

Constitutional Court rules against Phiri

Judgment shows a lazy legalism and completely biased and contradictory reasoning in ruling that free basic water policy is 'reasonable' and pre-paid water meters are 'lawful'

On 8 October 2009, the Constitutional Court of South Africa handed down judgment in the five-year long Phiri water rights case. The City of Johannesburg/Johannesburg Water (the 'City') and the Department of Water Affairs and Forestry (DWAFF) appealed first the Johannesburg High Court ruling in April 2008 and then the ruling of the Supreme Court of Appeal (SCA) in Bloemfontein.

The summary judgment of the Constitutional Court is as follows: *The City's Free Basic Water policy falls within the bounds of reasonableness and therefore is not in conflict with either section 27 of the Constitution or with the national legislation*

regulating water services. The installation of pre-paid meters in Phiri is found to be lawful. Accordingly, the orders made by the Supreme Court of Appeal and the High Court are set aside.

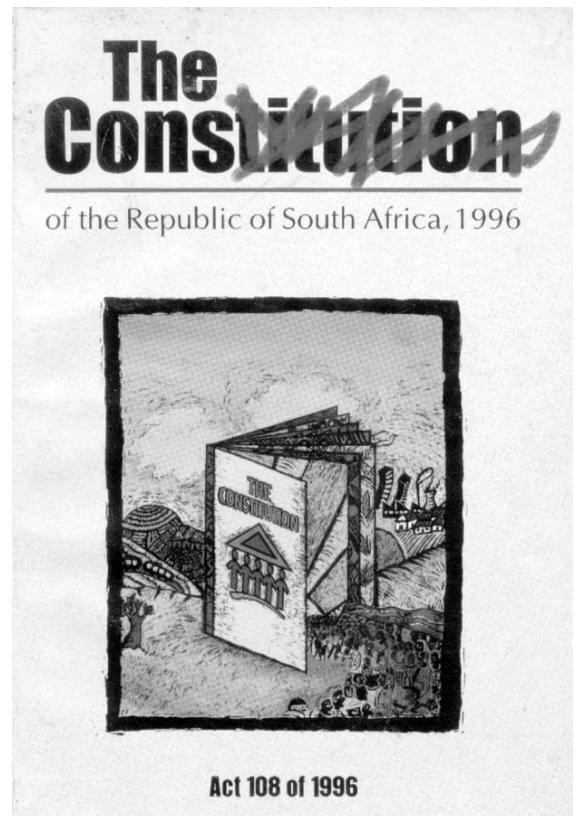
Everyone who has been involved in the campaign against

the prepaids were shocked by the judgment. The Court's ruling, written by (now retired) Justice Kate O'Regan and supported by all other 8 judges sitting in the case, is a classic example of a lazy legalism as well as wholly biased and contradictory reasoning.

The thousands of pages of evidence and testimony provided by the Phiri applicants were completely ignored and the Court accepted the propaganda of Johannesburg Water (JW) as fact. One example will have to suffice: JW claimed that 20 community facilitators visited all but 8 households in Phiri to explain the new water service. The evidence from Phiri residents was that no consultation took place but the Court simply accepted JW's version as true.

On one hand the judgment says that the state does have the constitutional obligation to *progressively realise the right of access*. On the other, it says that the government's policies to do this should not be seen as a minimum standard for water service and that the right to water *cannot be achieved immediately*. 'Progressive realisation' can never end then.

In a further case of biased illogic, the judgment rejected the applicants' request for free basic water provision to be changed to a per-person allocation instead of the present per-household allocation (as this discriminates against poor households in townships which are typically much larger than richer suburban households). The Court accepted JW's argument that this per-person allocation would be too administratively burdensome. Yet, the means-testing approach to target those



households most in need was accepted as no burden at all.

And lastly ... the judgment dismisses the applicants' argument that the automatic cutting off of water after the free basic amount is dispensed from pre-paid water meters, does not constitute "discontinuation" (and thus an unconstitutional act) because it's better understood as *suspended until either the customer purchases further credit or the new month commences with a new monthly basic water supply*. Here then, we have the highest court in the land saying that those poor people with prepaid water meters must not think that their water supply has discontinued when their taps run dry.

