



**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:

Individuals

Adam Craker

Adrian Enthoven

Adrian Gore

Adv Adila Hassim

Ahmed Cachalia

Ahmed Cajee

Alec Erwin

Allan Taylor

Allan Wentzel

Anant Singh

André Bartlett

Andrew Gasnolar

Angela Bester

Aninka Claassens

Anton Harber

Aslam Dasoo

Azania Matiwane

Azar Jammie

Barbara Hogan

Barbara Masakela

Barned la Grange

Beatrice Marshoff

Bishop Ziphozihle Siwa

Bonang Mohale

Boyce Mpempe

Bulumko Msengana

Burton Jaganathan

Busisiwe Mavuso

Caroline Smith

Cas Coovadia

Chico Patel

Chris Vick

Cobus Bester

Colin Coleman



Colin Smuts
Colleen du Toit
Craig Padayachee
Cynthia Stimpel
Dave Porter
Dawie Jacobs
Devoshum Moodley-Veera
Dipak Patel
Dr Azar Jammie
Dr Fazel Randera
Dr John Maloma
Dr Kamy Chetty
Dr Lindie Koorts
Dr Lumkile Mondli
Dr Marjorie Jobson
Dr Natalya Dinat
Dr Sham Moodley
Dr Zola Mbovane
Ebrahim Rasool
Edwin Hertzog
Edwina van der Burg
Ela Gandhi
Erica Elk
Ernest Theron
Essop Pahad
Fr Michael Lapsley
Frank Chikane
Frank Meintjies
Futhi Mtoba
Gary Pienaar
Geoff Budlender SC
Gertruida Prekel
Ghalib Galant
Goolam Aboobaker
Gustav Wilson
Hanif Randera



Helen Rees
Horst Kleinschmidt
Hugh Gosnell
Ilse Fischer Wilson
Isaac Moroe
Ishaam Mullajee
Ivan Pillay
Ivor Chipkin
Jenny Schreiner
Joanna Nkosi
Joanne Yawitch
Joe Mwase
Joel Sibanda
Johann van Loggerenberg
Judge Thumba Pilay
Judith February
Kamela Masuku
Karuna Mohan
Khumo Shuenyane
Koogan Pillay
Krish G
Kristen Abrahams
Latifa Omar
Lawson Naidoo
Lebogang Mpempe
Leon Wessels
Lindi Mazibuko
Lindile Mteza
Lindiwe Mabuza
Loretta Jacobus
Lumkile Mondl
Lyndall Shope-Malofe
Lynn Abrahams
Mafeno Phora
Makate Sheila Mashile-Sisulu
Maria Burton



Marjorie Jobson
Mark Spyker
Martin Dolny
Martin Kingston
Mary Burton
Masuku Sampson Kamela
Mathulwane Mpshe
Mavuso Msimang
Meg Fargher
Melanie Verwoerd
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 Esterhuyse
Rev Prof Peter Storey
Richard Rosenthal
Rick Menell
Rod Solomons
Rufus Ledwaba
Ruth Rice
Sadna Balton
Sagie Pillay
Sakkie Potgieter
Sandile Dayi
Shaeera 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
Thembi Msibi
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
Viviene 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

