

Defend Freedom! Democracy Under Attack!

On September 26 at 11.30pm, a group of 30 to 40 men wielding pangas, sticks and guns surrounded the community hall in Kennedy Road informal settlement in Durban and launched a violent attack. Kennedy Road is the original home of Abahlali baseMjondolo (AbM), the social movement of shackdwellers. In the violence that followed over the next few nights and days, people died, many fled, and the shacks of a number of known Abahlali activists were systematically destroyed. All this while local and provincial ANC leaders proclaimed the events to be a 'liberation' of Kennedy Road, and installed ANC 'leadership' over the community.

In his first statement after the attack, AbM President, Sbu Zikode, suggested that the events required of all us "close and careful scrutiny into the nature of democracy in South Africa". The Church Land Programme agrees. Accordingly we convened a briefing in Pietermaritzburg on November 6th to allow concerned citizens and civil society to hear about and consider what's at stake. The resources contained in this pack are only a very small sample of the extraordinary breadth and passion of the supportive responses that AbM have received from all over the world in the aftermath of the attacks¹. We hope they are a useful companion to the briefing event itself, and we encourage all who are concerned to read, share and discuss them.

This resource pack includes the following:

"Democracy is on the Brink of Catastrophe", by S'bu Zikode, President, Abahlali baseMjondolo (30th October 2009).

"How a poor people's movement was crushed" by Andile Mngxitama (published on 6th October in the Sowetan).

"Acid Test for ANC's Commitment to Democracy" by Steven Friedman, (published on 7th October in Business Day).

"Democracy Under Attack in Kennedy Road", by Bishop Rubin Phillip (released 29th September).

"Ruling in Abahlali case lays solid foundation to build on", by Marie Huchzermeyer (published on 4th November in Business Day).

"Archbishop of Cape Town Endorses the Bishop of Natal's Condemnation of the Kennedy Road Attacks in Durban", a statement by Archbishop Thabo Makgoba (issued on 1st October).

"Things Fall Apart", by Richard Pithouse, (published on 27th October by The South African Civil Society Information Service).

"Statement in support of Abahlali baseMjondolo, 9 October".

**The 9 October statement was originally signed by
Bruno Bosteels, Noam Chomsky, Jacques Depelchin, Nigel Gibson, Greg Grandin, Peter Hallward, Naomi Klein, Ernesto Laclau, Todd May, Corey Robin, William I. Robinson, Alberto Toscano, and Slavoj Zizek.**

¹ Check out the movement's website for many more examples and statements of solidarity: www.abahlali.org

Democracy is on the Brink of Catastrophe

S'bu Zikode, President, Abahlali baseMjondolo
30 October 2009

The road to real democracy has not been easy to those who are still searching for the truth in it. It is like the long road of Abahlali baseMjondolo to the Constitutional Court. Democracy means different things to different people. To some leaders democracy means that they are the only ones who must exercise authority upon others. For some government officials democracy means accepting anything that is said about ordinary men and women. With the attack on Abahlali baseMjondolo in Kennedy Road we have now seen that this technocratic thinking will be supported with violence when ordinary men and women insist on their right to speak and to be heard on the matters that concern their daily lives. On the one side there is a consultant with a laptop. On the other side there is a drunk young man with a bush knife or a gun. As much as they might look very different they serve the same system – a system in which ordinary men and women must be good boys and girls and know that their place is not to think and speak for themselves.

It must be remembered that we have no world without families, without neighbourhoods and without nations. If democracy is to be a living force it must be a reality in the real world of our lives. Therefore there is no democracy in settlements like Kennedy Road if residents are forced to take instruction from party politicians, while those who refuse to take such instructions are attacked and killed. The attack on Abahlali in Kennedy Road was an attack on our democracy.

We must be clear that our democracy is not perfect. It is a democracy of the few, for the few and by the few – a democracy for the rich and by the rich. It is a class democracy, a democracy that criminalises our believable movement and most movements of the poor and by the poor. It is a democracy that does not only protect the interests of its champions but leaves its ordinary members to rot in jondolo (shacks), substandard housing and the life threatening conditions that are found in places like the Kennedy Road settlement.