The Constitutional Court notes at the beginning of its judgment that, "this is the first time" that the constitutional

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Paying for ESKOM's mistakes

by Sithembiso Nhlapo

Eskom has been the talk of town in recent years, especially since the countrywide blackouts that left many people stranded in the dark. Since falling into a hole of its own making, Eskom is demanding huge increases in the electricity tariffs charged for domestic consumption. Poor people are being hit hardest by these increases. Since the dawn of democracy many people have lost their jobs and with the current capitalist crisis still cleaving more jobs from the economy and suspending government's promised development programmes, the number of the poor and their desperation is growing.

This then poses a huge concern to the current increase demanded by Eskom which is 45% each year for the next three years and not forgetting the 31% granted in June this year. Who's going to afford such increases? The Anti-Privatisation Forum has been following the electricity crisis as an organisation that struggles for electricity provision to poor households and rejects the proposed tariff increases for a number of reasons.

The case against Eskom's proposed tariff increases has a few key components: First, the tariff increases do not adequately protect poor consumers and will bring new hardships to communities already struggling for mere survival. This

could be avoided through the implementation of a step-block tariff and an increase of the Free Basic Allocation to 100kWh per person per month.

The second main reason to reject Eskom's tariff increases is the unwise financial planning that led to the increases. To fund the expansion of the country's power generation capacity, Eskom wants to punish the poor for mistakes it made and which it knew would surface. With the poor facing the axe at work and people becoming more impoverished, they cannot be expected to carry the burden of Eskom's mistakes. Government must take full responsibility for a mess that was Eskom's own making.

The third reason is that Eskom has failed to show any meaningful commitment to cost-cutting measures; cutting the ten million rands in bonuses to top management (who have managed to get coal stockpiles horribly mixed up, invested money in financial instruments instead of maintenance, and have cost the country billions through load-shedding) would be a great place to start.

The final reason is that many people still do not have electricity in their homes or endure regular blackouts and cut-offs imposed by Eskom on households that cannot afford the cost of electricity. There's still 30% of the country that is not electrified and the

continued imposition of repressive measures (pre-paid meter and green boxes) to limit their consumption shows the dismal failure of service delivery to poor people. So we as APF see no reason for Eskom to be granted this nonsensical increase, and Eskom has not produced any concrete plan towards exploiting Renewable Energy. We are firm on the position of our organisation that the Zuma government must come to the rescue of Eskom, not the poor.

The Eskom 2009 Annual Report showed losses of R9.708-billion. Most of these losses were made in providing electricity to some of the largest and richest multinational corporations below the actual. The Eskom 2009 Annual Report showed losses of R9.708-billion. Most of these losses were made in providing electricity to some of the largest and richest multinational corporations below the actual cost of production.

Under Special Pricing Agreements with industrial and mining customers, the biggest consumers of electricity have been saved the increases being passed on to domestic consumers. This means that households pay up to 190% higher charges than industrial customers.

Eskom lost R1.3 billion in a contract with BHP Billiton to guarantee its three aluminum smelters a supply of the cheapest electricity in the world.

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provision on the right of access to water "has been considered by this Court." This makes the judgment doubly tragic. The Court had a historic opportunity to give meaningful, lived content to the right to water, to strike a blow for the poor in their struggle to fully enjoy the most basic of all human needs. It is to their, and our country's, discredit that they have miserably failed.

Our disappointment should not be mistaken for resignation. As we have said from the very beginning of this case, irregardless of what transpires on the legal terrain, the struggle for accessible, affordable and adequate water will not stop. How can it, when there continues to be such glaring socio-economic inequality and injustice.



The GEAR policy and the impact on the working class and poor

by **Mashao Chauke**

The formation of the APF was a direct response to the impacts of the GEAR policy. GEAR advocated privatisation with the direct result that many public/municipal utilities and services being privatised. The policy also limited the funding from the national government to the municipalities, forcing them to adopt neo-liberal 'cost-recovery' policies for basic services as well as to shed large number of public sector jobs. Over the last decade, the combined impact has been a steady deterioration in the affordability and accessibility of basic municipal services and the quality of service delivery. The thousands of protests in Gauteng and around the country within poor communities over the last several years bears ample testimony.

