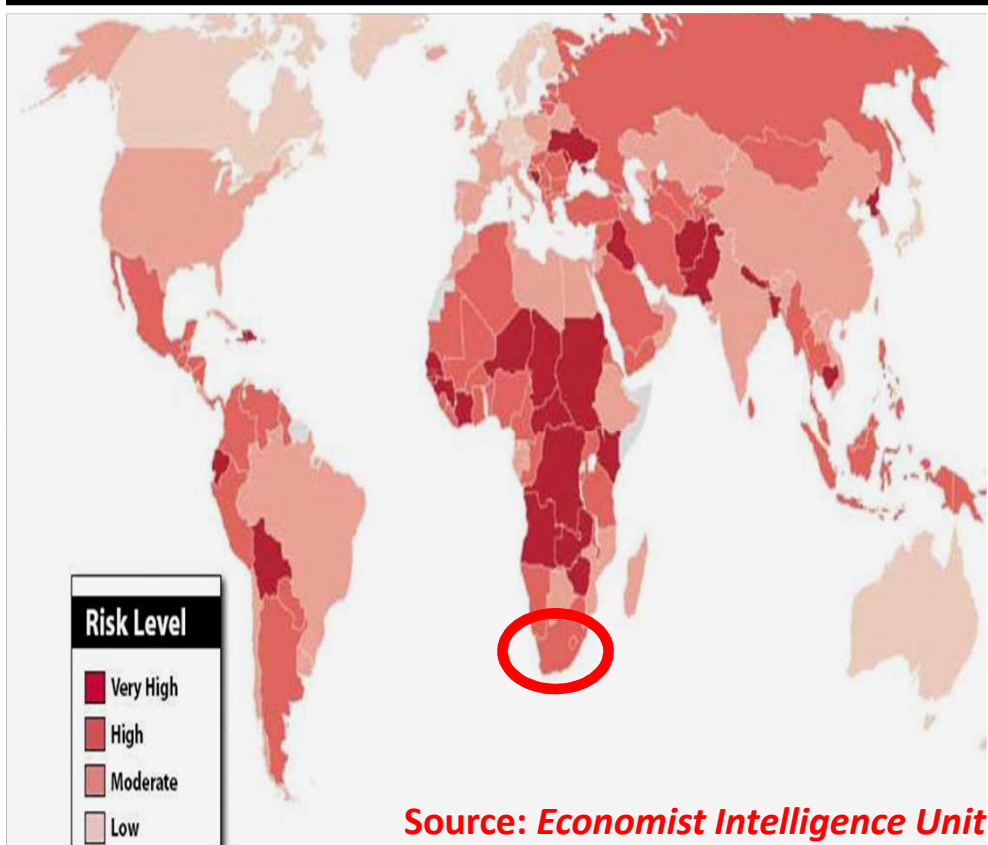


# *Service delivery protests and grassroots dissatisfaction: what role for Nadel?*



reflections on capitalist  
crisis, social movements,  
the Phiri water case, TAC  
AIDS medicines and  
liberal constitutionalism

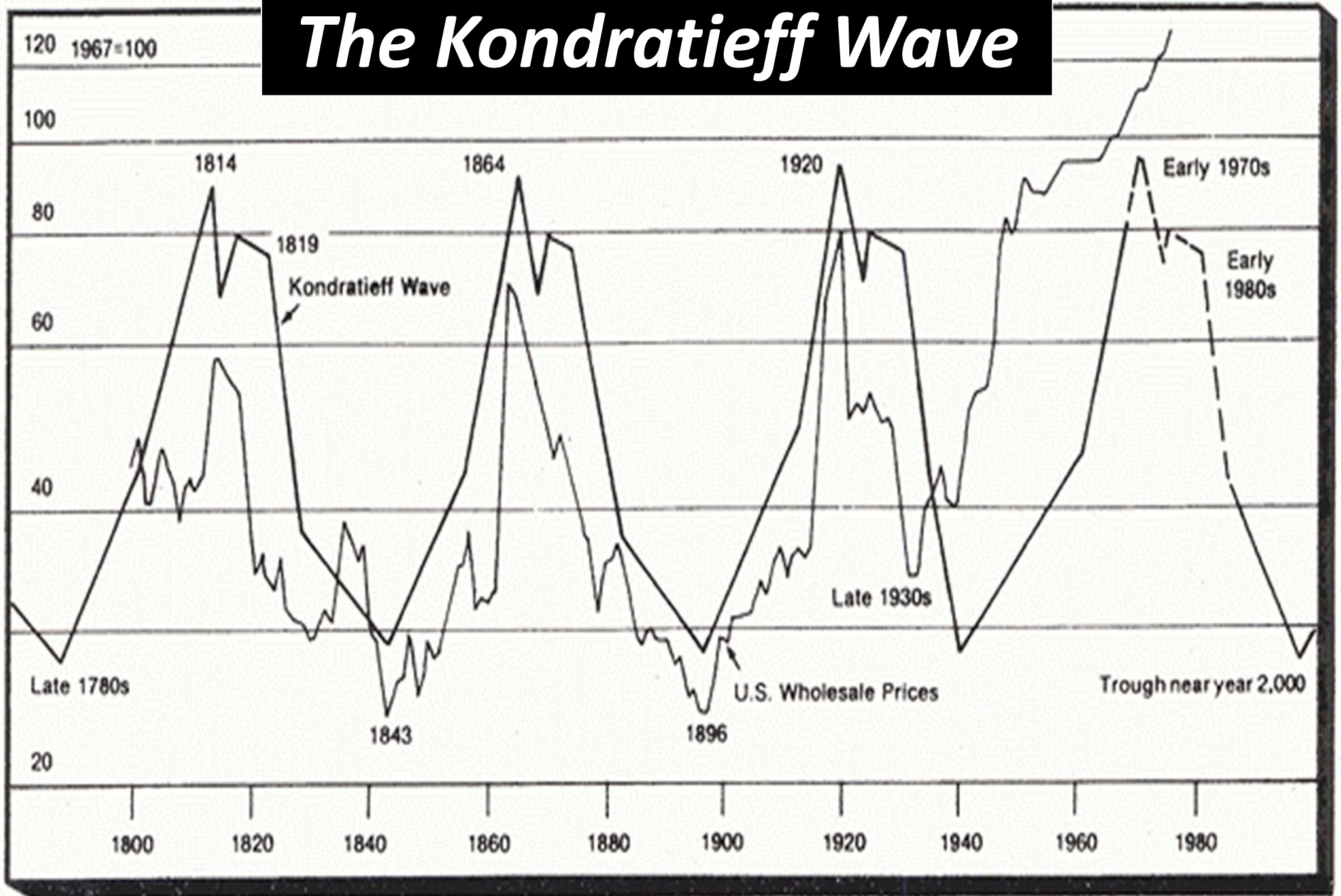
presentation to the Annual General Meeting  
of the National Association of Democratic  
Lawyers, Mthata, 25 February 2012

