



THE ASSAULT ON SOUTH AFRICA'S CONSTITUTIONAL DEMOCRACY: A CALL TO UNITED ACTION

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 of goodwill to vigorously oppose this threat to our democracy and 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*!