The double blows of neo-liberal policies and now the capitalist crisis has caused untold misery and hardship to the working class and poor of South Africa as well as helped create a financial and institutional crisis at the municipal level:

- Unemployment in metros & most municipals is between 26% to 50%. In Rural Districts it is above 60%.
- Water Delivery: 1 million out of 13-million households are receiving a level of service below the RDP standard of a tap within 200metres of the home and must rely on natural sources such as river water. Millions more are not able to afford more than the free basic allowance of 6kl per month per household and there are still hundreds of thousands who do not even receive that.
- Sanitation: 3-million out of 13-million households are receiving below a basic level of service and many of those who do have formal sanitation services are restricted in their use due to water prices .
- Millions of people remain trapped in economic and social squalor in

more than 2,744 informal (shack) settlements across the country

- Service charges are the largest source of operating revenue for municipalities - an average of 42% in 2006/7. In many cases, the majority of this revenue comes from the poor and working class.
- National level grants are the 2nd largest source of revenue for municipalities but in many cases they are either misused or underused.
- Scores of municipalities have debtor levels higher than 50% of their own revenue (in June 2008 these numbered 85) and in many cases it is public sector institutions and big businesses that are the largest debtors.

Over the past several years but particularly during this year, communities have been protesting against the direct impacts of these policies as well as their social and political consequences. Interestingly, the largest number of these protests have taken place in Gauteng, a relatively richer province but also the most populous and most working class. It is also important to note that for the first 8-months of 2009 we have witnessed double the number of protests as compared to 2007 and 38% of these protests took place in informal settlements. Below is a breakdown of where the protests have happened:

1. Gauteng 27%
2. North West 15%
3. Western Cape 15%
4. Free State 13%
5. Eastern Cape 9%
6. KwaZulu Natal 8%
7. Mpumalanga 7%
8. Limpopo 3%
9. Northern Cape 3%

Grounding the alternatives

Our departure point in the development of alternatives to neo-liberal capitalism and the current crisis that it has spawned is the protests, the struggles of communities and the poor. In many ways through our own self-

initiatives and self-activity like Operation Khanyisa (reconnection of electricity), Operation Vula Amanzi (bridging water pipes, by-passing prepaid water meters) and land invasions to erect housing, we have been gradually planting the seeds of alternatives that directly, practically address the needs of people.

Beyond this though, at the heart of our struggles and demands is the construction of an anti-capitalist discourse and political economy. This, of course, is not something that can be declared or emerge from good theory; it has to be fought for and created. The only sustained way in which the needs and demands of the majority of people in South Africa are going to be met is through a dramatic redistribution of productive ownership and wealth that always has been, and remains, predominately in the hands of the capitalists.

Such redistribution must involve the state but it has to be popularly led and controlled. So for example, if those industries vital to the meeting of basic needs - like the food industry, building materials and health - are nationalised and kept under popular control, it cannot be a bureaucratically driven process. To be a real anti-capitalist alternative, it cannot be top-down redistribution. It must be grounded in the mobilisation, organisation and direct involvement of the very people it is supposed to benefit.

If we have learnt anything from the past and current crisis of capitalism, it should be that there are no quick and easy shortcuts to sustainable alternatives. Much of a new foundation for such alternatives has already been laid as a result of the anti-capitalist struggles (both in South Africa and elsewhere). Overcoming the more immediate capitalist crisis and moving towards a broader anti-capitalist society will require the use of all the human and institutional tools at the disposal of the majority and for those efforts to be grounded in that foundation.

Whose democracy?

APF STATEMENT ON THE ATTACK ON ABAHLALI BASEMJONDOLO IN KENNEDY ROAD, DURBAN

The first few months of the Zuma Presidency has not interrupted the war on the poor. What took place in Kennedy Road, Durban, in October of this year, signals that the violence deployed against organisations of the poor is being escalated. More than 30 of the movement's elected leaders have had their homes destroyed, 21 of its members have been arrested and many of its leaders are living in hiding.

A meeting of the Abahlali baseMjondolo (ABM) affiliate, Kennedy Road Development Committee (KRDC), on Sunday September 27, was attacked by a militia, killing comrades Mthokozisi Ndlovu and Ndumiso Mnguni. The office of Abahlali and fifteen homes belonging to leading members of the movement were demolished before the attack and several of the ABM's leaders remain in hiding. Over a thousand, mostly Xhosa-speaking residents, were also forced to flee their homes.

According to eyewitness reports, when the police arrived on the morning after the attack started, they arrested none of the perpetrators of the violence. Instead, they arrested eight members of Abahlali who were in Claremont at the time of the attack, for the murder of the two comrades in Kennedy Road. It was further reported that the police then watched passively over the next several days as the militia, shouting things like 'Kennedy Road is for Zulus', targeted amaPondo and particularly Abahlali members. The lives of four more people were claimed during this organised pogrom and many more residents forced to flee. By the time the police eventually responded to the crisis on Thursday (1st October) last week, the chairperson of the local ANC branch, Jackson Gumede, was in effective control of the Kennedy Road community, demanding that residents produce their ANC membership cards.