by **Patrick Bond**

University of KwaZulu-Natal  
Centre for Civil Society, Durban  
(<http://www.ukzn.ac.za/ccs>)

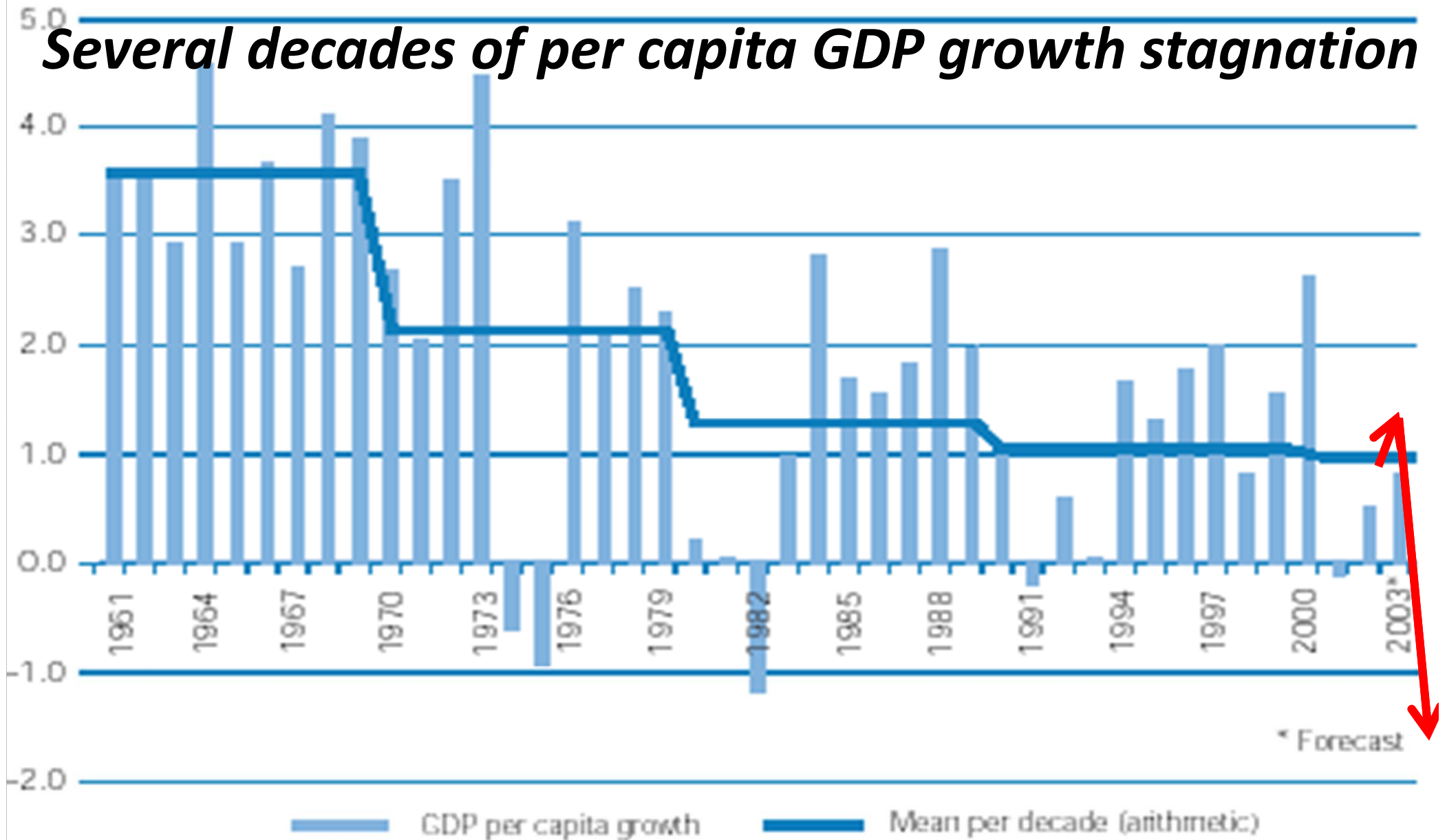


# *The Kondratieff Wave*



World GDP per capita growth, 1961-2003 (annual change in per cent)

**Several decades of per capita GDP growth stagnation**



\* Forecast

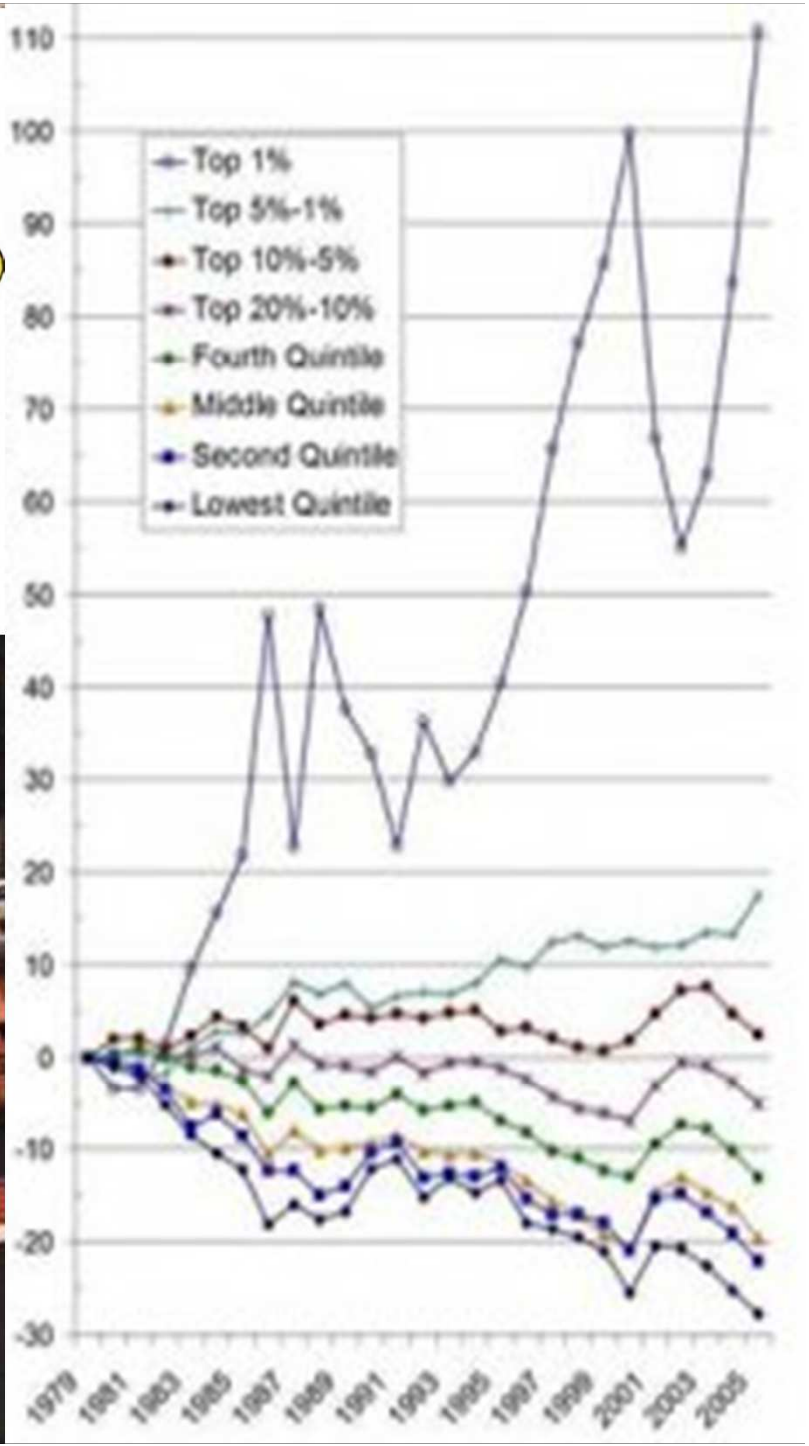
Sources: World Bank, *World Development Indicators 2003* (online version) and World Bank, *Global Economic Prospects 2004*.

