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Edwin Cameron, Jay Naidoo & Pregs Govender

Democracy Movement

*Zabira Asmal and Guy Trangoš in conversation with
Edwin Cameron, Jay Naidoo and Pregs Govender about
South Africa's democracy movement. The conversation took
place in the judge's lounge at the Constitutional Court in
Braamfontein, Johannesburg, on 26 May 2015.*

ZA: The Constitutional Court is a special place to meet for this discussion, as it is here that our democracy is often put to the test.

I would like to kick off this discussion with information on your earlier movements in Johannesburg. Where do you come from, why did you move to Johannesburg and what are your earliest memories of the city?

EC: I was born in Pretoria, grew up across the whole country, and I worked my first job in Johannesburg when I finished university. I've always found it such an exciting, dangerous, unsettling, intriguing and enriching city.

JN: I was born in Greenwood Park in Durban and, when I was four years old, we were kicked out of our house because of the Group Areas Act. So spatial planning had a big influence on my life. I suppose the dream of every young kid was getting to Johannesburg – the City of Gold. I mean it had this great magnetic attraction to us. I only really moved here when I became the General Secretary of COSATU in 1995. I've been here ever since. I love this city, I love the energy, I love the...

EC: Danger! (Laughter)

JN: Yes, the frontier city. It's pioneering something truly remarkable, and not just in South Africa. Managing diversity is one of the greatest challenges in the world today, so I'm excited to be here in Johannesburg, and consider myself a Joburger.

PG: Like Jay, I was also born in Durban. The first time I came to Johannesburg was to manage the Women's National Coalition. I loved it because you could actually get things done here that you couldn't get done in other parts of the country. I love the energy of the city; almost everybody is a migrant here.

A powerful experience is noticing the ways in which people from different places claim the city as their own.

ZA: In reflecting on the movement of people into and out of the city, do you think that municipal governments can learn from Johannesburg, use it as a case study or benchmark for other cities or smaller places?

JN: Yes, the South African economy is built on movements of people into the city to work. These movements are extremely important for a city. People bring interesting things to cities, which adds to the liveliness and diversity of cities. And when people return to their places of origin, they take with them tremendous resources and use these to organise their communities or negotiate with councillors and local authorities. There is a powerful skills transfer between a city like Johannesburg and rural areas. It's rejuvenating, entrepreneurial, and driven by activism and social movements.

ZA: Do you feel that Johannesburg facilitates social activist movements and allows for people to rally behind a cause quickly?

PG: It is easy to facilitate movements in Johannesburg, especially as it is a media hub and to get the media to attend events or gatherings can be easily organised. This is not the case in rural areas. Johannesburg is also home to the big institutions, which helps in rallying people and causes.

ZA: Social movements facilitate democracy. What does democracy mean to you?

EC: For me as a judge it means a whole complex of institutions that are striving to create social justice, dignity and equality. It doesn't just mean the voice of elected representatives; it also means the voice of activists and social organisations, civil society, representatives of parliament, the judiciary and government. It is embodied in our Constitution and the structures of representation and accountability that exist through it.

JN: Democracy for me has to guarantee human well-being in its purest form, assuming dignity and social justice as so enshrined in our Constitution. If a democracy cannot deliver on those things, then we cannot claim to be a democracy.

PG: I completely agree with Jay, but one thing I would stress is accountability. For example, there is little corporate accountability in society. On the one hand children are in jails for stealing bread, and on the other hand big corporations get away

with electricity and water theft in great degrees. There is an inequality in our justice system. I think the reality that people who were wealthy pre-1994 are today much wealthier has forced us to look at how wealth is being created. Democracy is about challenging deeply rooted inequalities.

GT: The City of Johannesburg's Operation Clean Sweep in October 2013 comes to mind. The city forcibly removed street traders irrespective of whether they were trading legally or illegally. This was challenged in the courts and the Constitutional Court ordered that street traders be allowed back to work. The friction between formal and informal, and what's often perceived as legal and illegal is often played out in the city. What are your thoughts?

