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# Land, law and decades of devastating douchebaggery

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unexceptional case of Freedom Park

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ing of state resources. A township where, on a clear day, one can maybe even see the uninterrupted, unbridled building and maintenance of infrastructure in the historically white suburbs and for corporations. A township where black working class residents are subjected daily to a class war from above through attacks on their rights and well-being by capitalists, top state officials and local political elites. A township all too common in South Africa.

And therein lies the real violence. In a system that actively and deliberately centralises wealth and power in the hands of an increasingly small and unaccountable minority and makes the rich richer by making the poor poorer; in the laws that legalise this crime against humanity and perpetuate the colonial dispossession of the black working class majority of their land, and; in the state that upholds and enforces both these laws and the criminal system they are designed to legalise and protect.

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A township where the hope so many people had for a better life after apartheid has been shat upon by the very people that had promised to provide it. A township where the black working class is deliberately kept in a state of poverty and oppression, then labeled 'violent' and threatened with rubber bullets (if not live ammunition), tear gas and prison if they dare fight for their constitutional and human rights. A township where more and more people are forced, against their will and well-being, to live in unsafe and unhealthy conditions in informal settlements and backyard shacks despite there being vacant and unused land standing idle nearby. A township where the majority of people are unemployed and the wages of the lucky few who actually have a job are in decline due to anti-worker policies designed to increase profit rates for the rich at the expense of the poor. A township where many people do not have access to basic services or decent housing while the government actively redirects money that could have been used for such services and development upward, away from the black working class and to the ruling class (white and now black capitalists, top state officials and the political elite), by taxing the black working class through VAT and at the same time giving tax breaks to corporations. A township where government spending on service delivery has either remained the same or been in decline since the ANC came into power over 20 years ago.

A township where the local government has adopted aggressive cost recovery measures that have put access to basic services like electricity and water out of reach for increasingly many residents – cutting those who can't pay for such services off altogether. A township where the frenzied outsourcing of basic services and development has led to the establishment of networks of political patronage and clientelism ready to resort to violence – be it a legalised monopoly on violence in the form of the state, criminal violence or paramilitary violence – to defend the corrupt ill-gotten interests of a parasitic elite and suppress any challenges both to their political dominance and the access this provides them for the loot-

### III.

Despite having sent the invitation to literally hundreds of media contacts, however, no journalists from the mainstream media were seen to be present on the day to cover the event – maybe because it was expected to be peaceful, which would contradict the mainstream media’s narrative of disaffected black working class township residents as violent and unreasonable. Or maybe because the association responsible for the rally actively tries to expropriate land, not just rhetorically in populist politicking. (Not exactly something the ruling class would like gaining traction.) No political parties actively supported the rally, perhaps with the exception of a minor one to which many of the community organisers are affiliated. So-called civil society also did not turn up in any noticeable numbers. Presumably they were all too busy celebrating their hollow freedom.

And that, dear reader, is why Freedom Park, Eldorado Park, Joe Slovo, Ennerdale, Kliptown, Orange Farm and a host of other townships south of Johannesburg recently went up in flames (as they no doubt will again) and were shut down, for days in succession, gripped by so-called violent protests. Because our people are suffering and no one hears their pain. Because they have tried every other means at their disposal to get the government to listen to and respect them and address their grievances and have either been sent from pillar to post or their pleas have simply fallen on deaf, disinterested or self-interested ears. Because they are frustrated and desperate and anything less than so-called violent protest, having exhausted other purported channels, would amount to resigning themselves to passively accepting a life of continued suffering and misery at the hands of a corrupt self-serving parasitic elite. A life probably cut short by an easily preventable death, like burning to death in a shack fire, in a backyard of some overcrowded, underdeveloped township.

**The struggle of the black working class majority of Freedom Park, South Africa, is not just for land on which to build housing – although that is obviously a central issue and key demand; nor is it just against the accompanying political and police violence and intimidation. It is a struggle against the injustice, violence and corruption of a system that puts the power, privileges and profits of a few before the lives and wellbeing of the majority.**