Our democracy has failed the poor. Therefore it is our responsibility to make it work for the poor – to turn it into a living force in the lives of the poor by building the power of the poor and reducing the power of the rich. We need to struggle to democratise all the places where we live, work, organise, study and pray. The solution to the fact that our democracy has failed the poor is not to attack democracy from above.

The attack on Abahlali members, its leaders and its offices in the Kennedy Road settlement on the 26th of September 2009 has been a wakening call that our democracy is on the brink of catastrophe. A catastrophe in which no man or woman may be able to rebuild or connect the spirit and soul of our humanity.

Abahlali have been attacked because it has organised the unorganised, it has educated the so called uneducated, it has given voice to the voiceless. Our movement has forced the senior officials to investigate their own employees on all allegations of misallocation, mismanagement and corruption in the delivery of housing and in tender issuing processes. Abahlali have stopped most eviction in the cities where we have members by protesting and taking some municipalities and some government departments to court. We have taken the provincial government of KwaZulu-Natal to the Constitutional Court.

Our attackers are very rich and are using the tax payer's money to carry out the attack. They even remote the attack from a distance so that the poor can be seen to be fighting amongst themselves. We have seen in the past how the poor have been made to turn their anger against their fellow brothers and sisters without sound and able reasons. This is catastrophic and must be stopped now.

The poor must be allowed to seriously engage on the issues that make them poor. They must be supported in all efforts and methods by which they intend to liberate themselves. Everyone has a role to play, be they rich or poor, in shaping this country in to one that immediately begins to respect and look after its poor of the poorest as we move to an end to poverty. The land and all other resources must be shared equally; the laws must apply to everyone including those who make them. The concerns of the poor must be raised loud enough to be heard without fear or fever. The poor must be allowed to determine their own future without allowing party politic to mislead our generation.

The Constitutional Court ruling in favour of Abahlali means that a people's democracy will not be undermined at every turn. It means that forced removal to transit camps can no longer be considered as the delivery of adequate and alternative housing as was a provision of the already buried Slums Act. Abahlali have always been open to free discussion and have always promised to return every meaningful engagement by the state with a meaningful contribution from below. Despite all the attacks on our movement and the long road to the Constitutional Court the ruling of the Constitutional Court in favour of Abahlali means that while party politic is trying to bring our democracy to the brink of catastrophe the Constitutional Court recognises our humanity and it recognises that the poor have the same right as everyone else to shape the future of the country. We encourage everyone who believes in real equality before the law and all democrats to refuse any form of attack on our democracy -a democracy fought very hard to be won. Let us do whatever it takes to protect our children, our nation and our world.

I take this opportunity to share with you how disturbing and difficult it is to be forced to exile in your own country. I and many leaders of our movement have been made refugees in our own country, in our own province, in our own city, in our own settlement. Our families, including our children, are going through a very difficult time. Some of them have been admitted in hospitals because they cannot cope with the trauma. The state has not responded with any relief for those whose homes were burnt down and who were made homeless by this attack. The state has not condemned our attackers. The state has not arrested anyone from our attackers but continues to threaten our members in the courts and outside the courts. We continue to receive death threats. We are even threatened with death in court whenever we attend the bail hearing for our members. On behalf of Abahlali I also take this opportunity to express my deepest gratitude to all of you who have supported our movement in this difficult time, through writing solidarity statements, through demonstrations, through the collection of donations etc. I thank all those of you who have made written submissions to oppose the already buried Slums Act. A celebration of our victory is starting on Sunday, 01 November 2009 by slaughtering of a cow. You are all invited to join us in our celebration of this important victory on the long road to land and freedom. You are all welcomed.

I thank you all.

How a poor people's movement was crushed

Andile Mngxitama, 06 October 2009 (Sowetan)

“THE ANC has invaded Kennedy Road. We have been arrested, beaten, killed, jailed and made homeless by their armed wing.” These are the distressing words of Sbu Zikode, now in hiding. He is president of the squatter movement Abahlali baseMjondolo (AbM). The AbM was formed in 2005 in Durban's Kennedy Road squatter camp. The people were tired of the empty promises from politicians. They started to demand and to organise – and now they are being punished.