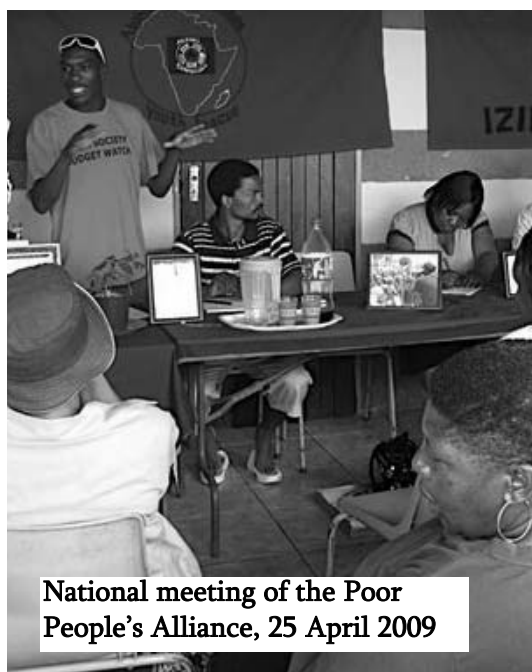
Now, over a week after the initial attack, the militia still holds Kennedy Road in the grip of terror. Over a thousand residents remain displaced and ABM's leadership is still in hiding. The police have made no progress on the charges laid against the attackers. The eight KRDC members arrested for murder will have their bail hearing this Thursday, 8th October. ABM reports that their members will spend this week mobilising support for the liberation of their falsely accused comrades. Returning children to school, rebuilding destroyed homes and assisting all those forced to flee will also be priorities.

It is clear to the APF that what has transpired at Kennedy Road is a patent case of politically and ethnically motivated violence designed to 'clear out' ABM and destroy the inclusive and active community that has been built over the last several years. As a movement that itself has experienced the cold hand of party and state-sponsored violence and injustice, the APF admires the strength and resilience of ABM to continue the struggle and resolutely face up to their oppressors. The support that ABM has received from academics, the Anti Eviction Campaign in Cape Town, the Unemployed Movement, the Rural Network and various churches shows clearly that the shack dwellers are not the criminals the police and ANC councillors have so pathetically tried to portray them as. We share the conviction that the attempts to dislodge ABM and their struggles will fail.

In joining the calls already made for a complete end to the violence and intimidation as well as the exposure and prosecution of the attackers and their handlers, the APF further demands that Abahlali, along with all residents forced to flee, be allowed to return to Kennedy Road without hindrance to reconstruct their homes and lives as well as to organise freely. Democracy is not the preserve of self-appointed elites and their lackeys. Alongside the ABM, the APF will continue to practice and defend our democratic freedoms and fight against reactionary attempts to divide the poor and sow terror and fear. The APF pledges its full solidarity with Abahlali, our comrades in Durban.



Sbu Zikode's home the morning after the Kennedy Road orchestrated by the chairperson of the local ANC branch, Jackson Gumede



National meeting of the Poor People's Alliance, 25 April 2009

The Poor People's Alliance is a network of radical grassroots movements in South Africa. It was formed in 2008 after the Action Alliance, formed in December 2006, was expanded to include two more organisations. [The Social Movements Indaba in Durban 2006 will be remembered for the split from the SMI by the Anti Eviction Campaign to join Abahlali in disrupting the national meeting of the SMI.]

The alliance is comprised of Abahlali baseMjondolo KZN and AbM Western Cape, the Landless People's Movement in Gauteng, the Western Cape Anti-Eviction Campaign and the Rural Network of KwaZulu-Natal.

The Poor People's Alliance refuses electoral politics and resolved to boycott the 2009 national elections under the slogan "No Land! No House! No Vote!"

Abahlali baseMjondolo bury the Slums Act

On 14 October 2009 the Constitutional Court ruled against the KwaZulu-Natal provincial government and in favour of Abahlali baseMjondolo. The court found that Section 16 of the Slums Act was unconstitutional and invalid. The Slums Act now has been struck down.