### I.

On the evening of Saturday 6 May – two days before the neighbouring communities of Eldorado Park and Freedom Park made news headlines, again (with many more soon to follow), for the so-called violent protests that had broken out there over lack of housing, service delivery and employment – people living in backyards in Freedom Park camped out on a vacant plot of municipal land standing idle adjacent to the township. The following afternoon small, scattered groups of people – mostly women, notably – could be seen peacefully and laboriously constructing makeshift shelters intended to shield themselves and, presumably, later their families from the elements as winter approaches and temperatures drop. Nearby, women and men of different ages were beginning to gather, buzzing in anticipation of a meeting to discuss the occupation and how to make it succeed. A few black-working-class-life-under-apartheid-capitalism-hardened older women, evidently among those that had camped out the night before, sat by small fires outside makeshift tents resembling teepees. Set against a backdrop of smoke caused by the smoldering remains of veld fire it reminded one of a scene from a Wild West movie. One where a bunch of douchebags – able-bodied, cisgendered, heterosexual, white, male, settler-colonist ones in all likelihood – raid and pillage a settlement of unsuspecting (but also not to be romanticised)

black people; leaving behind them hitherto unimagined devastation and misery – and precious few survivors to pick up the pieces. Only in this story the devastation and misery is the result of 365 years of pillaging by the original douches plus over 20 years – and counting – by the new improved ones (with others salivating on the sidelines at the prospect of a turn to gorge at the trough).

For some of the people in this scene it would have been the third time that they had attempted to occupy this plot of land and some were literally building their shacks on the burned out remains of their last attempt to do so; which was violently evicted by the South African Police Service (SAPS) and Johannesburg Metropolitan Police Department (JMPD) – allegedly accompanied by members of the local ANC leadership – after they occupied the land, for the second time, on 24 March. Seventeen people were reportedly injured and five arrested in that attempt when it was broken by the state on 3 April. Building materials and personal items belonging to those that had erected shelters on the vacant land were confiscated by the police during the eviction. An urgent court interdict to have the confiscated property returned was filed – although at the time of writing none of it had been – and the following day hundreds of Freedom Park residents rallied outside the Johannesburg High Court “demanding the return of all the property violently taken by the Metro and SAPS from the people”. This second attempt to occupy the plot of unused land in question, known as Bush Koppies, came just days after a march of about 200 Freedom Park residents, organised under the banner of the Freedom Park Backyard Dwellers Association, to Luthuli House on 20 March “in an attempt to force [the] ANC government to return land to the Black Majority” and to grant Freedom Park backyard dwellers the right to occupy vacant land on the outskirts of the township.

The first attempt by the landless residents of Freedom Park to occupy Bush Koppies in order to build housing was in July 2016. The Freedom Park residents that staged this action were, then too, subjected to police harassment and intimidation and members of

in all housing development projects at Freedom Park. The community further agreed to intensify community mobilisation, organisation and unity of our community across party political lines in a fight for transparency, accountability, community ownership and control of all developmental projects happening in Freedom Park and intensify the fight against corruption.”

To this end and in response to the oppressive, unsafe and unhealthy conditions of overcrowding caused by an influx of people into the township – which has led to many people renting shacks in others’ backyards – the Freedom Park Backyard Dwellers Association was later started to take forward the struggle for land on which to build housing. On 27 April this year, in building toward the third attempt to occupy Bush Koppies, the Freedom Park Backyard Dwellers Association held an “Unfreedom Day” rally to promote and build support for their struggle for land and housing. A statement announcing the event declared:

“As the country celebrates a freedom for which so many sacrificed, we want the country to know that some of us continue to sacrifice – through pitiful wages and squalor-like living conditions. During rain, heat and cold, we live in conditions that expose us to the elements, diminish our well-being and put our children at risk. We have no privacy, no dignity, no freedom.

We call on media, civil society, political parties to join us and heed the demands we have peacefully made for so long. Our people are suffering – instead of celebrating a hollow freedom we demand that they hear our pain.”

for a “group petition to the Gauteng Legislature”. The petition concluded:

“There is no transparency with regards to beneficiaries and we suspect that some officials and contractors are selling RDP houses. There is also no transparency on the awarding of tenders for development projects and the poor quality of construction.

“We demand all the information, plans and designs with regards to our housing development in Freedom Park.

“We demand that the community must be given the right to actively participate in and control the decision-making process with regards to all community development in Freedom Park.”

On the way back from Eldorado Park the march was attacked by thugs allegedly associated with or hired by the local political elite, leaving one person in intensive care. For months thereafter residents were prevented from holding community meetings, community organisers were threatened and harassed by people loyal to or in the pay of the local elite and some were arrested on spurious grounds. Leaders of the local ANC and its civic arm, the South African National Civic Organisation (Sanco), have been accused by residents of paying criminal elements within the township or giving them drugs and alcohol to disrupt community meetings with violence – or the threat of violence – in order to prevent or discourage residents from organising to expose the alleged corruption and hold those responsible to account.