Last month the youth wing of the AbM was holding a meeting when about 40 armed men attacked them, reportedly shouting “amaMpondo are taking over Kennedy. Kennedy is for the amaZulu”.

The attack on the poor has now become a tribal one as we wait for the whirlwind brought about by our “democracy”. The poor will increasingly be set against each other in the drive for political office and wealth.

The Kennedy attack left at least four people dead and thousands were forced to flee the settlement.

The local ANC then apparently installed itself as the “sole authentic authority” in Kennedy.

The provincial government and the police appear to be in cahoots with this violent ANC militia.

How else do we explain that those arrested were AbM members, the very people who have been attacked, their houses and businesses burnt down?

It is reported that when the police arrived on the scene the marauding mobs continued their mayhem – without any police intervention.

Clearly, the AbM has become a nuisance. It questions, it exposes and it's cheeky. In the last elections they even had the gall to say: “No land, no houses, no water – no vote!” The politicians are not going to rest until they have destroyed the voices of the poor who speak up and speak back. Real democracy is under attack and we seem to be sleeping through it all. We can already see the heavy-handed responses of the police against service delivery protests. It's as if our beloved Msholozzi is giving his children rubber bullets instead of the promised land of milk and honey.

The attack on the AbM moved Bishop Rubin Phillip, a friend of the late Steve Biko and now the Anglican Bishop of KwaZulu-Natal, to say:

“I was torn with anguish when I first heard of the unspeakable brutality that has raged down on to the Kennedy Road shack settlement.

In recent years I have spent many hours in the Kennedy Road settlement. I've attended meetings, memorials, mass ecumenical prayers and marches.

I have had the honour of meeting some truly remarkable people in the settlement and the work of Abahlali baseMjondolo has always nurtured my faith in the power and dignity of ordinary people. I have seen the best of our democracy here. I have tasted the joy of real social hope here.”

It is this democracy of the ordinary people that is being murdered by local politicians, with the active support of the ANC and government. The excuses by the local police used to justify the ANC takeover are laughable. They say the violence was caused by the AbM through the community safety initiatives they undertook, including the curfew on shebeens to stop trading after 10pm. The truth is the police were first informed about these initiatives to curb violence exacerbated by alcohol abuse. The truth is the poor have to take up their own initiatives after being abandoned by their government.

Acid Test for ANC's Commitment to Democracy

Steven Friedman, 2009/10/07 (Business Day)

WHILE those who shape the national debate avert their eyes, the government's commitment to democracy is being tested in a Durban shack settlement. And it is failing.

Ten days ago, armed men descended on the Kennedy Road shack settlement. They reportedly killed several people and drove hundreds out. The raid was aimed at activists of the Abahlali baseMjondolo (AbM) shack-dwellers' movement, whose leaders fled the settlement after being warned they would be killed. AbM has repeatedly challenged the local African National Congress (ANC) leadership; it has urged members not to vote and has launched a Constitutional Court action against the government.

Activists say the armed men are associated with the local ANC, which researchers say vowed to turn the AbM office in the area into an ANC office. Police reportedly did nothing to stop the attacks, but later arrested people associated with AbM. On the Monday after the violence, police arrived in numbers with the local ANC councillor and provincial safety and security MEC Willies Mchunu, who held a public meeting at which they reportedly endorsed AbM's forced expulsion from the settlement.

A statement by Mchunu and the office of provincial police commissioner Hamilton Ngidi claimed that the provincial government "moved swiftly to liberate ... (Kennedy Road) that had been placed on an illegal curfew, wherein residents had been forced to stop watching television, walking or cooking after seven at night". Local activists insist that the only curfew imposed on the area closed shebeens at 10pm, and was negotiated with police.

Claims that police were protecting residents would be more plausible had there not been a history of tension between AbM and the local ANC in which police have been accused of acting against AbM. It would also be more credible if a press report had not quoted an ANC source saying that there was "a battle for the hearts and minds of the people of Kennedy Road There is a political twist to this thing." Nor does the province's statement say why, if a crime was committed, the initial action against AbM activists was taken not by police acting within the law, but by a mob shouting slogans hostile to Mpondo residents of the settlement.