# economic resistance from below?

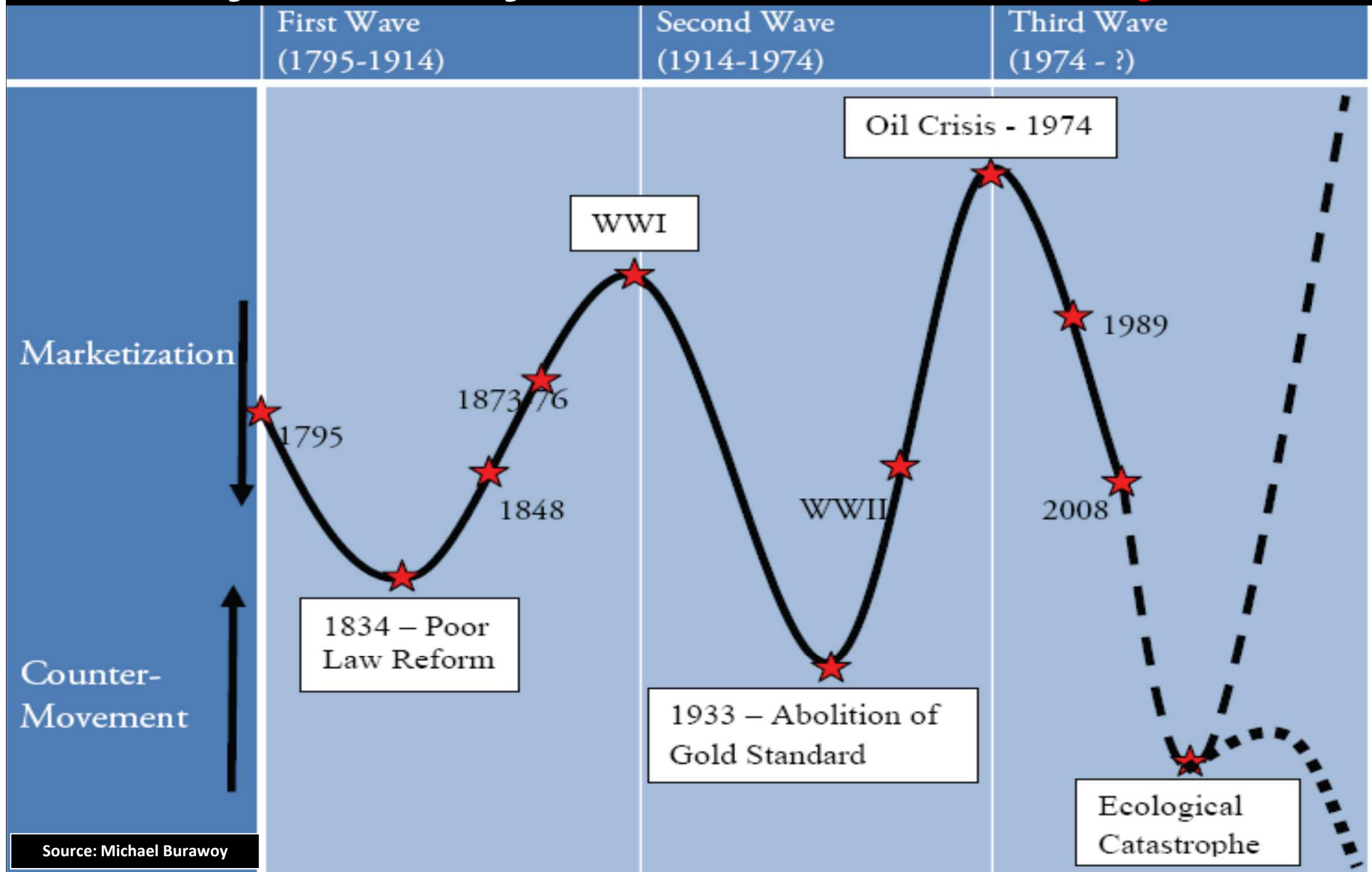


# *2011-12: Arab Spring, 'Indignados' of Spain, Greeks and Italians, Occupy in the US and Europe, Nigeria Occupy, Senegal, etc*