In the face of this violence and intimidation residents agreed, at a meeting in November 2015, “on the need to use legal institutions to enforce the constitutional rights guaranteed in the constitution to advance the struggle against corruption and community exclusion

the Public Order Policing unit – who were seen arriving with local leaders of the ANC Women’s League and were allegedly called in by them – threatened to use rubber bullets if people did not disperse, which they reluctantly did, before proceeding to demolish their shelters and, then too, confiscate their building materials.

One young man that participated in the occupation was physically attacked by a group of what is believed to have been local ANC supporters while on his way back to his backyard residence in Freedom Park after a meeting at Bush Koppies. He was taken to a local clinic and fortunately did not sustain any serious injuries.

On 3 September, an estimated 5 000 people from Freedom Park marched “against police harassment and for access to land” in response to the violence, intimidation and harassment those involved in the occupation had been subjected to at the hands of the police during the eviction of and in the weeks following the July occupation. Police conduct which, a memorandum of demands intended for the Premier of Gauteng said, “undermines the dignity and fundamental human rights of the black majority”.

But the struggle of the black working class majority of Freedom Park goes back further than the struggle for Bush Koppies. It is a struggle not just for land on which to build housing – although that is obviously a central issue and key demand – nor just against the accompanying political and police violence and intimidation; but against the injustice, violence and corruption of a system and the parasitic elite it creates that put the power, privileges and profits of a few before the lives and well-being of the majority. It is a struggle against a system that – despite the lamentable and, hopefully, transitory general lack of coordination, class solidarity and sense of common cause between struggling communities – recognises no distinction of township, province or administration in its insatiable drive to pillage and oppress for power and profit.

## II.

Freedom Park, itself started as a land occupation by backyard dwellers from Soweto in 1994, is an attractive area for developers: it is close to Johannesburg and Southgate Mall, to Soweto, the Chris Hani Baragwanath Hospital and Bara taxi rank; as well as having easy access to the N1, N12, M1 and Golden Highway. Because of its strategic location the developers contracted by the government initially wanted to have the people occupying the land forcefully relocated to Vlakfontein – 12km away in the wrong direction (i.e. away from Johannesburg and, like most other black townships, any semblance of commercial or economic activity or prospect of development) – so that they could profit from potential new residential developments in the area. Developments which would target significantly higher income earners than the people that had occupied what was to become Freedom Park. As history and the possibilities of class struggle would have it, however, the new residents instead organised themselves and successfully resisted the proposed relocation and were given permanent stands with toilets and running water in 2001. The settlement was electrified in 2003 and the government started building RDP houses in 2004.

However, rather than going to the people that had occupied the land and won permanent stands through struggle, the RDP houses seemingly began to be sold or allocated to people from outside the community who were not on the waiting list. Residents suspected corruption and that some officials and contractors were allocating houses to people who had money to buy them, were card-carrying ANC members or in exchange for promises of votes and political favours or support – not to those on the waiting list. Needless to say this caused a good deal of discontent among many of the new township's residents.

Then, in July 2014, Freedom Park residents staged reportedly (by the mainstream media) 'violent' protests against electricity cut-offs

after the township had been without electricity for about a week. Frustrated by a lack of response to their pleas for help from either of the councillors of the two wards that Freedom Park straddles, residents hoped that protest would attract the attention of higher up authorities and spur them to intervene to resolve the community's energy crisis. Instead, leaders of the local ANC were reportedly seen consorting with the police, who later shot at protesters with rubber bullets, hospitalising one person. It was also alleged that local ANC leaders had gone around the community telling people that the reason for the electricity cut-off was that foreign shop owners were using big industrial refrigerators which were draining the township's power supply – thereby inciting xenophobic attacks and looting of foreign-owned stores (the reported 'violent protest') in an attempt to deflect attention away from the real issue.

Following this struggle, residents of Freedom Park developed a list of demands, through a grassroots consultation process, which they submitted to the MEC of Human Settlements in October 2014, giving him seven days to respond. Failure to do so would result in protest action. As is to be expected, however – given the prevailing arrogance on the part of our political elites and their general contempt and disregard for the black working class majority outside election times – the MEC did not respond to the demands.

So, in February 2015, Freedom Park residents marched to the municipal offices in Eldorado Park to deliver a memorandum of demands to the Gauteng Department of Human Settlements demanding a forensic audit be conducted of all housing development and allocations in Freedom Park; as well as demanding a moratorium on all development projects in the township by the Department of Human Settlement until such a forensic investigation had been completed. The memorandum was received by a representative of the Department who promised a response within seven days.

Five months later, however, the Gauteng Department of Human Settlements had still not dignified the community with a response and community organisers started collecting signatures