The context and the evidence suggest that what was really happening was an attempt to cripple an organisation that the local ANC dislikes. AbM's president, Sbu Zikode, insists that "the ANC has invaded Kennedy Road. We have been arrested, beaten, killed, jailed and made homeless by their armed wing." So far, neither the province nor the ANC has produced plausible evidence to contradict this claim.

This is not the first time police and ANC branches have worked together against social movements that are independent and sometimes highly critical of the ANC. Local ANC leaders in other areas, used to a monopoly, are threatened by independent activists, and seek to drive them away. In some cases, police have been accused of helping them.

While political freedom has been respected at the national level, at the grassroots level the constitution's promise of the right to act within the law to influence decisions has often been rendered meaningless by local power-brokers protecting their turf.

This latest incident suggests, in two ways, an escalation of the attacks on independent activists, which greatly increases the threat to democracy.

First, until now there was no evidence that provincial or national politicians supported these attempts to muzzle ANC critics — it seemed likely that senior ANC figures were unaware of what local party bosses were doing. Now, an apparent attempt to close down ANC critics is endorsed by an MEC. This suggests that the provincial ANC in President Jacob Zuma's home province is supporting a campaign to eliminate an organisation that the local ANC sees as a threat.

Second, the claim that the mob that descended on Kennedy Road was mobilising ethnic prejudices is particularly disturbing. Activists claim that Zuma's rise to the presidency has sparked a resurgence of ethnic prejudice in KwaZulu-Natal. The attack on AbM does nothing to contradict them.

It is no exaggeration to insist that democracy's immediate future is at stake in Kennedy Road and wherever the rights of grassroots citizens to organise is denied. If we ignore events there, and the apparent complicity of senior politicians in attacks on citizens' organisations that displease the ANC, we open the door to the erosion of the freedoms of everyone, including the commentators and middle-class citizens groups who seem to show no interest in the rights and freedoms of shack dwellers.

Democracy means that all citizens are allowed to express themselves. If people at the grassroots do not enjoy that right, democracy is not operating for most of our people. And it may then be only a matter of time before power-holders decide that the rest of us need to be curbed.

The shack dwellers of AbM and other grassroots activists threatened by local power are the front line in the fight to keep us democratic.

We need to make their right to a voice a priority — and to force provincial and national politicians to account for their role in suppressing, or failing to protect, that right.

Friedman is director of the Centre for the Study of Democracy, an initiative of Rhodes University and the University of Johannesburg.

Democracy Under Attack in Kennedy Road

Bishop Rubin Phillip

I was torn with anguish when I first heard of the unspeakable brutality that has raged down on to the Kennedy Road shack settlement. In recent years I have spent many hours in the Kennedy Road settlement. I've attended meetings, memorials, mass ecumenical prayers and marches. I have had the honour of meeting some truly remarkable people in the settlement and the work of Abahlali baseMjondolo has always nurtured my faith in the power and dignity of ordinary people. I have seen the best of our democracy here. I have tasted the joy of real social hope here.

The achievement of our hard won democracy was a great moment of shared grace. The militia that have driven the Abahlali baseMjondolo leaders and hundreds of families out of the settlement is a profound disgrace to our democracy. The fact that the police have systematically failed to act against this militia while instead arresting the victims of their violence and destruction is cause for the gravest concern. There are credible claims that this militia has acted with the support of the local ANC structures. This, also, is cause for the most profound concern.

I have shuddered to the core as my thoughts have, with those of many others, turned to the attacks on democratic politics unleashed by apartheid and its allies in the 1980s. Once again people have been beaten, had their homes destroyed, been driven from their community and killed for their political views and practices. Once again an armed minority have used violence to implement a ban on a democratic organisation favoured by a majority. Once again there is just cause for deep concern about the role of the police. Once again we in the churches are looking for safe houses for activists, accommodation for political refugees who have fled with nothing more than the clothes on their backs, doctors for the injured and lawyers for the jailed. Horrors that we all believed to have been buried in our past now stalk the present. This is unacceptable. There can be no compromise on this score. I will take my anger and my fear for the future of our democracy to the highest levels of leadership in our country and to our sister churches around the world. I encourage others to do the same.

