THE ASSAULT ON SOUTH AFRICA’S CONSTITUTIONAL DEMOCRACY: A CALL TO UNITED ACTION
18 March 2021

Twenty-five years ago, the people of this nation adopted the Constitution of the Republic of South Africa (1996), enshrining in the history of the country the very first democratic code of rights, entitlements and responsibilities governing the conduct of the people and the state.

The Constitution affirms a decisive break from a history of 350 years of ruthless colonial exploitation, apartheid oppression and the cruel under-development of the majority of South Africans, wherein generations were consigned to a life of servitude, poverty and violence.

Embedded within the Constitution are the principles of justice and reconciliation; a profound commitment to human rights, restitution and the establishment of a democratic society founded on equality, dignity, tolerance and prosperity for all the people of this land. All these make our Constitution a towering and sacred achievement of all the peoples of South Africa.

The adoption of the Constitution has enabled South Africans to experience the liberty afforded by free elections and full participation in a democratic society; enjoying freedom of association, expression and movement; a robust media and a widely trusted judiciary. Our deeply valued Constitution - a binding source of national unity - now faces a serious threat.

For more than a decade, parliamentary and political accountability, particularly under the governing party, have been seriously undermined. Signs of the government’s increasing inability to protect its citizens have caused great anxiety among our people. The restiveness in the population has grown as various institutions of governance have been severely tested, some to breaking point.

Recently, a former president of our country, once described in a Constitutional Court judgement as embodying the “constitutional being” of the Republic, defied an order of the same Court instructing him to continue providing witness testimony at the Commission of Inquiry into Allegations of State Capture (the Zondo Commission). This astonishing defiance by a former Head of State not only violates the law but assails the Constitution itself.
While the normal institutional processes necessitated by such an attack on our Constitution are underway, the former president, frustrated by the impeccable conduct of an independent judiciary, has now launched a malicious attack on the judiciary itself, particularly on the Constitutional Court, the cornerstone of our Constitution.

The threat to our constitutional democracy goes beyond that posed by an individual. It illustrates how that individual embodies a political culture fundamentally antithetical to democracy: the cult of personality, rule by factional dictate, nepotism, and totalitarianism in a securitised state.

Every day, South Africans are witness to:

- Unrestrained large-scale looting, which has destabilised the state and brought the economy to the brink of collapse. The proceedings of various Commissions of Inquiry, including those investigating state capture, the South African Revenue Services and the Public Investment Corporation, have detailed what has amounted to an acute decay in public governance and business practice.

- The brazen intention by beneficiaries of corruption to utilise the proceeds of their corruption not only for personal accumulation, but to enable a reportedly well-organised cartel of compromised politicians, highly placed state functionaries, and local and international business accomplices to stall the prosecution of the perpetrators and beneficiaries of state capture.

- Disparate parties directly implicated in the state capture project that have been enlisted to amplify the former president’s unlawful defiance of the Constitutional Court. The deployment of personnel in army camouflage playing the role of a private militia, the very existence of which offends the letter and spirit of our democracy, is an ominous dimension of this anti-constitutional conduct.

Our people fought for and chose constitutional democracy as a bulwark against fascism and dictatorship. The way in which the people’s democracy is being subverted by this purposeful cartel undermining good governance, eroding accountability and promoting misrule, points to how those who subvert it will govern South Africa should they succeed. After a century of struggle for liberty, South Africa cannot return to the totalitarian order that brought such misery and suffering to its people.
Our future as a democracy is only as secure as our refusal to tolerate the destabilisation of the state and our unyielding defence of the Constitution, the foundational creed of this nation and the supreme law of the land. We therefore, call on all people to defend the abiding values enshrined in the Constitution.

They should be in no doubt that we are essentially a nation of resilient people who have overcome extreme intolerance and hardship and whose legacy and heritage are not to be trifled with, let alone stolen.

We, the people from every political, racial, gender, ethnic, religious, linguistic, cultural and class backgrounds, united under and loyal to our Constitution, must now reclaim what has given us collective dignity, self-respect and the admiration of the world.

We therefore, call on all people of goodwill to vigorously oppose this threat to our democracy and to stand united against those intent on violating the values and principles embodied in our Constitution.

Our resistance must be resolute against those determined to make a wasteland of this great country.

