

A Path Through the Embers. Richard Pithouse, July 2011.

Hope is a fragile moth wing

unsure in the winter sun

– Chris Abani, 'Postcard Pictures', *Kalakuta Republic*, 2000

In *Texaco*, his novel about the history of a shack settlement in Martinique, Patrick Chamoiseau writes of a “proletariat without factories, workshops, and work, and without bosses, in the muddle of odd jobs, drowning in survival and leading an existence like a path through embers.” But *Texaco* is also a novel of struggle, of struggle with the “persistence of Sisyphus”, struggle to hold a soul together in the face of relentless destruction amidst a “disaster of asbestos, tin sheets crates, mud tears, blood, police”. *Texaco* is a novel of barricades, police and fire, a struggle to “call forth the poet in the urban planner”, a struggle to “enter City”. It's about the need to “hold on, hold on, and moor the bottom of your heart in the sand of deep freedom.”

The shacks that ring the towns and cities of the global South are a concrete instantiation of both the long catastrophe of colonialism and neo-colonial 'development' and the human will to survive and to hope to overcome. To step into the shack settlement is often to step into the void. This is not, as is so often assumed, because a different type of person finds that the tides of history have washed her into a shack settlement. It is because the shack settlement does not fully belong to society as it is authorised by the law, the media and civil society. It is therefore an unstable element of the situation. Its meaning is not entirely fixed.

The crack in the settled order of things and the official allocation of people to space created by the shack settlement has often enabled the politics of patronage, violent state repression and criminal organisation that make any emancipatory politics impossible. It has also enabled the outright fascism of the *Shiv Sena* in India. But that is not the whole story. The shack settlement has also enabled what has been called the quite encroachment of the poor and a set of insurgent political experiments like, in Haiti, *Lavalas* - a movement that has rightly been called an experiment at the outer limits of political possibility.

In South Africa the shack settlement has emerged as the central site in the wave of popular protest that began at the turn of century and gathered real momentum since 2004. The intensity of the shack settlement as a political site – be it of an assertion of humanity or xenophobic or homophobic violence – has made it a highly contested space. This is not a new phenomenon. On the contrary it was also the case in the 1980s, the 1950s and the 1930s. The difference is that in the past when a certain political intensity cohered around the shack settlement it could always be read, even if a little gingerly, as the bubbling base of a national struggle, as its urban spearhead. That's no longer the case. These days the struggle for the cities, the struggle for inclusion, is, plainly, ranged against national elites and their version of nationalism as much as the older enemies of urban planning as a poetry for all.

The illegality with which both the DA and the ANC have routinely acted against the shack settlement is well documented. The violence, the brute physical violence, mobilised against the shack settlement by the formal armed forces available to the parties – the police, land invasion units and municipal and private security guards – is equally well documented. Colonialism and apartheid were, amongst other things, a long war on popular autonomy. The fact that that war is now supplemented with social grants, RDP houses and moments of belonging at an election rally or in a football fan park does not, not at all, mean that it is over.

What has been a lot less well documented is the turn by the ANC toward the mobilisation of state sanctioned horizontal violence against independent organisation. It has happened to the Landless People's Movement on the East Rand and it has happened in Durban.

At around 10:30 on the evening of the 26th of September 2009 a group of armed men, around a hundred, many of them clearly drunk, began moving through the thousands of shacks in the Kennedy Road settlement in Durban. They knocked on some doors and kicked others in. They identified themselves as ANC supporters and as Zulus and made it plain that their enemies were leading members of the shack dwellers' movement Abahlali baseMjondolo who they described as Pondos. They demanded that some men join them and

assaulted others. Those who refused to join them were also assaulted. Amongst other things they shouted that 'We don't need those red t-shirts in Kennedy any more! We only need the ANC!' As the attackers continued their drunken rampage prominent Xhosa speaking residents of the settlement were specifically targeted along with well-known members of Abahlali baseMjondolo of all ethnicities.

The police, usually ready to swoop on shack dwellers in spectacular fashion at a moment's notice, failed to respond to numerous, constant and desperate calls for help. Most of the people under immediate threat hid or fled but as the night wore on some people tried to defend themselves. By the next morning two people were dead. One, who died with his gun in his hands, had been one of the leaders of the attack. The homes of the elected local committee and a number of other prominent people had been destroyed and looted.