# waves of commodification and *decommodification*



# centuries of counter-hegemonic movements

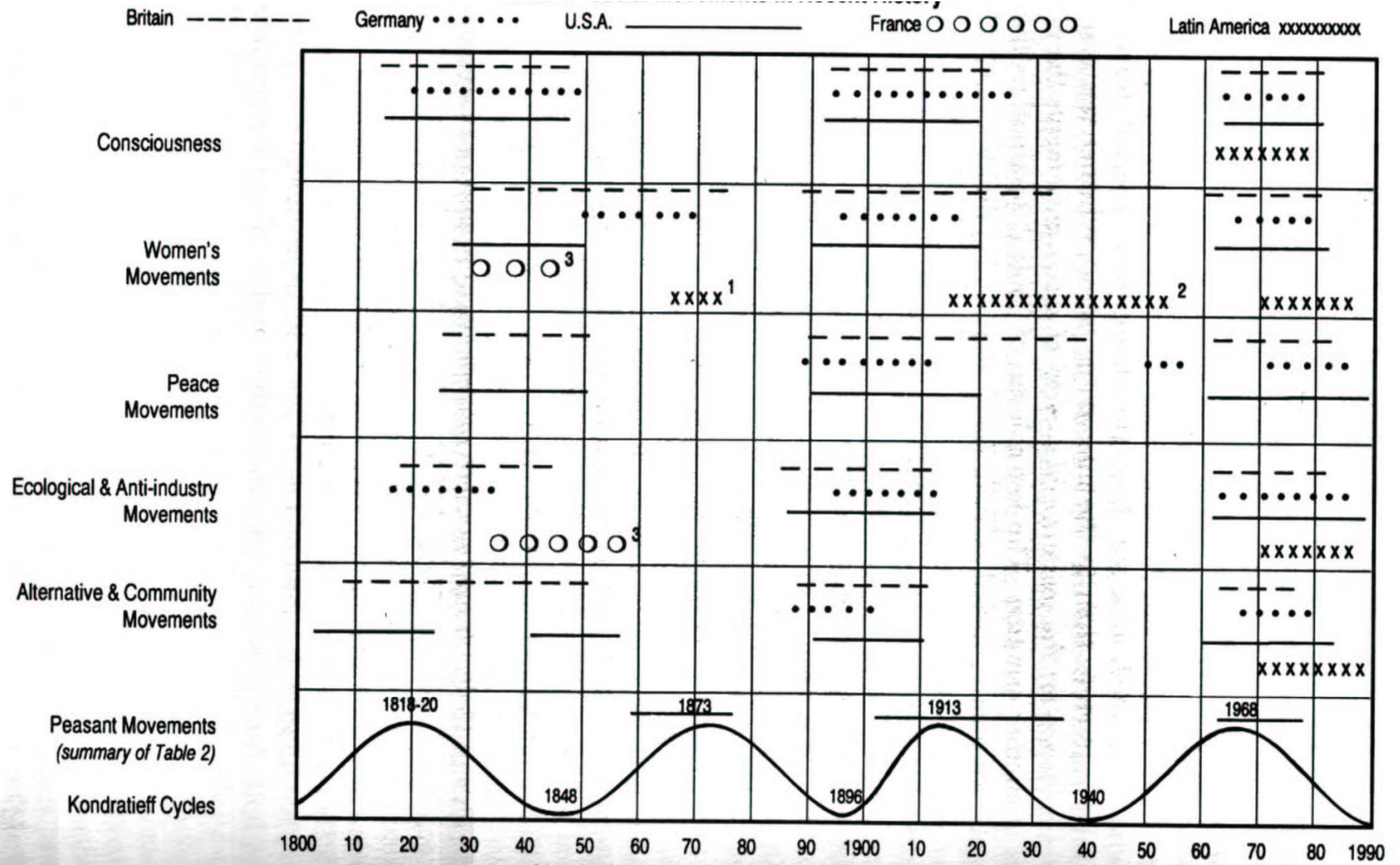
Oct 3, 2002: Movement Map (broadly construed): key clusters, incomplete. wgm from group discussions

	1760	1848//1860s	1917	1968	1989	2001
<b>Movement Cluster</b>	French Rev	Paris Europe: labor, (1873-96 peak) 2 <sup>nd</sup> international nationalist movements	Labor Unrest: Post-WWI, post-WWII Garvey 1919-27 Comintern Non-aligned	New left Ecology, peace feminist Self-management anti-apartheid		
<b>Core</b>						
<b>Semiperiphery</b>	Anti-imperial? / National: 1820s/30s Habsburg, Russian, Ottoman cases Greece (1831) eg. Belgium (1830)	1871 Paris commune	USSR Panafrika		gay/lesbian Act-up?	
<b>Periphery</b>	America revolution Jamaica/Ireland	Mexico 1910, Ireland, Ottoman Empire (1908)	Nationalist		Black power Labor: S Africa, Brazil, Korea) Anti-WTO/IMF	
	Haitian Rev Latin Am decolonization Indonesian Archipelago 1740s, 1820s, 1917?	Peasant Revolutions		National Lib [guerilla wars]	Black Consciousness Indigenous Peoples New Land Movements	
	Slave revolts: 1740s+	Caribbean: anti-colonial labor? Jamaica: 1860s, Cuba 1868 S. Asia/China/Boxer India/mutiny 1857+ 1848-73 taiping			4 new movements in 1990s: International Terrorism Radical Ecology/Anti-consumer INGOs [N/S solidarity] Ethnic/Religious	
	Anti-incorporation activity					
<b>Links? Within/Across Periods? Non/antagonistic?</b>				Link w/ 1968 needs work here		
<b>Themes for the epoch</b>	Core: Chartists to Revolutions  Anti-imperial? Breakup of empires, diasporas. Dutch, Russia, Ottoman  Periphery: anti-colonial and anti- incorporation	Core/key: labor movements -- become reform movements  Semiperiphery: revolution/1917  Anti-Incorporation, anti-Imperial Revolts?  [Peasant Rebellions?] Anti-colonial, Pan-movements	Core: no A-S movements Labor become systemic  Periphery: anti-colonial, pan-movements victory and then reform	Expiration of traditional and new social movements, e.g.  Labor, Socialist, nationalist movements become systemic  Possible new anti-consumption movements, direct action?		
<b>Key Transformation(s)</b>	Rise UK hegemony; Spanish, Dutch and French defeated (due to movements?) Slave revolt/republic Settler Decolonization in Americas Empires breakup—movements New state forms	New state form New movement form (1848) Turn to reform in core, success  Turn to anti-colonial movements in periphery, failure	Rise of US hegemony Colonial/Decolonization 1968: cycles converge	See above		

Source: William G. Martin



# social movements in recent history



Adapted by the author from Brand (1988) with additional information from Huber (1987) and others.

