

The Scourge of Homelessness and Evictions during the Covid-19 Pandemic in the City of Johannesburg

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Introduction

After confirming the country's first COVID-19 case on 5 March, South Africa braced itself for a 21-day lockdown, which officially began on 26 March and was initially intended to last until 16 April. The lockdown was subsequently extended to 30 April and has been further extended indefinitely with relaxation of some of the restrictions and some sectors of the economy being allowed to reopen, along with the extension of certain socio-economic relief mechanisms intended to cushion citizens from the hardships that the pandemic is sure to induce. In this light, one of the regulations included a moratorium on evictions, with the understanding that evictions would place vulnerable persons at risk of contracting and transmitting the virus. The provision stipulates: "All evictions and executions of attachment orders, both movable and immovable, including the removal of movable assets and sales in executions, is suspended with immediate effect for the duration of the lockdown." These regulations were aimed at minimising possible losses of income, particularly among the working class and people in the informal sector.

Yet, despite these regulations, evictions were still occurring in the City of Johannesburg with various informal settlements having been targeted for demolition. Dressed in their infamous scarlet attire, the Red Ants most recently descended on unsuspecting residents in the Lakeview settlement and proceeded to raze properties deemed to have been illegally constructed.

The City of Johannesburg has argued that the lockdown period has presented an avenue for opportunistic illegality, that is, the setting up of illegal settlements in unoccupied municipal land without the requisite permission to do so. Gauteng Member of the Executive Council, Lebohang Maile, issued a blanket order during this lockdown period to halt and prohibit any unlawful occupations, whether of buildings or land, affording certain powers as well to municipalities to oversee that this indeed was being adhered to. During a press conference Maile noted the state would not tolerate unlawfulness 'in the name of lockdown'. Given how grave the situation has shown itself to be, it can only be considered a travesty that individuals are being forcibly removed from their housing at such a critical time, even if their conduct can be considered to be unlawful. This is especially concerning when there are no alternative housing solutions to bolster such a move. It would seem at this stage that there is far more

concern with the incidents of land grabs than with giving due thought to the implications of addressing this concern at such a time.

Human Rights Implications of the Evictions

It is indeed a concern when authorities perpetuate acts of violence in such an inhumane manner, more so during precarious times such as we are currently facing. It is a factual reality that such dispossession amounts to a human rights violation, starting firstly with the dispossession of property, which in this case, amounts to a limitation on the right to property as well as adequate housing. These rights are codified in sections 25 and 26 of the Constitution respectively. Section 26 of the Constitution in particular guarantees that ‘Everyone has the right to have access to adequate housing. (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right. (3) No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions’.

Furthermore, the right to housing is inherently linked to the right to dignity under section 10 of the Constitution as access to housing has a bearing on the quality of life one lives and places a sense of worth on an individual’s livelihood. As it stands, evictions in the time of COVID-19 creates further vulnerabilities to communities that are already vulnerable in the City of Johannesburg. Evictions will result in families being exposed to the virus as they will be forced to live in unsanitised and uncontrolled environments. In addition to this, evicted families will have no place to cook their food or receive food deliveries in their home which infringes on their right to food and security. As the lockdown continues, evictions continue to take a terrible turn on the lives of residents in various municipalities.

Implications on the City of Johannesburg Governance

The term “essential services” is one that has been used prolifically during this new Covid-19 dispensation to denote activities that are deemed vital for the survival of the population during the pandemic. According to the International Labour Organization, an essential service is any

service “by whomsoever rendered, and whether rendered to the Government or to any other person, the interruption of which would endanger the life, health or personal safety of the whole or part of the population.”

It is difficult to fathom how the activities of the Red Ants are considered essential, seeing as their nature is to dispossess and endanger the lives of vulnerable citizens, rather than provide any life-altering protection or service, as is envisioned in the definition of an essential service. One is indeed justified to question what essential service the Red Ants are in fact providing at such a critical time which requires the utmost safety and health of the populace, and channelling of precious resources towards protecting livelihoods.

City of Johannesburg Mayor Geoff Makhubo remarked that the City could not celebrate a routine court victory allowing evictions, and maintained that the demolitions were a necessary action towards implementing planned development within the eviction sites for the benefit of the poor and the City at large. However, these evictions have resulted in homelessness which only serves to heighten the vulnerability of the affected persons and paints an even graver picture considering that the country is the epicentre of the outbreak on the African continent.

The state has taken positive steps in erecting temporary housing structures for the homeless community, presumably in acknowledgement of the fact that such a time necessitates widespread measures that encompass even the interests of the poor and vulnerable. Such cause has however not fully been realized by a party that has ample opportunity to regain the support of a once loyal constituency, which it briefly lost to the DA-led coalition during the 2016-2019 period. Interesting to note from that period is the fact that the ANC conducted a vehement mud-slinging campaign, often accusing the DA-led coalition of failing to honour its electoral promises in providing quality housing. Now that the power over Johannesburg has been restored to the ANC, such rhetoric becomes hypocritical in the face of their own shortcomings in not only failing to provide housing, but also actively dispossessing citizens of housing. This is yet another decisive moment in South African politics, where we are witnessing lost confidence being restored in the ANC-led government which has so far been lauded for its data-driven Covid-19 -mitigation strategy. However, the tides could easily quickly turn among the majority black electorate should such housing inequalities continue to persist.

Conclusion

Human Settlements Minister, Lindiwe Sisulu, has remarked during a parliamentary committee sitting, that it is an illegality to demolish a shack at the present moment. In the end it must be

borne in mind that many residents in informal settlements do not occupy land out of want, but need, and often have no other alternative means of securing their inherent need for housing and resultant dignity. In the midst of a global pandemic, continued evictions subject poor residents in informal settlements to greater health risks and hardships, which is a stark contradiction to the measures put into place aimed at safeguarding the security interests of the nation.

Homes are being demolished at a time when citizens are yearning for a sense of safety and security from the State and it should be in the interests of the state to rise to this expectation. As the President correctly said, now more than ever is the time to put political differences aside and work together to defeat the virus. This would necessarily entail ensuring that all of society is fortified in the fight against Covid-19. It cannot be expected then that certain quarters of our society, namely the poor and vulnerable, be side-lined and forced to face this pandemic without shelter and exposed to the harsh realities of homelessness. It now falls on leadership to determine how best the scourge of homelessness and evictions can be addressed during this pandemic.