The ANC moved into action with remarkable swiftness. The local ANC seized control of the settlement from the elected structures that had governed it. The provincial ANC organised a media circus in the settlement where ANC members from elsewhere pretended to be 'the community'. Wild and patently untrue allegations were made about Abahlali baseMjondolo. The MEC for Safety and Security and the Provincial Police Commissioner issued a statement declaring that the settlement had been 'liberated'. People without ANC cards were excluded from public life in the settlement and death threats were openly made against a large number of activists. Thirteen people, all Xhosa speaking and all linked, in various ways, to Abahlali baseMjondolo were arrested and charged with an astonishing array of crimes including murder.

At least a thousand people had to flee the settlement. More than fifty people and the previously public activities of a whole movement with more than 10 000 paid up members had to go underground. Abahlali baseMjondolo issued a widely supported call for a judicial commission of inquiry but this was ignored. Instead the provincial government set up a high level task team to investigate what it called 'criminality'. It proceeded to invest huge energies in trying to frame the men that had been arrested after the attack while allowing the open demolition and looting of the homes of Abahlali baseMjondolo activists to continue for months without consequence.

At the trial of the men arrested after the attack ANC supporters, some armed, came to court hearings where public death threats were openly issued. The bail hearings were carried out in a way that was patently politicised and patently illegal. State witnesses were subject to death threats. One was attacked after she refused to give false evidence and only saved by the quick reaction of her neighbours.

The attack on Abahlali baseMjondolo didn't come out of nowhere. There had been an ANC meeting at the settlement at which it was said that S'bu Zikode, the national President of Abahlali baseMjondolo, had to be 'chased from the area' because 'the ANC couldn't perform as it wanted'. At the ANC Regional General Conference, a week before the attack, the Chairperson of eThekweni region, the late and notorious John Mchunu, warned against "Counter revolutionaries...colluding with one mission to weaken the ANC and its Alliance". Under the heading of "CRIMINAL" his speech referred to Abahlali baseMjondolo as: "The element of these NGO who are funded by the West to destabilise us, these elements use all forms of media and poor people [sic]." Before that there had been extremely violent assaults on S'bu Zikode and Lindela Figlan, the chairperson of the Kennedy Road Development Committee. Mzonke Poni, the chairperson of the movement in Cape Town, had also been attacked. State hostility to the movement had ebbed and flowed over the years but had always been present and had always taken the form of paranoid delusions about conspiracy and external manipulation. The degree of popular hostility to the movement stretched back to Jacob Zuma's election campaign for the Presidency during which the movement was criticised for its cosmopolitan nature and, in particular, for having Indian and Xhosa members in prominent positions. The movement, which had long been attacked as an ANC front in IFP areas, and which has always refused party politics and boycotted elections, was declared to be a front for COPE. In the lead up to the attacks ethnic sentiment was tied to the interests of the business class in the settlement, who had an eye on the coming upgrade negotiated by Abahlali baseMjondolo, and both were channelled through the local ANC.

The attack on Kennedy Road was not the end of the repression confronted by the movement. On the 14th of November that year the police attacked the nearby Pema Ridge settlement, also affiliated to Abahlali baseMjondolo, kicking in doors, beating people and firing live rounds into the home of Philani Zungu, a well known activist. Thirteen people were arrested and fifteen were left injured. All charges were eventually dropped against the thirteen. The police have never had to account for the injuries to the fifteen.

Last week, on Mandela's birthday, the case against the men arrested after the ANC attack on Abahlali baseMjondolo on the 26th of September 2009 was thrown out of court. No credible evidence had been brought against any of the accused on any charge and clear, crystal clear, evidence had emerged of the state's attempt to frame the men. Moreover two of the state witnesses provided credible evidence that confirmed, in important respects, the Abahlali baseMjondolo account of the events of that night. The state could not find, with both bribery and intimidation in its arsenal, a single witness to credibly attest to the veracity of the avalanche of propaganda issued by the ANC in the wake of the attacks.

The reality of our situation is that an independent and democratic political organisation can be violently attacked without consequence. The reality of our situation is that people can be openly driven from their homes on the basis of their political affiliation without consequence. The reality of our situation is that there is a strand in our police force that obeys the party rather than the law even when the party is engaged in rank and plainly criminal political repression. The reality of our situation is that the criminal justice system is being used as a tool of political repression. The reality of our situation is that we do not all live in a democracy. It's time for all of us committed to the idea that democracy must be for all of us to moor ourselves in the sands of freedom. The path through the embers is made by walking and it will be no easy walk to freedom.