The Journey from the Shacks to Constitutional Court

Edited Abahlali baseMjondolo Press Statement, 29 October 2009



attack on
person of



1. Community Analysis

Abahlali created a reading group and democratically elected a task team to analyse and discuss the content of the Slums Bill in 2007 before it was passed as provincial legislation. Abahlali held community meetings in each and every area to discuss and analyse the proposed Slums Bill. It became clear that the aim of the Bill and the feelings of the people were in contradiction. People felt that the places where they stay have to be developed. The aim of the Bill, however, was to "eradicate" or "eliminate" their communities. They do not want transit camps in faraway places. They do not want to be moved at the whim of the MEC, or municipality. The people who founded our settlements occupied land in the cities for good reasons. We do

not want to be ruralised in the name of 'development'. It was resolved to defend our right to the cities.

2. The So-Called Public Participation Process

It was interesting to see the KwaZulu-Natal legislature coming to the shack settlements in 2007 to hold public participation hearings about the Bill. When the legislature came to Kennedy Road, it was the first time we had seen them in the shacks. They came with heavily armed police and even a police helicopter, and bussed in ANC members from other areas. It was like they were going to a war when in fact they were supposed to be coming for a discussion.

We mobilised residents for the hearing at the Hall in opposition to the Slums Bill. But this mobilisation was used to justify that we had agreed on the content of the Bill! People were not allowed to raise their own feelings; they were not allowed to use the microphone in the Hall unless they could quote from the text of the Bill. Once again it was made clear that our role is to listen and not to think. This was not a public participation process with meaningful engagement. This was another lie of our democracy.

3. From Shack to the Durban High Court

Abahlali opposed the Slums Act in the Durban High Court in 2008. When we went to the Durban High Court, the court found that the Act was consistent with the national

Prevention of Illegal Evictions Act. The judge said that the province, through the Act, was dealing with land and housing issues. After the Slums Bill was passed officially into legislation, the municipality used the Act to justify evictions across the province. Evictions of communities such as KwaManciza (Ntuzuma) were justified under the Slums Act.

4. From the Shacks to the Constitutional Court

Abahlali were confident that this Act was unconstitutional, and so our appeal against the finding of the Durban High court was taken straight to the Constitutional Court. We and our partners in the Poor People's Alliance from across South Africa mobilised to go to the Constitutional Court to witness the judgement. Our partners in the Poor People's Alliance mobilised not only in solidarity with comrades in KwaZulu-Natal, but also across the country, because the legislation was to be passed in every province in South Africa. [The APF also demonstrated its support at the Constitutional Court].

5. Celebrating the Constitutional Court Judgment

Abahlali organised a celebration of the court judgement at Richmond Farm Transit Camp where the judgment was read, discussed and analysed. The transit camp was chosen as the site for the celebration because it was created under the Slums Act. Now, after the judgment, the future of the transit camps has been called into question.

After the attacks at Kennedy Road however, the community there has been threatened with removal to the notorious transit camps in Chatsworth. Forced removal may have been disallowed for reasons of eradicating slums, but it appears other forms of violence are now being used to remove shack dwellers.



X COALITION AGAINST ENOPHOBIA

Small Farm

Small Farm Community Crisis Forum (SCCF) is a community-based forum which was established in 2002 and is affiliated under the umbrella of the APF. After realizing all the crises occurring in the community at large, the SCCF was formed to combat the problems faced by this 182-year-old location. Problems were electricity, water, housing, crime, a poor educational system and a high unemployment rate that is still today drastically rising. The first changes were on the 10th of October 2002 when members of SCCF marched to the Eskom offices. We demand repairs to the street lights which were no longer working and were initially installed to reduce the crime that was escalating in the dark streets at night.

Our second demand was that Eskom reduce its price units of electricity card slots that used to commence at five rand. Now the prices have even gone up to ten rand, which is far too high for many Small Farm residents who are suffering from already high unemployment and poverty. However, Eskom failed to meet the needs of Small Farm's residents. The reason was that 70% of Small Farm residents do not pay for the services rendered by Eskom. That is why Eskom increased their prices so abnormally without considering the financial positions of community residents. We as the SCCF believe that electricity is a right and not a privilege. It should be rendered free in all societies and is a basic need that was promised by our current government. Let us unite now for free electricity. If we stand strong, our voices will be heard!