In 2007 I was part of a group of church leaders that issued a statement testifying to the brutality and political intolerance that the Sydenham Police had unleashed against Abahlali baseMjondolo in our presence. It is clear that the Sydenham Police should not be allowed to police Kennedy Road or to investigate the crimes that have been committed in recent days. A credible and independent force needs to be deployed as a matter of urgency.

It is equally essential that all of our political leaders take immediate steps to distance themselves from the actions of the militia that have seized control of the settlement, that they call party members who have been complicit with this militia to account, and that we all affirm that Kennedy Road and its residents have the same right to democratic practices as everywhere else and everyone else in South Africa. This includes the right to dissent.

Of course my condolences go out to all those who have lost people whom they love and on whom they depend. It seems that some among the militia that launched the attack on the elected leadership of the settlement may also be among the dead. If, as may well be the case, the militia has been exploited by local elites determined to roll back the development of a vibrant popular democracy then we will pray for their own healing and for a turn away from violence and lies and towards life and truth.

Many people are asking what they can do. I would like to make three suggestions:

1. It is essential that the attack on democracy in Kennedy Road is widely publicised so that we can all confront what has happened and ensure that it never happens again. We need to give platforms to the victims of these attacks where ever we can.
2. It is also essential that we convey our concerns to our political leaders with urgency and clarity. I will be writing to President Zuma and encourage others to do the same.
3. Many people have fled their homes with nothing but what they could carry. They need urgent financial assistance.

I have agreed to co-ordinate a relief fund and donations can be made to :

Diocese of Natal- Trust Account

First national bank

Account number: 509 3118 7386

Branch code: 257 355

Midlands mall branch, Pietermaritzburg

A democracy that is not for everyone is a democracy in name only.

Bishop Rubin Phillip

Anglican Bishop of Natal (KZN) and

Chairperson of the Kwa Zulu-Natal Christian Council

Ruling in Abahlali case lays solid foundation to build on

Marie Huchzermeyer, 4th November

AB AHLALI baseMjondolo hit the headlines recently. First, attacks on Durban's Kennedy Road informal settlement drew a ground swell of newsworthy international condemnation, including a statement from US intellectual Noam Chomsky. A week later, media reported on the outcome of Abahlali's Constitutional Court appeal on the KwaZulu-Natal slums act.

What is Abahlali? And was anything really noteworthy about the ruling?

Abahlali, a shack-dwellers movement that started in Durban in 2005, is a deeply democratic, nonpartisan political organisation. Its elected leadership makes itself accountable to its membership through regular consultations with its structures on its every move. Its central concern is to secure participatory informal settlement upgrading for its members. Abahlali has built a sympathetic network of support among a small group of faith-based organisations, legal entities, nongovernmental organisations and academics. Its website keeps overseas sympathisers abreast. However, Abahlali remains independent, cautious that its struggle not be "gentrified" or utilised for the realisation of middle-class agendas. This has gained the movement enemies in the much romanticised realm of "civil society".

Its other enemies are in the increasingly autocratic local structures of the African National Congress (ANC), which find it hard to distinguish themselves from the state.

Abahlali's approach to engaging the state is to exhaust other democratic avenues, before resorting to legal action and, where appropriate, peaceful protest. In the case of the KwaZulu-Natal Slum Elimination and Prevention of Re-emergence of Slums Act, Abahlali requested participation in the mandatory public hearings on the bill. The provincial legislature reluctantly conceded, but dismissed all of Abahlali's submissions (and many others) and enacted the law irrespectively. Immediately, Abahlali's members felt more vulnerable, as section 16 of the act gave the housing MEC the powers to make it mandatory for landowners and municipalities to institute eviction proceedings. The act undermined tenure security for all informal settlement residents in the province.