EC: Johannesburg is almost 130 years old. What I celebrate is that it is a city of outcasts. Johannesburg is a city of migrants; it's a city of people who have come here to be heard, who come here to live by scratching together the basic essentials of human existence like those street traders. I celebrate that. This court wouldn't have existed in Bloemfontein, or Cape Town, or Pretoria. It's here on Braamfontein Hill, where from inside the court we can watch the footsteps of the people of Braamfontein and Hillbrow passing us. Many of these people are dispossessed of their home countries elsewhere in Africa, dispossessed from other regions

in South Africa, and the street traders' case made a very particular impact on this court. The traders said that they had the permission of the city, either formally through licences or informally, to be where they were and they were rounded up and cleared out. It had a catastrophic impact on their lives. At first their application was dismissed on the technical ground that it wasn't urgent. And I think this court, to use an un-judicial word, was frankly appalled at the dismissal by the High Court of the street traders' urgent interdict.

I wish to link that to the origins of the city. I want to link it to the messiness and the unsatisfactory muddle of the lives we make in Johannesburg.

We don't have clean streets in Johannesburg, but I think we have a more dignified and a more human city because we are muddling through with human rights, and there is a cost to that – our streets aren't clean. We have to acknowledge the costs in crime, sanitation and dirt, but we are trying to achieve something more important through the process, through dignity, through equality and through rights.

ZA: Thank you, Edwin, that is a very strong point. How do you create a more dignified city?

PG: It raises the question of the way our cities have been built, like the comfortable suburb that I live in – Parkwood. The Johannesburg Municipality provides services here, regular refuse removal, cleaning the streets, making sure that the branches

are cut back. They're all the services that I take for granted. When Sandton had water cut for a short while, there was uproar. The Human Rights Commission deals daily with communities that don't have water for months and even years.

JN: We need to go back to cities as a new form of centres of economic and political power. We haven't created new cities in South Africa – in fact, we have replicated apartheid cities. We have failed as policymakers, as architects and as city planners. We need new thinking and bold actions. I think it's wonderful that we are starting to reclaim the inner city and to ensure that there is proper housing, but I think we can go much further than just the housing driven by the housing sector, which really wants to make a return on investment. What about the State? We have this great opportunity as we begin to rebuild the cities. We are going to go through a series of rebirths and some of them will be violent, but that's the messiness that we are talking about. Consider xenophobia in Johannesburg – what is this city if we are all migrants?

EC: Ironically, at the time of Joburg's founding, the biggest constitutional issue in the Boer Republic was the *uitlander* and it appears we still have the same issue and there is still the same threat of impending violence against them.

JN: We need courageous leadership who can navigate the risks that are involved and make the bold decisions that may be ahead of their time.

EC: And see the opportunities.

JN: And see the opportunities to create a new identity.

ZA: This matter of identity and sense of place and belonging is directly linked to civic engagement and participation in creating and shaping the cities we live in. Jay, in the lead up to the 1994 elections, did architects, engineers, designers, community leaders step up and speak with the leadership of the African National Congress (ANC)? Did people offer expertise and assistance then that could have helped the future democratic government make the shift in order to create more inclusive, more integrated cities?

JN: We had done our research. We had visited cities in Brazil to study their transportation and housing models. In the first six months we had travelled to Curitiba, one of the most advanced cities in integrated public transport, we had been to São Paulo, Nairobi and to other cities in the world to learn to build a new spatial planning that was required in our democracy. We knew where to go and what to look for and we had people lining up to share information with us. The problem was that we fitted into a system and it trapped us. The system operated in vertical silos – transport, housing, education. In 1994, we tried to set up an office with an inherited system that did not operate across departments functionally so that was a challenge for

reconstruction and development. We were also bankrupt in 1994. Ninety-three cents in every rand was committed expenditure, we had seven cents of each rand to make the country work. We needed a political will and we needed to have integrated planning, and that's where we failed. We still haven't come to the point of understanding what makes cities work. Then there is the money. The money decides what you can and cannot do; no city in the world has all the money it needs to do everything it wants to.