<sup>1</sup> Chile

<sup>2</sup> on and off in various Latin American countries

<sup>3</sup> incomplete data



# South Africa's 'service delivery protests'







case study #1 of service  
delivery protest:  
decommodifying  
water in South  
African townships



# South Africa's right to water?

- *'everyone has the right to an environment that is not harmful to their health or well-being... everyone has the right to have access to... sufficient water'*

– Bill of Rights, Constitution of the Republic of SA, 1996 – subject to 'progressive realisation of rights' and budget constraints clauses

- **2003-09 lawsuit by Soweto activists and Coalition Against Water Privatisation (CAWP) against Johannesburg government (and by implication, Paris-based Suez):**

<http://www.law.wits.ac.za/cals>

# two core aspects of *Mazibuko v Johannesburg* case

- *How much water?*
  - *City of Joburg and Suez (2001): 25 litres/capita/day*
  - *Phiri activists, CAWP, CALS (2003): 50 lcd*
  - *High Court (Tsoka in April 2008): 50 lcd*
  - *Constitutional Court (Oct 2009): 'we don't DO policy'*
- *What delivery mechanism?*
  - *Joburg, Suez: pre-payment meters*
  - *Phiri et al: credit meters (as in white areas)*
  - *High Court: pre-payment meters are discriminatory*
  - *ConCourt: no problem with pre-payment meters*

# lessons from *Mazibuko* for activists, intellectuals, lawyers

- broader commons framing, including Rights of Nature
- use human rights narrative purely for defensive purposes (injunctions against disconnections), not to change policy (confirming Critical Legal Studies' 'contingency' theory)
- use rights narrative for social education and mobilisation (Treatment Action Campaign) but beware demobilisation potential
- for real relief: reconnection, turning meters into 'statues', 'commoning' and mutual aid, social mobilization and protest





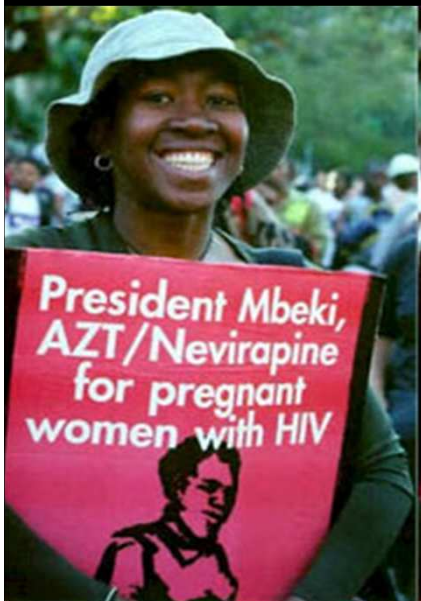
**case study #2 of service delivery protest: local/internationalist social movement solidarity for access to Anti-RetroViral drugs**



- 1990s – US promotes Intellectual Property above all, monopoly-patented ARVs cost \$15 000/person/year
- 1997 – SA's Medicines Act allows 'compulsory licensing'
- 1998 – US State Dept counters with 'full court press', Treatment Action Campaign (TAC) formed, death of Durban AIDS activist Gugu Dlamini due to stigmatization
- 1999 – Al Gore for president, ACTUP! opposition, Seattle WTO protest and Bill Clinton surrender
- 2000 – AIDS Durban conference, Thabo Mbeki denialism
- 2001 – 'PMA-SA v Mandela' lawsuit w MSF & Oxfam, while TAC imports Thai, Brazilian, Indian generics

# TAC's Anti-RetroVirals campaign successes:

- 2001 – Constitutional Court supports nevirapine, major WTO TRIPS concession at Doha
- 2002 – critiques of Mbeki, Manto Tshabalala-Msimang
- 2003 – ANC compels change in state policy
- 2004 – generics produced in SA
- 2009 – nearly 800 000 public sector recipients
- 2010-11 threats – fiscal austerity, Obama's Pefpar cuts



## lessons for social resistance:

- commoning intellectual property
- decommodification
- destratification
- deglobalisation of capital
- globalisation of solidarity