Abahlali then sought legal representation. With legal support sourced within its sympathetic network, Abahlali challenged the act in the Durban High Court. An unsympathetic judge dismissed the case. Abahlali's appeal to the Constitutional Court raised only two questions. First, was the act concerned primarily with land tenure or housing? If land, the province had no power to enact it. Assuming that the act was about housing, the question then became whether its operative provision — section 16 — was constitutional. The ruling handed down by Deputy Chief Justice Dikgang Moseneke last month found that the act was primarily concerned with housing, and therefore fell within the legislative power of the province. More significant was the court's ruling that section 16 of the act is unconstitutional. This section harked back to a provision in the 1951 Prevention of Illegal Squatting Act, which mandated landowners to evict illegal occupants irrespective of their desperation. It was a very worrying regression in law that needed to be challenged.

In our recent history, some landowners have been sympathetic to desperate households and have consented to informal occupation. In other cases, landowners (including municipalities) have unintentionally allowed informal settlements to emerge.

We have to accept that this is often how the desperately poor get access to land, in some cases well-located land. When this opportunity is closed by decree, then desperate people are even worse off. This is not to condone conditions in informal settlements. No doubt, our legislation must evolve to regulate and improve the conditions of such occupation. In Brazil, the constitution provides that anyone occupying (a moderate portion of) privately owned land informally for an uncontested period of five years has the right to ownership. SA needs to go further in ensuring not only legalisation but also servicing, infrastructural integration, access to social facilities and housing. In short: proper upgrading.

The focus of section 16 was not on upgrading informal settlements. Instead, it equated the elimination of slums with the eviction of people living in them and was intended to make this much more frequent and easily facilitated. Abahlali's victory was to ensure section 16's deletion from the statute books before it could do any real damage.

Of course shack dwellers' struggles do not end here. Collectively, we need to find ways to ensure that relevant provisions in existing legislation and policy are consistently implemented, especially insofar as they promote upgrading. It is also important to propose policy and legislative changes that don't take us back to an apartheid-era attitude to informal settlers, but take us forward.

Some argue that the ruling is insignificant because living conditions remain the same as before. But what is different since the judgment is that the fear of unfair eviction is removed for shack dwellers in the province.

But it is removed only in law. Expecting this judgment, the local ANC has unlawfully evicted Abahlali from its base in Kennedy Road. Since the judgment, this hatred has intensified and severe intimidation of Abahlali activists, including death threats and arrests, has spread to other settlements. Abahlali activist Zodwa Nsibande, a part-time student at Wits University's School of Public and Development Management, was publicly threatened for her comments on TV about the judgment. A sympathetic commentator has suggested that the "Constitutional Court is just about the only place (Abahlali) are not being beaten up, criminalised, evicted and blamed for the state's own failure to make good on its promises". And that is the issue that South African society, including ANC leaders, must be concerned about.

Collectively, we must also note that the judgment goes beyond restoring the "dignified" legal framework (as the judgment calls it), which has been evoked successfully in defending many an unlawful eviction since 1994. It underlines — and for the first time cements into law — provisions of the much ignored Upgrading of Informal Settlements Programme, introduced into the national Housing Code in 2004. Moseneke states clearly that "the owner or municipality may only evict as a matter of last resort and after having taken all possible steps to upgrade areas in which homeless people live". Further, "eviction can take place only after reasonable engagement.... This of course means that no evictions should occur until the results of the proper engagement process are known. Proper engagement would include taking into proper consideration the wishes of the people who are to be evicted, whether the areas where they live may be upgraded in situ; and whether there will be alternative accommodation."

The Constitutional Court has once again underscored that informal settlements need "proper" treatment. The ruling states unambiguously what this means. It is now up to all of us to ensure that this is realised in every informal settlement in SA.

There is no other way under South African law that informal settlements can be made a thing of the past.

Huchzermeyer is from the School of Architecture and Planning at Wits University.

The Archbishop of Cape Town Endorses the Bishop of Natal's Condemnation of the Kennedy Road Attacks in Durban

Archbishop Thabo Makgoba, 1 October 2009

The Anglican Archbishop of Cape Town has lent his weight to the Bishop of Natal's condemnation of recent brutality in the Kennedy Road shack settlement of Durban. 'I share Bishop Rubin Phillip's view that it is a profound disgrace to democracy, that militia have been allowed to drive out the leaders of the Abahlali baseMjondolo movement, and many hundreds of families with them' said Archbishop Thabo Makgoba.