DEFEND OUR DEMOCRACY! DEFEND OUR CONSTITUTION!
Endorsed by:

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Joanne Yawitch
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Lebogang Mpmpe
Leon Wessels
Lindi Mazibuko
Lindile Mteza
Lindiwe Mabuza
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Martin Dolny
Martin Kingston
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Meg Fargher
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Mfanufikile Skosana
Michiel le Roux
Mike Abel
Miles Japhet
Mkhuseli Jack
Mmusi Maimane
Moe Shaik
Monde Ntebe
Morley Nkosi
Mosibudi Mangena
Moss Ntlha
Mu-Aalima Fakude
Muhammed Choonara
Murphy Morobe
Mustapha Isaacs
Mxolisi Dukwana
Mxolisi Mgojo
Nadas Pillay
Nat Phomane
Natalya Dinat
Neeshan Balton
Neil Froneman
Nersan Govender
Nilesh Singh
Niven Maraj
Nkulie Pityana
Palesa Morudu
Peace Centre
Peggy Pillay
Percy Mahlathi
Peter Tarantal
Peter Vundla
Philip van Ryneveld
Pingla Udit
Piyushi Kotecha
Pops Rampersad
Prof Abdool Karim
Prof Andre Odendaal
Prof David Everatt
Prof Farid Esack
Prof Harald Winkler
Prof Heinrich Prekel
Prof Ivan Turok
Prof Janet Cherry
Prof Nick Binedell
Prof Shabir Madhi
Prof Wannie Carstens
Prof Willie Esterhuysen
Rev Prof Peter Storey
Richard Rosenthal
Rick Menell
Rod Solomons
Rufus Ledwaba
Ruth Rice
Sadna Balton
Sagie Pillay
Sakkie Potgieter
Sandile Dayi
Shaheera Kalla
Shaheda Omar
Sheila Sisulu
Sihle Msengana
Siphiwe Ndebele
Siphiwe Nxumalo
Sipho Mabuse
Sipho Mahlangu
Sipho Pityana
Sizwe Mabizela
Smuts Matshe
Solly Mapaila
Strike Moyakhe
Sunny Morgan
Sydney Mufamadi
Tebogo Fafudi
Tebogo Khaas
Thabo Mahlangu
Thandi Orleyn
Thembis Nqobile
Theo Steele
Thozamile Botha
Tim Wilson
Tower Itumeleng Mosala
Tracey Henry
Trevor Fowler
Trevor Manuel
Trish Hanekom
Truida Prekel
Vanessa September
Vassie Naidoo
Vincent Barnes
Vincent Zwelibanzi Mntambo
Vivienne Taylor
Vusi Pikoli
Wally Serote
Wannie Carstens
Wayne Duvenage
Wayne Jean-Pierre
Wendy Appelbaum
Yousuf Vawda
Yvonne Muthien
Zandile Myeni
Zavareh Rustomjee
Zeph Makgetla
Zohra Ebrahim
Zolile Ngcakani
Zubeida Jaffer
Zunaid Mosam
Organisations

#SA1stForum
Active Citizens Movement
Ahmed Kathrada Foundation
Amnesty International South Africa
Black Lives Matter Foundation
Business Unity South Africa
CDT Foundation NPC
Centre for Good Governance and Social Justice NPC
ChaiWaLaSA
Constitution Hill Trust
Corruption Watch
COSATU Gauteng Province
COSATU North West
COSATU Young Workers Forum
Ecumenical Leadership Council NPO
Free State Activists for Social Justice Against Corruption
Free State ANC Anti Corruption Lobby Campaign
Freedom Under Law
Gandhi Development Trust
Gauteng Together Working Group
In Transformation Initiative (ITI)
Institute for Healing of Memories
Johannesburg Against Injustice (JAI)
Khulumani Support Group
Legal Resources Centre
Legal Resources Trust
Lombard Insurance Group
Merebank Justice Network
Millenium Trust
MK National Council
Movement for a United South Africa (MUSA)
National Interfaith Council of South Africa (NICSA)
Ntwane Community Development Forum
One South Africa Movement
Open Secrets
Organisation Undoing Tax Abuse
Phoenix Settlement Trust
Public Affairs Research Institute
Public Interest SA
SACLI
South African Hindu Maha Sabha
Strategic Dialogue Group
Strategic Dialogue Group in Limpopo
Survivors of State Capture at SARS Trauma Support Group
SynNovation Solutions
Teddy Bear Foundation for Abused Children
The Active Citizens Movement
The Congress Of Business & Economics SA
The Desmond and Leah Tutu Legacy Foundation
The Gauteng Together Working Group
The Greater Mayfair Civic Association
The House of MCC
The Strategic Dialogue Group
The Working Group of Former DGs, representing more than 40 DGs from the First and Second Administrations
Transformation & Development SA
United Front of Civics
We, the People movement
YCLSA in Moses Mabhida (KZN) Province
DEFEND OUR DEMOCRACY

CONSTITUTION

JUSTICE

EQUALITY