restoration rights will now be considered in the development of Cato Manor, and former owners will have a voice in the process. Land will be restored to successful applicants on a case-by-case basis, where it is deemed feasible. Feasibility is to be determined through negotiation between the claimant and the city, with panels of mediation, and finally arbitration, to decide in the event of a dispute (Maharaj and Ramballi 1997). In cases where restoration is not feasible, claimants may be accommodated through inclusion in housing programs, priority access to vacant business sites, or through monetary compensation (Hassan 1997: 25). A press release described the settlement:

> The agreement of settlement recognizes the legitimacy of development and restoration. It shows how the legitimate rights of historically dispossessed persons of Cato Manor to now fully return and actively participate in the modern development of Cato Manor can be effectively fused with the wider development needs of the city, and the pivotal importance of Cato Manor within these plans. In this way we believe that the rights of the historically dispossessed and the imperatives of development can be balanced (*Izwi* 1997b: 1).

In accommodating the former residents, the redevelopment of Cato Manor became more than simply a technical process of planning, but also a means to redress the violent divisions of KwaZulu-Natal's history. It indicates a recognition that the spatial slate for development cannot simply be wiped clean of its historical traces, and that, as the Land Affairs Commission stated, "development without restitution would perpetuate the injustices of the past" (Malala 1997).

Conclusion

In the wake of a new round of elections in June 1999, it is clear that South Africa's transition will be an on-going process of negotiating the divisions of the past. These divisions are still inscribed in the material and social spaces of the country, and it is the challenge of planners and policy-makers to address this geography in their attempts to promote new and democratic forms of development. In this sense, the enormous symbolic importance of Cato Manor arises from the many forms of violence inscribed in its contested history—from the violence of forced removals and the destruction of community, to the violent clashes in Natal fomented by the state in the dying years of apartheid.

The urgent demand to redress the inequalities arising from apartheid urbanization led the CMDA to push forward its plan to build an integrated multi-racial community in Cato Manor, a plan which self-consciously sought to move beyond the social and spatial divisions of South Africa's violent past. In filing the Section 34 application, however, the CMDA foreclosed on the necessary *social* process of reworking and negotiating those very divisions, and in that sense, committed a violence against that history. Instead, as the land claimants argued, the re-mapping of the spaces of the post-apartheid city must also account for the histories through which its present spaces were created. As Archbishop Desmond Tutu has cautioned:

> ...amnesia simply will not do ... [because] the past refuses to lie down quietly. It has an uncanny habit of returning to haunt one ... However painful the experience, the wounds of the past must not be allowed to fester. They must be opened. They must be cleansed. And balm must be poured on them so they can heal. This is not to be obsessed with the past. It is to take care that the past is properly dealt with for the sake of the future (TRC Staff 1999, v. 1:1 §27).

To properly deal with this past is to engage in what Aletta Norval (1995) has termed 'the difficult constitution of a nation,' and requires a balancing of the present dictates of development with the sometimes conflictual process of negotiating the violence of the past. In this sense, the social and spatial transition in South Africa must not only entail a 'building up', but also a 'working through'. If the Truth and Reconciliation Commission is an arena for coming to terms with the human rights abuses committed during the years of apartheid, then the democratization of planning and spatial change must likewise be a means to address the historic violence of displacement, dispossession, and expropriation which is so much a part of South Africa's history. The struggle over the future of Cato Manor illustrates the ways in which this history can become an active part of the negotiation of the present, and serves as a reminder that the memory of violence must be actively confronted in the process of charting new and democratic spaces in any society.

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