'When we remember how much we suffered, and how hard we struggled, in order to ensure that an armed minority could no longer exert oppression and deny freedom of speech, of opinions and of dissent, it is completely unacceptable that such intolerance should rear its head again in a different political guise' the Archbishop said, strongly endorsing the statement issued by the Bishop of Natal, who also chairs the Kwa Zulu-Natal Christian Council. 'I too shall be making political representations' he added, inviting others to take up Bishop Rubin's proposals for supporting the displaced, whether through political action, through material support, or through prayer for all those injured or bereaved. 'The people of our country deserve better than this' he said. 'Political leaders and the police must ensure that democracy and the rule of law are upheld.'

Issued by the Office of the Anglican Archbishop of Cape Town

Things Fall Apart

Richard Pithouse, 27 October 2009 (The South African Civil Society Information Service)

*The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity.*

- W.B. Yeats, *The Second Coming*, 1919

Kader Asmal was quite right to warn that powerful people in the African National Congress (ANC) are actively working to build an anti-democratic constituency. Fikile Mbalula's response, crafted with all the delicate subtlety of a blue light cavalcade shooting motorists out of its path, offered quick confirmation of the patently anti-democratic depths to which political discourse has sunk in the ANC.

The people in the ANC who are pushing for a more authoritarian society in which an increasingly predatory elite shelters behind a militarised police force, a more socially conservative culture and escalating political intolerance are full of passionate intensity because they have a clear vision of what they can gain. And what they can gain is social sanction for a form of authoritarian nationalism in which the dignity of the nation is reduced to the spectacle of the grand excesses on the part of its elites. We've always had a form of dual political citizenship in which the poor are excluded from meaningful access to our liberal democracy, but in recent years, elites have been lifted above its rules and norms.

We are not alone in this. At the end of the Cold War there was a powerful consensus that liberal democracy and free markets were the universal bedrock of social progress. Here in South Africa we obediently put aside the popular democratic experiments of the 1980's and founded the post-apartheid order on this consensus. In the wake of the financial crisis much has been made of the anti-social nature of an unregulated market, but a lot less has been said about the limits of liberal democracy.

Around the world the failure of liberal democracy and free markets to develop inclusive societies has led to a deep popular scepticism about the value of liberal democracy to the point where in many countries, such as Russia and India, there has been considerable popular support for an increasingly authoritarian elite nationalism. This elite nationalism often seeks to win popular consent with rising prosperity for the middle classes, authoritarian modes of securing personal safety, grand but empty spectacles of national progress and the management of the poor via the exploitation of ethnic sentiment and local level patronage.

Many of the people who are horrified by the ANC's drift towards an authoritarian nationalism organised around elite interests, lack all conviction in an alternative. Although some persevere, it's simply not credible to argue that the solution to our social crisis is to continue with free markets and liberal democracy when this arrangement has so clearly failed the majority. Something has to change.

There is a serious debate about economics within the ANC but its often been reduced to a simple opposition between the state and the market. There's not been serious engagement with the fact that predatory elites can capture the state and profit from it at the expense of the majority with as much ruthlessness as any corporation. A comrade in a BMW is not necessarily any better than a boss in a BMW. Serious economic change is essential if we are to build an inclusive society, but there can be no purely economic resolution of the crisis that we are in.

The current strategies by elites to manage the poor with grants, service delivery and forced removal to transit camps are very modest – in fact they amount to a strategy for short-term containment at the level of basic survival rather than a strategy for a viable society, let alone for justice.

But although this strategy is so modest, it is failing because the ANC no longer secures the loyalty of its cadres on the basis of a shared vision. It secures its political support on the basis of a share in the plunder from the state and so its high level leaders are simply not in a position to deal with the systemic capture and distortion of development by local party elites.

This is a political problem that will continue irrespective of whether or not development is driven by the market or the state. But there is no serious discussion about progressive political innovation within the ANC. There is equally little discussion about this in wider society.