Pre-Paid Electricity is a real exploitation

The SCCF conducted a survey about the prepaid electricity system which was introduced in the entire Sebokeng District. We wanted to know how some of the residents in the Small Farm area feel about this new system and how it has affected or changed

Nationalism, Ethnicity and Racism

by Kenneth Tafira

Nationalism, ethnicity and racism are related ideas just like blood brothers. In trying to explain xenophobia (which I call racism), it is difficult to separate all these. Sometimes racism comes from nationalism and vice versa. Although nationalism and racism show fundamental differences, they are however closely related. Nationalism by using the idea of "us" and "them" does not only constructs national identity but racial identity as well which is based on national, cultural and physical differences.

The power of nationalism is from its capacity to create a common identity among members of the same group. These members differentiate themselves from others, who are seen as "outsiders", strangers and potential enemies. The outsiders normally are those coming from across the borders of the nation. Similarly race differentiates members of the same group from those seen as "aliens". The boundary is between those who share similar biological or physical features or culture. This leads to a situation where there are minorities (in many cases they are immigrants) and they face discrimination, prejudices and unequal treatment and are seen as inferior.

The establishment of the nation and spread of capitalism has created situations of people known as ethnic minorities and this is a result of migration. In times of capitalist economic crisis, they are blamed for everything, including loss of jobs, using of national resources meant for locals and putting down wages. The result is a conflict among the working class itself. Through a period of reorganisation of capital, the working is divided because of use of cheap immigrant labour by capitalists, where

immigrant workers are overworked and underpaid, and refusal by trade unions to unionise immigrant workers. Unfortunately the working class is unable to form a single collective behaviour and action. Some sections of the working class become infiltrated by nationalist agenda and ideologies, populist discourses and attitudes. The result has been anti immigrant sentiments and hatred of ethnic minorities. National identity therefore becomes loaded with xenophobia and racism.

The pattern of racism and nationalism at the community level shows how the state's hand has influence. Harassment of immigrants by state agents like the police, the Department of Home Affairs and other state apparatus is a daily thing in all communities. The state is responsible for perpetration of nationalist agenda and anti immigrant policies and these practices filter down to the community and influence how communities view outsiders.

At this time where capitalism is dividing the working class more than ever, all sections of the working class need to put aside ethnic, racial and national differences. This means the working class needs to be a united force that fights one struggle against one common enemy rather than fighting among itself.



no one is illegal

Community Crisis Forum

their lives. According to a Sebokeng Zone 8 resident, the prepaid electricity system was in fact introduced back in the 1900s throughout the Vaal triangle area. When this occurred, people were told that the new system was going to be an easy way to access electricity. For many, it looked like a solution to the use and dependency on candles. Initially, the prepaid system was cheaper and could last longer than the use of candles for light. Unfortunately, the price of electricity began to rise after Eskom's prepaid pay points were privatized. This system has affected the residents of Small Farm so badly that some of them can no longer afford to pay for electricity.

One of these residents, Linda Patrick Vilakazi exclaims that, "I was unaware until recently that this is exploitation. Like many people in the area, I use electricity as my main means of cooking, ironing, boiling water, etc..."

I have to pay three to three hundred and fifty rands to keep my power supply box filled with power. Sometimes I have to go days without light or electricity which brings deep shame to me and my family. Like other disadvantaged families in the community, other residents can easily notice when you are out of budget and have been cut off by Eskom. I often witnessed incidents where other people had to choose between buying food or electricity card slots."

The above testimony from Mr. Vilakazi is a clear example of how some of our community members must struggle to pay for electricity. Our survey showed that many of the people are not in favor of the prepaid electricity system. To sum up the opinions of our community, here are some powerful words uttered by Small Farm resident, Ntetheni Emily Yende: "I really dislike this prepaid system. One way to lessen this problem is to restrict the operation of the R5 electricity card slots. Eskom must respect us. They must always bear in mind that 65% of this community is unemployed. Sikhathele yi Eskom."

The Sedibeng Committed Artists

From the SCCF was born the SCA (Sedibeng Committed Artists) which basically specializes in performing arts. Under the affiliation of SCCF, the SCA's main focus is education through art. We use poetry, drama, traditional dance, music, gospel, gumboots to traditional and even modern dance styles. We use these various art forms to change and educate the youth of Small Farm on critical matters that affect our area. This is achieved through educational pamphlets, performances such as Twasa: the play on educational rights was created, written and performed by SCA members for numerous schools throughout the region. We have performed for many schools in Sebokeng and Small Farm such as Sehopotso High School,

Thandokwazi High School, Kgokare High School. We have also put on performances at other primary schools in the area, for example Mojala Thuto, Mosioa, Bulamadiboho Primary school.