GT: Disparities in service provision remain serious obstacles for our cities to overcome. This is inherently spatial, of course, and speaks to dignity. Those communities forced by apartheid to live on the urban and economic edge remain distinctly disadvantaged compared to those who have always lived close to economic opportunity. The City of Johannesburg is attempting to change the spatial form of Johannesburg through their Corridors of Freedom project, which aims to create higher density mixed-use and mixed-income space in the city so that more people can benefit from living close to opportunity. What do you think of this?

EC: I recently moved from Brixton, a former white working class suburb that rapidly became integrated with many poor people in slum housing

and overcrowded student housing. It's on one of the Corridors and seems like a very promising project to me. Interestingly, I've now moved to a middle class flatland called Killarney, which is very integrated with about 20 per cent Jewish residents, probably 40 per cent Muslim people of South Asian descent, and a number of black and white people on my particular block. I work right next to Hillbrow, which is still as cosmopolitan as it used to be. So I think Corridors of Freedom holds huge potential. Innovative planning will allow people to make their livelihoods in the city and give them access that they didn't have before.

PG: It's about transforming the way things work. There is deep disrespect in the governmental system for people who are poor, and when people come into the system it can easily stop listening. Jay, you mentioned the Group Areas Act forcing you out of Greenwood Park as a child, but we all share a common movement in terms of class. So people in government swallow their own class migration and become indifferent and insulated from real challenges. How do you prevent this, so that it's not the system that transforms us, but us who transform the system?

ZA: Good question, Pregs. Transformation is central. You are a feminist and women's rights activist; what about women in the city?

PG: I've always worked in institutions that are deeply patriarchal – whether it's a student movement, a union movement or our parliament, and even the human rights arena. Both personally and physically, the challenge exists in organising to change it, or to shift it. Often you have to accept certain things and fight against others. For example, I love walking but I also have a choice to jump into a car and drive away if I feel unsafe in parts of the city. A woman who doesn't have any of these resources is completely vulnerable. In some instances, things are getting better. We have more women in parliament, government and some business sectors, but other areas have become far worse. For example, the casualisation of labour is deeply feminised, in that most casual labour consists of young women and girls.

ZA: We have seen great strides made in regards to LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex) rights in South Africa. Edwin, you were at the first pride in Johannesburg in October 1990...

EC: Well, as we've been chatting about, Johannesburg is a city of movement. People move from a status of outcast and misfit into some sort of citizenship. I don't mean documented citizenship, but civic citizenship in a way that transcends documentation. Of course, Johannesburg has always been a congregating place for LGBTI people. The first pride was glorious. It was glorious because we struggled

to get permission, struggled to get a venue, struggled to get participants. We eventually got permission from the city under threat of an interdict. We then got police protection on that Saturday morning to block off the streets, and we marched from Braamfontein to Hillbrow. It was the first Gay Pride March in Africa, and Johannesburg is still the site where this court has made its most important rulings legalising consensual adult same-sex conduct, legalising partnership and marriage, creating citizenship in that broad sense for LGBTI people.

ZA: What do you think has been South Africa's greatest achievement since 1994?

EC: We only started on the road to dignity, social justice and equality 21 years ago. I feel terrific, humble, but terrific to be a part of that project as a judge in this court.

JN: We're now an adult democracy and should start behaving like one. An important achievement is that we can sit here in this Constitutional Court and speak about the rights of our people. But while we recognise what we've achieved, imagine how much further down the road we could have been if we had the type of leadership that's accountable and transparent. Not just government, but civil society, labour, intellectual communities...

PG: I want to endorse what Edwin and Jay have said, and simply add

that accountability works both ways. A government is corrupted by those with the resources to corrupt. They both have to be held to account.

JN: I think this democracy doesn't even belong to our generation. It belongs to our future generations. They will see the effect of our actions.
