what ‘praxis’ lessons do we learn from activists?
from reformist to non-reformist reforms

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

presentation to the Climate Change and Adaptation workshop, Nairobi, 8 November 2012

by Patrick Bond
University of KwaZulu-Natal Centre for Civil Society, Durban (http://www.ukzn.ac.za/ccs)
Long waves of debt and default (by sovereign leaders)

The Kondratieff Wave

Adapted from The Inflation Survival Letter, p. 174.
Several decades of per capita GDP growth stagnation

Sources: World Bank, World Development Indicators 2003 (online version) and World Bank, Global Economic Prospects 2004.
economic resistance from below?

OCCUPY WALL STREET
SHUT DOWN
CAPITALISM!
SOCIALIST CONTINGENT
2011-12: Arab Spring, ‘Indignados’ of Spain, Greeks and Italians, Occupy in the US and Europe, Nigeria Occupy, Senegal, etc
AVERAGE HOUSEHOLD INCOME
before taxes

$2M
$1.5M
$1M
$0.5M

top 1%
red

top 20%
red

second 20%
green

third 20%
yellow

fourth 20%
blue

bottom 20%
black

2007 dollars. Source: Congressional Budget Office

I am the 1%.
Smithers, release the hounds.
waves of commodification and decommodification

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<tr>
<td></td>
<td>Oil Crisis - 1974</td>
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<td>1989</td>
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<td>Ecological Catastrophe</td>
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Marketization

Counter-Movement

1834 – Poor Law Reform

1873 – 1876

1848

WWI

1933 – Abolition of Gold Standard
centuries of counter-hegemonic movements

<table>
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<tr>
<th>Movement Cluster</th>
<th>Core</th>
<th>Semiperiphery</th>
<th>Periphery</th>
<th>Themes for the epoch</th>
<th>Key Transformation(s)</th>
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<td>1760</td>
<td>French Rev</td>
<td>Anti-imperial? / National: 1820s/30s Habsburg, Russian, Ottoman cases</td>
<td>Haitian Rev</td>
<td>Core: Chartist to Revolutions</td>
<td>Rise UK hegemony: Spanish, Dutch and French defeated (due to movements?)</td>
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<td>Greece (1831) eg. Belgium (1830)</td>
<td>Latin Am decolonization, Indonesian Archipelago</td>
<td>Anti-imperial? Breakup of empires, diasporas. Dutch, Russia, Ottoman</td>
<td>Slave revolt/public</td>
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<td>America revolution Jamaica/Ireland</td>
<td>1740s, 1820s, 1917?</td>
<td>Periphery: anti-colonial and anti-incorporation</td>
<td>Settler Decolonization in Americas Empires breakup—movements New state forms</td>
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<td>1848/1860s</td>
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<td>Paris</td>
<td>Mexico 1910, Ireland, Ottoman Empire (1908)</td>
<td>Core/key: labor movements -- become reform movements</td>
<td>New state form New movement form (1848)</td>
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<td>1871 Paris commune</td>
<td>Peasant Revolutions</td>
<td>Semiperiphery: revolution/1917</td>
<td>Turn to reform in core, success</td>
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<td>1917</td>
<td>Labor Unrest: Post-WWI, post-WWII Garvey 1919-27 Comintern</td>
<td>Non-aligned</td>
<td>Nationalist</td>
<td>Anti-Incorporation, anti-Imperial Revolts?</td>
<td>Turn to anti-colonial movements in periphery, failure</td>
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<td>2001</td>
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<td>New left Ecology, peace feminist Self-management anti-apartheid gay/lesbian Act-up?</td>
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<td>See above</td>
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</tbody>
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Links? Within/Across Periods? Non/antagonistic?

Link w/ 1968 needs work here

Source: William G. Martin
social movements in 19th & 20th century history

Source: Andre Gunder Frank & Martha Fuentes
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’


• 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 l/cd
  – High Court (Tsoka in April 2008): 50 l/cd
  – 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
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!
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’
- 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 Pepfar cuts

Lessons for social resistance:
- commoning intellectual property
- decommodification
- destratification
- deglobalisation of capital
- globalisation of solidarity

Zackie Ahmat, Nelson Mandela
two contrary directions for framing campaign strategies:

1) ‘reformist reforms’:
   strengthen the internal logic of the system, by smoothing rough edges
   allow the system to relegitimise
   give confidence to status quo ideas and forces
   leave activists disempowered or coopted
   confirm society’s fear of power, apathy and cynicism about activism

2) ‘non-reformist reforms’:
   counteract the internal logic of the system, by confronting core dynamics
   continue system delegitimisation
   give confidence to critical ideas and social forces
   leave activists empowered with momentum for next struggle
   replace social apathy with confidence in activist integrity and leadership

(for these distinctions, thanks to Andre Gorz, John Saul, Boris Kagarlitsky, Gosta Esping-Andersen)