The Sedibeng Artists' principal objectives are:

1. To encourage people to bring back textbooks and other learning materials they have in their possession for reuse in our schools.
2. To struggle for free education and focus on fundraising activities to buy school uniforms and textbooks.
3. To fight for learners' rights.

We also performed for other schools in Soweto, the likes of Fidelibas High, Madisane High, Funda Center. In Diepkloof and Orlando West, we presented our play for Kwamahlobo High and out of those performances, we are wishing that parents could motivate their children to come and join our organization. What we are currently seeking is to take children off the streets and their minds off of crime. For the Sedibeng Committed Artists to succeed, we need support from the community for which it is serving. Please encourage your children to reconnect with their heritage and their traditions. Daily rehearsals occur from 3H30 til 6H00 at Mosioa Primary School located on Selborne road in Small Farm.

Contact Information

For more information on the SCA or on how to contribute to the SCCF please contact Happy Lovely Yende or Josephine Mofokeng at Office (078 292-8630).

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Wits students fight against fee increases

On Monday the 14th of September, students at Wits University began a protest against fee increases that lasted for four days. Each year at about this time, the increases in tuition and residence fees are announced as the registration deadline for the next year of study looms and the pressure on students with unpaid fees sharpens. And as in years before, the organisations of the ANC-aligned Progressive Youth Alliance this year again rallied the students facing extinction at the university to lead a student strike against the fee increases for 2010. A difference from previous protests was that the call to strike was issued by the 'Students Against Financial Exclusion' and not by the PYA in an attempt to encourage maximum support. The response from a student body that is resolutely middle class, or aspires to be, was minimal, however. A group of tutors did join the strike, resolving to use their tutorial groups to discuss issues raised by the protest. Academics in the School of Humanities also moved to condemn the presence of police on campus and the criminalisation of the protestors.

The protestors were few but effective in disrupting lectures and littering the main campus. As the APF itself knows from our baptismal disruption of the Urban Futures conference between the same walls of Wits in 2000, no notice is given to a protest unless it disrupts the normal run of business. Disruptions also attract media attention, and an institution like a university winces at the damage news of student militancy does to its public image. Not that the media has ever covered protests over fees at Wits with much sympathy - the call this year was for a general student strike to defend the right to learn of those facing exclusion from their studies, but the media focused instead on the right to learn of those students whose classes had been disrupted.

The response by the university management by the end of day one was to serve three targeted student

leaders with notices at 2 a.m. that they were expected to appear before a disciplinary committee at 7a.m. for contravening the code of conduct. One of these three, Mbuyiseni Ndlozi, in an open letter to the Vice Chancellor would describe him as a "mathematician from the bantustans, who knows nothing about politics". To protect the historically white and elite institution of Wits, he sought interdicts against thirty 'leaders' of the protest, all of whom were black. He issued circulars to staff and students encouraging them to photograph disruptive students for their incrimination. His administration is using the access cards to bar students from accessing libraries or their rooms in residence for unpaid fees. And, most ignominiously, Prof Nongxa called police on to campus on day three of the protests. The repressive line followed by Loyiso Nongxa, the first black vice chancellor of Wits, does have all the hallmarks of a Kaizer Matanzima. His arrogant response to comrade Mbuyiseni's five-page open letter was: "you're a sick young man with a twisted mind".

The reality of Wits University is that it is led by a man whose role is to be the picture of a transformed institution. Wits meanwhile persists as an elite university and under Nongxa's tenure the annual fee hikes have not slowed. The fee increases for 2010 are 9.5% and up for tuition and from 11.8% for residence while the upfront payment will increase to R6,600. These increases continue the trend to put the squeeze on students to pay up earlier for fees that go up higher than the consumer inflation rates; since 1994, the average annual increase has been around 20% for tuition and between 34% and 50% for catered accommodation. The costs of 'transformation' of Wits are evidently borne by students in these residences, who are overwhelmingly black. It is this constituency that sustained the protests.



The strike was called off on day four after a deal was struck with student leaders that addressed just their demand for improvements in the inter-campus bus system. The demand for a review of the fee increments were sadly bought off with a 'concession' to raise the bursared student stipend for the remaining three months of the year from R1,500 to R2,000. The university is still prosecuting disciplinary charges against the targeted three students.

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