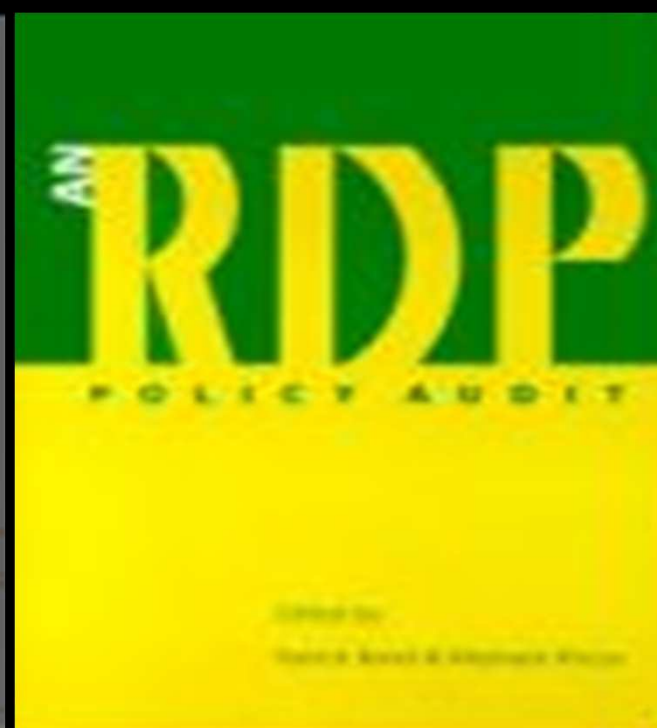
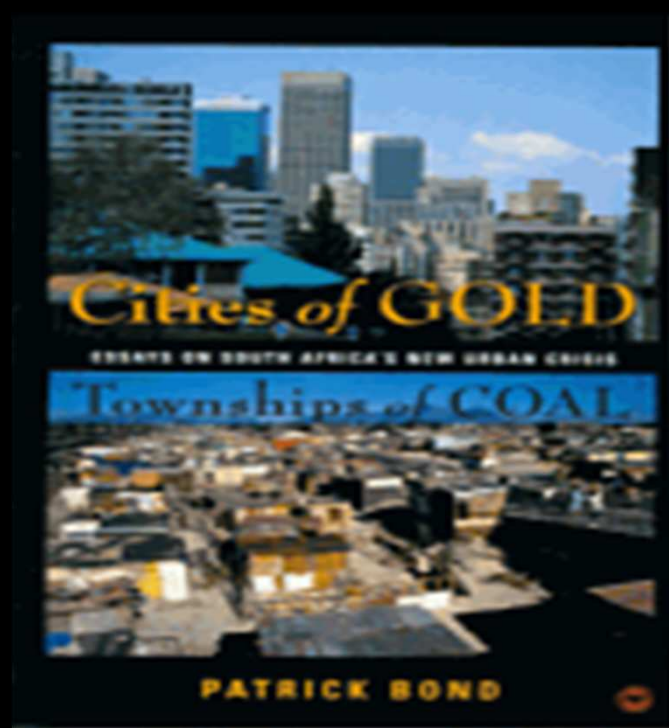
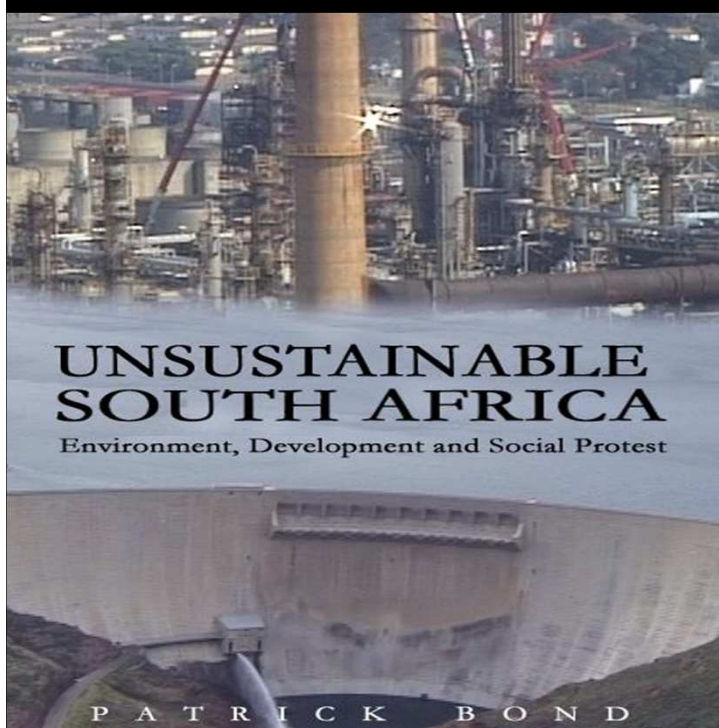