The problem that is not being faced up to is that while liberal democracy offers everyone the same rights to engage and shape the future in principle; in practice, access to the media, the courts and electoral politics are all commodified to the point where there is systemic exclusion of the poor. If we could draw on the popular democratic experiments developed during the struggles against apartheid in the 80s, and similar experiments in recent times in countries like Haiti and Bolivia, we may be able to propose a deepening of democracy in opposition to the current impasse. If we don't generate a more democratic alternative to liberal democracy, authoritarian alternatives will triumph. But the pervasive anti-democratic sentiments in our society are not limited to the ANC. There is a general assumption that the poor are beneath the law. The DA in Cape Town is as willing to engage in criminal behaviour towards poor people, such as unlawful evictions, as is the ANC.

While in civil society, there is a general assumption that the realisation of human rights should occur through a professionalised NGO politics that is profoundly disconnected from the reach of ordinary people.

Development is generally conceived in technocratic terms, which leave no room for meaningful popular participation. There is a widespread tolerance across society for authoritarian solutions to social problems. Ethnic and national sentiment is on the rise.

The most important experiments in deepening our democracy, and placing it firmly in the hands of ordinary people, take place not in universities, think tanks or NGOs but within the struggles of poor people's movements for meaningful social inclusion. These struggles are the canary in the deepest shafts of the struggle to mine a fuller mode of popular engagement from our democracy.

The ongoing attack on Abahlali baseMjondolo (AbM), the largest poor people's movement in South Africa, has been entirely unlawful and framed in terms of the most base ethnic chauvinism and sexism. A month after the first attack on the movement, its leaders remain homeless and continue to live in hiding and under public threats of death.

AbM leader S'bu Zikode could go to the Constitutional Court to hear the judges rule in his favour on the Slums Act but he cannot go home. His house has been destroyed and he lives under threat of death.

Some ANC leaders in the eThekweni Municipality and the KwaZulu-Natal Provincial Government have, in word and deed and without consequence, given clear sanction to the most serious attack on democracy since the end of apartheid.

The canary in the mine of our democracy has been enthusiastically clubbed into a state close to death. Church leaders have spoken out with great courage and a few academics and students have taken action. But on the whole this terrible and ominous event has passed without much public discussion.

Liberal democracy has no long-term future in South Africa. But for as long as alternatives on the left are repressed and those on the right are backed by the power of the state, democracy as a whole will have no long-term future.

Statement in support of Abahlali baseMjondolo

9 October 2009

The South African shack-dwellers' movement Abahlali baseMjondolo (AbM) is an egalitarian, democratic organisation dedicated to the self-empowerment and self-education of thousands of disadvantaged people. We the undersigned support the resolve of AbM activists to play a leading part in the determination of their own future, and to help make, rather than suffer, public decisions about housing, land, and development. We condemn all acts of violence and intimidation against AbM members and the residents of South Africa's informal settlements. We condemn any participation or collusion of the government and police in the recent assault against AbM leaders and their families, and in the destruction of their homes and offices. We call on the government to do all that is required to repair the damage done in recent weeks, and to protect AbM activists and settlement residents from any future violence; we note in particular the repeated death threats against AbM President S'bu Zikode and Vice President Mashumi Figlan. We call on the ANC to respect and facilitate, rather than discourage, popular participation in the governing of South Africa.

Signed:

- * Bruno Bosteels, Spanish Literature, Cornell University
- * Noam Chomsky, Linguistics, MIT
- * Jacques Depelchin, History, UFBA/CEAO Salvador, Brazil
- * Nigel Gibson, Honors Program, Emerson College
- * Greg Grandin, History, New York University
- * Peter Hallward, Philosophy, Middlesex University
- * Naomi Klein, writer and activist, Toronto
- * Ernesto Laclau, Politics, University of Essex.
- * Todd May, Philosophy, Clemson University
- * Corey Robin, Political Science, Brooklyn College and the CUNY Graduate Center
- * William I. Robinson, Sociology, University of California at Santa Barbara
- * Alberto Toscano, Sociology, Goldsmiths, University of London
- * Slavoj Zizek, Philosophy, University of Ljubljana.