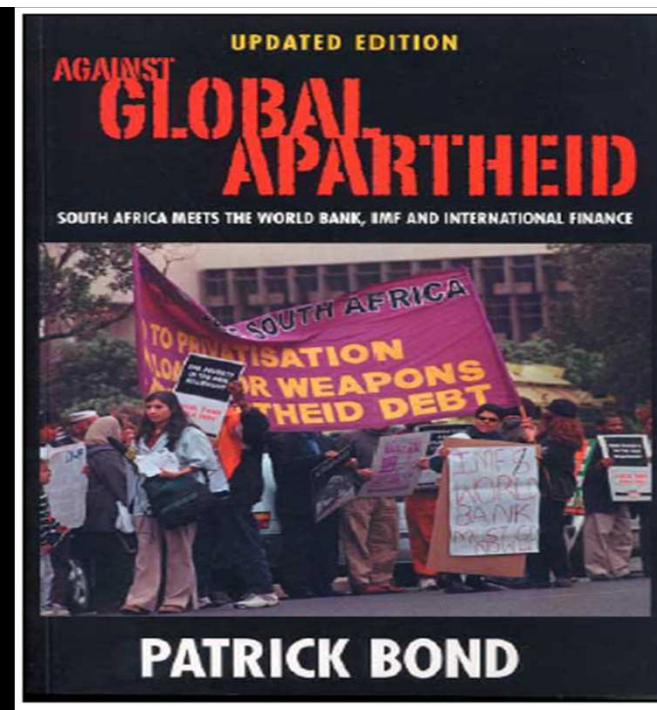
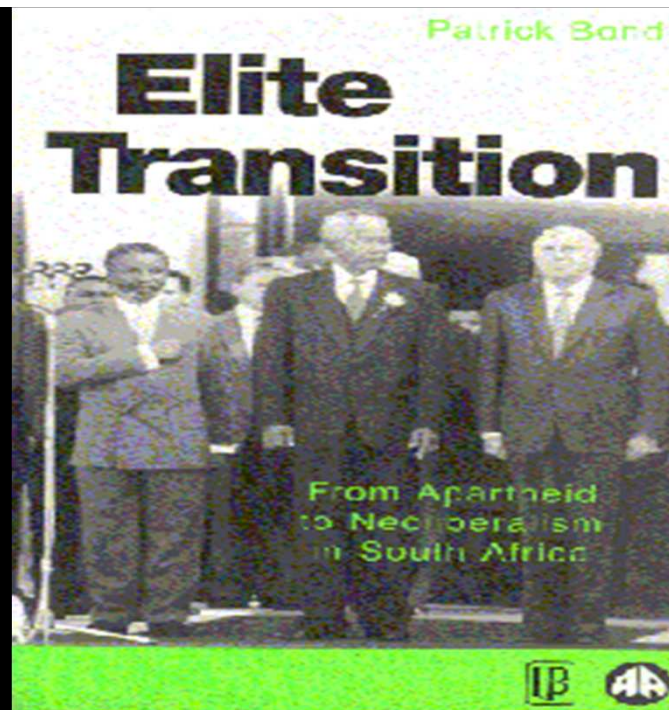
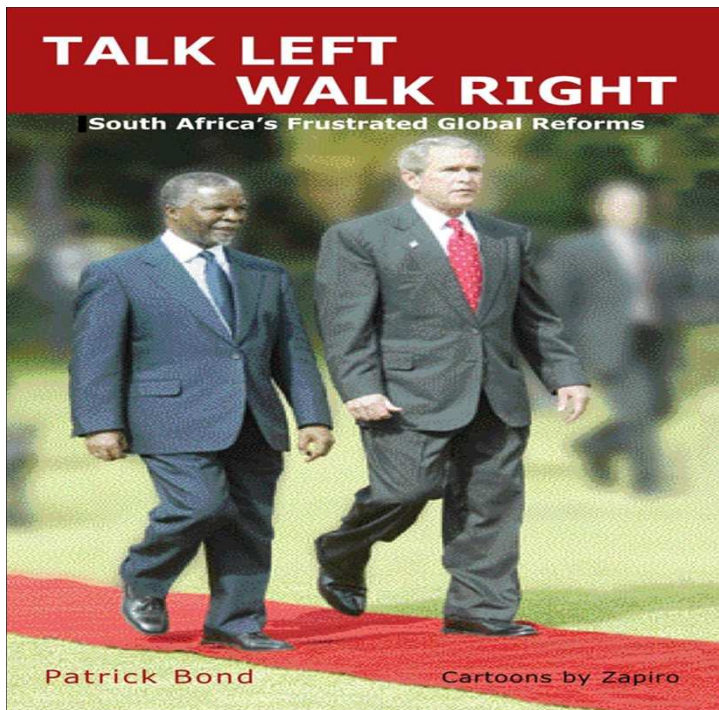


Zackie Ahmat,  
Nelson Mandela

# Critiques of socio-economic 'rights talk'

(mostly from Critical Legal Scholars e.g. Roithmayr, Madlingozi, Pieterse, Brandt)

- *individualist: private/familial instead of public/political*
- *consumption-oriented, without linkages to production, ecology*
- *'framed not to resist but to legitimise neoliberalism' (Daria Roithmayr)*
- *leaves in place society's class structure, and 'bleeds off any real move to dismantle these processes through redistribution and reparations' (DR)*
- *technicist discourse: alienates mass base and society in general*
- *mass-based organisations become the 'client', are 'domesticated' (Tshepo Madlingozi), are told to halt protests during litigation*
- *rights are 'watered down' with Constitutional clauses of 'progressive realisation', 'reasonable' measures and 'within available resources'*
- *legal alleyways distract from a more transformative route to politics*
- *for class reasons, judges are amongst society's most conservative elites*
- *capitalism won't deliver these goods!*



Edited by  
Brij Maharaj,  
Ashwin Desai  
and  
Patrick Bond

Zuma's  
Own Goal  
Losing South Africa's  
'War on Poverty'

available from  
[pbond@mail.ngo.za](mailto:pbond@mail.ngo.za)  
most recent on SA:  
*Zuma's Own Goal*  
*Durban's Climate Gamble*  
*Politics of Climate Justice*

EDITED BY PATRICK BOND

# DURBAN'S CLIMATE GAMBLE

TRADING CARBON  
BETTING THE EARTH



Patrick Bond

## Politics of Climate Justice

Paralysis Above, Movement Below

